

FILED  
AT 2:20 O'CLOCK PM

JAN 28 2022

ANGELINA COUNTY  
County Clerk, County Court at Law  
Angelina County, Texas

BY \_\_\_\_\_

0000009388190

1606 WALLACE STREET  
LUFKIN, TX 75901

**NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE**

**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.**

**1. Date, Time, and Place of Sale.**

Date: April 05, 2022

Time: The sale will begin at 1:00 PM or not later than three hours after that time.

Place: ANGELINA COUNTY COURTHOUSE ANNEX 606 E LUFKIN AVE, LUFKIN TX HALLWAY OUTSIDE COMMISSIONERS' COURTROOM ADJACENT TO THE ATRIUM OR FRONT STEP OF MAIN ENTRANCE IF COURTROOM IS CLOSED or as designated by the county commissioners.

**2. Terms of Sale.** Cash.

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated July 25, 2012 and recorded in Document CLERK'S FILE NO. 2012-00295038; AS AFFECTED BY LOAN MODIFICATION AGREEMENT CLERK'S FILE NO. 2020-00391788 real property records of ANGELINA County, Texas, with NICK A MAY KELLY D MAY, grantor(s) and COMMERCIAL BANK OF TEXAS N. A., mortgagee.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by NICK A MAY KELLY D MAY, securing the payment of the indebtednesses in the original principal amount of \$120,772.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. U.S. BANK NATIONAL ASSOCIATION is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

**6. Mortgage Servicer Information.** 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 lien securing the Property referenced above. U.S. BANK NATIONAL ASSOCIATION, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o U.S. BANK NATIONAL ASSOCIATION  
4801 FREDERICA ST  
OWENSBORO, KY 42301



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**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.**

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead SHERYL LAMONT, ROBERT LAMONT, RONNIE HUBBARD, ALLAN JOHNSTON, KATHLEEN ADKINS, EVAN PRESS, REID RUPLE, AUCTION.COM, BEATRICE CARRILLO, JOHN MCCARTHY, KEVIN MCCARTHY, OR ZACH MCCARTHY whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.



Israel Saucedo

Certificate of Posting

My name is Yasmir Diaz, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on 1/28/2022 I filed at the office of the ANGELINA County Clerk and caused to be posted at the ANGELINA County courthouse this notice of sale.



Declarants Name: Yasmir Diaz

Date: 1/28/2022

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ANGELINA

**EXHIBIT "A"**

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND SITUATED IN ANGELINA COUNTY, TEXAS, OUT OF THE MISSOURI BOYCE SURVEY, ABSTRACT NO. 742, AND BEING A PART OR PORTION OF THOSE CERTAIN TWO TRACTS (2 ACRES AND 1.28 ACRES) DESCRIBED IN A DEED FROM J.A. CONNER, ET UX TO JOHN C. COLLIER, ET UX DATED OCTOBER 14, 1959 AND RECORDED IN VOLUME 235 ON PAGE 353 OF THE DEED 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 THE SOUTHWEST CORNER OF THE AFORESAID REFERRED TO 1.28 ACRE TRACT, THE SOUTHEAST CORNER OF THAT CERTAIN 0.433 ACRE TRACT DESCRIBED AS TRACT 1 IN A DEED FROM RODNEY MOORE TO SKYWALKER FAMILY LIMITED PARTNERSHIP DATED MARCH 27, 1997 AND RECORDED IN VOLUME 1097 PAGE 285 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, AND AN ANGLE CORNER IN THE NORTH BOUNDARY LINE OF CHESTNUT SQUARE CONDOMINIUMS (2.133 ACRES) AS RECORDED IN VOLUME 2 ON PAGE 93 OF THE CONDOMINIUM RECORDS OF ANGELINA COUNTY, TEXAS, AN "X" IN CONCRETE FOUND FOR CORNER;

THENCE N 19 DEGREES 01' 38 W (CALLED NORTH AND N 20 DEGREES W) WITH THE WEST BOUNDARY LINE OF THE SAID 1.28 ACRE TRACT, WITH IN PART THE WEST BOUNDARY LINE OF THE AFORESAID REFERRED TO 2 ACRE TRACT, THE EAST BOUNDARY LINE OF THE SAID 0.433 ACRE TRACT (TRACT 1), THE EAST BOUNDARY LINE OF THAT CERTAIN 10 FEET WIDE STRIP OF LAND DESCRIBED AS TRACT 2 IN A DEED FROM RODNEY MOORE TO SKYWALKER FAMILY LIMITED PARTNERSHIP DATED MARCH 27, 1997 AND RECORDED IN VOLUME 1097 ON PAGE 285 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, AND WITH IN PART THE EAST BOUNDARY OF LOT NO. 2 OF M & M PROPERTIES SUBDIVISION NO. 1, A SUBDIVISION IN THE CITY OF LUFKIN, TEXAS, AS RECORDED IN CABINET E ON SLIDE 8-A OF THE MAP AND PLAT RECORDS OF ANGELINA COUNTY, TEXAS, AT 99.94 FEET PASS ON LINE A 1/2" ROD FOUND FOR THE NORTHEAST CORNER OF THE SAID 0.433 ACRE TRACT AND THE SOUTHEAST CORNER OF THE SAID 10 FEET WIDE STRIP, AT 109.94 FEET PASS ON LINE A 1/2" ROD FOUND FOR THE NORTHEAST CORNER OF THE SAID 10 FEET WIDE STRIP AND THE SOUTHEAST CORNER OF THE SAID LOT NO. 1, AT 165.28 FEET PASS ON LINE THE NORTHWEST CORNER OF THE SAID 1.28 ACRE TRACT AND THE SOUTHWEST CORNER OF THE SAID 2 ACRE TRACT, AT 198.73 FEET (CALLED 198.91 FEET IN VOLUME 272 ON PAGE 26) THE SOUTHWEST CORNER OF THAT CERTAIN 0.687 ACRE TRACT DESCRIBED IN A DEED FROM JONNIE LOU GREEN TO RAYMOND L. GUMM DATED DECEMBER 4, 2001 AND RECORDED IN VOLUME 1497 ON PAGE 35 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, A 1/2" PIPE FOUND FOR CORNER WITNESSED BY A FENCE CORNER BEARING N 45 DEGREES E 0.5 FEET AND A 1/2" PIPE FOUND FOR THE NORTHWEST CORNER OF THE SAID 0.687 ACRE TRACT AND THE NORTHEAST CORNER OF LOT NO. 1 OF THE SAID M & M PROPERTIES SUBDIVISION NO. 1 AND THE NORTHWEST CORNER OF THE SAID 0.687 ACRE TRACT BEARING N 19 DEGREES 01' 38" W 149.85 FEET;

THENCE N 71 DEGREES 49' 13" E WITH THE SOUTH BOUNDARY LINE OF THE SAID 0.687 ACRE TRACT, AT 198.60 FEET THE SOUTHEAST CORNER OF THE SAID 0.687 ACRE TRACT AND THE SOUTHWEST CORNER OF THAT CERTAIN 0.69 ACRE TRACT DESCRIBED IN A DEED FROM JEAN WITT TO JOE LEE REGISTER DATED JUNE 6, 1990 AND RECORDED IN VOLUME 800 ON PAGE 653 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, A 1/2" PIPE FOUND FOR CORNER WITNESSED BY AN END OF FENCE BEARING S 12 DEGREES W 03 FEET, AN END OF FENCE BEARING S 51 DEGREES E 0.5 FEET, AND A 3/8" ROD FOUND FOR THE NORTHEAST CORNER OF THE SAID 0.687 ACRE TRACT AND THE NORTHWEST CORNER OF THE SAID 0.69 ACRE TRACT BEARING N 18 DEGREES 15' 1" W 149.89 FEET;

THENCE N 71 DEGREES 44' 08" E WITH THE SOUTH BOUNDARY LINE OF THE SAID 0.69 ACRE TRACT, AT 207.81 FEET THE SOUTHEAST CORNER OF THE SAID 0.69 ACRE TRACT, A 1/2" PIPE FOUND FOR CORNER IN THE WEST MARGIN OF WALLACE STREET, SAID PIPE BEING APPROXIMATELY 21.5 FEET FROM THE EXISTING CENTERLINE, SAID PIPE WITNESSED BY A FENCE CORNER BEARING S 68 DEGREES W 24.5 FEET, AN END OF FENCE BEARING S 63 DEGREES W 7.6 FEET, AND A 1/2" PIPE FOUND FOR THE NORTHEAST CORNER OF THE SAID 0.69 ACRE TRACT BEARING N 21 DEGREES 18' 02" W 150.09 FEET;

THENCE S 21 DEGREES 16' 50" E WITH THE WEST MARGIN OF THE SAID WALLACE STREET, AT 130.89 FEET THE NORTHEAST CORNER OF THAT CERTAIN 0.576 ACRE TRACT DESCRIBED IN A DEED FROM CONNIE ELIZABETH LAZARINE TO RODNEY MOORE DATED JANUARY 19, 1995 AND IN RECORDED IN VOLUME 997 ON PAGE 145 OF THE

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DEED RECORDS OF ANGELINA COUNTY, TEXAS, A 1/2" PIPE FOUND FOR CORNER IN THE SOUTH BOUNDARY LINE OF THE AFORESAID 1.28 ACRE TRACT, SAID PIPE BEING APPROXIMATELY 21 FEET FROM THE EXISTING CENTERLINE, SAID PIPE WITNESSED BY A POWER POLE BEARING S 63 DEGREES W 52.7 FEET;

THENCE S 62 DEGREES 22' 19" W (CALLED S 62 DEGREES 30'W) WITH THE SOUTH BOUNDARY LINE OF THE SAID 1.28 ACRE TRACT, THE NORTH BOUNDARY LINE OF THE SAID 0.576 ACRE TRACT, AND A NORTH BOUNDARY LINE OF THE AFORESAID CHESTNUT SQUARE CONDOMINIUMS, AT 201.30 FEET PASS ON LINE A 1/2" PIPE FOUND FOR THE NORTHWEST CORNER OF THE SAID 0.576 ACRE TRACT AND THE NORTHEAST CORNER OF THE SAID CHESTNUT SQUARE CONDOMINIUMS, AT 416.20 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 1.548 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS: THE NORTH BOUNDARY LINE OF THAT CERTAIN 0.687 ACRE TRACT DESCRIBED IN A DEED FROM JONNIE LOU GREEN TO RAYMOND L. GUMM DATED DECEMBER 4, 2001 AND RECORDED IN VOLUME 1497 ON PAGE 35 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS (DEED CALL- S 71 DEGREES 48' 11" E 200.62 FEET- FOUND A 1/2" PIPE (N.W.C.) AND A 3/8" ROD (N. E.C.) 200.62 FEET APART.