

## 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 21, 2013 and recorded under Vol. 1862, Page 1, or Clerk's File No. 2013-36641, in the real property records of COOKE County Texas, with Marcos J. Chavez; a Single Man and Juan M. Chavez; A Single Man as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Caliber Funding LLC, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Marcos J. Chavez; a Single Man and Juan M. Chavez; A Single Man securing payment of the indebtedness in the original principal amount of \$248,000.00 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 Marcos J. Chavez and Juan M. Chavez. NewRez LLC dba Shellpoint Mortgage Servicing 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. Shellpoint Mortgage Servicing is acting as the Mortgage Servicer for the Mortgagee. Shellpoint Mortgage Servicing, is representing the Mortgagee, whose address is: 75 Beattie Place, Suite 300, Greenville, SC 29601.

**Legal Description:**

**ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE WILLIAM MOORE SURVEY, ABSTRACT NUMBER 622, COOKE COUNTY, TEXAS AND BEING A PART OF LOT 137, TIMBER CREEK RANCHETTES, AN ADDITION TO COOKE COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 150, PLAT RECORDS, COOKE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

### 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: COOKE County Courthouse, Texas at the following location: On the east steps of the historic Cooke County Courthouse located at 101 South Dixon Street, Gainesville, TX, 76240, 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



PAM HARRISON  
BY *Pc* DEPUTY

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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 Ortolani, Mary Mancuso, Shelley Ortolani, Michele Hreha, Aurora Campos, Ramiro Cuevas, Jonathan Harrison, Patrick Zwiers, Shawn Schiller, Francesca Ortolani, Irene Lindsay, Dana Kamin, Angie Uselton, Darla Boettcher, Jami Hutton, Lisa Bruno, Logan Thomas, Michele Hreh, Monica Henderson, Terry Waters, 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 11/10/2022.

/s/ Danya F. Gladney SBOT No. 24059786, 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: \_\_\_\_\_

C&M No. 44-22-1372

EXHIBIT "A"

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE WILLIAM MOORE SURVEY, ABSTRACT NUMBER 622, COOKE COUNTY, TEXAS, AND BEING PART OF LOT 137, TIMBER CREEK RANCHETTES, AN ADDITION TO COOKE COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 150, PLAT RECORDS, COOKE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 1849" SET AT THE SOUTHEAST CORNER OF SAID LOT 137 ON THE WEST LINE OF COUNTY ROAD 262;

THENCE NORTH 29 DEGREES 24 MINUTES 30 SECONDS EAST WITH THE EAST LINE OF SAID LOT 137 AND THE WEST LINE OF COUNTY ROAD 262, A DISTANCE OF 69.58 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 1849" SET ON THE EAST LINE OF SAID LOT 137 AND THE WEST LINE OF COUNTY ROAD 262;

THENCE NORTH 46 DEGREES 53 MINUTES 20 SECONDS WEST, A DISTANCE OF 80.42 FEET TO A FENCE POST FOR CORNER;

THENCE NORTH 29 DEGREES 36 MINUTES 35 SECONDS WEST, A DISTANCE OF 40.78 FEET TO A FENCE POST FOR CORNER;

THENCE NORTH 10 DEGREES 02 MINUTES 48 SECONDS WEST, A DISTANCE OF 41.01 FEET TO A FENCE POST FOR CORNER;

THENCE NORTH 54 DEGREES 20 MINUTES 20 SECONDS WEST, A DISTANCE OF 110.18 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 1849" SET FOR CORNER;

THENCE NORTH 29 DEGREES 24 MINUTES 30 SECONDS EAST, A DISTANCE OF 133.65 FEET TO A FENCE POST FOR CORNER;

THENCE SOUTH 62 DEGREES 54 MINUTES 30 SECONDS EAST, A DISTANCE OF 248.89 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 1849" SET ON THE EAST LINE OF SAID LOT 137 AND THE WEST LINE OF COUNTY ROAD 262;

THENCE SOUTH 29 DEGREES 24 MINUTES 30 SECONDS WEST WITH THE EAST LINE OF SAID LOT 137 AND THE WEST LINE OF COUNTY ROAD 262, A DISTANCE OF 227.42 FEET TO THE POINT OF BEGINNING AND CONTAINING IN ALL 1.000 ACRES OF LAND.