

# 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 March 24, 2009 and recorded under Vol. 784, Page 75, or Clerk's File No. 1042, in the real property records of MARION County Texas, with James Hickman, an unmarried man as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Alacrity Lending Company, its successors and assigns as Original Mortgagee.

Deed of Trust executed by James Hickman, an unmarried man securing payment of the indebtedness in the original principal amount of \$59,895.00 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 James Hickman. Freedom Mortgage Corporation 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. Freedom Mortgage Corporation is acting as the Mortgage Servicer for the Mortgagee. Freedom Mortgage Corporation, is representing the Mortgagee, whose address is: 907 Pleasant Valley Ave, Suite 300, Mt. Laurel, NJ 08054.

### Legal Description:

**ALL THAT CERTAIN TRACT OR PARCEL CONTAINING 0.500 ACRE OF LAND IN THE JAMES EARP SURVEY, A-447, MARION COUNTY, TEXAS, BEING A PORTION OF A TRACT WHICH WAS CALLED 15.50 ACRE TRACT 5, AND CONVEYED FROM THOMAS MCCLELLAND TO TIA JO MCCLELLAND BY AN INSTRUMENT OF RECORD IN VOLUME 590, PAGE 660, OF THE MARION COUNTY DEED RECORDS (MCDR), SAID 0.500 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:**

### SALE INFORMATION

Date of Sale: 07/05/2022

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: MARION County Courthouse, Texas at the following location: The Thomas Jefferson Park, located at 114 W. Austin St., Jefferson, TX 75657 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



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MARION COUNTY CLERK  
JENNIFER L. BROWN

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, Allan Johnston, Sharon St. Pierre, Ronnie Hubbard, Carol Hampton, Jeffrey Hampton, Terri Worley, 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 05/17/2022.

/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: Robert La Mont, May 19, 2022

C&M No. 44-20-0538

All that certain tract or parcel containing 0.500 acre of land in the James Earp Survey, A-447, Marion County, Texas, being a portion of a tract which was called 15.50 acre Tract 5, and conveyed from Thomas McClelland to Tia Jo McClelland by an instrument of record in Volume 590, Page 660, of the Marion County Deed Records (MCDR), said 0.500 acre being more particularly described by metes and bounds as follows, to wit:

Commencing for reference at a 3" iron pipe found at the northeast corner of said 15.50 acre tract and northwest corner of a tract which was called 15.85 acres and conveyed from Carl E. Scott, et ux, to the Veterans Land Board of the State of Texas, by an instrument of record in Volume 478, Page 891, MCDR, lying in the south line of a tract which was conveyed from James L. McBride, et ux, to Elvis Moses, et ux, by an instrument of record in Volume 394, Page 151, MCDR, said 5.000 acres being located approximately 1100 feet southwesterly along a dirt road from Liberty Road;

Thence due South, 208.66 feet along the east line of said 15.50 acre tract and west line of said 15.85 acre tract to a 5/8" iron rod set for northeast corner and place of beginning of the tract therein described;

Thence due South, 101.30 feet continuing along the east line of said 15.50 acre tract and west line of said 15.85 acre tract to a point for southeast corner;

Thence departing said common line, due West, at 25.00 feet pass a 5/8" iron rod set for reference and continuing for a distance in all of 215.00 feet to a 5/8" iron rod set for southwest corner

Thence due North, 101.30 feet to a 5/8" iron rod set for northwest corner;

Thence due East, 215.00 feet to the Place of Beginning, containing 0.500 acre of land, more or less. A certified plat has been prepared under the same job number as a part of this professional service.

#### METES AND BOUNDS DESCRIPTION PROPOSED 30 FOOT ACCESS EASEMENT

Being a thirty (30) foot wide strip of land in the James Earp Survey, A-447, Marion County, Texas, lying within a tract which was called 15.50 acre Tract 5 and conveyed from Thomas McClelland to Tia Jo McClelland by an instrument of record in Volume 590, Page 660, of the Marion County Deed Records (MCDR), said 30 foot strip lying 15 feet either side of a center line which is more particularly described by metes and bounds as follows, to wit:

COMMENCING FOR REFERENCE at a 3" iron pipe found at the northeast corner of said 15.50 acre tract and northwest corner of a tract which was called 15.85 acres and conveyed from Carl E. Scott, et ux, to the Veterans Land Board of the State of Texas, by an instrument of record in Volume 478, Page 891, MCDR, lying in the south line of a tract which was conveyed from James L. McBride, et ux, to Elvis Moses, et ux, by an instrument of record in Volume 394, Page 151, MCDR, being located approximately 1100 feet southwesterly along a dirt road from Liberty Road;

THENCE DUE SOUTH, 413.16 feet along the east line of said 15.50 acre tract and west line of said 15.85 acre tract to the PLACE OF BEGINNING of the herein described center line

THENCE N 88°35'06" W, 56.99 feet to a point at the beginning of a curve;

THENCE westerly, northwesterly and northerly, 56.10 feet along the arc of a curve to the right, (Delta Angle= 80°21'06", Radius= 40.00', Chord= N 48°24'33" W, 51.61'), to a point at the end of curve;

THENCE N 08°14'00" W, 68.24 feet to a point for the PLACE OF TERMINATION of the herein described center line, said termination point lying in the south line of a 0.500 acre tract surveyed this day. A certified plat has been prepared under the same job number as a part of this professional service.