

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 August 13, 2019 and recorded under Clerk's File No. 066674, in the real property records of **RED RIVER County Texas**, with Jonathan P Nelson, an unmarried man as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Mortgage Solutions of Colorado, LLC, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Jonathan P Nelson, an unmarried man securing payment of the indebtedness in the original principal amount of \$203,112.00 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 Jonathan P Nelson. Mortgage Solutions of Colorado, 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. The Money Source Inc. is acting as the Mortgage Servicer for the Mortgagee. The Money Source Inc., is representing the Mortgagee, whose address is: 500 South Broad Street, Suite #100A, Meriden, CT 06450.

Legal Description:

ALL THAT CERTAIN PARCEL OF LAND SITUATE IN THE CITY OF BAGWELL, COUNTY OF RED RIVER AND STATE OF TEXAS BOUNDED AND DESCRIBED AS FOLLOWS:

BEING A 23.287 ACRE TRACT OF LAND SITUATED IN THE BENJAMIN F. BREWSTER SURVEY, ABSTRACT NO. 31, RED RIVER COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND AS CONVEYED UNTO EMILY SETTOON BY DEED RECORDED VOLUME 498, PAGE 111, DEED RECORDS, RED RIVER COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY 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: 1:00 PM

Location of Sale: The place of the sale shall be: **RED RIVER** County Courthouse, Texas at the following location: In the hallway inside the east door of the Red River County Courthouse Annex, 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, Harriett Fletcher, Sheryl LaMont, Aurora Campos, Ramiro Cuevas, Jonathan Harrison, Patrick Zwiers, Shawn Schiller, Sharon St. Pierre, Ronnie Hubbard, Al Davis, Angie Uselton, Beatrice Carrillo, Dana Kamin, Darla Boettcher, Irene Lindsay, Jami Hutton, Kevin McCarthy, Lisa Bruno, Monica Henderson, Murphy Howle, Shannah Walker, Tonya Washington, 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 11/30/2022.

/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, 12/01/2022

C&M No. 44-22-2783

EXHIBIT A – Legal Description

All that certain parcel of land situate in the City of Bagwell, County of Red River and State of Texas bounded and described as follows:

Being a 23.287 acre tract of land situated in the Benjamin F. Brewster Survey, Abstract No. 31, Red River County, Texas, being that same tract of land as conveyed unto Emily Settoon by deed recorded in Volume 498, Page 111, Deed Records, Red River County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the Southwest corner of said Settoon tract, being the Southeast corner of a tract of land as conveyed unto Perry O'Neal Collier, by deed recorded in Volume 0652, Page 523, Deed Records, Red River County, Texas, said point lying in the North line of F.M. Highway No. 2118, (a public right-of-way);

THENCE, North 01 Degrees 57 Minutes 35 Seconds West, along and with the West line of said Settoon tract, the East line of said Collier tract, a distance of 1937.92 feet, to a 1/2-inch iron rod with cap stamped "CBG-SURVEYING" set, for the Northeast corner of said Settoon tract, the Northeast corner of said Collier tract, being in the south line of a tract of land as conveyed unto the Veterans Land Board, State of Texas, by deed recorded in Volume 409, Page 179, Deed Records, Red River County, Texas;

THENCE, North 87 Degrees 09 Minutes 08 Seconds East, along and with the North line of said Settoon tract, the south line of said Land Board tract, a distance of 258.22 feet, to a 1/2-inch iron rod with cap stamped "CBG-SURVEYING" set, for a Northeast corner of said Settoon tract, the Southeast corner of said Land Board tract, being in the West line of a tract of land as conveyed unto Timbervest Partners III, Texas, LLC, by deed recorded in Volume 679, Page 390, Deed Records, Red River County, Texas;

THENCE, South 01 Degrees 56 Minutes 42 Seconds East, along and with an East line of said Settoon tract, the West line of said Timbervest tract, a distance of 477.65 feet, to a 1/2-inch iron rod with cap stamped "CBG-SURVEYING" set, for an ell corner;

Thence, North 87 Degrees 05 Minutes 52 Seconds East, along and with a North line of said Settoon tract, the South line of said Timbervest tract, a distance of 347.74 feet, to a 1/2-inch iron rod with cap stamped "CBG-SURVEYING" set, being the Northeast corner of said Settoon tract, being the Northwest corner of a tract of land as conveyed unto Johnny Phillips, by deed recorded in Volume 330, Page 87, Deed Records, Red River County, Texas;

THENCE, South 02 Degrees 32 Minutes 47 Seconds East, along and with the East line of said Settoon tract, the West line of said Phillips tract, a distance of 1446.13 feet, to a 1/2-inch iron rod with cap stamped "CBG-SURVEYING" set, for the Southeast corner of said Settoon tract, the Southwest corner of said Phillip tract, being in the North line of said F.M. Highway No. 2118;

THENCE, South 85 Degrees 49 Minutes 54 Seconds West, along and with the South line of said Settoon tract, the North line of said F.M. Highway No. 2118, a distance of 621.03 feet, to the POINT OF BEGINNING and containing 1,014,403 square feet or 23.287 acres of land, more or less.

Reservations from and Exceptions to Conveyance and Warranty:

- a. Right-of-Way and Easement from H. E. Kimmons and wife, Myrtle Kimmons, to Lone Star Gas Company, dated September 18, 1950, and recorded in Volume 187, Page 489 of the Deed Records of Red River County, Texas.
- b. Right-of-Way Deed from H. E. Kimmons to the State of Texas conveying 1.476 acres, more or less, out of the B. F. Brewster Survey, Abstract No. 31, dated July 20, 1954, and recorded in Volume 200, Page 551 of the Deed Records of Red River County, Texas.
- c. Right-of-Way Easement from Nola (Kimmons) Beck to Red River County Water Supply Corporation, dated December 7, 1973, and recorded in Volume 292, page 648 of the Deed Records of Red River County, Texas.
- d. Right-of-Way Easement from J. W. Kimmons to Red River County Water Supply Corporation, dated February 14, 1974, and recorded in Volume 292, Page 650 of the Deed Records of Red River County, Texas.
- e. Grantor, Emily Settoon, hereby reserves all of the oil, gas and other minerals presently owned by her in, and under and that may be produced from the above described property, together with the right of ingress and egress at all times for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas and other minerals and removing the same therefrom.

Tax id#: 0-10031-00000-0060-00

Being the same property as transferred by deed dated 08/01/2018, recorded 08/01/2018, from Emily Settoon, a widow, to Jonathan Nelson, recorded in book 747, page 252.

FILED FOR RECORD
12:36 o'clock P. M. on

DEC 01 2022

Shawn Weemes
SHAWN WEEMES, COUNTY CLERK
RED RIVER CO., TX