

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

FILED FOR RECORD
2023 MAR 14 PM 1:00

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 October 30, 2015 and recorded under Clerk's File No: 2015-2005, in the real property records of RAINS County Texas, with Brian K Wormwood and Cyndie C. Wormwood, husband and wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for IFreedom Direct Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Brian K Wormwood and Cyndie C. Wormwood, husband and wife securing payment of the indebtedness in the original principal amount of \$173,848.00 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 Brian K Wormwood and Cyndie C. Wormwood. Wintrust Mortgage, a division of Barrington Bank & Trust Co., N.A. 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. Mr. Cooper is acting as the Mortgage Servicer for the Mortgagee. Mr. Cooper, is representing the Mortgagee, whose address is: 8950 Cypress Waters Boulevard, Coppell, TX 75019.

Legal Description:

BEING A 1.761 ACRE TRACT AND BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE MARGARET TOLLETT SURVEY, ABSTRACT NO. 229, RAINS COUNTY, TEXAS, AND BEING PART OF A CALLED 8.5127 ACRE TRACT (ALSO KNOWN AS REPLAT OF LOTS 1-25, BLUEWATER SECTION ONE 5/90 R. C. P. R.) AND ALL OF A SECOND TRACT (ALSO KNOWN AS LOT 26, BLUEWATER SECTION ONE, 5/75 R. C. P. R.) DESCRIBED AS TRACTS 1 AND 2, RESPECTIVELY IN A DEED FROM LARRY D. WUBBENA AND JOYCE A. WUBBENA, HUSBAND AND WIFE TO CHARLENE KOONCE, AS LIQUIDATOR AND RECEIVER AS RECORDED IN VOLUME 545, PAGE 718, RAINS COUNTY OFFICIAL PUBLIC RECORDS; AND ALL OF A CALLED 0.3956 ACRE TRACT (ALSO KNOWN AS LOT 66 AND AN UNNUMBERED LOT, BLUEWATER SECTION ONE 5/75 R.C.P.R.) DESCRIBED IN A DEED FROM LJW ENTERPRISES, LLC TO CHARLENE KOONCE, AS LIQUIDATOR AND RECEIVER AS RECORDED IN VOLUME 545, PAGE 715, RAINS COUNTY OFFICIAL PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

SALE INFORMATION

Date of Sale: 05/02/2023

Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: The place of the sale shall be: RAINS County Courthouse, Texas at the following location: At the east most side of the Rains County Courthouse Annex located at 220 West Quitman Street, 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



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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.

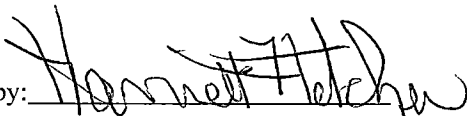
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

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 Harriett Fletcher, David Sims, Robert LaMont, Sheryl LaMont, Sharon St. Pierre, Shannah Walker, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Auction, 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 The 10th day of March, 2023.

/s/ Olufunmilola Oyekan, SBOT 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: Harriett Fletcher, March 14, 2023

C&M No. 44-22-1248

EXHIBIT

A

BEING a 1.761 acre tract and being all that certain lot, tract or parcel of land situated in the Margaret Tollett Survey, Abstract No. 229, Rains County, Texas, and being part of a called 8.5127 acre tract (also known as Replat of Lots 1-25, Bluewater Section One 5/90 R.C.P.R.) and all of a second tract (also known as Lot 26, Bluewater Section One, 5/75 R.C.P.R.) described as Tracts 1 and 2, respectively in a deed from Larry D. Wubbena and Joyce A. Wubbena, husband and wife to Charlene Koonce, as liquidator and receiver as recorded in Volume 545, Page 718, Rains County Official Public Records; and all of a called 0.3956 acre tract (also known as Lot 66 and an unnumbered Lot, Bluewater Section One 5/75 R.C.P.R.) described in a deed from LJW Enterprises, L.P. to Charlene Koonce, as liquidator and receiver as recorded in Volume 545, Page 715, Rains County Official Public Records, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found on the south line of Sandy Shores (135/642 R.C.D.R.), at the northwest corner of said Tract 2 (and said Lot 26) and the northeast corner of Lot 27, for a corner;

THENCE S 88° 54' 18" E along the north lines of said Tract 2 and said Tract 1, and along the south line of said Sandy Shores a distance of 450.66 feet to a 1/2 inch iron rod set, for a corner;

THENCE S 01° 24' 24" W across said Tract 1 a distance of 269.39 feet to a 1/2 inch iron rod set on the southernmost south line of said Tract 1 and the north line of Port Tawakoni Estates (2/81 R.C.P.R.), for a corner;

THENCE N 88° 52' 10" W (Directional Control Line) along the southernmost south line of said Tract 1 and the north line of said Port Tawakoni Estates a distance of 142.68 feet to a 1/2 inch iron rod found at a chainlink fence post at the most southerly southwest corner of said Tract 1, for a corner;

THENCE N 00° 42' 45" W along the easternmost west line of said Tract 1 a distance of 12.81 feet to a 1/2 inch iron rod found at an inside corner of said Tract 1, for a corner;

THENCE S 81° 54' 37" W along the northernmost south line of said Tract 1 a distance of 22.02 feet to a 1/2 inch iron rod found at the most northerly southwest corner of said Tract 1 and the southeast corner of said 0.3956 acre tract, said point being the northeast corner of Lot 74 of Bluewater, Section One (5/75 R.C.P.R.), for an angle corner;

THENCE S 89° 19' 51" W along the south line of said 0.3956 acre tract and the north line of said Lot 74 a distance of 110.00 feet to a fence corner post on the Take Line of Lake Tawakoni, at the southwest corner of said 0.3956 acre tract and the northwest corner of said Lot 74, for a corner;

THENCE N 02° 18' 55" W along the west line of said 0.3956 acre tract and along said take line a distance of 88.81 feet to a fence corner post at the southeast corner of Lot 65, for an angle corner;

THENCE N 00° 32' 02" W along the west line of said 0.3956 acre tract and the east line of said Lot 65 a distance of 73.86 feet to a fence corner post on the south line of Bluewater Drive, at the northwest corner of said 0.3956 acre tract and the northeast corner of said Lot 65, for a corner;

THENCE S 89° 41' 13" E along the south line of said Bluewater Drive and the north line of said 0.3956 acre tract a distance of 50.04 feet to a 1/2 inch iron rod found at the most northerly northeast corner of said 0.3956 acre tract, and at the beginning of a curve to the right, for a corner;

THENCE along the northeast line of said 0.3956 acre tract and along said curve having a radius of 59.29 feet, an arc length of 75.86 feet, being subtended by a chord of S 57° 40' 21" E a distance of 70.79 feet to a 1/2 inch iron rod found at an interior northwest corner of said Tract 1 and the middle northeast corner of said 0.3956 acre tract, and at the beginning of a curve to the left, for a corner;

THENCE along said curve having a radius of 35.00 feet, an arc length of 93.34 feet, being subtended by a chord of N 11° 05' 26" W a distance of 68.04 feet to a 1/2 inch iron rod found at an interior southwest corner of said Tract 1, for a corner;

THENCE N 01° 07' 50" W along the westernmost west line of said Tract 1 a distance of 10.46 feet to a 1/2 inch iron rod found on the north line of said Bluewater Drive, at the southeast corner of said Tract 2, and at the beginning of a curve to the left, for a corner;

THENCE along the north line of said Bluewater Drive, the south line of said Tract 2 and along said curve having a radius of 107.07 feet, an arc length of 47.65 feet, being subtended by a chord of N 79° 42' 48" W a distance of 47.26 feet to a 1/2 inch iron rod found, for a corner;

THENCE N 88° 16' 45" W along the north line of said Bluewater Drive and the south line of said Tract 2 a distance of 216.25 feet to a 1/2 inch iron rod found at the southwest corner of said Tract 2 (and said Lot 26) and the southeast corner of said Lot 27, for a corner;

THENCE N 01° 05' 59" E along the west line of said Tract 2 and the east line of said Lot 27 a distance of 50.06 feet to the POINT OF BEGINNING and containing 1.761 acres of land, also being known as 220 Bluewater Drive, East Tawakoni, Texas.

NOTE: Basis of Bearing is the south line of said 8.5127 acre tract (Tract 1 545/718 R.C.O.P.R.).

The above field notes were prepared from an actual on the ground survey made under the direction and supervision of Danny W. Beasley, R.P.L.S. No. 4915, on October 9, 2015.