

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FILED
AT 2:11 O'CLOCK P.M.
JAN 30 2024

T.S. #: 2023-08129-TX

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas

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.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: 4/2/2024
Time: The earliest time the sale will begin is 1:00 PM , or within three (3) hours after that time.
Place: Angelina County Courthouse, Texas, at the following location: 606 East Lufkin Ave, Lufkin, TX 75901 THE ANGELINA COUNTY COURTHOUSE ANNEX AT 606 EAST LUFKIN AVE, LUFKIN, TX, IN THE HALLWAY OUTSIDE THE COMMISSIONERS' COURTROOM ADJACENT TO THE ATRIUM; OR IF THE SALE OCCURS ON A HOLIDAY, SALES ARE TO TAKE PLACE ON THE FRONT STEPS OF THE MAIN ENTRANCE TO THE ANGELINA COUNTY COURTHOUSE. Or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioners Court, pursuant to section 51.002 of the Texas Property Code.

Property To Be Sold - The property to be sold is described as follows:

SEE ATTACHED EXHIBIT 'A'

Commonly known as: 4372 US HIGHWAY 69 N LUFKIN, TX 75904

Instrument to be Foreclosed - The instrument to be foreclosed is the Deed of Trust dated 6/20/2022 and recorded in the office of the County Clerk of Angelina County, Texas, recorded on 6/21/2022 under County Clerk's File No 2022-00422938, in Book -- and Page -- of the Real Property Records of Angelina County, Texas.

Grantor(s): Dax Eli Wagner, joined herein by his spouse Taylor Wagner for the purpose of granting and conveying to the within named Trustee and any successor Trustee, any interest she may have in the herein described property as security for the repayment of the indebtedness evidenced by Borrower's Note payable to Lender, and all renewal extension and modifications of the Note.

Original Trustee: Raymond H. Rust, III

Substitute Trustee: Auction.com, Sheryl La Mont, Robert La Mont, David Sims, Allan Johnston, Ronnie Hubbard, Jim Mills, Susan Mills, Andrew Mills-Middlebrook, George Hawthorne, Ed Henderson, Marlene Zografos, Paige Bentley, Andrew Farley, Burl Evans, Nestor Solutions, LLC

Original Mortgagee: Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Commercial Bank of Texas, N.A., its successors and assigns

Current Mortgagee: Freedom Mortgage Corporation

Mortgage Servicer: Freedom Mortgage Corporation

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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 referenced property securing the above referenced loan.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the mortgagee thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property. Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$240,562.00, executed by Dax Eli Wagner, joined herein by his spouse Taylor Wagner for the purpose of granting and conveying to the within named Trustee and any successor Trustee, any interest she may have in the herein described property as security for the repayment of the indebtedness evidenced by Borrower's Note payable to Lender, and all renewal extension and modifications of the Note., and payable to the order of Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Commercial Bank of Texas, N.A., its successors and assigns; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Trustor(s) to the current holder of the Obligations to the mortgagee under the deed of trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the Mortgagee:

Freedom Mortgage Corporation
10500 Kincaid Drive
Fishers, IN 46037
Phone: 855-690-5900

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Default and Request to Act - Default has occurred under the deed of trust, and the mortgagee has requested me, as Trustee, to conduct this sale. Notice is given that before the sale the mortgagee may appoint another person substitute trustee to conduct the sale.

Dated: January 30, 2024

Auction.com, Sheryl La Mont, Robert La Mont, David Sims, Allan Johnston, Ronnie Hubbard, Jim Mills, Susan Mills, Andrew Mills-Middlebrook, George Hawthorne, Ed Henderson, Marlene Zografos, Paige Bentley, Andrew Farley, Burl Evans, Nestor Solutions, LLC



c/o Nestor Solutions, LLC
214 5th Street, Suite 205
Huntington Beach, California 92648
Phone: (888) 403-4115
Fax: (888) 345-5501

For sale information visit: <https://www.xome.com> or Contact (800) 758-8052.

SENDER OF THIS NOTICE:
AFTER FILING, PLEASE RETURN TO:

Nestor Solutions, LLC
214 5th Street, Suite 205
Huntington Beach, California 92648

EXHIBIT "A"

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the V. MICHELLI SURVEY, ABSTRACT NO. 29, and being all of that certain 1.26 acre tract described in a deed from Donna Latham, et al to Your Choice Properties LLC dated November 19, 2019 and recorded in Instrument No. 2019-00388651 of the Official Public Records of Angelina County, Texas, to which reference is hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" iron pipe found for the Northwest corner of the aforesaid referred to 1.26 acre tract and the Northeast corner of that certain 0.903 of an acre tract described in a deed from Walter Stephen Pavlic to Mark D. Lansford, et ux dated June 26, 2001 and recorded in Volume 1421 on Page 210 of the Real Property Records of said County, on the South boundary line of that certain one acre tract described in a deed from Elizabeth Allen to Damon McGuire, et ux dated February 13, 2014 and recorded in Instrument No. 2014-00314848 of the said Official public Records, from which a fence corner bears S 42° 39' W 12.6 feet:

THENCE S 89° 57' 37" E (called S 89° 49' 26" E), along the North boundary line of the said 1.26 acre tract and along the South boundary lines of the said one acre tract and that certain 4.966 acre tract described in a deed from Floyd Dwain Collins, et al to Damon McGuire, et al dated April 8, 2016 and recorded in Instrument No. 2016-00338640 of the said Official Public Records, at 111.98 feet pass on line a 1/2" iron pipe, in fence, found for the South common corner of the said one acre tract and the said 4.966 acre tract, at a total distance of 211.78 feet (called 212.20 feet) a 1/2" iron rod found for the Northeast corner of the said 1.26 acre tract, the Southeast corner of the said 4.996 acre tract, the Southwest corner of that certain 106.94 acre tract described in a deed from LAWM, Inc, et al to James B. Hodges, et al dated June 21, 2016 and recorded in Instrument No. 2016-00341083 of the said Official Public Records, and the Northwest corner of that certain 0.523 acre tract described in a deed from L.D. Lowe, et al to Joshua David Shepherd dated January 31, 2000 and recorded in Volume 1247 on Page 11 of the said Real Property Records, on the Southerly margin of asphalt of Sand Road, from which a fence corner bears S 17° 06' W 1.0 feet;

THENCE S 45° 06' 53" W (called S 45° 12' 00" W), along the Southeast boundary line of the said 1.26 acre tract and along the Northwest boundary lines of the said 0.523 acre tract and that certain 0.605 acre tract (net - called to be a 1.128 acre tract save & except an 0.523 acre tract) described in a deed from Pauline Fussell to James Wilkerson, et ux dated June 8, 2006 and recorded in Instrument No. 2006-00215451 of the said Official Public Records, at 182.54 feet pass on line a 1/2" iron pipe found for the West common corner of the said 0.523 acre tract and the said 0.605 acre tract, at a total distance of 441.68 feet (called 441.36 feet) a 1/2" iron pipe found for the Southeast corner of the said 1.26 acre tract and the Southwest corner of the said 0.605 acre tract, on the Northeast Right-of-Way line of U.S. Highway No. 69 (ROW width varies), 69.4 feet from its approximate centerline, from which a fence corner bears S 20° 36' E 0.9 feet;

THENCE N 44° 55' 02" W (called N 44° 48' W), along the Southwest boundary line of the said 1.26 acre tract and along the Northeast ROW line of the said US Highway No. 69, at 149.99 feet (called 150.00 feet) a 1/2" iron pipe found for the Southwest corner of the said 1.26 acre tract and the Southeast corner of the said 0.903 acre tract;

THENCE N 45° 12' 00" E (called N 45° 12' E), along the Northwest boundary line of the said 1.26 acre tract and along the Southeast boundary line of the said 0.903 acre tract, at 291.82 feet (called 291.27 feet) the POINT AND PLACE OF BEGINNING and containing 1.26 acres of land, more or less.

Basis of Bearings: The Southeast boundary line of that certain 0.903 of an acre tract described in a deed from Walter Stephen Pavlic to Mark D. Lansford, et ux dated June 26, 2001 and recorded in Volume 1421 on Page 210 of the Real Property Records of Angelina County, Texas. (deed call - S 45° 12' 00" W 291.82 feet - 1/2" iron pipes found 291.82 feet apart).