



## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

T.S. #: 2024-11108-TX

**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: 1/7/2025  
Time: The earliest time the sale will begin is 10:00 AM , or within three (3) hours after that time.  
Place: Lubbock County Courthouse, Texas, at the following location: 904 Broadway Street , Lubbock, TX 79401 THE GAZEBO LOCATED ON THE FRONT LAWN OF THE COUNTY COURTHOUSE, WITH THE FIRST ALTERNATE LOCATION BEING THE SECOND FLOOR AUDITORIUM AT 916 MAIN AND THE SECOND ALTERNATE LOCATION BEING THE COMMISSIONER'S COURT LCOATED ON THE FIFTH FLOOR OF THE COURTHOUSE 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: 11825 COUNTY ROAD 6400 SHALLOWATER, TX 79363

**Instrument to be Foreclosed** – The instrument to be foreclosed is the Deed of Trust dated 11/2/2022 and recorded in the office of the County Clerk of Lubbock County, Texas, recorded on 11/3/2022 under County Clerk's File No 2022050877, in Book -- and Page -- Correction Instrument recorded on 10/18/2024 under Instrument No. 2024041720 of the Real Property Records of Lubbock County, Texas.

Grantor(s): Richard James Nichols and Ginger Nichols, husband and wife  
Original Trustee: Thomas E. Black Jr.  
Substitute Trustee: Nestor Solutions, LLC, Auction.com, Terry Browder, Laura Browder, Jamie Osborne, Jim Mills, Susan Mills, Andrew Mills-Middlebrook, George Hawthorne, Todd Paxton, Chad McDougal, Donna Dubose, Ed Henderson, Jeff Benton  
Original Mortgagee: Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Cardinal Financial Company, Limited Partnership, 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 by not limited to (1) the promissory note in the original principal amount of \$274,829.00, executed by Richard James Nichols and Ginger Nichols, husband and wife, and payable to the order of Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Cardinal Financial Company, Limited Partnership, 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**  
**11988 EXIT 5 PKWY BLDG 4**  
**FISHERS IN 46037-7939**  
**Phone: (855) 690-5900**

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**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.

Dated: 11/12/24

Nestor Solutions, LLC, Auction.com, Terry Browder, Laura Browder, Jamie Osborne, Jim Mills, Susan Mills, Andrew Mills-Middlebrook, George Hawthorne, Todd Paxton, Chad McDougal, Donna Dubose, Ed Henderson, Jeff Benton

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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

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EXHIBIT A

FIELD NOTES for a 1.00 acre tract of land (Tract 9) situated in the Northwest Quarter (NW/4) of Section Forty-six (46), Block P, A.C.H.& B. Survey, A-843, Lubbock County, Texas said 1.00 acre tract being

more particularly described by metes and bounds as follows:

BEGINNING at a point at or near the centerline of County Road (CR) 6400 (no record found) for the

Northwest corner of this tract from which a railroad spike found at the Northwest corner of Section 46 bears N. 88°05'55" W. (bearings are relative to Grid North, Texas Coordinate System of 1983, North Central Zone, 2011, epoch 2010.0), a distance of 160.00 feet (distances are surface, U.S. Survey Feet); THENCE S. 88°05'55" E., a distance of 130.94 feet to the Northeast corner of this tract;

THENCE S. 01°54'05" W., at 40.00 feet pass a 1/2" iron rod with blue cap inscribed "CHT RPLS 6460" (hereinafter referred to as an OJD-CHT cap) set in the South margin of CR 6400, in all a total distance of 358.74 feet to an OJD-CHT cap set in the North line of a called 10.021 acre tract (Boren tract) described in CCF #2021019139, OPRLC, TX. for the Southeast corner of this tract from which a 1/2"

iron rod with blue cap inscribed "DELTA RPLS 6684" (hereinafter referred to as a DELTA cap) found at the Northeast corner of said Boren tract bears S. 88°05'55" E. a distance of 1,047.53 feet;

THENCE N. 88°05'55" W., contiguous with the North line of said Boren tract, a distance of 130.94 feet to an OJD-CHT cap set for the Southwest corner of this tract from which a DELTA cap found at the intersection of the North line of said Boren tract and the East right-of-way line of F.M. 2378 bears N. 88°05'55" W. a distance of 120.88 feet;

THENCE N. 01°54'05" E., at 318.74 feet pass an OJD-CHT cap set in the South margin of CR 6400, in all a total distance of 358.74 feet to the PLACE OF BEGINNING.

# FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



*Kelly Pinion*

Kelly Pinion, County Clerk  
Lubbock County, TEXAS  
11/12/2024 01:52 PM  
FEE: \$2.00  
2024044849