

FILED FOR RECORD
COLORADO COUNTY, TX
2022 JUN 23 AM 10:52

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 September 24, 2002 and recorded under Vol. 421, Page 422, or Clerk's File No. 4973, in the real property records of COLORADO County Texas, with Manuel B. Solis, Jr., A Single Person as Grantor(s) and Wells Fargo Home Mortgage, Inc. as Original Mortgagee.

Deed of Trust executed by Manuel B. Solis, Jr., A Single Person securing payment of the indebtedness in the original principal amount of \$47,500.00 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 Manuel B. Solis, Jr. . LoanCare, LLC. 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. LoanCare, LLC is acting as the Mortgage Servicer for the Mortgagee. LoanCare, LLC, is representing the Mortgagee, whose address is: 3637 Sentara Way, Virginia Beach, VA 23452.

Legal Description:

FIELD NOTES OF A SURVEY OF A 0.1527 ACRE TRACT OF LAND. BEING ALL THAT TRACT LYING AND SITUATED IN COLORADO COUNTY, TEXAS, OUT OF BLOCK O, OF THE SMITH AND JONES ADDITION, OF CITY OF COLUMBUS, TEXAS. SAID 0.1527 ACRE TRACT BEING ALL OF THAT PROPERTY DESCRIBED IN A DEED-DATED AUGUST 17, 2001, FROM DONALD C. SCHERER AND WIFE, BARBARA SCHERER, AND JENNIFER BARBARA RUTTA, TO ALLEN MARCOTTE AND WIFE, DEBORAH A MARCOTTE, RECORDED IN VOLUME 382, PAGE 622, OF THE OFFICIAL RECORDS OF COLORADO COUNTY, TEXAS TO WHICH REFERENCE IS MADE FOR ALL PURPOSES AND THE SAID 0.1527 ACRE BACT BEING DESCRIBED BY METES AND BOUNDS AS ATTACHED AND INCORPORATED HEREIN AS EXHIBIT A:

SALE INFORMATION

Date of Sale: 08/02/2022

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: COLORADO County Courthouse, Texas at the following location: In the foyer, inside the main entrance, of the Colorado County Annex Building, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

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 Megan L. Randle, Patrick Zwiers, Kristopher Holub, Aarti Patel, Julian Perrine, Ebbie Murphy, Katherine Adkins, Amy Jurasek, Amy Oian, Megan Randle, Rebecca Bolton, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, 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 06/20/2022.

/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: Megan L. Randle

C&M No. 44-22-1493

EXHIBIT A

FIELD NOTES of a survey of a 0.1527 acre tract of land. Being all that tract lying and situated in Colorado County, Texas, out of Block O, of the Smith and Jones Addition, of the City of Columbus, Texas. Said 0.1527 acre tract being all of that property described in a deed dated August 17, 2001, from Donald C. Scherer and wife, Barbara Scherer, and Jennifer Barbara Rutta, to Allen Marcotte and wife, Deborah A. Marcotte, recorded in Volume 382, Page 622, of the Official Records of Colorado County, Texas to which reference is made for all purposes and the said 0.1527 acre tract being described by metes and bounds as follows, TO-WIT:

BEGINNING at a 3" x 3" concrete monument found for Southeast corner of the 0.1527 acre tract, said corner being in the West line of Charter Street, and being also the Northeast corner of a tract conveyed to J. Wooddell, Vol. 537, Pg. 353, Colorado County Deed Records;

THENCE N 89° 54' 57" W a distance of 100.32 feet with the South line of the 0.1527 acre tract and the North line of the said Wooddell tract to a 3" x 3" concrete monument found for Southwest corner of the said 0.1527 acre tract, said corner being the Northwest corner of the said Wooddell tract, and being also in the East line of a tract conveyed to M. Coleman, Vol. 543, Pg. 88, Colorado County Deed Records;

THENCE N 00° 44' 16" E a distance of 66.67 feet with the West line of the said 0.1527 acre tract and the East line of the said Coleman tract to a 3" x 3" concrete monument found for Northwest corner, said corner being the Northeast corner of the said Coleman tract, and being also in the South line of a tract conveyed to Jennifer Rutta and Donald Scherer, Vol. 340, Pg. 690, Colorado County Deed Records;

THENCE S 89° 49' 34" E distance of 99.46 feet with the South line of the said Rutta and Scherer tract, to a 3" x 3" concrete monument found for Northeast corner of the 0.1527 acre tract, said corner being also the Southeast corner of the said Rutta and Scherer tract, and being also in the West line of Charter Street;

THENCE S 00° 00' 00" E a distance of 66.51 feet with the West line of Charter Street and the East line of the said 0.1527 acre tract to place of beginning, containing 0.1527 acre of land, as surveyed by Leonard W. Frank, County Surveyor of Colorado County, Texas, and Registered Professional Land Surveyor, Registration No. 1669.