

JUL 13 2023

C&M No. 44-23-1153/ FILE NOS

DONECE GREGORY, COUNTY CLERK  
TYLER COUNTY, TEXAS  
*DR*

**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 June 11, 2020 and recorded under Clerk's File No. 4923, in the real property records of POLK County Texas, with Shelby Bond, a single person as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Preferred Home Lending, LLC, A Texas Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Shelby Bond, a single person securing payment of the indebtedness in the original principal amount of \$183,350.00 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 Shelby Bond. CITIZENS BANK NA f/k/a RBS CITIZENS NA 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. a/k/a Citizens One Home Loans is acting as the Mortgage Servicer for the Mortgagee. Citizens Bank, N.A. a/k/a Citizens One Home Loans, is representing the Mortgagee, whose address is: PO BOX 2800, Glen Allen, VA 23058.

**Legal Description:**

**ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE COUNTY OF POLK STATE OF TEXAS, BEING 1.20 ACRES IN THE OLIVE DICKSON SURVEY, ABST. NO. 915 AND 8.20 ACRES IN TH WM. WHITE SURVEY, ABST. NO. 628, CONTAINING TEN (10) ACRES OF LAND, AND BEING THE SAME LAND DESCRIBED IN THE DEED FROM BUSTER CLEVELAND COLQUITT AND WIFE, LEASIE MAE COLQUITT, TO E. G. RICE, DATED JUNE 19, 1958, AND APPEARING OF RECORD IN VOLUME 180, PAGE 278 OF THE DEED RECORDS OF POLK COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES**

**SALE INFORMATION**

**Date of Sale: 09/05/2023**

**Earliest Time Sale Will Begin: 1:00 PM**

**Location of Sale: The place of the sale shall be: POLK County Courthouse, Texas at the following location: At the Dunbar Gym located at 1103 Dunbar Avenue, Livingston, TX 77351**

**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 1 \_\_\_\_\_ ant to the Deed of Trust, the



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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 Tommy Jackson, Evan Press, Reid Ruple, Kathleen Adkins, Cary Corenblum, Joshua Sanders, Kristopher Holub, Keata Smith, Amy Oian, Matthew Hansen, Stephanie Hernandez, Aaron Crawford, Aarti Patel, Aleena Litton, Carolyn Ciccio, Christian Brooks, Cindy Dennen, Crystal Koza, Jami Grady, Michael Kolak, Ron Harmon, 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 July 11, 2023.

/s/ Olufunmilola Oyekan SBOT No. 24084552, Attorney at  
Law  
Codilis & Moody, P.C.  
20405 State Highway 249, Suite 170  
Houston, TX 77070  
(281) 925-5200

Posted and filed by: Keata Smith

Printed Name: Keata Smith

C&M No. 44-23-1153

# EXHIBIT "A"

## TRACT 1

of the County of Jefferson State of Texas at that certain lot, tract or parcel of land lying and being situated in the County of Folk State of Texas, being 1.20 acres in the OLIVE HIGGINS SURVEY, Abst. No. 913 and 8.20 acres in the Wm. WHITE SURVEY, Abst. No. 628, containing Ten (10) acres of land, and being the same land described in the Deed from Eustar Cleveland Colquitt and wife, Lenora Mae Colquitt, to E. G. Rice, dated June 19, 1938, and appearing of record in Volume 180, Page 278 of the Deed Records of Folk County, Texas, and described by notes and bounds as follows:

SECTION 29 to a stake for corner, a Black Oak 5" dia. I brs. N. 16 1/4 E. 2.0 yards, a Pine 8" dia I brs. W. 50 E. 3.8 yards;

SECTION West 121 yards to a stake for corner;

SECTION South 26 yards to stake for corner, a Red Oak 14" dia. I brs. S 22 E 6.5 yards;

SECTION West 31 yards to stake for corner, a Sweet Gum 10" dia. I brs. N 67 E 3 yards;

SECTION North 26 yards to stake for corner, a White Oak 23" dia. I brs. N 21 E 6 yards;

SECTION West 53 yards to stake for corner, a Sweet Gum 11" dia. I brs. S 31 E 2.7 yards;

SECTION North 68 yards to stake for corner;

SECTION West 29 yards to stake for corner, a Pine 10" dia. I brs. S 51 E W. 1.3 yards, a Pine 12" dia. I brs. S 17 1/4 W. 3 yards;

SECTION South 222 yards to stake in field for corner, a Pine 10" dia I brs. S 9 1/4 E 17 1/4 yards, a Pine 11" dia. I brs. S 81 E. 18.0 yards;

SECTION East 125 yards to stake for corner, an Elm 5" dia. I brs. N 63 E 8 yards, a Pine 10" dia I brs. S 29 3/4 E 3 yards;

SECTION South 91 yards to stake for corner in field, a Pine 16" dia. I brs. S 27 E 28.6 yards;

SECTION East 109 yards to stake for corner in the East line of said White Survey, a Pine 11" dia. I brs. N 63 E 7 yards, a Pine 6" dia. I brs. S 33 E 1.2 yards;

SECTION South with said line 167 yards to the PLACE OF BEGINNING, and containing 10 acres of land, more or less, 1-2/10 acres of which is on said Olive Higgins Survey and 8-8/10 acres of which is on said Wm. H. White Survey,

## TRACT 2

Fieldnotes to all that certain tract of land, being 1.884 acres, more or less, located in the Wm. White Survey, A-628 in Polk County, Texas, being a portion of the called 290.6 acre tract referenced in Tract 341 in a Deed from International Paper Company to RMS Texas Timberlands I, LP, dated November 3, 2003 and recorded in Volume 1546, Page 01 of the Official Public Records of Polk County, Texas (OPRPCT) and being more particularly described by metes and bounds as follows:

COMMENCING at a concrete monument found for the most westerly southwest corner of a called 10 acre tract described in a Deed from E. G. Rice and wife, Ruth Rice to Ross Jackson, recorded in Volume 209, Page 688 of the Deed Records of Polk County, Texas (DRPCT);

THENCE North 60.92 feet along the most northerly west line of the said 10 acre tract to a concrete monument set for the most southerly corner and the PLACE OF BEGINNING of the herein described 1.884 acre tract;

THENCE North 05° 20' 08" West 578.37 feet generally along an existing fence to a concrete monument set for the northwesterly corner of the herein described 1.884 acre tract,

THENCE North 84° 32' 03" East 394.69 feet generally along an existing fence to a concrete monument set for the most northerly northeast corner of the herein described 1.884 acre tract;

THENCE South 43° 30' 67" East 452.05 feet to a concrete monument found for the most easterly northeast corner of the said 10 acre tract;

THENCE South 89° 52' 33" West 301.68 feet along the most easterly north line of the said 10 acre tract to a concrete monument found for an ell corner;

THENCE North 00° 09' 02" West 262.26 feet along the most northerly east line of the said 10 acre tract to a concrete monument found for the most northerly northeast corner of the said 10 acre tract;

THENCE North 89° 48' 38" West 347.73 feet along the most westerly north line of the said 10 acre tract to a 1-1/4-inch iron pipe found for the northwesterly corner of the said 10 acre tract;

THENCE South 549.29 feet along the most northerly west line of the said 10 acre tract to the PLACE OF BEGINNING, and containing 1.884 acres, more or less, as shown on the accompanying plat of even data herewith.

### TRACT 3

Fieldnotes to all that certain tract of land, being 2.659 acres, more or less, located partly in the Wm. White Survey, A-828 and partly in the Olive Dickson Survey, A-915, both in Polk County, Texas, being a portion of the called 290.5 acre tract referenced in Tract 341 and a portion of the called 141.8 acre tract referenced in Tract 400, both in a Deed from International Paper Company to RMS Texas Timberlands I, LP, dated November 3, 2006 and recorded in Volume 1548, Page 01 of the Official Public Records of Polk County, Texas (OPRPCT) and being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument found for the most westerly southwest corner of a called 10 acre tract described in a Deed from E. G. Rice and wife, Ruth Rice to Ross Jackson, recorded in Volume 209, Page 589 of the Deed Records of Polk County, Texas (DRPCT);

THENCE North 89° 48' 46" East 79.85 feet along a southerly line of the said 10 acre tract to a concrete monument found for corner;

THENCE South 00° 07' 08" West 190.13 feet along a westerly line of the said 10 acre tract to a concrete monument found for corner;

THENCE South 89° 58' 47" East 146.85 feet along a southerly line of the said 10 acre tract to a 5/8-inch galvanized bolt found for corner;

THENCE South 00° 21' 27" East 72.75 feet along the most southerly west line of the said 10 acre tract to a concrete monument found for the most southerly southwest corner of the said 10 acre tract;

THENCE North 89° 10' 24" East 86.42 feet to a concrete monument (broken) found for the most southerly southeast corner of the said 10 acre tract;

THENCE North 00° 22' 11" West 71.32 feet along the most southerly east line of the said 10 acre tract to a 5/8-inch galvanized bolt found for corner;

THENCE South 80° 53' 34" East 337.00 feet along the most easterly south line of the said 10 acre tract to a 1-1/2-inch iron bar found for the most easterly southeast corner of the said 10 acre tract;

THENCE South 19° 08' 41" West 140.43 feet to a concrete monument set for corner;

THENCE South 79° 47' 23" West 219.59 feet to a concrete monument set for corner;

THENCE South 88° 07' 26" West 177.60 feet to a concrete monument set for corner;

THENCE North 80° 19' 20" West 79.42 feet to a concrete monument set for corner;

THENCE North 83° 07' 03" West 125.47 feet to a concrete monument set for corner;

THENCE North 85° 54' 40" West 89.38 feet to a point in the center of a graded public road (known as William Hood Road) for corner, from which a concrete monument set for reference bears South 85° 54' 40" East 43.67 feet;

THENCE North 82° 00' 01" West 53.28 feet along William Hood Road to a point for corner, from which a concrete monument set for reference bears North 40° 39' 16" East 33.57 feet;

THENCE North 40° 39' 15" East 102.20 feet to a concrete monument set for corner;

THENCE North 01° 50' 27" East 142.83 feet to the PLACE OF BEGINNING, and containing 2.659 acres, more or less, as shown on the accompanying plat of even date herewith.