

FILED FOR RECORD
2022 DEC 12 PM 2:24

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 December 11, 2020 and recorded under Clerk's File No. 2020005494, in the real property records of CASS County Texas, with Kelci A. Kennedy, a single woman as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Academy Mortgage Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Kelci A. Kennedy, a single woman securing payment of the indebtedness in the original principal amount of \$247,484.00 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 Kelci A. Kennedy. Lakeview Loan Servicing, 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:

ALL THAT CERTAIN 37.758 ACRE TRACT OF LAND IN THE I & GNRR SURVEY, A-561 AND THE A.S. SUMMERLIN SURVEY A-1017 IN CASS CO., TX. BEING ALL OF THAT SAME TRACT OF LAND AS CONVEYED TO BILLY R. MILES ET UX. BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOL. 1230, PG 897 OF THE OFFICIAL PUBLIC RECORDS OF CASS CO., TX, SAID 37.758 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

SALE INFORMATION

Date of Sale: 01/03/2023

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: CASS County Courthouse, Texas at the following location: The North Entrance of the Cass County Courthouse located on Houston Street, Linden, TX, 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 Robert LaMont, David Sims, Sheryl LaMont, Harriett Fletcher, Sharon St. Pierre, Shannah Walker, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Xome, 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 12/07/2022.

/s/ Olufunmilola Oyekan SBOT No. 24084552, 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: Robert La Mont, December 12, 2022

C&M No. 44-22-2377

EXHIBIT A

All that certain 37.758 Acre tract of land in the I & GNRR Survey, A-561 and the A.S. Summerlin Survey A-1017 in Cass Co., TX. Being all of that same tract of land as conveyed to Billy R. Miles et ux. by Warranty Deed with Vendor's Lien recorded in Vol. 1230, Pg. 897 of the Official Public Records of Cass Co., TX, said 37.758 Acre tract of land is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Rebar w/Cap found near a cross-tie fence corner post in the West line of P.M. Rd. No. 251 for the East Southeast corner of a 35.12 Acre tract of land conveyed to James Kunkel by Warranty Deed recorded in Vol. 1029, Pg. 460, to Northeast corner of this described tract;

THENCE: With said West line the following courses: S 06° 45' 36" E (Basis of Bearing Solar Observation), 377.94' along said West line to a set 1/2" Iron Pipe; Southerly, 416.27' along said West line, being a curve to the right, having a Radius of 2814.79' and a Long Chord bearing S 03° 11' 31" E, 415.89', to a found 5/8" Iron Rod and S 04° 14' 00" W, 53.00' to a 5/8" Iron Rod found at a cross-tie fence corner post, in the South line of said Summerlin Survey, the North line of the Alfred B. Pride Survey, A-632, for the Northeast corner of a 51.774 Acre tract of land conveyed to Michael R. Welch et ux. by Warranty Deed recorded in Vol. 922, Pg. 795, the Southeast corner of this described tract;

THENCE: S 89° 53' 46" W, at 2454' pass the South Southwest corner of said Summerlin Survey, the South Southeast corner of said I & GNRR Survey, continuing a total distance of 2703.84' along a fence to a 1/2" Rebar w/Cap found a cross-tie fence corner post in a swamp, in the East line of the Union-Pacific Railroad, for the Northwest corner of said Welch tract, the Southwest corner of this described tract;

THENCE: N 17° 46' 23" E, 522.64' along a fence to a 1/2" Rebar set at a fence corner post for the Southwest corner of said Kunkel tract, the West Northwest corner of this described tract;

THENCE: S 89° 03' 59" E, 1387.12' along a fence to a 1/2" Rebar w/Cap found at a fence corner post for the South Southeast corner of said Kunkel tract, an interior corner of this described tract;

THENCE: N 01° 21' 08" E, 207.24' along a fence to a 1/2" Rebar w/Cap found at a fence corner post for an interior corner of said Kunkel tract, an ell corner of this described tract;

THENCE: N 83° 48' 39" E, 148.72' along a fence to a 1/2" Rebar w/Cap found at a fence corner post for an ell corner of said Kunkel tract, an interior corner of this described tract;

THENCE: N 01° 10' 49" E, 143.00' along a fence to a 1/2" Rebar w/Cap found at a fence corner post for an interior corner of said Kunkel tract, the North Northwest corner of this described tract;

THENCE: N 89° 34' 11" E, 937.96' along a fence to the Point of Beginning, containing 37.758 Acres of land, more or less, of which 1.944 Acres are in the I & GNRR Survey and 35.814 Acres are in the Summerlin Survey.