

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S 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 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.

DEED OF TRUST INFORMATION:

Date: **January 8, 2013**
Grantor(s): **Warren Holton**
Original Mortgagee: **Mortgage Electronic Registration Systems, Inc. as nominee for Capital One, N.A.**
Original Principal: **\$93,390.00**
Recording Information: **Book 431, Page 47**
Property County: **Jackson**
Property: **See Exhibit A attached hereto and incorporated herein for all purposes**
Property Address: **731 Gilbert Street
Edna, TX 77957**

MORTGAGE SERVICING INFORMATION:

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

Current Mortgagee: **NewRez LLC d/b/a Shellpoint Mortgage Servicing**
Mortgage Servicer: **Shellpoint Mortgage Servicing**
Mortgage Servicer Address: **55 Beattie Place, Suite 100 MS 561
Greenville, SC 29601**

SALE INFORMATION:

Date of Sale: **August 1, 2023**
Time of Sale: **10:00 AM or within three hours thereafter.**
Place of Sale: **Jackson County Courthouse, 115 W. Main, Edna, TX 77957, if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court.**
Substitute Trustee: **Megan Randle, Ebbie Murphy, Aarti Patel, Dylan Ruiz, Aleena Litton, Kathleen Adkins, Evan Press, Auction.com, Michael J. Burns, or Jonathan Smith, any to act**
Substitute Trustee Address: **546 Silicon Dr., Suite 103
Southlake, TX 76092
TXAttorney@PadgettLawGroup.com**

APPOINTMENT OF SUBSTITUTE TRUSTEE:

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.

The undersigned is the attorney for the mortgagee and/or mortgage servicer, and in such capacity does hereby remove the original trustee and all successor substitute trustees under the above-described Deed of Trust and appoints in their place, any to act, those substitute trustees identified in the SALE INFORMATION section of this notice, whose address is c/o Padgett Law Group, 546 Silicon Dr., Suite 103, Southlake, TX 76092 as Substitute Trustee, who shall hereafter exercise all powers and duties to set aside the said original trustee under said Deed of Trust, and further does hereby request, authorize, and instruct said Substitute Trustees to conduct and direct the execution of remedies set aside to the beneficiary therein.

WHEREAS, the above-named Grantor(s) previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared, such default was reported to not have been cured, and all sums secured by such Deed of Trust are declared immediately due and payable.

WHEREAS, the original Trustee and any previously appointed Substitute Trustee under said Deed of Trust has been hereby removed and the herein described Substitute Trustees, have been appointed as Substitute Trustees and authorized by the Mortgage Servicer to enforce the power of sale granted in the Deed of Trust; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note is hereby accelerated, and all sums secured by the Deed of Trust are declared to be immediately due and payable.
2. The herein appointed Substitute Trustees, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien imposed by the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for the particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be sold "AS-IS", purchaser's will buy the property "at the purchaser's own risk" and "at his peril" and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interest of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.
5. 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, the Mortgagee's Attorney, or the duly appointed Substitute Trustee.

AB

Megan Randle

Michael J. Burns

FILED

Katherine R. Brooks, Clerk of County Court
JACKSON COUNTY, TEXAS

BY *Jaclyn Heiser*

06-22-2023
@ 10:41 am

PLG File Number: 23-002543-2

EXHIBIT A

BEING 15,660.97 SQUARE FOOT TRACT OF LAND OUT OF THE JOHN YORK ONE-FOURTH LEAGUE, ABSTRACT 280, JACKSON COUNTY, TEXAS AND BEING A PART OF LOT NOS. 1,2 AND 3, BLOCK 3 OF THE M . T. SIMONS ADDITION TO THE CITY OF EDNA, PLAT OF SAID ADDITION IS RECORDED IN VOLUME 2, PAGE 9 (SLIDE 17B) OF THE PLAT RECORDS OF JACKSON COUNTY, TEXAS ALSO BEING A TRACT OUT OF THE EAST CORNER OF THAT TRACT OF LAND THAT IS DESCRIBED IN WARRANTY DEED DATED DECEMBER 2,1936 FROM MARY LEE CLEMENTS, ET AL TO MAURICE K. SIMONS, JR., RECORDED IN VOLUME 99, PAGE 139 OF THE DEED RECORDS OF JACKSON COUNTY, TEXAS, AND THIS 15,660.97 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN EXISTING 3/4 INCH IRON ROD IN THE SOUTHWEST RIGHT-OF-WAY LINE OF GILBERT STREET (PLATTED STREET, VOLUME 2, PAGE 9, SLIDE 17B OF THE PLAT RECORDS OF JACKSON COUNTY, TEXAS) AT THE EAST CORNER OF THE ABOVE-MENTIONED MAURICE K. SIMONS, JR. TRACT FOR THE EAST CORNER OF THE HEREIN DESCRIBED 15,660.97 SQUARE FOOT TRACT, SAID IRON ROD ALSO BEING THE NORTH CORNER OF THAT 1.232 ACRE TRACT THAT IS DESCRIBED IN VOLUME 689, PAGE 1055 OF THE DEED RECORDS OF JACKSON COUNTY, TEXAS;

THENCE SOUTH 45° 16' 50" WEST WITH THE SOUTHEAST LINE OF SAID SIMONS TRACT, ALSO WITH THE NORTHWEST LINE OF SAID 1.232 ACRE TRACT FOR A DISTANCE OF 126.43 FEET TO A ONE-HALF INCH IRON ROD SET FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED 15,660.97 SQUARE FOOT TRACT;

THENCE NORTH 40° 59' 52" WEST FOR A DISTANCE OF 128.46 FEET TO A ONE-HALF INCH IRON ROD SET FOR THE WEST CORNER OF THE HEREIN DESCRIBED 15,660.97 SQUARE FOOT TRACT;

THENCE NORTH 48° 46' 06" EAST FOR A DISTANCE OF 125.16 FEET TO A ONE-HALF INCH IRON ROD SET IN THE NORTHEAST LINE OF THE ABOVE-MENTIONED MAURICE K. SIMONS, JR. TRACT FOR THE NORTH CORNER OF THE HEREIN DESCRIBED 15,660.97 SQUARE FOOT TRACT, SAID IRON ROD ALSO BEING IN THE SOUTHWEST LINE OF SAID GILBERT STREET;

THENCE SOUTH 41° 28' 26" EAST WITH THE SOUTHWEST LINE OF SAID GILBERT STREET, ALSO WITH THE NORTHEAST LINE OF SAID MAURICE K. SIMONS, JR. TRACT FOR A DISTANCE OF 120.76 FEET TO THE POINT OF BEGINNING, CONTAINING 15,660.97 SQUARE FEET OF LAND OR 0.36 ACRE TRACT OF LAND.