

24-008FC

FILED FOR RECORD
SHELBY COUNTY, TEXAS

2024 MAY -2 PM 1:45

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY _____ DEPUTY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

T.S. #: 2023-07145-TX

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.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: 7/2/2024
Time: The earliest time the sale will begin is 1:00 PM , or within three (3) hours after that time.
Place: Shelby County Courthouse, Texas, at the following location: 200 SAN AUGUSTINE ST. CENTER, TX 75935 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 if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioners Court, pursuant to section 51.002 of the Texas Property Code.

Property To Be Sold - The property to be sold is described as follows:

SEE ATTACHED EXHIBIT "A"

Commonly known as: 707 PINE ST CENTER, TX 75935

Instrument to be Foreclosed – The instrument to be foreclosed is the Deed of Trust dated 5/17/2021 and recorded in the office of the County Clerk of Shelby County, Texas, recorded on 5/17/2021 under County Clerk's File No 2021001674, in Book -- and Page -- Along with Correction Instrument recorded 3/26/24 as Instrument No. 2024001097 of the Real Property Records of Shelby County, Texas.

Grantor(s): LYRA FULK, MARRIED WOMAN
Original Trustee: Scott R. Valby
Substitute Trustee: Auction.com, Sheryl La Mont, Robert La Mont, David Sims, Allan Johnston, Ronnie Hubbard, Jim Mills, Susan Mills, Andrew Mills-Middlebrook, George Hawthorne, Ed Henderon, Paige Bentley, Andrew Farley, Laura Rowe, Burl Evans, Sharon St. Pierre, Nestor Solutions, LLC
Original Mortgagee: Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Mortgage Research Center, LLC dba Veterans United Home Loans, its successors and assigns
Current Mortgagee: Freedom Mortgage Corporation
Mortgage Servicer: Freedom Mortgage Corporation

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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 referenced property securing the above referenced loan.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the mortgagee thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property. Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$393,680.00, executed by LYRA FULK, MARRIED WOMAN, and payable to the order of Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Mortgage Research Center, LLC dba Veterans United Home Loans, its successors and assigns; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Trustor(s) to the current holder of the Obligations to the mortgagee under the deed of trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the Mortgagee:

Freedom Mortgage Corporation
11988 EXIT 5 PKWY BLDG 4
FISHERS IN 46037-7939
Phone: 855-690-5900

Default and Request to Act - Default has occurred under the deed of trust, and the mortgagee has requested me, as Trustee, to conduct this sale. Notice is given that before the sale the mortgagee may appoint another person substitute trustee to conduct the sale.

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Dated: May 2, 2024

Auction.com, Sheryl La Mont, Robert La Mont, David Sims, Allan Johnston, Ronnie Hubbard, Jim Mills, Susan Mills, Andrew Mills-Middlebrook, George Hawthorne, Ed Henderon, Paige Bentley, Andrew Farley, Laura Rowe, Burl Evans, Sharon St. Pierre, Nestor Solutions, LLC



c/o Nestor Solutions, LLC
214 5th Street, Suite 205
Huntington Beach, California 92648
Phone: (888) 403-4115
Fax: (888) 345-5501

For sale information visit: <https://www.xome.com> or Contact (800) 758-8052.

SENDER OF THIS NOTICE:
AFTER FILING, PLEASE RETURN TO:

Nestor Solutions, LLC
214 5th Street, Suite 205
Huntington Beach, California 92648

Exhibit A

BEING 14.209 ACRES OF LAND, MORE OR LESS, A PART OF THE JESSE AMASON SURVEY, A-10, SHELBY COUNTY, TEXAS, AND BEING THE LAND DESCRIBED IN THE WARRANTY DEED FROM ROBERT L. FAIRCHILD, TRUSTEE OF THE ROBERT F. FAIRCHILD TRUST, THE JAN ELLEN FAIRCHILD TRUST, THE KARLA LAN FAIRCHILD TRUST AND THE DAVID WILLIAM FAIRCHILD TRUST TO ROBERT L. FAIRCHILD, DATED NOVEMBER 25, 1975, RECORDED IN VOL. 513, PAGE 61, DEED RECORDS, SHELBY COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT A 1-1/4 INCH IRON PIPE FOUND AT THE SOUTHWEST BASE OF A CROSSTIE FENCE CORNER POST FOR THE SOUTHWEST CORNER OF SAID FAIRCHILD CALLED 14.220 ACRE TRACT AND THE NORTHERLY NORTHWEST CORNER OF A CALLED 28.20 ACRE TRACT DESCRIBED AS FOURTH TRACT IN A WARRANTY DEED FROM LOMAX WEBB TO EDWARD EUGENE WEBB, DATED MARCH 8, 1990, AND RECORDED IN VOLUME 706, PAGE 213, IN THE DEED RECORDS OF SHELBY COUNTY, TEXAS, AND BEING IN THE EASTLINE OF THE OAKS SUBDIVISION, A SUBDIVISION AS SHOWN ON MAP OR PLAT RECORDED IN VOLUME 1, PAGE 110, IN THE PLAT RECORDS OF SHELBY COUNTY, TEXAS;

THENCE N 05 DEG. 48 MIN 47 SEC. E, WITH THE WEST LINE OF SAID FAIRCHILD CALLED 14.220 ACRE TRACT (CALLED N 05 DEG. 04 MIN. 52 SEC. E) AND WITH SAID EAST LINE OF THE OAKS SUBDIVISION, THEN CONTINUING WITH THE EAST LINE OF A CALLED 0.39 OF AN ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM SHERRY BELROSE AND CATHERINE DUVON TO TERRY CROWDER, DATED JULY 15, 2019, AND RECORDED UNDER DOCUMENT NO. 2019002114, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS, AND CONTINUING THE EAST LINE OF A CALLED 0.26 OF AN ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM SANDRA HOLYT SHERROD WILSON AND HUSBAND, MARCUS A. WILSON, TO KARLA LAN FAIRCHILD, DATED FEBRUARY 25, 1986, AND RECORDED IN VOLUME 662, PAGE 709, IN THE DEED RECORDS OF SHELBY COUNTY, TEXAS, A DISTANCE OF 556.97 FEET (CALLED 556.75 FEET) TO THE NORTHWEST CORNER OF SAID ROBERT L. FAIRCHILD CALLED 14.220 ACRE TRACT IN THE SOUTH EDGE OF TERRY STREET (CALLED 40-FOOT RIGHT OF WAY), 12.5 FEET FROM ITS PAVED CENTERLINE, AND NEAR ITS INTERSECTION WITH PINE STREET, FROM WHICH A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED RPLS 5313 SET FOR WITNESS BEAR S 05 DEG. 48 MIN. 47 SEC W, 6.70 FEET, AND A 1-INCH IRON PIPE FOUND FOR WITNESS BEARS S 76 DEG. 15 MIN. 11 SEC. E, 49.87 FEET;

THENCE S 76 DEG. 15 MIN. 11 SEC E. WITH THE NORTH LINE OF SAID ROBERT FAIRCHILD CALLED 14.220 ACRE TRACT (CALLED S 77 DEG. 00 MIN. 00 SEC. E) CROSSING SAID PINE STREET AND PASSING AT A DISTANCE OF 37.43 FEET A 1/2 INCH ROD WITH PLASTIC CAP STAMP RPLS 5313 FOUND FOR THE SOUTHWEST CORNER OF A CALLED 5.060 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED FROM FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION TO DAVID G. SMITH AND PATRICIA S SMITH DATED FEBRUARY 28, 2019 AND RECORDED UNDER DOCUMENT NO. 2019000655, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS, PASSING AT A DISTANCE OF 49.57 FEET SAID 1- INCH IRON ROD FOUND FOR WITNESS AND CONTINUING FOR A TOTAL DISTANCE OF 808 .45 FEET (CALLED 809.45 FEET) TO A 1 INCH IRON PIPE FOUND FOR THE NORTHEAST CORNER OF SAID ROBERT FAIRCHILD CALLED 14.220 ACRE TRACT FROM WHICH A 1/2- INCH ROD FOUND NEAR SOUTHEAST CORNER OF CALLED 7.88 ACRE TRACT DESCRIBED AS FIRST TRACT IN A GENERAL WARRANTY DEED FROM SUSAN K. TOLLES AND JAMES R. TOLLES, JR., GENERAL PARTNERS OF WOOLLEY PINETY WOODS, L. P., TO SUSAN K. TOLLES DATED NOVEMBER 12 2007, AND RECORDED UNDER DOCUMENT NO. 2007009942, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS, BEARS N 26 DEG. 39 MIN. 35 SEC. E. 3.31 FEET;

THENCE N 76 DEG. 06 MIN. 16 SEC. W, WITH THE SOUTH LINE OF SAID ROBERT FAIRCHILD CALLED 14.220 ACRE TRACT (CALLED S 38 DEG. 31 MIN. 12 SEC. E), A DISTANCE OF 892.79 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED RPLS 5313 SET FOR THE EAST OR SOUTHEAST CORNER OF SAID FAIRCHILD CALLED 14.220 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID TOLLES CALLED 9.8138 ACRE TRACT AND IN THE NORTH LINE OF SAID WEBB CALLED 28.20 ACRE TRACT;

THENCE N 76 DEG. 06 MIN. 16 SEC. W, WITH THE SOUTH LINE OF SAID ROBERT FAIRCHILD CALLED 14.220 ACRE TRACT (CALLED N 76 DEG. 50 MIN. 11 SEC. W) AND WITH SAID NORTH LINE OF WEBB CALLED 28.20 ACRE TRACT, A DISTANCE OF 1,430.62 FEET (CALLED 1,431.65 FEET) TO THE POINT OF BEGINNING AND CONTAINING 14.209 ACRES OF LAND, MORE OR LESS.