

Notice of Substitute Trustee's Sale

Notice Concerning Military Duty: 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. Tex. Prop. Code § 51.002(i)

Deed of Trust Date: June 11, 2019	Original Mortgagor/Grantor: BILLY M RAINWATER AND MINDY RAINWATER
Original Beneficiary / Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FIRST MORTGAGE SOLUTIONS, LLC., ITS SUCCESSORS AND ASSIGNS	Current Beneficiary / Mortgagee: NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING
Recorded in: Volume: n/a Page: n/a Instrument No: 2019-03240	Property County: GAINES
Mortgage Servicer: NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING	Mortgage Servicer's Address: 55 Beattie Place, Suite 110, MS#001, Greenville, SC 29601

* 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.

Secures: Note in the original principal amount of \$176,739.00, executed by BILLY M RAINWATER and payable to the order of Lender.

Property Address/Mailing Address: 150 COUNTY RD 218, SEMINOLE, TX 79360

Legal Description of Property to be Sold: A 4.22 ACRE TRACT OF LAND BEING ALL OF THAT CERTAIN 2.42 ACRE TRACT DESCRIBED IN DEED FROM FRANK WIEBE AND SUSAN WIEBE TO NEIL UNGER, DATED SEPTEMBER 22, 2000, RECORDED IN VOLUME 710, PAGE 408, OFFICIAL PUBLIC RECORDS, GAINES COUNTY, TEXAS, AND THAT TRACT DESCRIBED IN DEED FROM FRANK WIEBE AND ELIZABETH WIEBE TO JOHN FROESE AND APRIL FROESE, DATED SEPTEMBER 13, 2018, RECORDED IN INSTRUMENT NO. 2018-05699, OFFICIAL PUBLIC RECORDS, GAINES COUNTY, TEXAS, BEING LOCATED IN THE SOUTHEAST CORNER OF THE SW/4 OF SECTION 179, BLOCK G, W.T.R.Y. CO. SURVEY, GAINES COUNTY, TEXAS, SAID 4.22 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH CAP MARKED "RPS 1690" FOUND IN COUNTY ROAD 218 AND IN THE SOUTH LINE OF SAID SECTION 179, FOR THE SOUTHEAST CORNER OF SAID SW/4, AND FOR THE SOUTHEAST CORNER OF THIS TRACT; THENCE N.87°49'05"W., ALONG SAID SOUTH LINE OF SECTION 179, AT 270.0 FEET PASS A SPINDLE FOUND FOR THE SOUTHWEST CORNER OF SAID 2.42 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID FROESE TRACT, IN ALL 488.0 FEET TO A SPIKE NAIL FOUND FOR THE MOST SOUTHERLY-SOUTHEAST CORNER OF THAT CERTAIN 300.00 ACRE TRACT OF LAND DESCRIBED IN DEED FROM FRANK WIEBE AND SUSANA WIEBE TO GEORGE HARMS AND ELISABETH HARMS, RECORDED IN VOLUME 793, PAGE 383, OFFICIAL PUBLIC RECORDS, GAINES COUNTY, TEXAS, AND FOR THE SOUTHWEST CORNER OF THIS TRACT; THENCE N.02°10'10"E., AT 30.52 FEET PASS A FOUND 1/2" IRON ROD WITH CAP MARKED "NEWTON SURVEYING", IN ALL 287.0 FEET TO A 1/2" IRON ROD FOUND FOR A CORNER OF SAID 300.00 ACRE TRACT, AND FOR THE MOST WESTERLY-NORTHWEST CORNER OF THIS TRACT; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT



WITH A RADIUS OF 1340.0 FEET (LONG CHORD = N.51°18'55"E. 157.53 FEET) A DISTANCE OF 157.62 FEET TO A 1/2" IRON ROD FOUND FOR A CORNER OF SAID 300.00 ACRE TRACT, AND FOR THE MOST NORTHERLY-NORTHWEST CORNER OF THIS TRACT;
THENCE S.87°49'05"E., AT 98.9 FEET PASS A 1/2" IRON ROD WITH CAP MARKED "NEWTON SURVEYING" FOUND FOR THE NORTHEAST CORNER OF SAID FROESE TRACT AND THE NORTHWEST CORNER OF SAID 2.42 ACRE TRACT, IN ALL 368.9 FEET TO A 1/2" IRON ROD WITH CAP MARKED "NEWTON SURVEYING" FOUND IN THE EAST LINE OF SAID SW/4, FOR THE NORTHEAST CORNER OF SAID 2.42 ACRE TRACT, AND FOR THE NORTHEAST CORNER OF THIS TRACT;
THENCE S.02°10'10"W., ALONG THE EAST LINE OF SAID SW/4, AT 360.0 FEET PASS A FOUND 1" IRON PIPE WITH PLUG MARKED "RPS 1690", IN ALL 390.0 FEET TO THE PLACE OF BEGINNING; SAVE AND EXCEPT ALL OIL, GAS AND OTHER MINERALS.

Date of Sale: October 06, 2020	Earliest time Sale will begin: 1:00 PM
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Place of sale of Property: 101 South Main Street , Seminole, TX 79360, AN AREA BY THE WEST EDGE OF THE WEST PORCH OF THE COURTHOUSE AND ON THE EAST BY THE MIDDLE LANDING OF THE INSIDE STAIRS LEADING TO THE COURTHOUSE FROM THE WEST DOOR

OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

Appointment of Substitute Trustee: Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, *NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING*, the owner and holder of the Note, has requested Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, whose address is 750 Highway 121 BYP Suite 100 Lewisville, TX 75067 or Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that *NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING* bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, whose address is 750 Highway 121 BYP Suite 100 Lewisville, TX 75067 or Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, whose address is 750 Highway 121 BYP Suite 100 Lewisville, TX 75067 or Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee.

Limitation of Damages: 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 Mortgagor, the Mortgagee, or the Mortgagee's attorney.



SUBSTITUTE TRUSTEE

Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, or Shelley Nail, Kristina McCrary, Cassie Martin or Donna Trout, Trustee

c/o RAS CRANE, LLC, 10700 Abbott's Bridge Road, Suite 170, Duluth, Georgia 30097; PH: (470)321-7112

FILED
7/13/2020 12:18A. m
Terri Berry, County Clerk
Gaines County, Texas
BY Alissa Rodriguez
Deputy