

14-00146

FILED FOR RECORD
SHELBY COUNTY, TEXAS
2019 SEP 10 PM 12:22

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

JENNIFER L. PATTAM

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 November 30, 2009 and recorded under Clerk's File No. 2009011612, in the real property records of SHELBY County Texas, with Erica L. Hicks, and James E. Hicks as Grantor(s) and Mortgage Electronic Registration Systems, Inc. as Nominee for Bank of America, N.A., its successors and assigns as Original Mortgagee.

Deed of Trust executed by Erica L. Hicks, and James E. Hicks securing payment of the indebtedness in the original principal amount of \$47,000.00 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 Erica L. Hicks. LoanCare, LLC 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:

A 1.11 ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND BEING A PART OF THE THOMAS HALEY SURVEY, A-286, SHELBY COUNTY, TEXAS, AND BEING A PART OF THE SECOND TRACT (85.16 ACRES), CONVEYED TO ERICA HICKS, IN VOLUME 1012, PAGE 946, OF OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND BEING LOCATED NORTH OF AND ADJOINING THE NORTH RIGHT-OF-WAY LINE OF F.M. 138, A DISTANCE OF 3.1 MILES WEST ALONG F.M. 138 FROM U.S. HWY. 96 IN CENTER, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

SALE INFORMATION

Date of Sale: 10/01/2019

Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: The place of the sale shall be: SHELBY County Courthouse, Texas at the following location: On the steps in the area within 100 feet of the southeastern front door of the Shelby County Courthouse provided for the holding of District Court, 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



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 Mortgagee, the Mortgagee or the Mortgagee’s attorney.

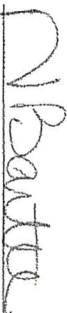
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

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 Sheryl LaMont, Robert LaMont, David Sims, Harriett Fletcher, Evan Press, Allan Johnston, Amy Bowman, Reid Ruple, Kathleen Adkins, Kristie Alvarez, Julian Perrine, Doug Woodard, Sharon St. Pierre, Ronnie Hubbard, Darlene Boettcher, Shawn Schiller, Thomas Delaney, Danya Gladney or Aaron Demuth 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 this the 6th day of September, 2019.



Nicole M. Barbee, 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: Sheryl LaMont

Printed Name: Sheryl LaMont
9-10-19

C&M No. 44-18-3584

Exhibit "A"

A 1.11 Acre Tract of land, more or less, out of and being a part of the THOMAS HALEY SURVEY, A-286, Shelby County, Texas, and being a part of the Second Tract (85.16 acres), conveyed to Erica Hicks, in Volume 1012, Page 946, of Official Public Records of said County, and being located North of and adjoining the North Right-of-Way line of F. M. 138, a distance of 3.1 miles West along F. M. 138 from U. S. Hwy. 96 in Center, Texas, being more particularly described as follows:

Beginning at a 1/4" iron rod set at a FCP in the North Right-of-Way line of F. M. 138 for the Southeast corner of this 1.11 acre tract, the Southeast corner of said 85.16 acre tract bears South 23° 38' 41" East 269.43 feet and its EBL in the North Right-of-Way line of F. M. 138 bears North 83° 53' 27" East 87.28 feet; Thence South 83° 53' 27" West 252.27 feet along the North Right-of-Way line of F. M. 138 to a 1/4" iron rod at a FCP for the Southwest corner of this 1.11 acre tract; Thence North 07° 53' 10" East 243.49 feet into said 85.16 acres to a 1/2" iron rod at a FCP for the Northwest corner of this 1.11 acre tract; Thence South 89° 27' 16" East 174.45 feet to a 1/2" iron rod at a FCP for the Northeast corner of this 1.11 acre tract; Thence South 11° 25' 38" East 216.98 feet to the point of beginning and containing 1.11 acres of land, more or less.