



VG-1443-2022-2200432

**Freestone
County
Renee Reynolds
Freestone County
Clerk**

Instrument Number: 2200432

Foreclosure Posting

NOTICE OF FORECLOSURE

Recorded On: February 07, 2022 01:36 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$8.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

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.

File Information:

Document Number: 2200432
Receipt Number: 20220207000020
Recorded Date/Time: February 07, 2022 01:36 PM
User: Alicia D
Station: Clerk Station

Record and Return To:

MOLLIE MCCOSLIN



STATE OF TEXAS
COUNTY OF FREESTONE

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Freestone County, Texas.

Renee Reynolds
Freestone County Clerk
Freestone County, TX

Renee Reynolds

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., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated January 31, 2019 and recorded under Clerk's File No. 1900520, in the real property records of FREESTONE County Texas, with Robert Earl Burns and Sherry T Burns, Husband and Wife as Community Property as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for SMI Lending Inc., a Texas Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Robert Earl Burns and Sherry T Burns, Husband and Wife as Community Property securing payment of the indebtedness in the original principal amount of \$148,631.00 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 Robert Earl Burns and Sherry T Burns. Citizens Bank, N.A 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. Citizens Bank, N.A. is acting as the Mortgage Servicer for the Mortgagee. Citizens Bank, N.A., is representing the Mortgagee, whose address is: PO BOX 2800, Glen Allen, VA 23058.

Legal Description:

BEING 0.263 OF AN ACRE OF LAND SITUATED IN THE R. GAINER LEAGUE, ABSTRACT NO. 12, FREESTONE COUNTY, TEXAS BEING ALL OF THAT CERTAIN CALLED 0.261 DESCRIBED IN A DEED FROM RONALD GENE LYLES ET UX, TO JOE H. MORGAN ET UX, DATED DECEMBER 23 1991, AND RECORDED IN VOLUME 872, PAGE 445; OF THE DEED RECORDS OF FREESTONE COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

SALE INFORMATION

Date of Sale: 03/01/2022

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: FREESTONE County Courthouse, Texas at the following location: The front steps at the south entrance of the Freestone 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 Lori Garner, Robert LaMont, Sheryl LaMont, Harriett Fletcher, Allan Johnston, Sharon St. Pierre, Ronnie Hubbard, Mollie McCoslin, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Agency Sales And Posting, 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.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Executed on 01/31/2022.

/s/ Lisa Collins SBOT No. 24115338, Attorney at Law
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Posted and filed by:

Printed Name:

Mollie McCoslin

C&M No. 44-22-0070

EXHIBIT "A"

BEING 0.263 OF AN ACRE OF LAND SITUATED IN THE R. GAINER LEAGUE, ABSTRACT NO. 12, FREESTONE COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 0.261 DESCRIBED IN A DEED FROM RONALD GENE LYLES ET UX, TO JOE H. MORGAN ET UX, DATED DECEMBER 23 1991, AND RECORDED IN VOLUME 872, PAGE 445; OF THE DEED RECORDS OF FREESTONE COUNTY, TEXAS, AND BEING A PART OF LOT 34 OF THE THOUSAND OAKS ADDITION, TO THE CITY OF FAIRFIELD, TEXAS, AND RECORDED IN CABINET A, ENVELOPE 31-A & 32-B, OF THE PLAT RECORDS OF FREESTONE COUNTY, TEXAS, SAID 0.263 ACRE TRACT TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD (FOUND) AT THE NORTHEAST CORNER OF THE ABOVE MENTIONED 0.261 ACRE TRACT, BEING AT THE NORTHEAST CORNER OF THE ABOVE MENTIONED LOT 34, BEING THE SOUTHEAST CORNER OF LOT 33, AND BEING IN THE WEST RIGHT-OF-WAY LINE OF ROBINDALE LANE (50' R.O.W.);

THENCE SOUTH 00° 23' 15" WEST, FOR A DISTANCE OF 102.15 FEET WITH THE EAST LINE OF THE 0.261 ACRE TRACT WITH THE EAST LINE OF SAID LOT 34, AND WITH THE ABOVE MENTIONED WEST RIGHT-OF-WAY LINE OF ROBINDALE LANE, TO A 1/2" IRON PIPE (FOUND) AT A POINT OF CURVE TO THE RIGHT;

THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ABOVE MENTIONED CURVE TO THE RIGHT AN ARC DISTANCE OF 43.45 FEET, SAID CURVE HAVING A RADIUS OF 25.56 FEET A CHORD BEARING OF SOUTH 43° 28' 15" WEST, AND A CHORD DISTANCE OF 38.41 FEET TO A 1" IRON PIPE (FOUND) AT THE POINT OF TANGENT OF SAID CURVE, BEING IN THE SOUTH LINE OF SAID 0.261 ACRE TRACT, THE SOUTH LINE OF SAID LOT 34, AND BEING IN THE NORTH RIGHT-OF-WAY LINE OF GREENBRIER LANE (40' R.O.W.);

THENCE SOUTH 82° 59' 17" WEST, FOR A DISTANCE OF 64.94 FEET, WITH THE SOUTH LINE OF SAID 0.261 ACRE TRACT, WITH SOUTH LINE OF SAID LOT 34, AND WITH THE ABOVE MENTIONED NORTH RIGHT-OF-WAY LINE OF GREENBRIER LANE, TO A 1/2" IRON ROD (FOUND) AT THE SOUTHWEST CORNER OF SAID 0.261 ACRE TRACT;

THENCE NORTH 00° 59' 41" EAST, FOR A DISTANCE OF 129.67 FEET, TO A 1/2" IRON ROD (FOUND) AT THE NORTHWEST CORNER OF SAID 0.261 ACRE TRACT, BEING IN THE NORTH LINE OF SAID LOT 34, AND BEING IN THE SOUTH LINE OF THE ABOVE MENTIONED LOT 33;

THENCE NORTH 84° 41' 51" EAST, FOR A DISTANCE OF 89.70 FEET, BACK TO THE PLACE OF BEGINNING, AND CONTAINING 0.263 OF AN ACRE OF LAND.

BEARINGS ARE BASED ON THE RECORD BEARING OF SOUTH 00° 23' 15" WEST, ALONG THE EAST LINE OF THE 0.261 ACRE TRACT, AS RECORDED IN VOLUME 872, PAGE 445.