

2023-013FC

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE

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.

DEED OF TRUST INFORMATION:

Date: 08/28/2017
Grantor(s): EMMANUEL CAPORALY, A SINGLE MAN
Original Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR HIGHLANDS RESIDENTIAL MORTGAGE, LTD., ITS SUCCESSORS AND ASSIGNS
Original Principal: \$82,968.00
Recording Information: Instrument 2017002915
Property County: Shelby
Property: (See Attached Exhibit "A")
Reported Address: 345 CR 4293, CENTER, TX 75935

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: Idaho Housing and Finance Association
Mortgage Servicer: Idaho Housing and Finance Association
Current Beneficiary: Idaho Housing and Finance Association
Mortgage Servicer Address: 565 W. Myrtle, Boise, ID 83702

SALE INFORMATION:

Date of Sale: Tuesday, the 3rd day of October, 2023
Time of Sale: 1:00PM or within three hours thereafter.
Place of Sale: Front steps of the Shelby County Courthouse located at 200 San Augustine Street, Center, Texas 75935 in Shelby County, Texas, Or, if the preceding area(s) is/are no longer the area(s) designated by the Shelby County Commissioner's Court, at the area most recently designated by the Shelby County Commissioner's Court.

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Sheryl LaMont, Robert LaMont, Sharon St. Pierre, Allan Johnston or Ronnie Hubbard, Braden Barnes, Rachel Donnelly, or Jamie E. Silver, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness;

and
WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Sheryl LaMont, Robert LaMont, Sharon St. Pierre, Allan Johnston or Ronnie Hubbard, Braden Barnes, Rachel Donnelly, or Jamie E. Silver, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.

FILED FOR RECORD
SHELBY COUNTY, TEXAS

2023 AUG -3 PM 2: 33

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY _____ DEPUTY

4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Substitute Trustee(s): Sheryl LaMont, Robert LaMont, Sharon St. Pierre, Allan Johnston or Ronnie Hubbard, Braden Barnes, Rachel Donnelly, or Jamie E. Silver, any to act.

Substitute Trustee Address: 14841 Dallas Parkway, Suite 350, Dallas, TX 75254

Document Prepared by:
Bonial & Associates, P.C.
14841 Dallas Parkway, Suite 350, Dallas, TX 75254
AS ATTORNEY FOR THE HEREIN
IDENTIFIED MORTGAGEE AND/OR
MORTGAGE SERVICER

Certificate of Posting

I am Sheryl LaMont whose address is 14841 Dallas Parkway, Suite 350, Dallas, TX 75254. I declare under penalty of perjury that on _____ I filed and / or recorded this Notice of Foreclosure Sale at the office of the Shelby County Clerk and caused it to be posted at the location directed by the Shelby County Commissioners Court.

By: 
Sheryl LaMont, August 3, 2023

Exhibit "A"

FIELD NOTES FOR .3864 ACRES, A RESURVEY OF THE TEXAS STATE BANK TRACT IN THE ESTEVAN CARZENAVA SURVEY A-96 SHELBY COUNTY TEXAS DESCRIBED IN DEED RECORDED IN VOLUME 1057 PAGE 854 SHELBY COUNTY DEED RECORDS.

BEGINNING AT A 1/2" STEEL ROD WE FOUND ON THE NORTH SIDE OF AN OLD ABANDONED ROAD LEADING TO THE NEWBURN CEMETERY, SAID ROD BEING THE RECOGNIZED AND OCCUPIED SWC OF THE TEXAS STATE BANK TRACT IN THE ESTEVAN CARZENAVA SURVEY A-96 SHELBY COUNTY TEXAS DESCRIBED IN DEED RECORDED IN VOLUME 1057 PAGE 854 SHELBY COUNTY DEED RECORDS AND FURTHER BEING THE RECOGNIZED AND OCCUPIED SEC OF THE ED DURHAM TRACT DESCRIBED AS TRACT 2 IN DEED RECORDED IN VOLUME 760 PAGE 581 SHELBY COUNTY DEED RECORDS;

THENCE N 27 DEGREES 03' 14" W ALONG THE RECOGNIZED AND OCCUPIED WBL OF THE AFOREMENTIONED TEXAS STATE BANK TRACT AND ALONG A CHAIN LINK FENCE AND ALSO ALONG THE RECOGNIZED AND OCCUPIED EBL OF THE AFOREMENTIONED DURHAM TRACT A DISTANCE OF 73.93 FEET TO A CHAIN LINK FENCE CORNER POST WE FOUND AT THE RECOGNIZED AND OCCUPIED NWC OF THE SAID TEXAS STATE BANK TRACT;

THENCE N 62 DEGREES 41' 08" E ALONG A CHAIN LINK FENCE WE FOUND ON THE RECOGNIZED AND OCCUPIED NBL OF THE AFOREMENTIONED TEXAS STATE BANK TRACT AND THE RECOGNIZED AND OCCUPIED SBL OF THE DURHAM TRACT DESCRIBED AS TRACT 1 IN THE AFOREMENTIONED DEED A DISTANCE OF 150.08 FEET TO A 1/2" STEEL ROD WE FOUND ON THE WEST SIDE OF CR 4293 AT THE RECOGNIZED AND OCCUPIED NEC OF SAID TEXAS STATE BANK TRACT AND THE RECOGNIZED AND OCCUPIED SEC OF THE SAID DURHAM TRACT;

THENCE S 27 DEGREES 09' 10" E ALONG THE WEST SIDE OF CR 4293 AS THE RECOGNIZED AND OCCUPIED EBL OF THE AFOREMENTIONED TEXAS STATE BANK TRACT A DISTANCE OF 150.23 FEET TO A 1/2" STEEL ROD WE SET AT THE RECOGNIZED SEC OF THE SAID TEXAS STATE BANK TRACT AND THE RECOGNIZED AND OCCUPIED NEC OF THE WALTER TOMMY JOHNSON TRACT DESCRIBED IN DEED RECORDED IN VOLUME 592 PAGE 447 SHELBY COUNTY DEED RECORDS;

THENCE S 89 DEGREES 38' 52" W ALONG THE RECOGNIZED AND OCCUPIED SBL OF THE AFOREMENTIONED TEXAS STATE BANK TRACT AND THE RECOGNIZED AND OCCUPIED NBL OF THE AFOREMENTIONED JOHNSON TRACT A DISTANCE OF 168.284 FEET TO THE PLACE OF BEGINNING AND CONTAINING .3864 ACRES OF LAND MORE OR LESS.

Return to: Bonial & Associates, P.C., 14841 Dallas Parkway, Suite 350, Dallas, TX 75254