

2022-008-FC

NOTICE OF FORECLOSURE 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 OR 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.

1. *Property to Be Sold.* The property to be sold is described as follows: BEING THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, A PART OF THE JESSE AMASON SURVEY, A-10, SHELBY COUNTY, TEXAS, AND BEING DESCRIBED IN WARRANTY DEED FROM EULA RUSSELL AND JACK FLEMING RUSSELL TO JAMYE RUSSELL FILED FOR RECORD ON MARCH 5, 1980, RECORDED IN VOLUME 566, PAGE 793, DEED RECORDS, SHELBY COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT BEGINNING AT THE INTERSECTION OF ELLINGTON STREET AND AN UNPAVED DRIVE, SAID POINT OF BEGINNING ALSO BEING LOCATED AT THE POINT OF INTERSECTION OF THE NORTH MARGIN OF SAID DRIVE WITH THE WEST RIGHT-OF-WAY LINE OF ELLINGTON STREET, THENCE NORTH 75 DEGREES WEST ALONG THE NORTH MARGIN OF SAID DIRT DRIVEWAY LEAVING SAID DRIVEWAY AT 134 FEET AND CONTINUING ON IN A STRAIGHT LINE FOR AN ADDITIONAL 26 FEET FOR A TOTAL DISTANCE OF 160 FEET, THENCE SOUTH 15 DEGREES WEST A TOTAL DISTANCE OF 220 FEET TO A STAKE SET FOR CORNER, THENCE SOUTH 80 DEGREES EAST AT 44 FEET JOINING A FENCE CORNER AND CONTINUING IN THE SAME DIRECTION ALONG SAID FENCE ROW AN ADDITIONAL DISTANCE OF 122 FEET TO AN INTERSECTION OF SAID FENCE ROW WITH ANOTHER FENCE ROW WHICH RUNS PARALLEL WITH TILE WEST MARGIN OF ELLINGTON STREET, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF ELLINGTON STREET, THENCE NORTH 15 DEGREES EAST ALONG SAID FENCE ROW AND THE WEST RIGHT-OF-WAY LINE OF ELLINGTON STREET A TOTAL DISTANCE OF 190 FEET TO THE PLACE OF BEGINNING

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 06/16/2009 and recorded in Document 2009005396 real property records of Shelby County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: 06/07/2022

Time: 01:00 PM

Place: Shelby County, Texas at the following location: THE AREA WITHIN A RADIUS OF 100 FEET OF THE SOUTHEASTERN DOOR OF THE HOUSE PROVIDED FOR THE HOLDING OF THE DISTRICT COURT IN THE CITY OF CENTER, IN SHELBY COUNTY, TEXAS OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash. 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.

5. *Obligations Secured.* The Deed of Trust executed by JOHN PIERSON AND JAMYE RUSSELL, provides that it secures the payment of the indebtedness in the original principal amount of \$105,270.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. BANK OF AMERICA, N.A is the current mortgagee of the note and deed of trust and PHH MORTGAGE CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is BANK OF AMERICA, N.A c/o PHH MORTGAGE CORPORATION, 14405 Walters Road, Suite 200, Houston, TX 77014 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *Order to Foreclose.* BANK OF AMERICA, N.A obtained a Order from the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, LUFKIN DIVISION on 03/15/2022 under Cause No. 9:21-cv-00276-MJT. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

7. *Substitute Trustee(s) Appointed to Conduct Sale.* In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

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.

FILED FOR RECORD
SHELBY COUNTY, TEXAS
2022 APR 12 PM 2:03
JENNIFER L. FOUNTAIN
COUNTY CLERK
DEPUTY



18-000311-952-1 // 228 ELLINGTON STREET, CENTER, TX

4746118

ServiceLink



Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
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Lori Liane Long, Attorney at Law
Chelsea Schneider, Attorney at Law
Ester Gonzales, Attorney at Law
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254

Certificate of Posting

I am Sheryl LaMont whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on April 12, 2022 I filed 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.



Sheryl LaMont, April 12, 2022