

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

FILED FOR THE SUBSTITUTION
2024 MAR 14 PM 1:52 M. Ferguson

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 October 06, 2021 and recorded under Clerk's File No. 2021 2998, in the real property records of RAINS County Texas, with Jeremy B Newberry and Alyssa Marie Newberry, husband and wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Nations Lending Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Jeremy B Newberry and Alyssa Marie Newberry, husband and wife securing payment of the indebtedness in the original principal amount of \$155,200.00 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 Jeremy B Newberry. Nations Lending Corporation, an Ohio 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. LoanCare, LLC is acting as the Mortgage Servicer for the Mortgagee. LoanCare, LLC, is representing the Mortgagee, whose address is: 3637 Sentara Way, Virginia Beach, VA 23452.

Legal Description:

FIELD NOTE DESCRIPTION FOR A 0.823 ACRE TRACT LOCATED IN THE G.W. RITTER SURVEY, ABSTRACT A-189 OF RAINS COUNTY, TEXAS, AND BEING ALL OF A CALLED 0.82 ACRE TRACT CONVEYED TO BRANDON C CLINE AND TAYLOR L CLINE AS DESCRIBED AND RECORDED IN DOCUMENT NO. 2018-2584 OF THE OFFICIAL PUBLIC RECORDS RAINS COUNTY, TEXAS, SAID 0.823 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES;

SALE INFORMATION

Date of Sale: 05/07/2024

Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: The place of the sale shall be: RAINS County Courthouse, Texas at the following location: At the east most side of the Rains County Courthouse Annex located at 167 East Quitman Street, 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 Harriett Fletcher, Robert LaMont, Sheryl LaMont, Sharon St. Pierre, Harriett Fletcher, Robert LaMont, Ronnie Hubbard, Sheryl LaMont, Allan Johnston, Sharon St. Pierre, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Tonya Washington, Misty McMillan, 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 March 12, 2024.

/s/ Juanita Deaver SBOT No. 24126385, Attorney at Law
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Posted and filed by: Harriett Fletcher, March 14, 2024

Printed Name: Harriett Fletcher

C&M No. 44-24-00391

EXHIBIT "A"

Field Note description for a 0.823 acre tract located in the G.W. RITTER Survey, Abstract A-189 of Rains County, Texas, and being all of a called 0.82 acre tract conveyed to Brandon C Cline and Taylor L Cline as described and recorded in Document No. 2018-2584 of the Official Public Records Rains County, Texas, Said 0.823 acre tract to be more particularly described as follows;

Bearings are based on the State Plane Coordinate System, Texas North Central Zone, N.A.D. 1983.

BEGINNING at a 5/8" Iron Rod found the Northwest corner of herein described tract, same being the Southwest corner of called 1.0 acre tract conveyed to 3481 N. Hwy 19 Series, LLC as described and recorded in Document No. 2020-0515, being on the East line of a called 21.22 acre tract conveyed to Robert I Tyrone and Linda Lee Tyron as described and recorded in Volume 484, Page 744;

THENCE North 89 deg. 11 min. 47 sec. East with the South line of said 1.0 acre tract a distance of 234.06 feet to a 1/2" Iron Rod found for the Northeast corner of herein described tract, same being the Southeast corner of said 1.0 acre tract, being on the West Right-of-Way of State Highway No. 19;

THENCE with a curve turning to the right an arc distance of 183.10', Delta = 05 deg. 40 min. 13 sec. , Radius = 1,850.08', Chord = South 33 deg. 41 min. 21 sec. West - 183.02 feet to a Point for the Southeast corner of herein described tract, same being an East corner of said 21.22 acre tract, from which a T-Iron found for reference bears South 89 deg. 09 min. 45 sec. West - 1.33 feet;

THENCE South 89 deg. 09 min. 45 sec. West with the North line of said 21.22 acre tract a distance of 237.56 feet to a 1/2" Iron Pipe found for the Southwest corner of herein described tract, same being an Ell corner of said 21.22 acre tract;

THENCE North 34 deg. 33 min. 20 sec. East with the East line of said 21.22 acre tract a distance of 185.14 feet to the **POINT OF BEGINNING AND CONTAINING 0.823 ACRES OF LAND.**

The above Field Notes were prepared from an actual on the ground survey, made under the direction and supervision of Casey Jordan, R.P.L.S. #6789, dated September 8, 2021. I hereby certify this instrument was filed and recorded in the Rains County, Texas, Official Public Records.