

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

1044 WEST 25TH STREET  
HOUSTON, TX 77008  
00000005250238

**SUBSTITUTE TRUSTEE'S DEED**

GRANTOR(S):  
DAVID PATRICK SMITHERMAN

DEED OF TRUST DATE: August 31, 2005  
DATE OF SALE OF PROPERTY: August 2, 2016

ORIGINAL MORTGAGEE:  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,  
INC. ("MERS"), AS NOMINEE

TIME OF SALE: 10:59 AM PM  
PLACE OF SALE OF PROPERTY:  
BAYOU CITY EVENT CENTER, 9401 KNIGHT RD,  
HOUSTON TX IN THE LARGE BALLROOM IN THE  
DESIGNATED AREA OUTLINED IN THE  
COMMISSIONERS COURT ORDER

CURRENT MORTGAGEE:  
BAYVIEW LOAN SERVICING, LLC

GRANTEE/BUYER:  
JERRY BRICE

MORTGAGE SERVICER:  
BAYVIEW LOAN SERVICING

GRANTEE/BUYER'S MAILING ADDRESS:  
11603 BRIGHTON LN  
MEADOWS PLACE, TX 77477

RECORDED IN:  
CLERK'S FILE NO. Y739513

AMOUNT OF SALE: \$267,000.00

PROPERTY COUNTY/LEGAL DESCRIPTION: HARRIS

LOT 5, IN BLOCK 1, OF WEST 25TH STREET ADDITION, REPLAT, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED AT FILM CODE NO. 571138 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

Grantor conveyed the property to Trustee in trust to secure payment of the Note. Mortgagee, through the Mortgage Servicer, declared that Grantor defaulted in performing the obligations of the Deed of Trust. Current Mortgagee of the Note, through the Mortgage Servicer, accordingly has appointed Substitute Trustee and requested Substitute Trustee to enforce the trust.

Notices stating the time, place and terms of sale of the property were mailed, posted and filed, as required by law. Substitute Trustee sold the property to Buyer, who was the highest bidder at the public auction, for amount of sale in the manner prescribed by law. The Subject sale was conducted no earlier than 10:00AM as set forth in the Notice of Substitute Trustee's Sale and was concluded within three (3) hours of such time. All matters, duties and obligations of Mortgagee were lawfully performed

Substitute Trustee, subject to any matters of record, and for amount of sale paid by buyer as consideration, grants, sells and conveys to Buyer, Buyer's heirs, executors, administrators, successors or assigns forever, the property together with all rights and appurtenances belonging to Grantor. Substitute Trustee hereby sells the above referenced property AS IS without any expressed or implied warranties, except as to warranties of title, and hereby conveys the property to the purchaser at the purchaser's own risk, pursuant to the terms of Texas Property Code §§ 51.002 and 51.009.

WITNESS MY HAND, this 11 August 2016

[Signature]  
CARL MEYERS  
Substitute Trustee

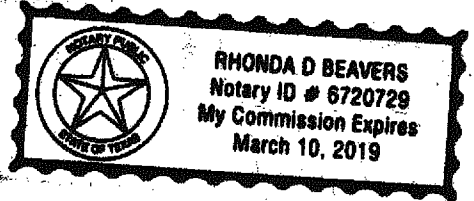
STATE OF TEXAS  
COUNTY OF Harris

Before me, the undersigned Notary Public, on this day personally appeared CARL MEYERS as Substitute Trustee, known to me or proved to me through a valid State driver's license or other official identification described as RDL, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11 August 2016

My Commission Expires:  
March 10, 2019

Rhonda D Beavers  
Notary Public for the State of TEXAS  
Rhonda D Beavers  
Printed Name of Notary Public



RETURN TO:  
Barrett Daffin Frappier  
Turner & Engel, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001



RP-2016-370194

COPY

STATEMENT OF FACTS

1044 WEST 25TH STREET  
HOUSTON, TX 77008

BDFTE No: 00000005250238

Rudy Gonzalez

BEFORE ME, the undersigned authority on this day personally appeared \_\_\_\_\_ known to me, who upon oath administered by me deposed and stated:

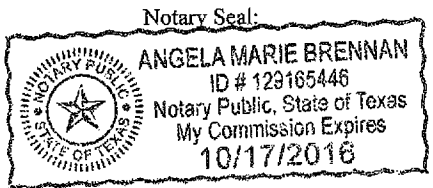
1. I am a representative of the law firm BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP in connection with the administration of foreclosure of that certain Deed of Trust or Security Instrument ("Deed of Trust") dated August 31, 2005, recorded in CLERK'S FILE NO. Y739513, Real Property Records, HARRIS County, TEXAS, executed by DAVID PATRICK SMITHERMAN ("Grantor").
2. I am making this affidavit based upon certain records maintained within the firm's files in the regular course of its business, which may include images of notices, certified mail forms, the signed Substitute Trustee's Deed, title searches, and other documents and records obtained and maintained in the usual course of business. Together with my general knowledge of mortgage servicer practices for referring foreclosure matters to the firm, the statements and information shown in these records form the basis for the following statements made in this affidavit, which to the best of my knowledge and belief are true.
3. BAYVIEW LOAN SERVICING is the Mortgage Servicer for the Lender or its Nominee concerning the debt evidenced by the Deed of Trust.
4. The Mortgagee, through the Mortgage Servicer declared that the Grantor defaulted in performing the obligations of the Deed of Trust and lawfully performed service of a proper notice of default and other obligations and duties of the Mortgage Servicer.
5. All notices of acceleration were served on each debtor obligated on the debt according to records obtained from the Mortgage Servicer by certified mail at the last known address of each such debtor in accordance with law. Based upon these records, each mortgagor was alive at the time of the foreclosure sale or if deceased, title was restored to the debt owner through a court judgment, or an underwriter's approval letter obtained, or the statute of limitations to file a probate action has passed and no probate action was filed.
6. At the instructions and on behalf of the Mortgage Servicer, Notices stating the time, place and terms of sale of the property were mailed, posted and filed in accordance with law. Notices were served on each debtor obligated on the debt according to records obtained from the Mortgage Servicer by certified mail at the last known address of each such debtor at least twenty one (21) days before the date of the sale.
7. Through my work at the firm, I know that the firm follows a regular process in foreclosure matters to ascertain a Grantor's military service status for purposes of the Federal Service Member's Civil Relief Act and state law. I am familiar with this regular process, which involves submitting Grantors' names and identifying information obtained from the Mortgage Servicer or commercially available records searches to the Federal Defense Manpower Data Center ("DMDC") through that agency's official internet search site (the "DMDC" Site). Based upon my review of search returns obtained and maintained in the firm's files and loan records provided by the Mortgage Servicer, no Grantor is reported as on active duty military service or is reported as having concluded active duty military service within the preceding year or qualifies for foreclosure protection under the Federal Service Member's Civil Relief Act and state law.

*Rudy Gonzalez*  
\_\_\_\_\_  
Rudy Gonzalez

STATE OF TEXAS }  
COUNTY OF DALLAS }

Given under my hand and seal of office this \_\_\_\_\_ day of AUG 10 2016

*Angela Brennan*  
\_\_\_\_\_  
Notary Public for the State of Texas



AFFIDAVIT - 233  
RETURN TO:  
BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001



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# Pages 3  
08/19/2016 11:16 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees \$20.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP-2016-370194

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