

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., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated November 30, 2018 and recorded under Clerk's File No. 2018-011054, in the real property records of VAN ZANDT County Texas, with Devin Swain and Jaqueline Swain, husband and wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Everett Financial, Inc. d/b/a Supreme Lending, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Devin Swain and Jaqueline Swain, husband and wife securing payment of the indebtedness in the original principal amount of \$90,155.00 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 Devin Swain and Lisa Balentine. NewRez LLC d/b/a Shellpoint Mortgage Servicing 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. Shellpoint Mortgage Servicing is acting as the Mortgage Servicer for the Mortgagee. Shellpoint Mortgage Servicing, is representing the Mortgagee, whose address is: 75 Beattie Place, Suite 300, Greenville, SC 29601.

Legal Description:

ALL THAT CERTAIN 1.00 ACRE TRACT OF LAND LOCATED IN THE D.T. BUNDY SURVEY, ABSTRACT NO. 68, VAN ZANDT COUNTY, TEXAS, BEING KNOWN AS TRACT OF LAND DESCRIBED IN DEED TO THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT (HUD), RECORDED IN DOCUMENT NO. 2016-0000611, OFFICIAL PUBLIC RECORDS, VAN ZANDT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

FILED FOR RECORD

SALE INFORMATION

JUL 21 2022

Date of Sale: 09/06/2022

Earliest Time Sale Will Begin: 10:00 AM

SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX
BY _____ BEP

Location of Sale: The place of the sale shall be: VAN ZANDT County Courthouse, Texas at the following location: On the steps to the north entrance of the Van Zandt County Courthouse, 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** Randy Daniel, Jonathan Harrison, Aurora Campos, Ramiro Cuevas, Patrick Zwiers, Shawn Schiller, Dana Kamin, Angie Uselton, Darla Boettcher, Irene Lindsay, Jami Hutton, Jeffrey Fleming, Judith A. Frappier, Lauren Christoffel, Lisa Bruno, Michael Harrison, Paul Barrett, Tonya Washington, 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.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Executed on 07/13/2022.

/s/ Lisa Collins SBOT No. 24115338, 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: _____

Printed Name: _____

C&M No. 44-22-1670

Exhibit A

Legal Description

All that certain 1.00 acre tract of land located in the D.T. Bundy Survey, Abstract No. 68, Van Zandt County, Texas, being known as tract of land described in Deed to the Secretary of Housing and Urban Development (HUD), recorded in Document No. 2016-000611, Official Public Records, Van Zandt County, Texas, and being described by metes and bounds as follows:

Beginning at a 3/8 inch iron rod found for corner in the Northwest edge of County Road No. 3218, said point being the recognized East corner of said (HUD) tract and the South corner of a tract of land described in Deed to Melvin C. Davis, recorded in Document No. 2014-007802, Official Public Records, Van Zandt County, Texas;

Thence South 45 degrees 00 minutes 00 seconds West, within said County Road No. 3218 and the recognized Southeast line of said (HUD) Tract, a distance of 208.71 feet to a 3/8 inch iron rod found for corner, said point being the recognized South corner of said (HUD) Tract and the apparent most Southerly East corner of a tract of land described in Deed to Gerald W. Hoard Sr., recorded in Volume 1145, Page 482, Real Records, Van Zandt County, Texas;

Thence North 44 degrees 17 minutes 30 seconds West, along the recognized Southwest line of said (HUD) Tract, a distance of 208.73 feet to a 1/2 inch iron rod set with yellow cap stamped BG&A RPLS 5569 for corner, said point being the recognized West corner of said (HUD) Tract and an apparent inner ell corner of said Hoard Tract;

Thence North 45 degrees 00 minutes 00 seconds East, along the recognized Northwest line of said (HUD) Tract, a distance of 208.71 feet to a 1/3 inch iron rod set with yellow cap stamped BG&A RPLS 5569 for corner in the apparent Southwest line of said Davis Tract, said point being the recognized North Corner of said (HUD) Tract;

Thence South 44 degrees 17 minutes 30 seconds East, along the apparent Southwest line of said Davis Tract a distance of 208.73 feet to the place of beginning and containing 43,560 square feet or 1.00 acre of land, more or less.