C&M No. 44-19-2744/ FILE NOS

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

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. Sender is: Codilis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated June 06, 2001 and recorded under Vol. 411, Page 586, or Clerk's File No. 004078, in the real property records of UPSHUR County Texas, with Jonathan W. Biggs and Tammy K. Biggs as Grantor(s) and Jim Walter Homes, Inc. as Original Mortgagee.

Deed of Trust executed by Jonathan W. Biggs and Tammy K. Biggs securing payment of the indebtedness in the original principal amount of $210,276.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Jonathan W. Biggs and Tammy K. Biggs. U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, successor by merger to First Union National Bank as Trustee, for Mid-State Trust X
is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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 property securing the above referenced loan. Shellpoint Mortgage Servicing is acting as the Mortgage Servicer for the Mortgagee. Shellpoint Mortgage Servicing, is representing the Mortgagee, whose address is: 75 Beattie Place, Suite 300, Greenville, SC 29601.

FILED
TERRI ROSS
COUNTY CLERK
UPSHUR CO., TX
2020 NOV 23 AM 11:11

Legal Description:
BEING A TRACT OF LAND SITUATED IN THE M.H. PULVADOR SURVEY ABSTRACT NO. 5, UPSHUR COUNTY, TEXAS, AND BEING PART OF A 80 ACRE TRACT OF LAND TO WILLY BLACKSTONE RECORDED IN VOL 369, PG. 555, DEED RECORDS UPSHUR COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SALE INFORMATION

Date of Sale: 01/05/2021 **Earliest Time Sale Will Begin: 10:00 AM**

Location of Sale: **The place of the sale shall be: UPSHUR** County Courthouse, Texas at the following location: The north entry of the Upshur County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. 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.

The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

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.

WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Harriett Fletcher, David Sims, Robert LaMont, Terri Worley, Sheryl LaMont, Allan Johnston, Sharon St. Pierre, Carol Hampton, Rhonda Hawkins, Ronnie Hubbard, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Agency Sales And Posting, as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Executed on 11/20/2020.

/s/ Kelly Doherty SBOT No. 24118059, Attorney at Law
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Posted and filed by: Harriett Fletcher

Printed Name: Harriett Fletcher 11-24-2020

C&M No. 44-19-2744

EXHIBIT "E"

STATE OF TEXAS:
COUNTY OF UPSHUR:

BEING A TRACT OF LAND SITUATED IN THE M. H. PULVADOR SURVEY ABSTRACT NO. 5, UPSHUR COUNTY, TEXAS, AND BEING PART OF A 80 ACRE TRACT OF LAND TO WILLY BLACKSTONE RECORDED IN VOL 369, PG. 555, DEED RECORDS UPSHUR COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½" IRON ROD SET AT THE SOUTHEAST CORNER OF THIS TRACT SAID IRON BEING S 87 20' W A DISTANCE OF 225.26' FROM THE NORTHWEST CORNER OF A CALLED 7 ACRE TRACT RECORDED IN VOL. 247, PG. 22;

THENCE WEST A DISTANCE OF 265.0' TO A ½" IRON ROD SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH A DISTANCE OF 306.36' TO A ½" IRON ROD SET IN THE SOUTH LINE F. M. NO. 1795;

THENCE N 80 51' E WITH THE SOUTH LINE OF F. M. NO. 1795 A DISTANCE OF 269.02' TO A ½" IRON ROD SET;

THENCE SOUTH A DISTANCE OF 349.14' TO THE POINT OF BEGINNING AND CONTAINING 2.0 ACRES OF LAND.