

FILED FOR RECORD

MAY 02 2024

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

C&M No. 44-24-01239/ FILE NOS

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 July 07, 2021 and recorded under Clerk's File No. 2021-008194, in the real property records of VAN ZANDT County Texas, with Johan Alar Grate and Lemonde Grate, a married couple as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for AmCap Mortgage, Ltd. DBA Lending Edge Mortgage, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Johan Alar Grate and Lemonde Grate, a married couple securing payment of the indebtedness in the original principal amount of \$180,405.00 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 Johan Alar Grate. MSR Asset Vehicle 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. PHH Mortgage Corporation is acting as the Mortgage Servicer for the Mortgagee. PHH Mortgage Corporation, is representing the Mortgagee, whose address is: 1 Mortgage Way, Mount Laurel, NJ 08054.

Legal Description:

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, BEING PART OF THE SAMUEL BELL SURVEY, ABSTRACT NO. 46, VAN ZANDT COUNTY, TEXAS, AND BEING PART OF BLOCK A OF THE RICHLAND HEIGHTS - SUBURBAN ADDITION, AS SHOWN BY PLAT OF SAME RECORDED IN GLIDE 87A OF THE PLAT RECORDS OF VAN ZANDT COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN CALLED 0.325 ACRE TRACT DESCRIBED IN A DEED FROM CAROLYN GALE HENDRIX AND JOE WAYNE HENDRIX TO CJK HENDRIX PROPERTIES I, LLC ON OCTOBER 29, 2020, RECORDED IN VAN ZANDT COUNTY CLERK'S FILE NO. (VZCCFN) 2020-011649 OF THE OFFICIAL PUBLIC RECORDS OF VAN ZANDT 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: 06/04/2024

Earliest Time Sale Will Begin: 1:00 PM

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.

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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, Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Angie Usclton, Conrad Wallace, Tonya Washington, Meryl Olsen, Misty McMillan, Tiffney Bruton, Tionna Hadnot, David Ray, Randy Daniel, Cindy Daniel, Jim O'Bryant, 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 04/30/2024.

/s/ Danya F. Gladney SBOT No. 24059786, Attorney at Law
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Posted and filed by:

Printed Name:

C&M No. 44-24-01239

EXHIBIT "A"

All that certain lot, tract, or parcel of land, being part of the Samuel Bell Survey, Abstract No. 46, Van Zandt County, Texas, and being part of Block A of the Richland Heights – Suburban Addition, as shown by plat of same recorded in Glide B7A of the Plat Records of Van Zandt County, Texas, and being all of that certain called 0.325 acre tract described in a deed from Carolyn Gale Hendrix and Joe Wayne Hendrix to CJK Hendrix Properties I, LLC on October 29, 2020, recorded in Van Zandt County Clerk's File No. (VZCCFN) 2020-011649 of the Official Public Records of Van Zandt County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a 1/2" iron rod (found) for the Southeast corner of the above mentioned 0.325 acre tract, the Southwest corner of Lot 1, Block 7 of the above mentioned Richland Heights – Suburban Addition, the easterly Southeast corner of the above mentioned Block A, in the North right of way of Lakeside Drive;

THENCE South 86 deg. 44 min. 34 sec. West with the North right of way of Lakeside Drive, the easterly South line of Block A, the South line of the 0.325 acre tract, a distance of 135.98 ft. to a 1/2" iron rod (found) for the Southwest corner of same;

THENCE North 25 deg. 48 min. 39 sec. East with the West line of the 0.325 acre tract, a distance of 139.11 ft. to a 1/2" iron rod (found) for the Northwest corner of same, in the South line of the Hershel Wayne Gore 0.191 acre tract described in Volume 1128, Page 156;

THENCE North 86 deg. 52 min. 51 sec. East with the South line of the 0.191 acre tract, the North line of the 0.325 acre tract, a distance of 97.16 ft. to a chain link fence corner post for the Northeast corner of same, the Southeast corner of the 0.191 acre tract, in the West line of Lot 2, Block 7;

THENCE South 10 deg. 04 min. 45 sec. West with the West line of Lot 2 and Lot 1, the East line of the 0.325 acre tract, a distance of 124.72 ft. to the place of beginning, containing 0.325 acre of land.