

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

T.S. #: 2022-02903

FILED FOR RECORD
COUNTY CLERK
MORRIS COUNTY, TEXAS
2023 OCT -5 PM 2:00

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.

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

Date: 12/5/2023
Time: The earliest time the sale will begin is 10:00 AM
Place: Morris County Courthouse, Texas, at the following location: 500 Broadnax Street, Daingerfield, TX 75638 THE FRONT DOOR (EAST DOOR OF COURTHOUSE) ALSO KNOWN AS VOTING PRECINCT #401
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: 1747 County Road 3314 Omaha, TX 75571

Instrument to be Foreclosed – The instrument to be foreclosed is the Deed of Trust dated 1/20/2022 and recorded in the office of the County Clerk of Morris County, Texas, recorded on 1/24/2022 under County Clerk's File No 2022-000088, in Book 603 and Page 582 of the Real Property Records of Morris County, Texas.

Grantor(s): ANDREW J BEITING, AN UNMARRIED MAN
Original Trustee: Scott R. Valby
Substitute Trustee: Auction.com, Meghan Byrne, Harriett Fletcher, Robert La Mont, David Sims, Allan Johnston, Ronnie Hubbard, Sheryl LaMont, Nestor Solutions, LLC
Original Mortgagee: Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Mortgage Research Center, LLC dba Veterans United Home Loans, its successors and assigns
Current Mortgagee: Freedom Mortgage Corporation
Mortgage Servicer: Freedom Mortgage Corporation

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.

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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 \$195,000.00, executed by ANDREW J BEITING, AN UNMARRIED MAN, and payable to the order of Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Mortgage Research Center, LLC dba Veterans United Home Loans, 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

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.

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Dated: October 5, 2023

Auction.com, Meghan Byrne, ~~Harriett Fletcher~~, Robert La Mont, David Sims, Allan Johnston, Ronnie Hubbard, Sheryl LaMont, 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'

DESCRIPTION OF PROPERTY SURVEYED: Being all of two tracts of land, called Tract One and Tract Two, conveyed to Scott Herrick, et al by deed recorded in volume 555 page 368, Official Public Records, Morris County, Texas (OPR). This property is situated in the C. Lowenstein Survey, Abstract No. 190, Morris County, Texas and is more specifically described by METES AND BOUNDS, to-wit:

POINT OF BEGINNING (POB): Being a ½" Steel Rod Found (SRF) for the northwest corner of this tract, same being the northwest corner of said Tract One, same also being the northeast corner of a tract of land conveyed to Lisa Holley by deed recorded in volume 231 page 1, OPR. This POB is in the south apparent right of way of County Road 3314 (unspecified width).

THENCE: South 61 degrees 57 minutes 34 seconds East with said right of way for a distance of 506.51 feet to a point in said right of way and the north line of said Tract Two. from this point the Net northeast corner of this tract bears S 61°57'34" East with said right of way for a distance of 73.31 feet to a SRF.

THENCE: North 89 degrees 56 minutes 43 seconds East for a distance of 56.16 feet to a point in the paved portion of said county road.

THENCE: South 61 degrees 55 minutes 00 seconds East for a distance of 10.44 feet to a point in the paved portion of said county road, same being a point in the north line of the residue of a called 7 acres tract, conveyed to Thomas Hawkins by deed recorded in volume 397 page 282, OPR.

THENCE: South 01 degrees 17 minutes 48 seconds West, leaving said right of way, and with the west line of the eastern residue of said 7 acres, for a distance of 29.61 feet to a SRF for said Net northeast corner of this tract.

THENCE: South 01 degrees 17 minutes 48 seconds West, (reference bearing line), with the west line of the remainder of said 7 acres tract, thence passing a point in a west line of the remainder of a tract of land conveyed to Smith Patterson by deed recorded in volume 51 page 462, Deed Records, Morris County, Texas, thence continuing across a field, for a distance of 302.40 feet to a SRF, proximate to a Steel T-Post found for witness, for the southeast corner of this tract, same being an ell corner of said Patterson tract.

THENCE: South 89 degrees 56 minutes 42 seconds West, passing a northwest corner of the remainder of said Patterson tract, same being the most southerly northeast corner of the residue of said 7 acres tract, thence across said field for a distance of 517.46 feet to a SRF, with a similar T-Post found for witness, for the southwest corner of this tract and an ell corner in the southern residue of said 7 acres tract.

THENCE: North 01 degrees 14 minutes 57 seconds East, with the east line of the residue of said 7 acres tract, thence with the east line of said Patterson tract, thence once again across said field, passing the northwest corner of said Tract Two and the southwest corner of said Tract One at 336.93 feet, same being the southwest corner of said Holley tract, thence along the same course for a total distance of 575.53 feet to the **POB**.

This tract contains 5.240 acres of land, more or less, of which 0.025 acres lies within the apparent right of way of said County Road 3314, leaving a net area of 5.215 acres of land.