

23-02788
305 N FULTON ST, RICE, TX 75155

2023-068
FILED FOR RECORD
AT 1:07 O'CLOCK P.M.

SEP 21 2023

**NOTICE OF FORECLOSURE SALE AND
APPOINTMENT OF SUBSTITUTE TRUSTEE.**

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY DEPUTY

- Property: The Property to be sold is described as follows:
See Exhibit A
- Security Instrument: Deed of Trust dated January 14, 2022 and recorded on January 18, 2022 at Instrument Number 2022-000535 in the real property records of NAVARRO County, Texas, which contains a power of sale.
- Sale Information: December 5, 2023, at 11:00 AM, or not later than three hours thereafter, at the front steps of Navarro County Courthouse, 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 TAMMIE EMERSON AND EMMETT EMERSON JR secures the repayment of a Note dated January 14, 2022 in the amount of \$211,105.00. VILLAGE CAPITAL & INVESTMENT LLC, whose address is c/o Village Capital & Investment, LLC, 2550 Paseo Verde Parkway, Suite 100, Henderson, NV 89074, is the current mortgagee of the Deed of Trust and Note and Village Capital & Investment, 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.
- 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.

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.



4796769

Nicki Company

De Cubas & Lewis, P.C.
Nicki Company, Attorney at Law
14425 Torrey Chase Blvd., Suite 130,
Houston, TX 77014

Sharon Pierre

Substitute Trustee(s): Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Shawn Schiller, Patrick Zwiers, Darla Boettcher, Irene Lindsay, Dana Kamin, Lisa Bruno, Angie Uselton, Jami Hutton, Tonya Washington, Monica Henderson, Terry Waters, Logan Thomas, Mollie McCoslin, Robert LaMont, Sheryl LaMont, Harriett Fletcher, Allan Johnston, Sharon St. Pierre, Ronnie Hubbard, Mollie McCoslin Lori Garner, Lori Garner, Randy Daniel, Cindy Daniel, Ashlee Luna and ServiceLink employees included but not limited to those listed herein.

c/o De Cubas & Lewis, P.C.
14425 Torrey Chase Blvd., Suite 130,
Houston, TX 77014

Certificate of Posting

I, Sharon St. Pierre, declare under penalty of perjury that on the 21st day of September, 2023 I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of NAVARRO County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).

EXHIBIT "A"

BEING all that parcel of land located in the City of Rice, Navarro County, Texas and being a part of the Jonathan Dearman Survey, Abstract No. 224 and being all of that tract of land described in deed to Monte B. Hutchins recorded in County Clerk's Document Number 2012-3712, Real Property Records Navarro County, Texas, being all of Lots 11 and 12, the west 40 feet of Lot 13, Block 34 and a part of an unimproved variable width alley, Map of the Town of Rice, Texas, an addition to the City of Rice, recorded in Cabinet 3, Slide 37, Plat Records Navarro County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "4890" found at the south corner of said Hutchins tract of land and said point being at the intersection of the center line of a variable width unimproved alley with the northeast right-of-way line of North Fulton Street (80' right-of-way);

THENCE North 25 degrees 39 minutes 06 seconds West, at 11.01 feet passing a one-half inch iron rod with cap stamped "4890" found in the southwest line of said Block 34, in all a total distance of 125.00 feet to a point in a tree found at the west corner of said Block 34, said point being at the west corner of said Hutchins tract of land and said point being at the intersection of the northeast right-of-way line of North Fulton Street with the southeast right-of-way line of West Gilmer Street (80' right-of-way), to which a one-half inch iron found for witness bears, North 33 degrees 04 minutes 32 seconds East, at 1.92 feet;

THENCE North 64 degrees 20 minutes 54 seconds East, 140.00 feet along the northwest line of said Block 34 and along the southeast right-of-way line of West Gilmer Street to a one-half inch iron rod with cap stamped "4890" found at the north corner of said Hutchins tract of land and said point being at the west corner of that tract of land described in deed to Olivia Ortiz recorded in Volume 1706, Page 623, Deed Records Navarro County, Texas;

THENCE South 25 degrees 39 minutes 06 seconds East, at 57.20 feet passing a three-quarter inch iron pipe found at the south corner of said Ortiz tract of land and said point being at the west corner of that tract of land described in deed to Mark Fleischer recorded in Volume 1044, Page 401, Deed Records Navarro County, Texas, at 114.65 feet passing a one-half inch iron rod with

cap stamped "4890" found at the south corner of said Fleischer tract of land, in all a total distance of 125.00 feet to a one-half inch iron rod with cap stamped "4890" found at the east corner of said Hutchins tract of land and being in the approximate centerline of a variable width unimproved alley;

THENCE South 64 degrees 20 minutes 54 seconds West, 140.00 feet along the southeast line of said Hutchins tract of land and along the approximate centerline of the variable width unimproved alley to the POINT OF BEGINNING and containing 17,500 square feet or 0.402 acres of land.

Basis of Bearing is derived from GPS observations relative to the Texas WDS RTK Network – Texas State Plane Coordinate System, North Central Zone (4202), NAD83.