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# NOTICE OF TRUSTEE'S SALE

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**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., 20405 State Highway 249, Suite 170, Houston, TX 77070**

## INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated July 07, 2021 and recorded under Vol. 412, Page 87, or Clerk's File No. 161953, in the real property records of FRANKLIN County Texas, with Maricarmen Carriedo and Juan De Jesus Soria Hernandez, wife and husband. as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Goldwater Bank, N.A., its successors and assigns as Original Mortgagee.

Deed of Trust executed by Maricarmen Carriedo and Juan De Jesus Soria Hernandez, wife and husband. securing payment of the indebtedness in the original principal amount of \$185,576.00 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 Maricarmen Carriedo. M&T Bank 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. M & T Bank is acting as the Mortgage Servicer for the Mortgagee. M & T Bank, is representing the Mortgagee, whose address is: PO Box 840, Buffalo, NY 14240.

### Legal Description:

**BEING A LOT, TRACT OR PARCEL OF LAND SITUATED IN THE JOS. TALBOTT SURVEY, ABSTRACT NO. 493, FRANKLIN COUNTY, TEXAS, AND THE CITY OF MT. VERNON, FRANKLIN COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN CALLED 0.01 ACRE TRACT OF LAND CONVEYED FROM SH'S VENTURE PARTNERS TO LYNETTA TURNER, BY WARRANTY DEED, AS RECORDED IN VOLUME 181, PAGE 490, OFFICIAL PUBLIC RECORDS, FRANKLIN COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT CERTAIN CALLED 0.237 ACRE TRACT OF LAND CONVEYED FROM LYNETTA TURNER ET AL TO DENVER HORTON ET UX, BY WARRANTY DEED, AS RECORDED IN VOLUME 221, PAGE 559, OFFICIAL PUBLIC RECORDS, FRANKLIN COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 0.552 ACRE TRACT OF LAND CONVEYED FROM RUSSELL TURNER TO DENVER HORTON II ET UX, BY GENERAL WARRANTY DEED, AS RECORDED IN VOLUME 248, PAGE 632, OFFICIAL PUBLIC RECORDS, FRANKLIN COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN CALLED 0.510 ACRE TRACT OF LAND CONVEYED FROM KENNETH SPARKS ET AL TO DENVER HORTON, II ET AL, BY WARRANTY DEED, AS RECORDED IN VOLUME 306, PAGE 834, OFFICIAL PUBLIC RECORDS, FRANKLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES:**

## SALE INFORMATION

Date of Sale: 12/03/2024

Earliest Time Sale Will Begin: 12:00 PM

Location of Sale: The place of the sale shall be: FRANKLIN County Courthouse, Texas at the following location: The south steps of the Franklin 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

44-24-02116  
FRANKLIN



4825108

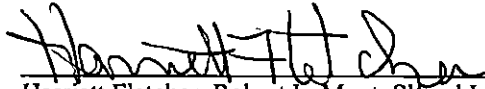
ServiceLink

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.

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:  
Codilis & Moody, P.C.  
20405 State Highway 249, Suite 170  
Houston, TX 77070  
(281) 925-5200



Harriett Fletcher, Robert LaMont, Sheryl LaMont, Sharon St. Pierre, Harriett Fletcher, Robert LaMont, Ronnie Hubbard, Sheryl LaMont, Allan Johnston, Sharon St. Pierre, Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, as Substitute Trustee Posted September 19, 2024.

## EXHIBIT "A"

Being a lot, tract or parcel of land situated in the Jas. Talbott Survey, Abstract No. 493, Franklin County, Texas, and the City of Mt. Vernon, Franklin County, Texas, and being all of that certain called 0.01 acre tract of land conveyed from SH's Venture Partners to Lynetta Turner, by Warranty Deed, as recorded in Volume 181, Page 490, Official Public Records, Franklin County, Texas, being all of the remainder of that certain called 0.237 acre tract of land conveyed from Lynetta Turner et al to Denver Horton et ux, by Warranty Deed, as recorded in Volume 221, Page 359, Official Public Records, Franklin County, Texas, being all of that certain called 0.552 acre tract of land conveyed from Russell Turner to Denver Horton II et ux, by General Warranty Deed, as recorded in Volume 248, Page 632, Official Public Records, Franklin County, Texas, and being all of that certain called 0.510 acre tract of land conveyed from Kenneth Sparks et al to Denver Horton, II et al, by Warranty Deed, as recorded in Volume 306, Page 834, Official Public Records, Franklin County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found (bent) at the Southwest corner of said 0.510 acre tract, and the Southeast corner of a 2.196 acre tract of land conveyed to Maria Rodriguez et vir, by deed recorded in Volume 306, Page 470, Official Public Records, Franklin County, Texas, said point lying in the North line of a tract of land conveyed to John Coulton et al, by deed recorded in Volume 304, Page 474, Official Public Records, Franklin County, Texas;

**THENCE**, North 00 Degrees 55 Minutes 15 Seconds East, along the West line of said 0.510 acre tract, and the East line of said 2.196 acre tract, a distance of 138.10 feet to a 1/2 inch iron rod found at the Northwest corner of said 0.510 acre tract, and the Southwest corner of said 0.552 acre tract, said point lying in the East line of said 2.196 acre tract;

**THENCE**, North 00 Degrees 55 Minutes 48 Seconds East, along the West line of said 0.552 acre tract, and the East line of said 2.196 acre tract, a distance of 162.84 feet to a 1/2 inch iron rod set marked (BY-LINE) at the Northwest corner of said 0.552 acre tract, and the Northeast corner of said 2.196 acre tract, said point lying in the South line of a tract of land conveyed to Leonardo Zavala et ux, by deed recorded in Volume 309, Page 42, Official Public Records, Franklin County, Texas;

**THENCE**, North 89 Degrees 14 Minutes 33 Seconds East, along the North line of said 0.552 acre tract, and the South line of said Zavala tract, passing the Northeast corner of said 0.552 acre tract, and the Northwest corner of the remainder of said 0.237 acre tract, and continuing the same course, passing at a distance of 243.47 feet, a 1/2 inch iron rod set marked (BY-LINE) for witness, and continuing the same course in all a total distance of 247.60 feet to a point for corner at the Northeast corner of the remainder of said 0.237 acre tract, and the Southeast corner of said Zavala tract, said point lying in the West line of State Highway No. 37 - North Kaufman Street, (Variable Width R.O.W.);

**THENCE**, South 21 Degrees 07 Minutes 46 Seconds East, along the East line of the remainder of said 0.237 acre tract, and the West line of said State Highway No. 37 - North Kaufman Street, a distance of 77.84 feet to a point for corner at the Southeast corner of the remainder of said 0.237 acre tract, and the Northeast corner of a 0.27 acre tract of land conveyed to North Texas Residential Opportunities, LLC Series A, by deed recorded in Volume 399, Page 297, Official Public Records, Franklin County, Texas, said point lying in the West line of said State Highway No. 37 - North Kaufman Street, from said point, a 1/2 inch iron rod found marked (DCA) for witness, bears South 76 Degrees 17 Minutes 56 Seconds West, a distance of 0.37 feet, a 1/2 inch iron rod found marked (Swanner) at the Southeast corner of said 0.27 acre tract, the Northeast corner of the remainder of a 1.009 acre tract of land conveyed to Juan Abonza et al, by deed recorded in Volume 362, Page 253, Official Public Records, Franklin County, Texas, and in the West line of said State Highway No. 37 - North Kaufman Street, bears South 21 Degrees 07 Minutes 46 Seconds East, a distance of 98.94 feet, and a 1/2 inch iron rod found marked (CBG) at the Southeast corner of the remainder of said 1.50 acre tract, the Northeast corner of a 2.60 acre tract of land conveyed to CNG Funeral Partners, L.L.C., by deed recorded in Volume 271, Page 794, Official Public Records, Franklin County, Texas, and in the West line of said State Highway No. 37 - North Kaufman Street, bears South 21 Degrees 07 Minutes 46 Seconds East, a distance of 233.86 feet;

**THENCE**, South 76 Degrees 17 Minutes 56 Seconds West, along the South line of the remainder of said 0.237 acre tract, and the North line of said 0.27 acre tract, passing at a distance of 66.41 feet, a 1/2 inch iron rod found marked (DCA) at the East point of said 0.01 acre tract, and continuing the same course in all a total distance of 128.85 feet to a 1/2 inch iron rod found marked (DCA) at the Southwest corner of said 0.01 acre tract, and the Northwest corner of said 0.27 acre tract, said point lying in the East line of said 0.552 acre tract;

**THENCE, South 02 Degrees 39 Minutes 23 Seconds East, along the East line of said 0.552 acre tract, and the West line of said 0.27 acre tract, a distance of 57.63 feet to a 1/2 inch iron rod found at the Southeast corner of said 0.552 acre tract, and the Northeast corner of said 0.510 acre tract, said point lying in the West line of said 0.27 acre tract;**

**THENCE, South 05 Degrees 15 Minutes 03 Seconds East, along the East line of said 0.510 acre tract, and the West line of said 0.27 acre tract, a distance of 14.37 feet to a 1/2 inch iron rod found marked (Swanner) in the East line of said 0.510 acre tract, the Southwest corner of said 0.27 acre tract, and the Northwest corner of the remainder of said 1.009 acre tract;**

**THENCE, South 03 Degrees 15 Minutes 36 Seconds East, continuing along the East line of said 0.510 acre tract, and the West line of the remainder of said 1.009 acre tract, a distance of 123.44 feet to a point for corner at the Southeast corner of said 0.510 acre tract, and the Southwest corner of the remainder of said 1.009 acre tract, said point lying in a North line of said 2.60 acre tract, from said point, a 1/2 inch iron rod found marked (Blair) for witness, bears North 03 Degrees 15 Minutes 36 Seconds West, a distance of 0.15 feet, a 1/2 inch iron rod found (bent) in the South line of the remainder of said 1.009 acre tract, and in a North line of said 2.60 acre tract, bears North 87 Degrees 50 Minutes 21 Seconds East, a distance of 194.55 feet, and a 1/2 inch iron rod found marked (CBC) at the Southeast corner of the remainder of said 1.009 acre tract, the Northeast corner of said 2.60 acre tract, and in the West line of said State Highway No. 37 - North Kaufman Street, bears North 87 Degrees 50 Minutes 21 Seconds East, a distance of 198.62 feet;**

**THENCE, South 87 Degrees 50 Minutes 21 Seconds West, along the South line of said 0.510 acre tract, and a North line of said 2.60 acre tract, a distance of 129.08 feet to a 2 inch iron pipe found in the South line of said 0.510 acre tract, a Northwest corner of said 2.60 acre tract, and the Northeast corner of said Conlon tract;**

**THENCE, South 88 Degrees 21 Minutes 32 Seconds West, continuing along a South line of said 0.510 acre tract, and the North line of said Conlon tract, a distance of 37.35 feet to the POINT OF BEGINNING and CONTAINING 1.30 acres of land.**