

23TX404-0079
620 SOUTHERN DR, LUFKIN, TX 75901

NOTICE OF FORECLOSURE SALE

Property: The Property to be sold is described as follows:

SEE EXHIBIT "A"

Security Instrument: Deed of Trust dated March 23, 2017 and recorded on April 10, 2017 as Instrument Number 2017-00351430 in the real property records of ANGELINA County, Texas, which contains a power of sale.

Sale Information: September 05, 2023, at 1:00 PM, or not later than three hours thereafter, at the Angelina County Courthouse Annex, located at 606 E Lufkin Avnue, Lufkin, Texas in the hall outside of the Commissioner's Courtroom adjacent to the atrium, or the front steps of the main entrance to the Angelina County Courthouse if the courtroom is closed for holidays or elections, or as designated by the County Commissioners Court.

Terms of Sale: Public auction to highest bidder for cash. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.

Obligation Secured: The Deed of Trust executed by DONALD R. HOWELL AND MELISSA HOWELL secures the repayment of a Note dated March 23, 2017 in the amount of \$128,000.00. MATRIX FINANCIAL SERVICES CORPORATION, whose address is c/o RoundPoint Mortgage Servicing LLC, 446 Wrenplace Road, Fort Mill, SC 29715, is the current mortgagee of the Deed of Trust and Note and RoundPoint Mortgage Servicing LLC is the current mortgage servicer for the mortgagee. Pursuant to a servicing agreement and Texas Property Code section 51.0025, the mortgagee authorizes the mortgage servicer to administer the foreclosure on its behalf.

Court Order: A Home Equity Foreclosure Order was signed on July 12, 2023 in the 217th District Court of Angelina County under Cause No. CV-00576-22-09. A copy of the Order is attached hereto.

Substitute Trustee: In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, mortgagee and mortgage servicer's attorney appoint the substitute trustees listed below.

FILED
AT 1:00 O'CLOCK P M

JUL 20 2023

AMY FINGER
County Clerk, County Court at Law
Angelina County, Texas
By 



4791213

ServiceLink

Substitute Trustee(s): Sheryl LaMont, Robert LaMont, Ronnie Hubbard, Allan Johnston, Kathleen Adkins, Evan Press, Reid Ruple, Michael Kolak, Harriett Fletcher, Sharon St. Pierre, Dustin George

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.

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.



Miller, George & Suggs, PLLC
Tracey Midkiff, Attorney at Law
Jonathan Andring, Attorney at Law
6080 Tennyson Parkway, Suite 100
Plano, TX 75024



Substitute Trustee(s): Sheryl LaMont, Robert LaMont, Ronnie Hubbard, Allan Johnston, Kathleen Adkins, Evan Press, Reid Ruple, Michael Kolak, Harriett Fletcher, Sharon St. Pierre, Dustin George
c/o Miller, George & Suggs, PLLC
6080 Tennyson Parkway, Suite 100
Plano, TX 75024

Certificate of Posting

I, Sheryl LaMont, declare under penalty of perjury that on the 20th. day of July, 2023, I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of ANGELINA County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).

Sheryl LaMont, July 20, 2023

EXHIBIT "A"
LEGAL DESCRIPTION

3.33 ACRES, MORE OR LESS, PART OF THE THOMAS CARO SURVEY, ABSTRACT NO. 8, BEING SITUATED IN ANGELINA COUNTY, TEXAS AND BEING MORE FULLY DESCRIBED BY METES AND AS FOLLOWS:

ALL THAT CERTAIN 3.34 ACRE TRACT WHICH WAS CONVEYED FROM DIANA PERKINS TO JOHN PERKINS BY DEED DATED NOVEMBER 16, 2005 AND RECORDED AS DOCUMENT NO. 00205958 IN THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, TO WHICH REFERENCE IS HEREBY MADE FOR ANY AND ALL PURPOSES, BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHEAST COMER OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF THAT CERTAIN 3.34 ACRE TRACT WHICH WAS CONVEYED, TRACT ONE, FROM JOHN L. KELLEY, ET UX, TO CHARLES R. RANDLEMAN, ET UX, BY DEED DATED OCTOBER 26, 2007 AND RECORDED AS DOCUMENT NO. 00236552 IN THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, AND LOCATED IN THE SOUTH BOUNDARY LINE OF THAT CERTAIN 210 ACRE TRACT WHICH WAS CONVEYED FROM BELLE RAGUET TO SOUTHERN PINE LUMBER COMPANY BY DEED DATED APRILL, 1898 AND RECORDED IN VOLUME L, ON PAGE 98 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, A 1/2" IRON ROD FOUND FOR CORNER, AT FENCE CORNER;

THENCE S 03 DEGREES 19' 20" W WITH THE EAST BOUNDARY LINE OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, COMMON WITH THE WEST BOUNDARY LINE OF SAID RANLEMAN 3.34 ACRE TRACT, 582.66 FEET TO A 1/2 IRON ROD FOUND, AT FENCE CORNER, FOR THE SOUTHEAST CORNER OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, SAME BEING RANDLEMAN'S SOUTHWEST COMER, AND LOCATED IN THE NORTH BOUNDARY LINE OF THAT CERTAIN 14.240 ACRE TRACT WHICH WAS CONVEYED FROM THOMAS G. FLOURNOY TO COUNTY OF ANGELINA BY DEED DATED DECEMBER 29, 1989 AND RECORDED IN VOLUME 786, ON PAGE 255 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS;

THENCE N 79 DEGREES 37' 57" W WITH SOUTH BOUNDARY LINE OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, SAME BEING THE NORTH BOUNDARY LINE OF SAID 14.240 ACRE TRACT, 273.49 FEET TO A 1/2" IRON ROD FOUND FOR COMER, AT FENCE CORNER, SAME BEING THE SOUTHWEST COMER OF SAID 3.34 ACRE TRACT AND THE SOUTHEAST CORNER OF THAT CERTAIN 2.352 ACRE TRACT WHICH WAS CONVEYED FROM DIANA J. PERKINS TO JOHN PERKINS BY DEED DATED NOVEMBER 16, 2005 AND RECORDED AS DOCUMENT NO. 00205960 IN THE DEED RECORDS OF ANGELINA COUNTY, TEXAS;

THENCE N 07 DEGREES 39' 40" E WITH WEST BOUNDARY LINE OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, COMMON WITH THE EAST BOUNDARY LINE OF SAID 2.352 ACRE TRACT, 577.79 FEET TO THE NORTHWEST COMER OF SAID 3.34 ACRE TRACT AND THE NORTHEAST COMER OF SAID 2.352 ACRE TRACT, LOCATED IN THE SOUTH BOUNDARY LINE OF SAID 210 ACRE TRACT, A 1/2" IRON PIPE SET FOR CORNER,

THENCE S 79 DEGREES 54' 40" E WITH THE NORTH BOUNDARY LINE OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, COMMON WITH THE SOUTH BOUNDARY LINE OF SAID 210 ACRE TRACT, 229.31 FEET TO THE PLACE OF BEGINNING CONTAINING 3.33 ACRES OF LAND, MORE OR LESS.

SITUATE IN THE COUNTY OF ANGELINA, STATE OF TEXAS

Reba Squyres

Clerk of District Court

Angelina County, Texas

By: Guidry, Ashleigh

Deputy

CAUSE NO. CV-00576-22-09

**In Re: Order of Foreclosure
Concerning
620 SOUTHERN DR.
LUFKIN, TEXAS 75901
Under Tex. R. Civ. P. 736**

Petitioner:

**MATRIX FINANCIAL SERVICES
CORPORATION**

Respondent(s):

DONALD HOWELL AND MELISSA
HOWELL

IN THE DISTRICT COURT

OF ANGELINA COUNTY, TEXAS

217TH JUDICIAL DISTRICT

ORDER TO PROCEED
WITH NOTICE OF FORECLOSURE SALE
AND FORECLOSURE SALE

On this day, the Court considered the TEX. R. CIV. P. 736 Application for Home Equity Foreclosure Order filed by MATRIX FINANCIAL SERVICES CORPORATION, its successors and assigns (hereinafter “Petitioner”). The Court has determined that it has jurisdiction over this matter and the parties in this proceeding. The Court is of the opinion that said Application should be granted. The Court finds:

1. Petitioner is MATRIX FINANCIAL SERVICES CORPORATION, its successors and assigns.
2. Petitioner's address is c/o Nationstar Mortgage LLC, 8950 Cypress Waters Blvd., Coppel, TX 75019.
3. Respondent, whether singular or plural, is:

DONALD HOWELL
620 SOUTHERN DRIVE
LUFKIN, TEXAS 75901

Respondent, whether singular or plural, is:

MELISSA HOWELL
620 SOUTHERN DRIVE
LUFKIN, TEXAS 75901

4. The property encumbered by the lien sought to be foreclosed is commonly known as 620 SOUTHERN DRIVE, LUFKIN, TEXAS 75901.

5. The legal description of the property encumbered by the lien sought to be foreclosed is:

3.33 ACRES, MORE OR LESS, PART OF THE THOMAS CARO SURVEY, ABSTRACT NO. 8, BEING SITUATED IN ANGELINA COUNTY, TEXAS AND BEING MORE FULLY DESCRIBED BY METES AND AS FOLLOWS:

ALL THAT CERTAIN 3.34 ACRE TRACT WHICH WAS CONVEYED FROM DIANA PERKINS TO JOHN PERKINS BY DEED DATED NOVEMBER 16, 2005 AND RECORDED AS DOCUMENT NO. 00205958 IN THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, TO WHICH REFERENCE IS HEREBY MADE FOR ANY AND ALL PURPOSES, BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHEAST COMER OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF THAT CERTAIN 3.34 ACRE TRACT WHICH WAS CONVEYED, TRACT ONE, FROM JOHN L. KELLEY, ET UX, TO CHARLES R. RANDLEMAN, ET UX, BY DEED DATED OCTOBER 26, 2007 AND RECORDED AS DOCUMENT NO. 00236552 IN THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, AND LOCATED IN THE SOUTH BOUNDARY LINE OF THAT CERTAIN 210 ACRE TRACT WHICH WAS CONVEYED FROM BELLE RAGUET TO SOUTHERN PINE LUMBER COMPANY BY DEED DATED APRILL, 1898 AND RECORDED IN VOLUME L, ON PAGE 98 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS, A 1/2" IRON ROD FOUND FOR CORNER, AT FENCE CORNER;

THENCE S 03 DEGREES 19' 20" W WITH THE EAST BOUNDARY LINE OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, COMMON WITH THE WEST BOUNDARY LINE OF SAID RANLEMAN 3.34 ACRE TRACT, 582.66 FEET TO A 1/2 IRON ROD FOUND, AT FENCE CORNER, FOR THE SOUTHEAST CORNER OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, SAME BEING RANDLEMAN'S SOUTHWEST COMER, AND LOCATED IN THE NORTH BOUNDARY LINE OF THAT CERTAIN 14.240 ACRE TRACT WHICH WAS CONVEYED FROM THOMAS G. FLOURNOY

**TO COUNTY OF ANGELINA BY DEED DATED DECEMBER 29, 1989 AND
RECORDED IN VOLUME 786, ON PAGE 255 OF THE DEED RECORDS OF
ANGELINA COUNTY, TEXAS;**

**THENCE N 79 DEGREES 37' 57" W WITH SOUTH BOUNDARY LINE OF
THE ABOVE REFERRED TO 3.34 ACRE TRACT, SAME BEING THE
NORTH BOUNDARY LINE OF SAID 14.240 ACRE TRACT, 273.49 FEET
TO A 1/2" IRON ROD FOUND FOR COMER, AT FENCE CORNER, SAME
BEING THE SOUTHWEST COMER OF SAID 3.34 ACRE TRACT AND THE
SOUTHEAST CORNER OF THAT CERTAIN 2.352 ACRE TRACT WHICH
WAS CONVEYED FROM DIANA J. PERKINS TO JOHN PERKINS BY
DEED DATED NOVEMBER 16, 2005 AND RECORDED AS DOCUMENT
NO. 00205960 IN THE DEED RECORDS OF ANGELINA COUNTY, TEXAS;**

**THENCE N 07 DEGREES 39' 40" E WITH WEST BOUNDARY LINE
OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, COMMON WITH
THE EAST BOUNDARY LINE OF SAID 2.352 ACRE TRACT, 577.79 FEET
TO THE NORTHWEST COMER OF SAID 3.34 ACRE TRACT AND THE
NORTHEAST COMER OF SAID 2.352 ACRE TRACT, LOCATED IN THE
SOUTH BOUNDARY LINE OF SAID 210 ACRE TRACT, A 1/2" IRON PIPE
SET FOR CORNER,**

**THENCE S 79 DEGREES 54' 40" E WITH THE NORTH BOUNDARY LINE
OF THE ABOVE REFERRED TO 3.34 ACRE TRACT, COMMON WITH
THE SOUTH BOUNDARY LINE OF SAID 210 ACRE TRACT, 229.31 FEET
TO THE PLACE OF BEGINNING CONTAINING 3.33 ACRES OF LAND,
MORE OR LESS.**

SITUATE IN THE COUNTY OF ANGELINA, STATE OF TEXAS

6. The recording or indexing information for the lien to be foreclosed is:

Instrument Number 2017-00351430, and recorded in the real property records of

ANGELINA County, Texas.
7. The type of lien listed in Rule 735 sought to be foreclosed is a home equity loan

under TEX.CONST. art. XVI, § 50(a)(6).
8. The name of each person obligated to pay the loan agreement, contract, or lien

sought to be foreclosed is: DONALD HOWELL.

9. The name of each mortgagor, if any, of the lien sought to be foreclosed, if any, of the lien sought to be foreclosed who is not a maker or assumer of the underlying debt is: MELISSA HOWELL.

10. There is a monetary default under the terms of the loan agreement, contract, or lien sought to be foreclosed as reflected more particularly below:

- i. As of August 30, 2022 the number of unpaid scheduled payments was eight (8).
- ii. As of August 30, 2022, the amount required to cure the default was \$9,553.05.
- iii. As of August 30, 2022, the amount required to pay off the loan agreement, contract or lien was \$123,094.93, plus fees and costs.

11. The requisite notice to cure the default has been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and that the opportunity to cure has expired.

12. Before the application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

13. The Court further finds that this is an *in rem* proceeding; that the Application filed by Petitioner complies with Rule 735 and 736 of the Texas Rules of Civil Procedure; that Respondent has not previously filed a Response or the Response was deemed insufficient; that a copy of the required Notice with Certificate of Service has been on file with the Clerk of the Court for at least ten (10) days, exclusive of the date of filing; that Petitioner has met its burden of proof as to the elements of Rule 736; and that Petitioner should proceed with foreclosure of the Property under the terms of the Security Instrument and TEX.PROP. CODE § 51.002.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner, its successors and assigned, may proceed with the foreclosure of the property located at 620 SOUTHERN DRIVE, LUFKIN, TEXAS 75901, and described as follows:

3.33 ACRES, MORE OR LESS, PART OF THE THOMAS CARO SURVEY, ABSTRACT NO. 8, BEING SITUATED IN ANGELINA COUNTY, TEXAS AND BEING MORE FULLY DESCRIBED BY METES AND AS FOLLOWS:

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BEING THE SOUTHWEST COMER OF SAID 3.34 ACRE TRACT AND THE SOUTHEAST CORNER OF THAT CERTAIN 2.352 ACRE TRACT WHICH WAS CONVEYED FROM DIANA J. PERKINS TO JOHN PERKINS BY DEED DATED NOVEMBER 16,2005 AND RECORDED AS DOCUMENT NO. 00205960 IN THE DEED RECORDS OF ANGELINA COUNTY, TEXAS;

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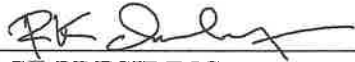
SITUATE IN THE COUNTY OF ANGELINA, STATE OF TEXAS

under the terms of the Texas Home Equity Security Instrument and TEX.PROP. CODE § 51.002.

All other relief not granted herein is denied.

SIGNED this the _____ day of _____, 2023.

Signed: 7/12/2023 10:38 AM



JUDGE PRESIDING

APPROVED AS TO FORM AND ENTRY REQUESTED:

ROBERTSON, ANSCHUTZ, SCHNEID,
CRANE & PARTNERS, PLLC

By: /s/ Mary Akapo

Mary Akapo

State Bar No.: 24125990

marakapo@raslg.com

5601 Executive Drive, Suite 400

Irving, Texas 75038

Telephone: 817-873-3080, Ext. 53121

Facsimile: 817-796-6079

ATTORNEY FOR PETITIONER