

1240 Henneke Road, Cat Spring, TX 78933

FILED FOR RECORD  
COLORADO COUNTY, TX

2024 FEB 29 PM 4:30  
24-003891

**NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE**

KIMBERLY MENKE  
COUNTY CLERK MK

**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.**

**1. Date, Time, and Place of Sale.**

Date: 04/02/2024

Time: Between 10:00 AM – 1:00 PM and beginning not earlier than 10:00 AM and ending not later than three hours thereafter.

Place: The area designated by the Commissioners Court of Colorado County, pursuant to §51.002 of the Texas Property Code as amended: if no area is designated by the Commissioners' Court, the sale will be conducted in the area immediately adjacent (next) to the location where this Notice of Trustee's Sale was posted.

**2. Terms of Sale. Highest bidder for cash.**

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated August 25, 2005 and recorded in the real property records of Colorado County, TX and is recorded under Clerk's Book 503, Page 490 with David R. Winston and Denise Decell Winston (grantor(s)) and Mortgage Electronic Registration Systems, Inc., as nominee for Hometrust Mortgage Company mortgagee to which reference is herein made for all purposes.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by David R. Winston and Denise Decell Winston, securing the payment of the indebtedness in the original amount of \$300,500.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. Nationstar Mortgage LLC is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to be Sold. THE FOLLOWING DESCRIBED PROPERTY LOCATED IN COUNTY OF COLORADO IN STATE OF TEXAS:**

FIELD NOTES FOR A 26.1611 ACRE TRACT OF LAND IN THE JOHN W. ODIN SURVEY, ABSTRACT 441, COLORADO COUNTY, TEXAS, SAID 26.1611 ACRE TRACT BEING A PART OF A 97.3310 ACRE TRACT OF LAND BEING PART OF THE JOHN W. ODIN SURVEY, ABSTRACT 441 AND PART OF THE WILLIAM ROLLISON SURVEY, ABSTRACT 481, COLORADO COUNTY, TEXAS AND BEING THAT CERTAIN CALLED 97.3310 ACRE TRACT CONVEYED TO BILL W. WILCOCK AND WIFE JOY M. WILCOCK, RECORDED IN VOLUME 432, PAGE 707, DEED RECORDS, COLORADO COUNTY, TEXAS, THE BASE BEARING FOR THE HEREIN DESCRIBED TRACT IS THE UPPER WEST LINE OF THE BILL W. WILCOCK AND WIFE, JOY M. WILCOCK CALLED 30.396 ACRE TRACT RECORDED IN VOLUME 337, PAGE 889, OFFICIAL RECORDS, COLORADO COUNTY, TEXAS, SAID BEARING BEING SOUTH 35 DEGREES 07 MINUTES 07 SECONDS EAST.

COMMENCING AT A 1/2 INCH IRON ROD FOUND AT THE MOST SOUTHERLY SOUTHWEST CORNER OF THE AFOREMENTIONED 97.3310 ACRE TRACT BEING AT AN L CORNER IN HENNECKE ROAD AND ON A SOUTHERLY LINE OF LAVACA LAND CO. LTD. EXCHANGE DEED, RECORDED IN VOLUME 365, PAGE 449, OFFICIAL RECORDS, COLORADO COUNTY, TEXAS;

THENCE ALONG THE SOUTHWEST AND WESTERLY LINE OF THE AFOREMENTIONED 97.3310 ACRE TRACT NORTH 42 DEGREES 55 MINUTES 18 SECONDS EAST, 618.72 FEET TO A 1/2 INCH IRON ROD FOUND AT AN ANGLE POINT;

THENCE NORTH 22 DEGREES 29 MINUTES 53 SECONDS WEST, 1,134.77 FEET TO A 1/2 INCH IRON ROD FOUND AT AN ANGLE POINT;

THENCE NORTH 44 DEGREES 54 MINUTES 32 SECONDS WEST ALONG SAID LINE, 2,420.47 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" SET FOR THE SOUTHWEST CORNER AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED 26.1611 ACRE TRACT OF LAND, SAME BEING ON A WEST LINE OF THE RUTH WALLA AND HUSBAND, LEON WALLA CALLED 158.00 ACRE TRACT RECORDED IN VOLUME 286, PAGE 342, DEED RECORDS, COLORADO COUNTY, TEXAS;

THENCE CONTINUING NORTH 44 DEGREES 54 MINUTES 32 SECONDS WEST ALONG THE WESTERLY LINE OF THE AFOREMENTIONED 97.3310 ACRE TRACT BEING THE EASTERLY LINE OF THE AFOREMENTIONED RUTH WALLA AND HUSBAND, CALLED 158.00 ACRE TRACT, 956.52 FEET TO A 1/2 INCH IRON ROD FOUND AT A FENCE CORNER INTERSECTION FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED 26.1611 ACRE TRACT OF LAND, SAME BEING A NORTHEAST CORNER OF THE AFOREMENTIONED ADJOINING RUTH WALLA AND HUSBAND, LEON WALLA CALLED 158.00 ACRE TRACT AND BEING ON THE SOUTH LINE OF THE ANITA EVANICKY CALLED 17.7 ACRE TRACT RECORDED IN VOLUME 98, PAGE 581, DEED RECORDS, COLORADO COUNTY, TEXAS;

THENCE NORTH 43 DEGREES 52 MINUTES 01 SECONDS EAST ALONG A NORTHWEST LINE OF THE AFOREMENTIONED 97.3310 ACRE TRACT BEING A SOUTHEASTERLY LINE OF THE AFOREMENTIONED ADJOINING 17.7 ACRE TRACT, 730.65 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" FOUND ON SAID LINE FOR AN ANGLE POINT AND BEING AT THE BASE OF A DEAD OAK TREE, SAME BEING ON THE COMMON LINE OF THE BENJAMIN THOMAS SURVEY, ABSTRACT 549 AND THE JOHN W. ODIN SURVEY, ABSTRACT 441 ALSO BEING ON A SOUTH LINE OF THE ANITA EVANICKY (HENRY REINHARDT, JR. ET UX, (CALLED 76.05 ACRE TRACT) (NINTH TRACT) RECORDED IN VOLUME 98, PAGE 581, DEED RECORDS, COLORADO COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 40 MINUTES 34 SECONDS EAST ALONG THE COMMON LINE OF THE HEREIN DESCRIBED 26.1611 ACRE TRACT BEING A NORTHERLY LINE OF THE AFOREMENTIONED 97.3310 ACRE TRACT AND THE SOUTHERLY LINE OF THE AFOREMENTIONED ADJOINING 76.05 ACRE TRACT, 681.79 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" FOUND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED 26.1611 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF THE AFOREMENTIONED 97.3310 ACRE TRACT AND A NORTHEAST CORNER OF THE JOHNNIE R. EVANICKY CALLED 88.5 ACRE TRACT (FIRST TRACT) RECORDED IN VOLUME 112, PAGE 1, OFFICIAL RECORDS, COLORADO COUNTY, TEXAS AND VOLUME 98, PAGE 581, OFFICIAL RECORDS, COLORADO COUNTY, TEXAS;

THENCE SOUTH 22 DEGREES 25 MINUTES 41 SECONDS EAST ALONG THE EAST LINE OF THE AFOREMENTIONED 97.3310 ACRE TRACT BEING A WEST LINE OF THE JOHNNIE R. EVANICKY CALLED 88.5 ACRE TRACT, 811.59 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY



SURVEYING" SET ON SAID LINE FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED 26.1611 ACRE TRACT OF LAND;

THENCE SOUTH 60 DEGREES 53 MINUTES 45 SECONDS WEST ALONG AN EXISTING FENCE LINE, 941.32 FEET TO THE PLACE OF BEGINNING AND CONTAINING 26.1611 ACRES OF LAND, MORE OR LESS.

FOR REFERENCE AND FURTHER DESCRIPTION SEE SURVEY PLAT NO. 0086-06-CO PREPARED BY THE UNDERSIGNED ON SAME DATE.

FIELD NOTES FOR A 30 FOOT WIDE STRIP OF LAND, OVER THRU AND ACROSS OF A 97.3310 ACRE TRACT OF LAND CONVEYED TO BILL W. WILCOCK AND WIFE, JOY M. WILCOCK RECORDED IN VOLUME 432, PAGE 707, OFFICIAL RECORDS, COLORADO COUNTY, TEXAS, THE BASE BEARING FOR THE HEREIN DESCRIBED TRACT IS THE UPPER WEST LINE OF THE BILL W. WILCOCK AND WIFE, JOY M. WILCOCK CALLED 30.396 ACRE TRACT RECORDED IN VOLUME 337, PAGE 889, OFFICIAL RECORDS, COLORADO COUNTY, TEXAS, SAID BEARING BEING SOUTH 35 DEGREES 07 MINUTES 07 SECONDS EAST.

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE MOST SOUTHERLY SOUTHWEST CORNER OF THE AFOREMENTIONED 97.3310 ACRE TRACT OF LAND FOR THE SOUTHWEST MOST CORNER AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED 30 FOOT WIDE STRIP OF LAND, SAME BEING AT AN L CORNER IN HENNECKE ROAD AND ON A SOUTHERLY LINE OF LAVACA LAND CO. LTD. EXCHANGE DEED, RECORDED IN VOLUME 365, PAGE 449, OFFICIAL RECORDS, COLORADO COUNTY, TEXAS;

THENCE NORTH 42 DEGREES 55 MINUTES 18 SECONDS EAST ALONG THE SOUTHWEST AND THE WESTERLY LINE OF THE AFOREMENTIONED 97.3310 ACRE TRACT, 618.72 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT;

THENCE NORTH 22 DEGREES 29 MINUTES 53 SECONDS WEST, 1,134.77 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT;

THENCE NORTH 44 DEGREES 54 MINUTES 32 SECONDS WEST ALONG THE WESTERLY LINE OF SAID 97.3310 ACRE TRACT BEING AN EASTERLY LINE OF THE RUTH WALLA AND HUSBAND, LEON WALLA CALLED 158 ACRE TRACT RECORDED IN VOLUME 286, PAGE 342, DEED RECORDS, COLORADO COUNTY, TEXAS, 2,420.47 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" SET ON SAID LINE FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED 30 FOOT WIDE STRIP OF LAND, SAME BEING A SOUTHWEST CORNER OF AN ADJOINING 26.1611 ACRE TRACT BEING A PART OF THE AFOREMENTIONED 97.3310 ACRE TRACT;

THENCE NORTH 60 DEGREES 53 MINUTES 45 SECONDS EAST ALONG THE SOUTH LINE OF SAID 26.1611 ACRE TRACT, 31.18 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED 30 FOOT WIDE STRIP OF LAND;

THENCE SOUTH 44 DEGREES 54 MINUTES 32 SECONDS EAST ALONG A LINE ESTABLISHING THE EASTERLY LINE OF THE HEREIN DESCRIBED 30 FOOT WIDE STRIP OF LAND, 2,417.92 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" SET FOR AN ANGLE POINT;

THENCE SOUTH 22 DEGREES 29 MINUTES 53 SECONDS EAST ALONG A LINE ESTABLISHING AN EASTERLY LINE OF THE HEREIN DESCRIBED TRACT, 1,159.98 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" SET FOR AN ANGLE POINT;

THENCE SOUTH 42 DEGREES 55 MINUTES 16 SECONDS WEST ALONG A LINE ESTABLISHING A SOUTHEASTERLY LINE OF THE HEREIN DESCRIBED 30 FOOT WIDE STRIP OF LAND, 622.11 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" SET IN THE NORTHERLY LINE OF HENNECKE ROAD FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 83 DEGREES 17 MINUTES 51 SECONDS WEST ALONG THE NORTHERLY LINE OF HENNECKE ROAD AS FENCED, 20.45 FEET TO A 1/2 INCH IRON PIPE WITH CAP MARKED "KALKOMEY SURVEYING" FOUND FOR AN ANGLE POINT;

THENCE NORTH 62 DEGREES 45 MINUTES 09 SECONDS WEST, 14.02 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.8848 ACRES OF LAND, MORE OR LESS.

FOR REFERENCE AND FURTHER DESCRIPTION SEE SURVEY PLAT NO. 0086-06-CO PREPARED BY THE UNDERSIGNED ON SAME DATE.

**6. Mortgage Servicer Information.** 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 §51.002, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. Nationstar Mortgage LLC d/b/a Mr. Cooper, as Mortgage Servicer, is representing the current Mortgagee whose address is:

Nationstar Mortgage LLC  
8950 Cypress Waters Blvd  
Coppell, TX 75019

**7. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code §51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint Kirk Schwartz, Esq or Candace Sissac, Esq OR Megan L. Randle, Ebbie Murphy, Debby Jurasek, Jennyfer Sakiewicz, Debby Jurasek, Jennyfer Sakiewicz whose address is 1320 Greenway Drive, Suite 300, Irving, TX 75038 OR AUCTION.COM or Megan Randle, Ebbie Murphy, Robert Randle, Aarti Patel, Kristopher Holub, Patrick Zwiers, Katherine Adkins, Amy Oian as 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.**

February 28, 2024

Executed on \_\_\_\_\_

/s/ Candace Sissac

James E. Albertelli, P.A.  
Kirk Schwartz, Esq.  
Candace Sissac, Esq.  
6565 N MacArthur Blvd, Suite 470  
Irving, TX 75039

2/29/24  
Executed on \_\_\_\_\_

Megan L. Randle  
SUBSTITUTE TRUSTEE  
Agency Sales & Posting  
Megan L. Randle, Ebbie Murphy, Debby Jurasek,  
Jennyfer Sakiewicz, Debby Jurasek OR  
AUCTION.COM  
1320 Greenway Drive, Suite 300  
Irving, TX 75038

**CERTIFICATE OF POSTING**

My name is \_\_\_\_\_, and my address is 1320 Greenway Drive, Suite 300, Irving, TX 75038. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the Colorado County Clerk and caused to be posted at the Colorado County courthouse this notice of sale.

Declarants Name: \_\_\_\_\_

Date: \_\_\_\_\_