

2020-09

C&M No. 44-20-0853/ 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., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated October 07, 2002 and recorded under Clerk's File No. 29616, in the real property records of DE WITT County Texas, with Michael G. Barnes and Christie L. Barnes, husband and wife as Grantor(s) and First Horizon Home Loan Corporation as Original Mortgagee.

Deed of Trust executed by Michael G. Barnes and Christie L. Barnes, husband and wife securing payment of the indebtedness in the original principal amount of \$141,038.00 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 Michael G. Barnes and Christie L. Barnes. Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust 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. Selene Finance LP is acting as the Mortgage Servicer for the Mortgagee. Selene Finance LP, is representing the Mortgagee, whose address is: 9990 Richmond Avenue, Suite 400S, Houston, TX 77042-4546.

Legal Description:

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 17.98 ACRES IN DEWITT COUNTY, TEXAS, A PART OF THE THOMAS J. ADAMS LEAGUE & LABOR, ABSTRACT NO. 55, BEING A RE-SURVEY OF THAT SAME PROPERTY CONVEYED BY ANTOINETTE F. DAGG TO GARRETT LEE DAGG AND WIFE, MARY JANE DAGG, IN THE FOLLOWING TWO DEEDS: DEED CONVEYING 10 ACRES OF LAND DATED DECEMBER 23, 1975 RECORDED IN VOLUME 229, PAGE 13 (NOTE: ALL REFERENCE TO AND PAGE INDICATES THE DEWITT COUNTY DEED .RECORDS NOTED) DEED CONVEYING 7. 8 ACRES OF LAND DATED AUGUST 17, 1977, RECORDED IN VOLUME 247, PAGE 139. THIS 17.98 ACRES IS ALSO THAT SAME PROPERTY DESCRIBED IN DEED DATED SEPTEMBER 12, 1997 FROM MARY JANE DAGG TO CLEO COOPER AND WIFE, NORMA K. COOPER, RECORDED IN VOLUME 26, PAGE 628 OF THE DEWITT COUNTY OFFICIAL RECORDS AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS IN EXHIBIT A:

SALE INFORMATION

Date of Sale: 07/07/2020

Earliest Time Sale Will Begin: 12:00 PM

Location of Sale: The place of the sale shall be: DE WITT County Courthouse, Texas at the following location: 307 N Gonzales St., Cuero, TX 77954

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.

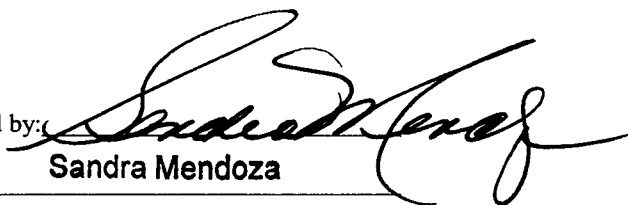
WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE **Arnold Mendoza, Alexis Mendoza, Susana Sandoval, Elizabeth Anderson, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Agency Sales And Posting, 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 05/18/2020.

/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:

Sandra Mendoza

C&M No. 44-20-0853

Filed for Record

This, the 21 day of May, 2020
at 1:20 o'clock P M

NATALIE CARSON, COUNTY CLERK OF
DeWitt County, Texas

DEPUTY

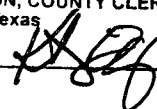


EXHIBIT "A"

17.98 ACRES

STATE OF TEXAS
COUNTY OF DEWITT

All of that certain tract or parcel of land containing 17.98 acres in DeWitt County, Texas, a part of the Thomas J. Adams League & Labor, Abstract No. 55, being a re-survey of that same property conveyed by Antoinette F. Dagg to Garrett Lee Dagg and wife, Mary Jane Dagg, in the following two deeds:

Deed conveying 10 acres of land dated December 23, 1975, recorded in Volume 229, Page 13 (NOTE: All reference to Volume and Page indicates the DeWitt County Deed Records unless noted).

Deed conveying 7.8 acres of land dated August 17, 1977, recorded in Volume 247, Page 139.

This 17.98 acres is also that same property described in deed dated September 12, 1997 from Mary Jane Dagg to Cleo Cooper and wife, Norma K. Cooper, recorded in Volume 26, Page 628 of the DeWitt County Official Records and is more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod set in the west fence line of a public road known as Dagg Road marking the southeast corner of the said 7.8 acre tract and the southeast corner of this 17.98 acre tract being described, the same being the northeast corner of the Keith Alan Foster, et ux, 18.33 acre tract described in Volume 114, Page 259 (Official Records):

THENCE along the west fence line of Dagg Road, North 04 deg. 54 min. 53 sec. East 293.69 feet to a 1" iron pipe found marking the lower northeast corner of the said 7.8 acre tract and the southeast corner of the said 10 acre tract:

THENCE continuing along said road fence, North 04 deg. 54 min. 53 sec. East, at 556 feet the fence deflects to the left, for a total distance of 575.00 feet to a 5/8" iron rod set for the northeast corner of the said 10 acre tract and the northeast corner of this 17.98 acre tract being described located at a turn of said road;

THENCE North 84 deg. 16 min. 44 sec. West, at 19 feet the fence begins on the south side of Dagg Road, continuing along said fence for a total distance of 775.85 feet to a 1" iron pipe found marking the northwest corner of the said 10 acre tract and the upper northeast corner of the said 7.8 acre tract;

THENCE continuing along said road fence, North 84 deg. 31 min. 08 sec. West 134.98 feet to a 3/8" iron rod found marking the northwest corner of the said 7.8 acre tract and the northwest corner of this 17.98 acre tract being described, the same being the northeast corner of the James K. Ritchey Revocable Trust 17.06 acre Tract 2 described in Volume 366, Page 66;

THENCE along the west fence line of the said 7.8 acre tract and the upper east line of the said 17.06 acre Tract 2, South 03 deg. 21 min. 05 sec. West 875.43 feet to a 3/4" iron rod found marking the southwest corner of the said 7.8 acre tract and the southwest corner of this 17.98 acre tract being described, the same being the upper southeast corner of the said 17.06 acre Tract 2 located in the north line of the aforesaid Keith Alan Foster 18.33 acre tract;

THENCE along the south line of the said 7.8 acre tract and the north line of the said 18.33 acre tract, South 84 deg. 42 min. 29 sec. East 886.48 feet to the **PLACE OF BEGINNING** containing within these metes and bounds 17.98 acres of land.