

2023-018FC

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: September 22, 2021
Grantor(s): Amanda Josa Bratley, an unmarried woman
Original Mortgagee: Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Solutions of Colorado, LLC
Original Principal: \$186,868.00
Recording Information: 2021003542
Property County: **Shelby**

FILED FOR RECORD
SHELBY COUNTY, TEXAS
2023 NOV 16 PM 4: 02
JENNIFER L. FOUNTAIN
COUNTY CLERK
BY _____ DEPUTY

Property:

BEING 4.0107 ACRES OF LAND SITUATED IN THE ANN GRAY SURVEY, ABSTRACT 241, SHELBY COUNTY, TEXAS, AND BEING COMPRISED OF THE CALLED 2.8963 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED FROM JERRY D. PERKINS TO WILLARD D. PERKINS AND CATHY J. PERKINS, HUSBAND AND WIFE, DATED APRIL 28, 2010, AND RECORDED UNDER DOCUMENT NO. 2010005030, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS, AND OF THE REMAINDER OF THE CALLED 3.000 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED FROM JERRY D. PERKINS TO WILLARD D. PERKINS, AND CATHY J. PERKINS, HUSBAND AND WIFE, DATED MAY 22, 2007, AND RECORDED UNDER DOCUMENT NO. 2007004047, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS, SAID 4.0107 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED RPLS 5313 SET FOR THE SOUTHEAST CORNER OF SAID PERKINS CALLED 2.8963 ACRE TRACT AND BEING THE NORTHEAST CORNER OF A CALLED 40.017 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM DORIS JEAN HAMMOND AND EDWARD OWEN HILL TO MIKE G. EDGMON, DATED APRIL 21, 2006, AND RECORDED IN VOLUME 1047, PAGE 823, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS, AND BEING IN THE WEST LINE OF A CALLED 275 ACRE TRACT DESCRIBED IN WARRANTY DEED FROM JERRY B. NIX, TRUSTEE FOR THE LEONARD MILTON NIX TRUST AND JERRY B. NIX, INDIVIDUALLY TO LEONARD MILTON NIX AND WIFE, TERRI KAYE NIX, DATED FEBRUARY 1, 2019 AND RECORDED UNDER DOCUMENT NO. 2019000537, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS, AND BEING ON THE SOUTHEASTERLY SIDE OF COUNTY ROAD 4249 IN A SHARP BEND;

THENCE S 86°27'56" W, WITH THE SOUTH LINES OF SAID PERKINS CALLED 2.8963 ACRE TRACT (CALLED S 86°30'00" W) AND SAID PERKINS CALLED 3.000 ACRE TRACT, AND WITH THE NORTH LINE OF SAID EDGMON CALLED 40.017 ACRE TRACT, ENTERING INTO SAID COUNTY ROAD 4249, A DISTANCE OF 523.20 FEET TO THE SOUTHWEST CORNER OF SAID PERKINS CALLED 3.000 ACRE TRACT AND IN THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD 4249, AND BEING THE SOUTHEAST CORNER OF A CALLED 62-1/2 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM TOMMY L. WHEELER, SR., TO KENNETH WHEELER AND TOMMY L. WHEELER, JR., DATED AUGUST 16, 2010., AND RECORDED UNDER DOCUMENT NO. 2010009960, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS FROM WHICH A 1-1/2 INCH IRON PIPE FOUND FOR WITNESS BEARS N 00°23'17" W, 26.46 FEET;

THENCE N 00°23'17" W, WITH THE WEST LINE OF SAID PERKINS CALLED, 3.000 ACRE TRACT (CALLED N 00°30'25" W) AND WITH THE EAST LINE OF SAID WHEELER CALLED 62-1/2 ACRE TRACT, A DISTANCE OF 185.92 FEET TO A 1/2-INCH IRON ROD WITH PLASTIC CAP STAMPED TEXAS SURVIVING ASSOCIATES FOUND AT THE

SOUTHWESTERLY BASE OF A 2" PIPE FENCE CORNER POST FOR THE SOUTHWEST CORNER OF A CALLED 0.9985 OF AN ACRE TRACT DESCRIBED IN A TEXAS SPECIAL WARRANTY DEED FROM VANDERBUILT MORTGAGE AND FINANCE, INC., TO GARY HOWARD KEESE AND PAULA OWENS KEESE, A MARRIED COUPLE, DATED MARCH 22, 2018, AND RECORDED UNDER DOCUMENT NO. 2018001138, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, TEXAS;

THENCE N 86°25'56" E, WITH THE SOUTH LINE OF SAID KEESE CALLED 0.9985 OF AN ACRE TRACT, A DISTANCE OF 261.86 FEET TO A 1/2-INCH IRON ROD WITH PLASTIC CAP STAMPED TEXAS SURVIVING ASSOCIATES FOUND AT THE SOUTHWESTERLY BASE OF A 2" PIPE FENCE CORNER POST FOR THE SOUTHWEST CORNER OF SAID KEESE CALLED 0.9985 OF AN ACRE TRACT, AND BEING IN THE WEST LINE OF SAID PERKINS CALLED 2.8963 ACRE TRACT;

THENCE N 00°00'11" W, WITH THE EAST LINE OF SAID PERKINS CALLED 0.9985 OF AN ACRE TRACT AND WITH SAID WEST LINE OF THE PERKINS CALLED 2.8963 ACRE TRACT (BASIS OF BEARING ORIENTATION), PASSING AT A DISTANCE OF 166.02 FEET A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED TEXAS SURVEYING ASSOCIATES FOUND FOR THE NORTHWEST CORNER OF A CALLED 0.9985 OF AN ACRE TRACT AND BEING THE SOUTHEAST CORNER OF THE CALLED 1.0 ACRE REFERENCED IN A WARRANTY DEED FROM WILLARD D. PERKINS, JR., TO GARY H. KEESE, DATED SEPTEMBER 28, 2019, AND RECORDED UNDER DOCUMENT NO. 2019003007, IN THE OFFICIAL PUBLIC RECORDS OF SHELBY COUNTY, AND CONTINUING WITH THE EAST LINE OF SAID KEESE CALLED 1.0 ACRE FOR A TOTAL DISTANCE OF 312.50 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID PERKINS CALLED 2.8963 ACRE TRACT AND NORTHEAST CORNER OF SAID KEESE CALLED 1.0 ACRE TRACT AND BEING IN THE WESTERLY SOUTH LINE OF A CALLED 15.3055 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM HOLLIE FULLER AND WIFE, CONNIE FULLER, TO THE VETERANS LAND BOARD OF THE STATE OF TEXAS, DATED SEPTEMBER 6, 1994, AND RECORDED IN VOLUME 774, PAGE 703, IN THE REAL PROPERTY RECORDS OF SHELBY COUNTY, TEXAS;

THENCE N 86°30'50" E, WITH THE WESTERLY NORTH LINE OF SAID PERKINS CALLED 2.8963 ACRE TRACT (CALLED N 86°30'00" E) AND WITH SAID WESTERLY SOUTH LINE OF THE VETERAN LAND BOARD OF THE STATE OF TEXAS CALLED 15.3055 ACRE TRACT, A DISTANCE OF 232.66 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED RPLS 5313 SET FOR THE NORTHERLY NORTHWEST CORNER OF SAID PERKINS CALLED 2.8963 ACRE TRACT AND AN INTERIOR CORNER OF SAID VETERANS LAND BOARD OF THE STATE OF TEXAS CALLED 15.3055 ACRE TRACT;

THENCE S 00°00'30" W, WITH THE NORTHERLY EAST LINE OF SAID PERKINS CALLED 2.8963 ACRE TRACT AND THE SOUTHERLY WEST LINE OF SAID VETERANS LAND BOARD OF THE STATE OF TEXAS

CALLED 15.3055 ACRE TRACT, A DISTANCE OF 150.00 FEET TO A 1/2-INCH IRON ROD WITH PLASTIC CAP STAMPED RPLS 5313 SET FOR AN INTERIOR CORNER OF SAID PERKINS CALLED 2.8963 ACRE TRACT AND THE SOUTHERLY SOUTHWEST CORNER OF SAID VETERANS LAND BOARD OF THE STATE OF TEXAS CALLED 15.3055 ACRE TRACT;

THENCE N 86°30'00" E, WITH THE EASTERLY NORTH LINE OF SAID PERKINS CALLED 2.8963 ACRE TRACT AND THE EASTERLY SOUTH LINE OF THE VETERANS LAND BOARD OF THE STATE OF TEXAS CALLED 15.3055 ACRE TRACT, A DISTANCE OF 30.00 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE EASTERLY NORTHEAST CORNER OF SAID PERKINS CALLED 2.8963 ACRE TRACT IN SAID WEST LINE OF THE NIX CALLED 275 ACRE TRACT AND IN THE WEST MARGIN OF SAID COUNTY ROAD 4249 AND 17.7 FEET WEST OF ITS APPROXIMATE CENTERLINE;

THENCE S 00°00'11" W, WITH THE SOUTHERLY EAST LINE OF SAID PERKINS CALLED 2.8963 ACRE TRACT AND SAID WEST LINE OF THE NIX CALLED 275 ACRE TRACT, PARTWAY WITH SAID WEST MARGIN OF COUNTY ROAD 4249, INTERSECTING AT A DISTANCE OF 292 FEET ITS APPROXIMATE CENTERLINE, AND CONTAINING FOR A TOTAL DISTANCE OF 348.44 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.0107 ACRES OF LAND WITHIN THESE CALLS.

Property Address: **1081 County Road 4249
Tenaha, TX 75974**

MORTGAGE SERVICING INFORMATION:

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

Current Mortgagee: **MORTGAGE SOLUTIONS OF COLORADO, LLC, D.B.A MORTGAGE SOLUTIONS FINANCIAL**

Mortgage Servicer: **Allied First Bank, SB dba Servbank**
Mortgage Servicer **3138 E. Elwood Street**
Address: **Phoenix, AZ 85034**

SALE INFORMATION:

Date of Sale: **January 2, 2024**

Time of Sale: **1:00 PM or within three hours thereafter.**

Place of Sale: **Shelby County Courthouse, 200 San Augustine, Center, TX 75935 or, if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court.**

Substitute Trustee: **Sheryl LaMont, Robert LaMont, Ronnie Hubbard, Sharon St. Pierre, Allan Johnston, Kathleen Adkins, Evan Press, Michael Kolak, Aurora Campos, Auction.com, Padgett Law Group, Michael J. Burns, or Jonathan Smith, any to act**

Substitute **546 Silicon Dr., Suite 103**

Trustee Address: **Southlake, TX 76092
TXAttorney@PadgettLawGroup.com**

APPOINTMENT OF SUBSTITUTE TRUSTEE:

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.

The undersigned is the attorney for the mortgagee and/or mortgage servicer, and in such capacity does hereby remove the original trustee and all successor substitute trustees under the above-described Deed of Trust and appoints in their place, any to act, those substitute trustees identified in the SALE INFORMATION section of this notice, whose address is c/o Padgett Law Group, 546 Silicon Dr., Suite 103, Southlake, TX 76092 as Substitute Trustee, who shall hereafter exercise all powers and duties to set aside the said original trustee under said Deed of Trust, and further does hereby request, authorize, and instruct said Substitute Trustees to conduct and direct the execution of remedies set aside to the beneficiary therein.

WHEREAS, the above-named Grantor(s) 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 are declared immediately due and payable.

WHEREAS, the original Trustee and any previously appointed Substitute Trustee under said Deed of Trust has been hereby removed and the herein described Substitute Trustees, have been appointed as Substitute Trustees and authorized by the Mortgage Servicer to enforce the power of sale granted in the Deed of Trust; 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 is hereby accelerated, and all sums secured by the Deed of Trust are declared to be immediately due and payable.
2. The herein appointed Substitute Trustees, 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 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 imposed by the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for the 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 sold "AS-IS", purchaser's 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 interest 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.
5. 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, the Mortgagee's Attorney, or the duly appointed Substitute Trustee.



Paige Jones

CERTIFICATE OF POSTING

My name is Sheryl LaMont, and my address is c/o Padgett Law Group, 546 Silicon Dr., Suite 103, Southlake, TX 76092. I declare under penalty of perjury that on November 16, 2023, I filed at the office of the Shelby County Clerk to be posted at the Shelby County courthouse this notice of sale.



Declarant's Name: Sheryl LaMont

Date: November 16, 2023

Padgett Law Group
546 Silicon Dr., Suite 103
Southlake, TX 76092
TXAttorney@PadgettLawGroup.com
(850) 422-2520