

Notice of Substitute Trustee Sale

FILED FOR RECORD
2023 JUN 15 AM 11:25
ALLEY FRICE
COUNTY CLERK, WOOD CO TX

T.S. #: 23-9174

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: **8/1/2023**
Time: The sale will begin no earlier than **1:00 PM** or no later than three hours thereafter.
The sale will be completed by no later than **4:00 PM**
Place: **Wood County** Courthouse in **Quitman**, Texas, at the following location: **1 Main St, Quitman, TX 75783** OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

Property To Be Sold - The property to be sold is described as follows:

A part of the Marty Crothers Survey, Abstract No. 97, being Lot No. 133, Unit 6 of the Goldsmith Morse Addition to the town of Quitman, Texas, according to the plat of said addition to record in Book 8, Pages 159-160 of the plat records of Wood County, Texas; and being the same land described in a deed from Goldsmith-Morse Real Estate Inc., to J.P. Franzen, dated August 15, 1980, filed for record in Volume 804, Page 645, of the deed records of Wood County, Texas; and also being the same land described in a deed from John P. Franzen (Being One and the same person as J. P. Franzen), to James F. Steck and wife Lou Ann Steck, dated October 23, 1980, said deed fled for record in the offices of the County Clerk of Wood County, Texas, on the 29th day of October, 1980, under Clerk's File Number 49841.

Instrument to be Foreclosed – The instrument to be foreclosed is the Deed of Trust is dated 3/27/2006 and is recorded in the office of the County Clerk of Wood County, Texas, under County Clerk's File No 2006-00051206, recorded on 3/29/2006, in Book 2149, Page 0806, of the Real Property Records of Wood County, Texas.

Property Address: 416 Shady Bend Quitman, TX 75783

Trustor(s): **KENETH D. CROSS and VIRGINIA L. CROSS** Original Beneficiary: **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC (MERS) AS BENEFICIARY, AS NOMINEE FOR SOUTHSIDE BANK, ITS SUCCESSORS AND ASSIGNS**

Current Beneficiary: **Ajax Mortgage Loan Trust 2020-C, Mortgage-Backed Securities, Series 2020-C, by U.S. Bank National Association, as Indenture Trustee** Loan Servicer: **Gregory Funding, LLC**

Current Substituted Trustees: **Auction.com, Sharon St. Pierre, Kendal Farmer, Harriett Fletcher, Robert LaMont, David Sims, Ronnie Hubbard, Sheryl LaMont, Rick Snoke, Prestige Default Services, LLC**

T.S. #: 23-9174

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to the Deed of Trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property. Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

Type of sale - The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by KENETH D. CROSS and VIRGINIA L. CROSS, HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$120,000.00, executed by KENETH D. CROSS and VIRGINIA L. CROSS, HUSBAND AND WIFE, and payable to the order of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC (MERS) AS BENEFICIARY, AS NOMINEE FOR SOUTHSIDE BANK, ITS SUCCESSORS AND ASSIGNS; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of KENETH D. CROSS and VIRGINIA L. CROSS, HUSBAND AND WIFE to KENETH D. CROSS and VIRGINIA L. CROSS. Ajax Mortgage Loan Trust 2020-C, Mortgage-Backed Securities, Series 2020-C, by U.S. Bank National Association, as Indenture Trustee is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

**Ajax Mortgage Loan Trust 2020-C, Mortgage-Backed Securities,
Series 2020-C, by U.S. Bank National Association, as Indenture
Trustee
c/o Gregory Funding, LLC
PO BOX 230579
Tigard, OR 97281
866-712-5698**

T.S. #: 23-9174

Dated: June 15, 2023

Auction.com, Sharon St. Pierre, Kendal Farmer, Harriett Fletcher, Robert LaMont,
David Sims, Ronnie Hubbard, Sheryl LaMont, Rick Snoke, Prestige Default
Services, LLC



Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

AFTER RECORDING, PLEASE RETURN TO:

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Attn: Trustee Department

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately. Sender is: Codilis & Moody, P.C., 20405 State Highway 249, Suite 170, Houston, TX 77070

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated December 28, 2016 and recorded under Clerk's File No. 2017-00000125, in the real property records of **WOOD County Texas**, with Karen Elaine Medley a married woman as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for PrimeLending, A Plainscapital Company, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Karen Elaine Medley a married woman securing payment of the indebtedness in the original principal amount of \$203,700.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Karen Elaine Medley. Freedom Mortgage Corporation is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan. Freedom Mortgage is acting as the Mortgage Servicer for the Mortgagee. Freedom Mortgage, is representing the Mortgagee, whose address is: 951 W. Yamato Road, Suite 175, Boca Raton, FL 33431.

Legal Description:

BEING ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE M.C. BOWIE SURVEY, ABSTRACT NO. 80, WOOD COUNTY, TEXAS, AND BEING ALL OF A CALLED 1.012 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM LIVE WELL FINANCIAL, INC. TO JIM BAILEY, DATED APRIL 14, 2016, AS SHOWN OF RECORD IN DOCUMENT NO. 2016-00005056, REAL RECORDS, WOOD COUNTY, TEXAS, AND BEING A PART OF LOT 1 OF THE DEVRIES 14 SUBDIVISION AS SHOWN OF RECORD IN VOLUME 9, PAGE 123, PLAT RECORDS, WOOD COUNTY, TEXAS, SAID LOT, TRACT OR PARCEL OF LAND AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

SALE INFORMATION

Date of Sale: 08/01/2023

Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: The place of the sale shall be: **WOOD** County Courthouse, Texas at the following location: At the east (front) door of the Wood County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.



The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in "AS IS," "WHERE IS" condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the Deed of Trust.

The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

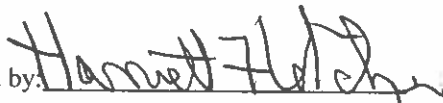
WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE Terri Worley, Harriett Fletcher, Robert LaMont, Patrick Zwiers, Sharon St. Pierre, Ronnie Hubbard, Sheryl LaMont, Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Angie Uselton, Dana Kamin, Darla Boettcher, Lisa Bruno, Lisa Delong, Tonya Washington, Allan Johnston, David Ray, Meryl Olsen, Misty McMillan, Tiffney Bruton, Tionna Hadnot, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, as Substitute Trustee.

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Executed on June 23, 2023.

/s/ Kelly M. Doherty SBOT No. 24118059, Attorney at Law
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Posted and filed by:



Printed Name: Harriett Fletcher, June 29, 2023

C&M No. 44-23-1632

EXHIBIT A

that certain lot, tract, or parcel of land situated in the M. C. Bowie Survey, Abstract No. 80, Wood County, Texas, and being all of a called 1.012 acre tract of land described in a Deed from Live Well Financial, Inc. to Jim Bailey, dated April 14, 2016, as shown of record in Document No. 2016-00005056, Real Records, Wood County, Texas, and being a part of Lot 1 of the Devries 14 Subdivision as shown of record in Volume 9, Page 123, Plat Records, Wood County, Texas, said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Northeast corner of said 1.012 acre tract and being within the limits of Wood County Road No. 1917, same being the Northeast corner of said Lot 1 and the Northwest corner of Lot 3 of said Subdivision;

THENCE S 00° 00' 50" W, along the East line of said 1.012 acre tract and said Lot 1, a distance of 209.95 feet to a 1/2 inch iron rod found at the Southeast corner of said 1.012 acre tract and the Northeast corner of a called 3.3655 acre tract of land described as "Tract Two" in a Deed from Richard M. Seay and wife, Kandy K. Seay, et al to Michael B. Clayton and wife, Melissa D. Clayton, dated August 26, 2016, as shown of record in Document No. 2016-00008614, Real Records, Wood County, Texas;

THENCE N 89° 59' 50" W, along the South line of said 1.012 acre tract, a distance of 209.84 feet to a 1/2 inch iron rod found at the Southwest corner of said 1.012 acre tract and the northerly Northwest corner of said 3.3655 acre tract;

THENCE N 00° 01' 26" W, along the West line of said 1.012 acre tract, a distance of 209.95 feet to a 1/2 inch iron rod found at the Northwest corner of said 1.012 acre tract, same being the Northeast corner of a called 2.75 acre tract of land described in a Deed from Richard M. Seay and wife, Kandy Seay, et al to Dyer Clark Craig and Cynthia Cox, dated February 12, 2008, as shown of record in Volume 2300, Page 717, Real Property Records, and being within the limits of said County Road;

THENCE EAST, along the North line of said 1.012 acre tract, a distance of 209.98 feet to the POINT OF BEGINNING and containing 1.012 acres of land of which approximately 0.05 acres lie within said County Road.

NOTICE OF TRUSTEE'S SALE

DEED OF TRUST INFORMATION:

Grantor(s)	Arvel J. Swann and Yvonne Swann	Deed of Trust Date	May 20, 2008
Original Mortgagee	Financial Freedom Senior Funding Corporation, a subsidiary of Indy Mac Bank, F.S.B.	Original Principal	\$112,500.00
Recording Information	Instrument #: 00089488 Book #: 02325 Page #: 00058 in Wood County, Texas	Original Trustee	Brown, Fowler & Alsup, P.C.
Property Address	2106 FM 1647, Winnsboro, TX 75494	Property County	Wood

MORTGAGE SERVICER INFORMATION:

Current Mortgagee	Seattle Bank	Mortgage Servicer	PHH Mortgage Corporation
Current Beneficiary	Seattle Bank	Mortgage Servicer Address	1661 Worthington Road, Suite 100, West Palm Beach, FL 33409

SALE INFORMATION:

Date of Sale	08/01/2023
Time of Sale	01:00 PM or no later than 3 hours thereafter
Place of Sale	EAST DOOR (FRONT DOOR) OF THE WOOD COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE in Wood County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Wood County Commissioner's Court.
Substitute Trustees	Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Shawn Schiller, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Angie Uselton, Tonya Washington, Monica Henderson, Meryl Olsen, Misty McMillan, Tiffney Bruton, David Ray, Auction.com, Harriett Fletcher, Sheryl LaMont, Robert LaMont, Ronnie Hubbard, Allan Johnston, Terri Worley or Lisa DeLong, Selim Taherzadeh, or Michael Linke, any to act
Substitute Trustees' Address	15851 N. Dallas Parkway, Suite 410, Addison, TX 75001

PROPERTY INFORMATION:

Legal Description as per the Deed of Trust:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE ALLEN DILLARD SURVEY, A-142, LOCATED ABOUT 18.72 MILES N 65 DEGREES E FROM THE CITY OF QUITMAN, WOOD COUNTY, TEXAS; BEING ALL OF THAT CERTAIN CALLED 2 ACRE TRACT DESCRIBED IN A DEED FROM A. J. SWANN AND SUE YVONNE SWANN TO SHEILAH TODD, DATED AUGUST 4,2005, RECORDED IN VOL. 2098, PAGE 447, REAL PROPERTY RECORDS OF WOOD COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2 INCH REBAR MARKED WITH A "SWANNER" CAP FOUND ON THE NORTH EAST CORNER OF SAID CALLED 2 ACRE TRACT, AND BEING ON AN INTERNAL ANGLE CORNER OF A CALLED 13-1/2 ACRE TRACT DESCRIBED AS SECOND TRACT IN A DEED TO ARVEL J. SWANN, DATED MARCH 12,1976, RECORDED IN VOL. 717, PAGE 330, DEED RECORDS;
THENCE SOUTH (BEARING BASIS) ALONG THE EAST BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT AND THE WEST BOUNDARY LINE OF SAID CALLED 13-1/2 ACRE TRACT A DISTANCE OF 266.83 FEET TO A 1/2 INCH REBAR MARKED WITH A "SWANNER" CAP FOUND ON THE SOUTH EAST CORNER OF SAID CALLED 2 ACRE TRACT, BEING ON THE MOST SOUTHERLY SOUTH WEST CORNER OF SAID CALLED 13-1/2 ACRE TRACT, AND BEING ON THE NORTH BOUNDARY LINE OF A 23-1/7 ACRE TRACT (S AND E 1.0 ACRES) (S AND E 1.0 ACRES) DESCRIBED IN A DEED TO HAROLD PIERCE AND JEWEL PIERCE, DATED JUNE 26, 2002, RECORDED IN VOL. 1855, PAGE 351, REAL PROPERTY RECORDS;
THENCE S 89 DEGREES 25 MINUTES 23 SECONDS W ALONG THE SOUTH BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT AND THE NORTH BOUNDARY LINE OF SAID 23-1/7 ACRE TRACT A DISTANCE OF 291.54 FEET TO A 1/2 INCH REBAR SET FOR A CORNER ON THE EAST BOUNDARY

TAHERZADEH, PLLC

NOTICE OF TRUSTEE'S SALE- 281-00632

PAGE 1

NOTICE OF TRUSTEE'S SALE

LINE OF FR HWY 1647;

THENCE N 0 DEGREES 20 MINUTES 53 SECONDS E ALONG THE EAST BOUNDARY LINE OF SAID FR 1647 A DISTANCE OF 269.68 FEET TO A 1/2 INCH REBAR MARKED WITH A "SWANNER" CAP FOUND ON THE NORTH BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT, AND BEING ON THE SOUTH BOUNDARY LINE OF SAID CALLED 13-1/2 ACRE TRACT;

THENCE N 89 DEGREES 58 MINUTES 56 SECONDS E ALONG THE NORTH BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT AND THE SOUTH BOUNDARY LINE OF SAID CALLED 13-1/2 ACRE TRACT A DISTANCE OF 289.89 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.790 ACRES OF LAND.

NOTE: ALL SET 1/2 INCH REBAR ARE MARKED WITH "COOPER LAND SURVEY" CAPS.

NOTE: BEARINGS BASED ON THE EAST BOUNDARY LINE OF A CALLED 2 ACRE TRACT DESCRIBED IN VOL. 2098, PAGE 447, REAL PROPERTY RECORDS OF WOOD COUNTY, TEXAS.

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Default has occurred under the Deed of Trust and all sums secured by the Deed of Trust were declared immediately due and payable. The Beneficiary has, or caused another to, removed the Original Trustee and appointed Substitute Trustees. On behalf of the Mortgagee, Mortgage Servicer, and Substitute Trustees, the undersigned is providing this Notice of Trustee's Sale.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all other matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

Pursuant to the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Deed of Trust. Purchasers will buy the property "at the purchaser's own risk" and "at his/her peril", and no representation is made concerning the quality of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property.

Pursuant to the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the Sale. Any such further conditions shall be announced before bidding is opened for the first Sale of the day held by the Trustee or any Substitute Trustee.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee, or any subsequently appointed Trustee, need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

NOTICE OF TRUSTEE'S SALE

Interested parties are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

Dated June 26, 2023.

/s/ Selim H. Taherzadeh

Selim H. Taherzadeh
15851 N. Dallas Parkway, Suite 410
Addison, TX 75001
(469) 729-6800

Return to: TAHERZADEH, PLLC
15851 N. Dallas Parkway, Suite 410, Addison, TX 75001


Posted by Harriett Fletcher, June 29, 2023.

CAUSE NUMBER 2023-125

**IN RE: ORDER FOR FORECLOSURE
CONCERNING**

IN THE DISTRICT COURT

**2106 FM 1647
WINNSBORO, TX 75494**

UNDER TEX. R. CIV. PROC. 736

OF WOOD COUNTY, TEXAS

Petitioner:

SEATTLE BANK,

Respondent(s):

**ARVEL J. SWANN AND YVONNE
SWANN.**

402ND JUDICIAL DISTRICT

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DEFAULT ORDER ALLOWING FORECLOSURE

Seattle Bank, Petitioner, on behalf of itself, its successors and assigns, has brought before this Court for consideration its Application for Court Order Allowing Foreclosure of a Lien Under Texas Constitution Article XVI, Section 50(k)(6) ("Application"). Having considered the evidence presented, the Court finds that:

- 1) the Application complies with Texas Rule of Civil Procedure ("TRCP") 736.1;
- 2) the Application was properly served in accordance with TRCP 736.3;
- 3) a respondent did not file a response to the Application by the due date; and
- 4) the return of service has been on file with the Clerk of the Court for at least 10 days; and
- 5) Petitioner has established the basis for foreclosure and finds that:

(a) Petitioner is the holder of a Texas Home Equity Conversion Note secured by a lien created under Texas Constitution Article XVI, Section 50(k). A debt exists.

(b) The obligation secured by the lien sought to be foreclosed is in default.

(c) The requisite notice to cure the default has been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and the opportunity to cure has expired. Before the Application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

IT IS THEREFORE ORDERED that:

1. Seattle Bank, together with its successors and assigns, is hereby authorized to serve Notice of Sale on each Respondent and may proceed with a foreclosure sale in accordance with the security agreement and Texas Property Code Section 51.002 concerning the property with a commonly known mailing address of 2106 FM 1647, Winnsboro, TX 75494 and legal description as described in the Real Property Records of Wood County, Texas as follows:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE ALLEN DILLARD SURVEY, A-142, LOCATED ABOUT 18.72 MILES N 65 DEGREES E FROM THE CITY OF QUITMAN, WOOD COUNTY, TEXAS; BEING ALL OF THAT CERTAIN CALLED 2 ACRE TRACT DESCRIBED IN A DEED FROM A. J. SWANN AND SUE YVONNE SWANN TO SHEILAH TODD, DATED AUGUST 4,2005, RECORDED IN VOL. 2098, PAGE 447, REAL PROPERTY RECORDS OF WOOD COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR MARKED WITH A "SWANNER" CAP FOUND ON THE NORTH EAST CORNER OF SAID CALLED 2 ACRE TRACT, AND BEING ON AN INTERNAL ANGLE CORNER OF A CALLED 13-1/2 ACRE TRACT DESCRIBED AS SECOND TRACT IN A DEED TO ARVEL J. SWANN, DATED MARCH 12,1976, RECORDED IN VOL. 717, PAGE 330, DEED RECORDS;

THENCE SOUTH (BEARING BASIS) ALONG THE EAST BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT AND THE WEST BOUNDARY LINE OF SAID CALLED 13-1/2 ACRE TRACT A DISTANCE OF 266.83 FEET TO A 1/2 INCH REBAR MARKED WITH A

"SWANNER" CAP FOUND ON THE SOUTH EAST CORNER OF SAID CALLED 2 ACRE TRACT, BEING ON THE MOST SOUTHERLY SOUTH WEST CORNER OF SAID CALLED 13-1/2 ACRE TRACT, AND BEING ON THE NORTH BOUNDARY LINE OF A 23-1/7 ACRE TRACT (S AND E 1.0 ACRES) (S AND E 1.0 ACRES) DESCRIBED IN A DEED TO HAROLD PIERCE AND JEWEL PIERCE, DATED JUNE 26, 2002, RECORDED IN VOL. 1855, PAGE 351, REAL PROPERTY RECORDS;

THENCE S 89 DEGREES 25 MINUTES 23 SECONDS W ALONG THE SOUTH BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT AND THE NORTH BOUNDARY LINE OF SAID 23-1/7 ACRE TRACT A DISTANCE OF 291.54 FEET TO A 1/2 INCH REBAR SET FOR A CORNER ON THE EAST BOUNDARY LINE OF FR HWY 1647;

THENCE N 0 DEGREES 20 MINUTES 53 SECONDS E ALONG THE EAST BOUNDARY LINE OF SAID FR 1647 A DISTANCE OF 269.68 FEET TO A 1/2 INCH REBAR MARKED WITH A "SWANNER" CAP FOUND ON THE NORTH BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT, AND BEING ON THE SOUTH BOUNDARY LINE OF SAID CALLED 13-1/2 ACRE TRACT;

THENCE N 89 DEGREES 58 MINUTES 56 SECONDS E ALONG THE NORTH BOUNDARY LINE OF SAID CALLED 2 ACRE TRACT AND THE SOUTH BOUNDARY LINE OF SAID CALLED 13-1/2 ACRE TRACT A DISTANCE OF 289.89 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.790 ACRES OF LAND.

NOTE: ALL SET 1/2 INCH REBAR ARE MARKED WITH "COOPER LAND SURVEY" CAPS.

NOTE: BEARINGS BASED ON THE EAST BOUNDARY LINE OF A CALLED 2 ACRE TRACT DESCRIBED IN VOL. 2098, PAGE 447, REAL PROPERTY RECORDS OF WOOD COUNTY, TEXAS.

2. The name and last known address of each Respondent subject to the order are:

Arvel J. Swann, Deceased
2106 FM 1647
Winnsboro, TX 75494

Yvonne Swann
2106 FM 1647
Winnsboro, TX 75494

3. The recording or indexing information of each lien to be foreclosed is as follows:

Instrument #: 00089488 Book #: 02325 Page #: 00058 in the Real
Property Records of Wood County, Texas.

4. A conformed copy of an Order Allowing Foreclosure must be attached to the Trustee or Substitute Trustee's Foreclosure Deed in accordance with TRCP 736.12.

5. Petitioner may communicate with each Respondent and all third parties as reasonably necessary to conduct a foreclosure sale.

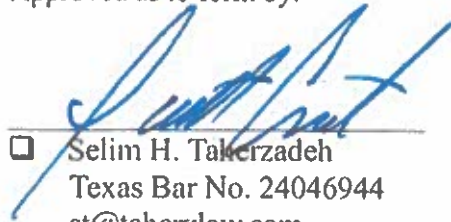
6. Notice of Foreclosure Sale must be mailed to respondent's counsel by certified mail if a respondent is represented by counsel.

Signed, this 21st day of April, 2023.



Judge Presiding

Approved as to form by:



- Selim H. Taherzadeh
Texas Bar No. 24046944
st@taherzlaw.com
- Jeremiah B. Hayes
Texas Bar No. 24048532
jh@taherzlaw.com
- Scott H. Crist
Texas Bar No. 24057814
sc@taherzlaw.com
15851 N. Dallas Parkway, Suite 410
Addison, TX 75001
Telephone: (469) 729-6800
Facsimile: (469) 828-2772
ATTORNEYS FOR PETITIONER

**NOTICE OF SUBSTITUTE TRUSTEE'S
FORECLOSURE SALE**

Notice is hereby given of a public nonjudicial foreclosure sale.

Deed of Trust:

Dated: August 10, 2022
Grantor: Piney Woods Arms, Inc.
Beneficiary: Austin Bank, Texas N.A.
Original Trustee: Michael L. Gunnels
Substitute Trustee: Donald W. Cothorn

Recording information:

Recorded on August 11, 2022, in the Official Public Records of Wood County, Texas, Instrument No. 2022-00009165

Secures: Promissory Note dated August 10, 2022, in the original principal amount of \$195,000.00, as renewed, extended and modified by the Renewal, Extension, And Modification Agreement, made effective January 24, 2023, and recorded on February 23, 2023, in the Official Public Records of Wood County, Texas, Instrument No. 2023-00001485 (the "Indebtedness" or "Note")

Property to be sold: The real property located in Wood County, Texas, and described as follows:

TRACT ONE: 0.306 acres of land, more or less, situated in the G. BREWER SURVEY, ABSTRACT NO. 41, City of Hawkins, Wood County, Texas, being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TRACT TWO: 0.278 acres of land, more or less, situated in the G. BREWER SURVEY, ABSTRACT NO. 41, Wood County, Texas, being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TRACT THREE: 0.241 acres of land, more or less, situated in the G. BREWER SURVEY, ABSTRACT NO. 41, being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

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2023 JUL -6 AM 11:22
KELLEY PRICE
COUNTY CLERK, WOOD CO TX

TRACT FOUR: 0.146 acres of land, more or less, situated in the G. BREWER SURVEY, ABSTRACT NO. 41, being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TRACT FIVE: 0.293 acres of land, more or less, LOT 27 of the REESE ADDITION to the City of Hawkins Wood County, Texas, according to the Plat of said Addition filed in Volume 30, Page 4, Deed Records, Wood County, Texas, more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TRACT SIX: 0.125 acres of land, a portion more or less, a portion of LOT 26 and the West half of an alley of the REESE ADDITION to the City of Hawkins Wood County, Texas, according to the Plat of said Addition filed in Volume 30, Page 4, Deed Records, Wood County, Texas, as more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

The Real Property has stated street addresses of 149 Lynch Street and 159 Lynch Street, and 356 Beulah Street, Hawkins, TX 75765.

Substitute Trustee: Donald W. Cothern

Substitute Trustee's
Address: 2320 Dueling Oaks Drive, Tyler, Texas 75703
Phone: 903-579-7531
Email: dcothern@kabfm.net

Foreclosure Sale:

Date of Sale: August 1, 2023

Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m., local time; and the earliest time at which the Foreclosure Sale will begin is 10:00 a.m., and not later than three (3) hours thereafter, and will be completed no later than 4:00 p.m.

Place of Sale: At the Wood County Courthouse in Quitman, Texas, at the steps to the East Door entrance, or if the preceding area is no longer the designated area, then the area currently designed by the Wood County Commissioner's Court as the place where foreclosures under contract are to take place.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Austin Bank, Texas N.A.'s bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Austin Bank, Texas N.A., the owner and holder of the Note, and the Lender and Beneficiary under the Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Austin Bank, Texas N.A.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Austin Bank, Texas N.A.'s rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Austin Bank, Texas N.A. passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any unpaid ad valorem taxes and any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Austin Bank, Texas N.A. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "**AS IS,**" **without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property. Any purchaser acquires the Real Property "at purchaser's own risk."

Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

The undersigned has been appointed Substitute Trustee by Austin Bank, Texas N.A. by an instrument recorded in the Official Public Records of Wood County, Texas.



Donald W. Cothern, Substitute Trustee
2320 Dueling Oaks Drive
Tyler, Texas 75703
Phone: 903-579-7531
Fax: 903-581-3701
Email: dcothern@kabfm.net

NOTICE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

EXHIBIT A

Page 1 of 6

Tract One:

BEING all of a called 0.3046 acre tract located in the G. Brewer Survey, A-41 and being described in Deed to Arion Tomes in Volume 1461, Page 137 of the Deed Records of Wood County, Texas, further described and shown on a plat created by John Cowan & Associates, Inc. on August 22, 1995 (RPLS 4139), and being 0.306 Acres of land and being more fully described as follows:

BEGINNING at a ½ inch iron rod set for the Northwest corner of herein described tract, same being the Southwest corner of a called 0.500 acre tract described in Deed to Rufus Holmes in Volume 229, Page 84, of the Deed Records of Wood County, Texas, and being on the Northeast R.O.W. of N. Beulah Street;

THENCE North 69° 04' 03" East along and with the South line of said 0.500 acre tract a distance of 256.64 feet to a ½ inch iron rod found for the Northeast corner of herein described tract, same being the Southeast corner of said 0.500 acre tract, and being a point on the West line of a called 2.959 acre tract described in Deed to Exxon Corporation in Volume 1430, Page 277, of the Deed Records of Wood County, Texas;

THENCE South 20° 10' 36" East along and with the West line of said 2.959 acre tract a distance of 129.63 feet to a ½ inch iron rod found for a point for corner on the East line of herein described tract, same being the West line of said 2.959 acre tract;

THENCE South 11° 06' 08" East along and with the West line of said 2.959 acre tract a distance of 7.81 feet to a ½ inch iron rod found for a point for corner on the East line of herein described tract, same being the West line of said 2.959 acre tract;

THENCE South 04° 28' 28" East along and with the West line of said 2.959 acre tract a distance of 3.69 feet to a ½ inch iron rod set for the Southeast corner of herein described tract, same being the Southwest corner of said 2.959 acre tract;

THENCE South 87° 18' 33" West along and with the North line of Lot 26 and Lot 27 of the Reese Addition to the City of Hawkins, recorded in Volume 30, Page 4, same being the South line of an old alley which has been abandoned and dedicated to Arion Tomes by the City of Hawkins in a document recorded August 18th, 1997, a distance of 153.82 feet to a ½ inch iron rod set for the Southwest corner of herein described tract, same being the Northwest corner of Lot 27, the Northeast corner of herein described TRACT 3, and the most Southerly Southeast corner of herein described TRACT 2;

THENCE North 03° 01' 09" West along and with an East line of herein described TRACT 2 a distance of 10.00 feet to a ½ inch iron rod set for a point for corner of herein described tract, an interior corner of herein described TRACT 2, and being a point on the North line of said alley;

EXHIBIT A
Page 2 of 6

THENCE North 87° 18' 32" East along and with the South line of herein described TRACT 2 a distance of 50.90 feet to a ½ inch iron rod set for an interior corner of herein described tract, same being the Southeast corner of herein described TRACT 2, and being a point on the North line of said alley;

THENCE North 00° 07' 18" West along and with the East line of herein described TRACT 2 a distance of 84.23 feet to a ½ inch iron rod found for an interior corner of herein described tract, same being the Northeast corner of herein described TRACT 2;

THENCE South 73° 59' 44" West along and with the North line of herein described TRACT 2 a distance of 188.29 feet to a ½ inch iron rod found for the most Westerly Southwest corner of herein described tract, same being the Northwest corner of herein described TRACT 2, and being a point on the Northeast R.O.W. of N. Beulah Street, and being the beginning of a curve to the left;

THENCE along and with said curve to the left, being the Northeast R.O.W. of N. Beulah Street, having a radius of 558.21 feet, a chord bearing of North 23° 50' 34" West and distance of 4.21 feet, and arc distance of 4.21 feet, back to the POINT OF BEGINNING and containing 0.306 acres of land, more or less.

Tract Two:

BEING all of a called 0.2753 acre tract located in the G. Brewer Survey, A-41 and being described as Tract One in Deed to Arlon Torres in Volume 1426, Page 7 of the Deed Records of Wood County, Texas, further described and shown on a plat created by John Cowan & Associates, Inc. on August 22, 1995 (R.P.S. 4139), and being 0.278 Acres of land and being more fully described as follows:

BEGINNING at a ½ inch iron rod found for the Northwest corner of herein described tract, same being the most Westerly Southwest corner of herein described TRACT 1, and being on the Northeast R.O.W. of N. Beulah Street;

THENCE North 73° 59' 44" East along and with the South line of herein described TRACT 1 a distance of 188.29 feet to a ½ inch iron rod found for the Northeast corner of herein described tract, same being an interior corner of herein described TRACT 1;

THENCE South 00° 07' 18" East along and with the West line of herein described TRACT 1 a distance of 84.23 feet to a ½ inch iron rod set for the most Easterly Southeast corner of herein described tract;

THENCE South 87° 18' 32" West along and with the most Southerly North line of herein described TRACT 1, same being the old North line of an alley, a distance of 50.90 feet to a ½ inch iron rod set for an interior corner of herein described tract;

EXHIBIT A
Page 3 of 6

THENCE South 03° 01' 09" West along and with a West line of herein described TRACT 1 a distance of 10.00 feet to a ½ inch iron rod set for the Southeast corner of herein described tract, same being the Southwest corner of herein described TRACT 1, and also being the Northeast corner of herein described TRACT 3,

THENCE South 87° 18' 33" West along and with the North line of herein described TRACT 3 a distance of 111.92 feet to a ½ inch iron rod set for the Southwest corner of herein described tract, same being the Northwest corner of herein described TRACT 3, and being a point on the Northeast R.O.W. of N. Beulah Street and being the beginning of a curve to the left;

THENCE along and with said curve to the left, being the Northeast R.O.W. of N. Beulah Street, having a radius of 558.21 feet, a chord bearing of North 20° 52' 55" West and distance of 53.46 feet, and arc distance of 53.48 feet, back to the POINT OF BEGINNING and containing 0.278 acres of land, more or less

Tract Three:

BEING all of Lot 31B, described and shown on a plat created by John Cowan & Associates, Inc. on August 22, 1995 (RPLS 4139) and noted to be further described in Volume 858, Page 729, and Volume 508, Page 240, of the Deed Records of Wood County, Texas, and of which is conveyed in Deed to Arlon Tomes in Volume 1637, Page 8, of the Deed Records of Wood County, Texas, and being 0.241 Acres of land and being more fully described as follows:

BEGINNING at a ½ inch iron rod found for the Northwest corner of herein described tract, same being the Southwest corner of herein described TRACT 2, and being on the Northeast R.O.W. of N. Beulah Street;

THENCE North 87° 18' 33" East along and with the South line of herein described TRACT 2 a distance of 111.92 feet to a ½ inch iron rod set for the Northeast corner of herein described tract, same being the Southeast corner of herein described TRACT 2, the Southwest corner of herein described TRACT 1, and also being the Northwest corner of Lot 27;

THENCE South 03° 01' 09" East along and with the West line of Lot 27 a distance of 103.13 to a ½ inch iron rod set for the Southeast corner of herein described tract, same being the Northeast corner of Lot herein described TRACT 4, and being a point on the West line of Lot 27:

THENCE South 86° 58' 51" West along and with the North line of herein described TRACT 4 a distance of 94.48 feet to a ½ inch iron rod found for the Southwest corner of herein described tract, same being the Northwest corner of herein described TRACT 4, and being on the Northeast R.O.W. of N. Beulah Street and being the beginning of a curve to the left;

EXHIBIT A

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THENCE along and with said curve to the left, being the Northeast R.O.W. of N. Beaulah Street, having a radius of 558.21 feet, a chord bearing of North 12° 33' 41" West and distance of 105.23 feet, and arc distance of 105.38 feet, back to the POINT OF BEGINNING and containing 0.241 acres of land, more or less.

Tract Four:

BEING all of Lot 31A described in Deed to Tammy Lynn Harrel in Document No. 2015-00003912 of the Deed Records of Wood County, Texas, and being 0.146 acres of land and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for the Northwest corner of herein described tract, same being the Southwest corner of herein described TRACT 3, and being on the Northeast R.O.W. of N. Beaulah Street;

THENCE North 86° 58' 51" East along and with the South line of herein described TRACT 3 a distance of 94.48 feet to a ½ inch iron rod set for the Northeast corner of herein described tract, and being a point on the West line of Lot 27;

THENCE South 03° 01' 09" East along and with the West line of Lot 27 a distance of 67.24 feet to a ½ inch iron rod found for the Southeast corner of herein described tract, same being the Southwest corner of Lot 27, and being a point on the North R.O.W. of Lynch Street;

THENCE South 86° 57' 34" West along and with the North R.O.W. of Lynch Street a distance of 95.44 feet to a ½ inch iron rod set for the Southwest corner of herein described tract, and being a point of intersection of the North R.O.W. of Lynch Street and the East R.O.W. of N. Beaulah Street;

THENCE North 00° 29' 19" West along and with the East R.O.W. of N. Beaulah Street a distance of 28.06 feet to a ½ inch iron rod set for a point on the West line of herein described tract, and being the beginning of a curve to the left;

THENCE along and with said curve to the left, being the Northeast R.O.W. of N. Beaulah Street, having a radius of 558.21 feet, a chord bearing of North 03° 24' 52" West and distance of 39.24 feet, and arc distance of 39.25 feet, back to the POINT OF BEGINNING and containing 0.146 acres of land, more or less.

Tract Five:

BEING all of Lot 27 of the Reese Addition to the City of Hawkins, recorded in Volume 30, Page 4, of the Deed Records of Wood County, Texas, and also further described and shown on a plat created by John Cowan & Associates, Inc. on August 22, 1995 (RPLS 4139), of which is conveyed in Deed to Arlon Tomes in Volume 1426, Page 7, of the Deed Records of Wood County, Texas, and being 0.293 Acres of land and being more fully described as follows:

EXHIBIT A
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BEGINNING at a ½ inch iron rod set for the Northwest corner of herein described tract, same being the Northeast corner of herein described TRACT 3, the Southeast corner of herein described TRACT 2, and being the Southwest corner of herein described TRACT 1;

THENCE North 87° 18' 33" East along and with the South line of herein described TRACT 1 a distance of 75.00 feet to a ½ inch iron rod found for the Northeast corner of herein described tract, same being the Northwest corner of Lot 26, and being a point on the South line of herein described TRACT 1;

THENCE South 03° 02' 28" East along and with the West line of Lot 26 a distance of 169.78 feet to a ½ inch iron rod found for the Southeast corner of herein described tract, same being the Southeast corner of Lot 26, and being a point on the North R.O.W. of Lynch Street;

THENCE South 86° 51' 26" West along and with the North R.O.W. of Lynch Street a distance of 75.07 feet to a ½ inch iron rod found for the Southwest corner of herein described tract, same being the Southeast corner of herein described TRACT 4, and being a point on the North R.O.W. of Lynch Street;

THENCE North 03° 01' 09" West along and with the East line of herein described TRACT 4, passing a ½ inch iron rod set for the Northeast corner of herein described TRACT 4 at a distance of 67.24 feet, and continuing along and with the East line of herein described TRACT 3 for a total distance of 170.37 feet back to the POINT OF BEGINNING and containing 0.293 acres of land, more or less.

Tract Six:

BEING a portion of Lot 26 of the Reese Addition to the City of Hawkins, recorded in Volume 30, Page 4, of the Deed Records of Wood County, Texas, and also further described and shown on a plat created by John Cowan & Associates, Inc. on August 22, 1995 (RPLS 4139), and of which is conveyed in Deed to Arlon Torres in Volume 1426, Page 7, of the Deed Records of Wood County, Texas, and also being the West half of an alley which is conveyed to Arlon Torres by the City of Hawkins in a document recorded August 18th, 1997, and being 0.125 Acres of land and being more fully described as follows:

BEGINNING at a ½ inch iron rod found for the Northwest corner of herein described tract, same being the Northeast corner of Lot 27, and also being a point on the South line of herein described TRACT 1;

THENCE North 87° 18' 33" East along and with the South line of herein described TRACT 1, passing a ½ inch iron rod set for the Southeast corner of herein described TRACT 1 at a distance of 78.82 feet, and continuing a total distance of 84.91 feet to a ½ inch iron rod set for the Northeast corner of herein described tract, being the mid-point of a 20ft wide alley, and being the Northwest corner of Lot 24 & Lot 25 as described in Deed to Robert & Linda Sellman in Volume 1724, Page 42, of the Deed Records of Wood County, Texas;

EXHIBIT A
Page 6 of 6

THENCE South 03° 02' 28" East along and with the West line of Lot 24 & Lot 25 a distance of 63.72 feet to a ½ inch iron rod set for the Southeast corner of herein described tract, being a point on the East line of Lot 26 for the Northeast corner of the remainder of Lot 26, and being a point on the West line of Lot 24 & Lot 25;

THENCE South 86° 57' 32" West over and across Lot 26, along and with the North line of the remainder of Lot 26, same being the South line of herein described tract, a distance of 84.91 feet to a ½ inch iron rod set for the Southwest corner of herein described tract, same being the Northwest corner of the remainder of Lot 26, and being a point on the East line of Lot 27;

THENCE North 03° 02' 28" West along and with the East line of Lot 27 a distance of 64.24 feet back to the POINT OF BEGINNING and containing 0.125 acres of land, more or less

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KELLEY PRICE
CLERK, WOOD CO TX

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

T.S. #: 2023-05981-TX

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active-duty military service to the sender of this notice immediately.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: 9/5/2023
Time: The earliest time the sale will begin is 1:00 PM
Place: Wood County Courthouse, Texas, at the following location: 1 Main St , Quitman, TX 75783 EAST DOOR (FRONT DOOR) OF THE WOOD COUNTY COURTHOUSE
Or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioners Court, pursuant to section 51.002 of the Texas Property Code.

Property To Be Sold - The property to be sold is described as follows:

LOTS 9 and 10 of the ANGEL PINES ADDITION, Wood County, Texas as recorded in Volume 5, Page 35 of the Plat Records of Wood County, Texas.

Commonly known as: 216 COUNTY ROAD 2302 MINEOLA, TX 75773

Instrument to be Foreclosed - The instrument to be foreclosed is the Deed of Trust dated 3/26/2018 and recorded in the office of the County Clerk of Wood County, Texas, recorded on 3/26/2018 under County Clerk's File No 2018-00002391, in Book -- and Page -- of the Real Property Records of Wood County, Texas.

Grantor(s): Gregory Clayton Hamlett; a single man
Original Trustee: Thomas E. Black, Jr.
Substitute Trustee: Auction.com, Kendal Farmer, HarriettFletcher, Robert La Mont, David Sims, Allan Johnston, Ronnie Hubbard, Lisa DeLong, Terri Worley, Sheryl LaMont, Nestor Solutions, LLC
Original Mortgagee: Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Caliber Home Loans, Inc., its successors and assigns
Current Mortgagee: Freedom Mortgage Corporation
Mortgage Servicer: Freedom Mortgage Corporation

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property securing the above referenced loan.

T.S. #: 2023-05981-TX

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the mortgagee thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property. Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$128,332.00, executed by Gregory Clayton Hamlett; a single man, and payable to the order of Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Caliber Home Loans, Inc., its successors and assigns; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Trustor(s) to the current holder of the Obligations to the mortgagee under the deed of trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the Mortgagee:

Freedom Mortgage Corporation
10500 Kincaid Drive
Fishers, IN 46037
Phone: 855-690-5900

Default and Request to Act - Default has occurred under the deed of trust, and the mortgagee has requested me, as Trustee, to conduct this sale. Notice is given that before the sale the mortgagee may appoint another person substitute trustee to conduct the sale.

T.S. #: 2023-05981-TX

Dated: July 6, 2023

Auction.com, Kendal Farmer, Harriett Fletcher, Robert LaMont, David
Sims, Allan Johnston, Ronnie Hubbard, Lisa DeLong, Terri Worley, Sheryl
LaMont, Nestor Solutions, LLC



c/o Nestor Solutions, LLC
2850 Redhill Avenue, Suite 240
Santa Ana, California 92705
Phone: (888) 403-4115
Fax: (888) 345-5501

For sale information visit: <https://www.xome.com> or Contact (800) 758-8052.

SENDER OF THIS NOTICE:
AFTER FILING, PLEASE RETURN TO:

Nestor Solutions, LLC
2850 Redhill Avenue, Suite 240
Santa Ana, California 92705

22TX267-0231
7845 N US HWY 69, ALBA, TX 75410

NOTICE OF FORECLOSURE SALE

- Property:** The Property to be sold is described as follows:

SEE EXHIBIT A
- Security Instrument:** Deed of Trust dated June 26, 2007 and recorded on June 28, 2007 as Instrument Number 00072578 in the real property records of WOOD County, Texas, which contains a power of sale.
- Sale Information:** August 01, 2023, at 1:00 PM, or not later than three hours thereafter, at the east front door of the Wood County Courthouse, or as designated by the County Commissioners Court.
- Terms of Sale:** Public auction to highest bidder for cash. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.
- Obligation Secured:** The Deed of Trust executed by BRANDI WHITTEN AND JASON WHITTEN secures the repayment of a Note dated June 26, 2007 in the amount of \$77,500.00. CARRINGTON MORTGAGE SERVICES, LLC, whose address is c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200-A, Anaheim, CA 92806, is the current mortgagee of the Deed of Trust and Note and Carrington Mortgage Services, LLC is the current mortgage servicer for the mortgagee. Pursuant to a servicing agreement and Texas Property Code section 51.0025, the mortgagee authorizes the mortgage servicer to administer the foreclosure on its behalf.
- Substitute Trustee:** In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, mortgagee and mortgage servicer's attorney appoint the substitute trustees listed below.



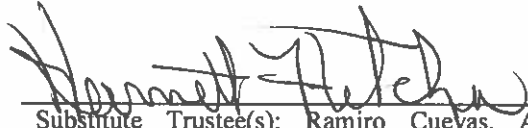
4790133

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.



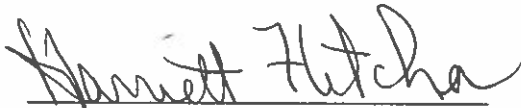
Miller, George & Suggs, PLLC
Tracey Midkiff, Attorney at Law
Jonathan Andring, Attorney at Law
6080 Tennyson Parkway, Suite 100
Plano, TX 75024



Substitute Trustee(s): Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Angie Uselton, Tonya Washington, Meryl Olsen, Misty McMillan, Tiffiney Bruton, Tionna Hadnot, David Ray, Sharon St. Pierre, Ronnie Hubbard, Allan Johnston, Sheryl LaMont, Robert LaMont, Lisa DeLong, Terri Worley, Harriett Fletcher, Dustin George
c/o Miller, George & Suggs, PLLC
6080 Tennyson Parkway, Suite 100
Plano, TX 75024

Certificate of Posting

I, Harriett Fletcher, declare under penalty of perjury that on the 10th day of July, 2023, I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of WOOD County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).



Harriett Fletcher, July 10, 2023.

04097

EXHIBIT A
PAGE 1 OF 1

That certain lot, tract or parcel of land within the Maria Nunez Survey, Abstract No. 430, Wood County, Texas, and being all of a called 1.000 acre tract described in Deed from McDaniel Enterprises, Inc. to McDaniel Enterprises I, LTD, dated December 11, 1998 and recorded in Volume 1720 on Page 234 of the Real Properties of Wood County, Texas, and this 0.999 acre tract being more fully described as follows:

BEGINNING at a 3/8" Iron Rod found for the North corner of said 1.000 acre tract, the North corner of Lot 12 and the East corner of Lot 13 of Golden Acres Number 11 Subdivision as shown of record in Volume 6 on Slide 42 of the Plat Records and in the Southwest right-of-way of U. S. Highway 69 (a variable width right-of-way);

THENCE South 51 deg. 10 min. 25 sec. East, a distance of 120.05 feet, with the Northeast line of Lot 12 and the Southwest line of U. S. Highway 69, to a 1/2" Iron Rod found for the East corner of said 1.000 acre tract;

THENCE South 40 deg. 48 min. 14 sec. West, a distance of 363.02 feet, to a 1/2" Iron Rod found for the South corner of said 1.000 acre tract;

THENCE North 51 deg. 13 min. 18 sec. West, a distance of 119.92 feet, to a 1/2" Iron Rod found for the West corner of said 1.000 acre tract, in the Northwest line of Lot 12 and in the Southeast line of Lot 13;

THENCE North 40 deg. 46 min. 57 sec. East, a distance of 363.11 feet, with the Northwest line of said 1.000 acre tract and Lot 12 and the Southeast line of Lot 13, to the POINT OF BEGINNING AND CONTAINING 0.999 acre of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

FILED
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NOTICE OF FORECLOSURE SALE

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OR ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

- 1. *Property to Be Sold.* The property to be sold is described as follows: LOT 1, BLOCK 4, OF THE MURPHY ADDITION, TOWN OF HAWKINS, WOOD COUNTY, TEXAS AS RECORDED IN VOLUME 1, PAGE #6 OF THE PLAT RECORDS OF WOOD COUNTY, TEXAS.
- 2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 04/28/2021 and recorded in Document 2021-00004561 real property records of Wood County, Texas.
- 3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:
 Date: 08/01/2023
 Time: 01:00 PM
 Place: Wood County, Texas at the following location: EAST DOOR (FRONT DOOR) OF THE WOOD COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust.

5. *Obligations Secured.* The Deed of Trust executed by ELETA R. TAYLOR, provides that it secures the payment of the indebtedness in the original principal amount of \$77,600.00, and obligations therein described including but not limited to (a) the promissory note, and (b) all renewals and extensions of the note. FIFTH THIRD BANK NA is the current mortgagee of the note and deed of trust and FIFTH THIRD BANK, NATIONAL ASSOCIATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is FIFTH THIRD BANK NA c/o FIFTH THIRD BANK, NATIONAL ASSOCIATION, 5001 Kingsley Drive, MD MOBBW, Cincinnati, OH 45227 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *Substitute Trustee(s) Appointed to Conduct Sale.* In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.




Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
1. Keller Mackie, Attorney at Law
Michael Zientz, Attorney at Law
Lori Liane Long, Attorney at Law
Chelsea Schneider, Attorney at Law
Fster Gonzales, Attorney at Law
Karla Balli, Attorney at Law
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254

For additional sale information visit: www.auction.com or (800) 280-2832

Certificate of Posting

I am Sheryl LaMont whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on June 9, 2023 I filed this Notice of Foreclosure Sale at the office of the Wood County Clerk and caused it to be posted at the location directed by the Wood County Commissioners Court.


Sheryl LaMont, June 9, 2023

