

2022-004-FC

NOTICE OF SUBSTITUTE TRUSTEE SALE

Deed of Trust Date:
2/13/2012

Mortgage Beneficiary/Mortgagee:
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") SOLELY AS A NOMINEE FOR NETWORK FUNDNG, LP, ITS SUCCESSORS AND ASSIGNS

Grantor(s)/Mortgagor(s):
EDDIE D SMITH, JR AND BERTHA DIANN SMITH, HUSBAND AND WIFE
Current Beneficiary/Mortgagee:
Wells Fargo Bank, N.A.

Recorded in:
Volume: N/A
Page: N/A
Instrument No: 2012001009

Property County:
SHELBY

Mortgage Servicer:
Wells Fargo Bank, N.A. is representing the Current Beneficiary/Mortgagee under a servicing agreement with the Current Beneficiary/Mortgagee.

Mortgage Servicer's Address:
1 Home Campus, MAC 2301-04C,
West Des Moines, IA 50328

FILED FOR RECORD
SHELBY COUNTY, TEXAS

2022 MAR 10 PM 12:43

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY  DEPUTY

Legal Description: LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Date of Sale: 5/3/2022

Earliest Time Sale Will Begin: 1pm

Place of Sale of Property: THE AREA WITHIN A RADIUS OF 100 FEET OF THE SOUTHEASTERN DOOR OF THE HOUSE PROVIDED FOR THE HOLDING OF THE DISTRICT COURT IN THE CITY OF CENTER, IN SHELBY COUNTY, TX OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

The Property will be sold "AS IS," without any express or implied warranties, except as to warranties of title, and at the purchaser's own risk, pursuant to the terms of Tex. Prop. Code §51.002 and §51.009. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Substitute Trustee reserves the right to set further reasonable conditions for conducting the public auction. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

Notice Pursuant to Tex. Prop. Code § 51.002(i):
Assert and protect your rights as member of the armed forces of the United States. If you or your spouse are serving on active military duty, including active military duty as a member of the Texas National 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.



Robert LaMont, Sharon St. Pierre (Sheryl LaMont) David Sims,
Allan Johnston or Ronnie Hubbard
or Thuy Frazier

March 10, 2022

or Cindy Mendoza
or Catherine Allen-Rea
or Cole Patton, Substitute Trustee
McCARTHY & HOLTHUS, LLP
1255 WEST 15TH STREET, SUITE 1060
PLANO, TX 75075

MH File Number: TX-22-80636-POS
Loan Type: VA

EXHIBIT "A"

BEING 0.8082 acre of land, more or less, a part of the NANCY SMITH SURVEY, A-644, Shelby County, Texas, and being known as Lots 3, 4 and part of 5 of the C.C. Locke Subdivision to the City of Center, Texas, and being the same called 0.8079 acre tract described in the Warranty Deed from Margie Gilliam to Zeagler A. Melton and wife, Eva Melton, dated April 15, 1994, recorded in Vol. 767, Page 304, Real Property Records, Shelby County, Texas; and being described by metes and bounds as follows, to-wit:

BEGINNING at a concrete monument found for the NEC of said called 0.8079 of an acre tract in the South margin of Kennedy Street, and being 10.16 ft. from its back of curb line, and being the NEC of said Lot 3 and the NWC of Lot 2 of said C. C. Lock Addition, said Lot 2 also described as "Tract One" in a Warranty Deed from Roswell B. Clark and Mary Lou Clark Radler to Ann Clark Harmon, dated May 5, 2000, recorded in Vol. 888, Page 294, Official Public Records, Shelby County, Texas;

THENCE S. 25 deg. 54 min. 23 sec. E. with the Easterly line of said called 0.8079 of an acre tract (basis of bearing orientation) and the West line of said Harmon tracts, a distance 218.49 ft. (called 218.40 ft.) to a 1/2 inch iron pipe found for the SEC of said called 0.8079 of an acre tract and being the NEC of a called 1.0052 acre tract described in a Warranty Deed from Linnie Simon to Betty Rector Simon, dated December 20, 1996, recorded in Vol. 831, Page 221, Official Public Records, Shelby County, Texas, from which a concrete monument found bears S. 28 deg. 06 min. 04 sec. E. 22.15 ft.;

THENCE S. 63 deg. 15 min. 39 sec. W. with the Southerly line of said called 0.8079 of an acre tract (called S. 63 deg. 15 min. 39 sec. W.) and the Northerly line of said called 1.0052 acre tract, a distance of 141.81 feet (called 141.97 feet) to the SWC of said called 0.8079 of an acre tract and the NWC of said called 1.0052 acre tract and being in the Easterly margin of Payne Street and approximately 5 feet from its back of curb line, from which a 1/2-inch iron rod found bears S. 63 deg. 15 min. 39 sec. W. 4.75 feet,

THENCE N. 32 deg. 26 min. 39 sec. W. with the Westerly line of said called 0.8079 of an acre tract, approximately 5 feet from said back of curb line of Payne Street, a distance of 83.59 feet to the beginning of a non-tangent curve to the left;

THENCE continuing with said Westerly line of the called 0.8079 of an acre tract, approximately 5 feet Easterly of said back of curb line of Payne Street, along said curve to the left having a radius of 53.62 feet, an arc length of 29.79 feet, a central angle of 31 deg. 50 min. 02 sec. and chord bearing N. 43 deg. 29 min. 45 sec. W. and distance of 29.41 feet to the beginning of a non-tangent curve to the right;

THENCE continuing with said Westerly line o the called 0.8079 of an acre tract, approximately 5 feet Easterly of said back of curb line of Kennedy Street, along said curve to the right having a radius of 30.35 feet, an arc length of 18.89 feet, a central angle of 35 deg. 40 min. 05 sec. and chord bearing N. 45 deg. 38 min. 14 sec. W. and distance of 18.59 feet to the end of said curve to the right;

THENCE N. 24 deg. 52 min. 15 sec. W. continuing with said Westerly line of the called 0.8079 of an acre tract, approximately 5 feet Easterly of said back of curb line of Kennedy Street, a distance of 100.98 feet to a 1/2 inch iron rod found for the NWC of said called 0.8079 of an acre tract;

THENCE N. 67 deg. 13 min. 05 sec. E. with the Northerly line of the called 0.8079 of an acre tract (called N. 67 deg. 15 min. 40 sec. E.) 10.16 feet Southerly of said back of curb line of Kennedy Street, a distance of 164.90 feet to the Point of Beginning and containing 0.8082 of an acre of land, more or less.

Bearing orientation based on a Easterly line of the called 0.8079 of an acre tract having a bearing of S. 25 deg. 54 min. 23 sec. E. as described in deed recorded in Vol. 767, Page 304, Real Property Records, Shelby County, Texas.

Surveyed by William B. Connolly, Registered Professional Land Surveyor No. 5313, State of Texas, on February 7, 2012.