

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU OR YOUR SPOUSE IS SERVING IN ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD, 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.

NOTICE OF SALE BY SUBSTITUTE TRUSTEE

STATE OF TEXAS
 COUNTY OF TRINITY

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 § KNOW ALL MEN BY THESE PRESENTS:
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Note: Retail Installment Contract dated March 6, 2007 executed and delivered by Kendrick Mark and Tamia Mark to Jim Walter Homes, Inc.

Security Instrument: Mechanic's Lien Contract with Power of Sale, dated March 6, 2007, executed and delivered by Kendrick Mark and Tamia Mark to Jim Walter Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded in Volume 791, Page 227, in Trinity County, Texas.

Original Creditor: Jim Walter Homes, Inc.

Current Holder: The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2010-1 Trust

Current Owner: Ditech Financial LLC

Mortgage Servicer: Ditech Financial LLC FKA Green Tree Servicing LLC ("Servicer"), 2100 E. Elliot Road, Bldg 94, Mail Stop T325, Tempe, AZ 85284

Attorneys for Mortgage Servicer Authorized to Appoint Substitute Trustees: Theodore J. Riney, Bruce K. Packard, Hayden Hooper

Appointment of Substitute Trustees: **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.**

In accordance with Texas Property Code Section 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents hereby does name and appoint the following individuals as Substitute Trustees to act under and by virtue of said Security Instrument.

Names and Street Address of Substitute Trustees: JIM MILLS, SUSAN MILLS, EMILY NORTHERN, MARLENE ZOGRAFOS, PAIGE BENTLEY, ANDREW FARLEY, LORI STEWART, ED HENDERSON, MARLEY ROSS
 9065 Jollyville, Suite 203A, Austin, TX 78759

PROPERTY ADDRESS: 13466 FM 2501 Apple Springs, TX 75926	RP FILE NO. DITE02-798	BORROWER: Mark, Kendrick & Tamia
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AND

T. J. RINEY, H. HOOPER, S.G. HARVEY, B.K. PACKARD, M. SANTOYO
5420 LBJ Freeway, Suite 220, Dallas, TX 75240.

The Substitute Trustees are authorized to sell the Premises at public venue to the highest bidder or bidders, for cash. *Note: Each substitute trustee is authorized individually, to act alone without the joinder of the other trustees.*

Property to be sold: 13466 FM 2501, Apple Springs, TX 75926, and as further described in Exhibit A attached hereto, along with the improvements on such real property and any after acquired permanent improvements or title to such improvements and/or real property (the "Premises" as described in §9.604 of the Texas Uniform Commercial Code).

Date of Sale: **Tuesday, November 5, 2019.**

Time of Sale: The sale will begin no earlier than **10:00 AM** and no later than three (3) hours thereafter.

Location of Sale: At the **County Courthouse in Trinity County**, Texas, on the front center steps of the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Trinity County. If such a designation by the Commissioner's Court has been made and recorded after the date hereof and prior to the time of the sale, then the Substitute Trustee will sell the Premises at the area designated by the Commissioner's Court of Trinity County, Texas.

Terms of Sale: The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Mechanic's Lien Contract with Power of Sale permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Mechanic's Lien Contract with Power of Sale at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the Security Instrument, 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 Security Instrument. The sale shall not cover any part of the property that has been released of public record from the lien of the Security Instrument. 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 Security Instrument, the beneficiary 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

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as to the warranties of title (if any) provided for under the Mechanic's Lien Contract with Power of Sale. 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.

Type of Sale:

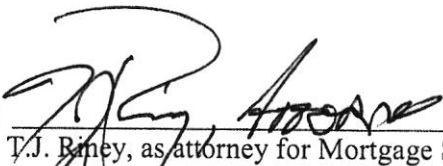
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Kendrick Mark and Tamia Mark.

Default and Notice:

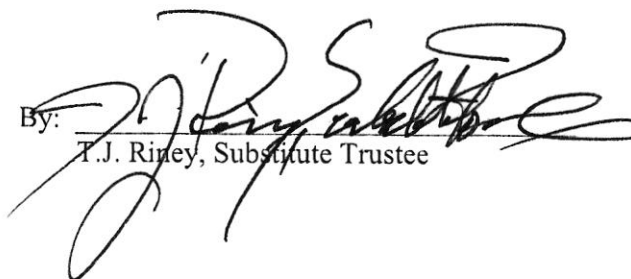
Default has been made in payment of the Note and Security Instrument and the Note is now unpaid, delinquent and in default. All required notices have been given to Kendrick Mark and Tamia Mark and any and all other necessary parties with regard to the defaulted indebtedness. Servicer has requested the undersigned, substitute trustee, to post, file and give notice of foreclosure of the Security Instrument and the lien thereof in accordance with applicable Texas law and the terms and provisions of the Security Instrument.

Dated: September 19, 2019.

By:


T.J. Riney, as attorney for Mortgage Servicer

By:


T.J. Riney, Substitute Trustee

AFTER RECORDING, PLEASE RETURN TO:

Riney Packard, PLLC
Attn: T.J. Riney
Two Lincoln Centre
5420 LBJ Freeway, Suite 220
Dallas, Texas 75240

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE**

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EXHIBIT "A"

BEING all that certain tract or parcel of land lying and situated in Trinity County, out of the B. B. B. & C. R. R. SURVEY, ABSTRACT NO. 117 and being all that certain 1 acre tract of land described in a Deed from John E. Massey to Lee Carter and wife, Mandy F. Carter, dated April 19, 1965 and recorded in Volume 170, on Page 129 of the Deed Records of Trinity County, Texas to which reference is hereby made and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of the aforesaid referred to 1 acre tract, same being the Northeast corner of that certain 16.56 acre tract of land described in a Deed from Elsie Johnson et vir to Arlington Mark et ux, dated September 18, 1965 and recorded in Volume 161, on Page 96 of the Deed Records of Trinity County, Texas, a 6" fence corner post found for corner on the West Boundary line of that certain 29.15 acre tract of land described in a Deed from Ronald M. Bosette to Joe M. Deason et ux, dated December 1, 1986 and recorded in Volume 374, on Page 471 of the Deed Records of Trinity County, Texas;

THENCE West, with the South Boundary line of the said 1 acre tract and with the North Boundary line of the aforesaid referred to 16.56 acre tract, at 0.80 feet, pass on line a 1/2" iron rod set for reference corner, at 291.13 feet, the West corner of the said 1 acre tract, a 1/2" iron rod set for corner on the Southeast Right-of-way line of State F. M. Highway No. 2501;

THENCE N 45 degrees 13' 50" E, with the Northwest Boundary line of the said 1 acre tract and with the Southeast Right-of-way line of the aforesaid State F. M. Highway No. 2501, at 410.08 feet, the North corner of the said 1 acre tract, a 1/2" iron rod set for corner on the West Boundary line of the aforesaid referred to 29.15 acre tract;

THENCE South, with the East Boundary line of the said 1 acre tract and with the West Boundary line of the said 29.15 acre tract, at 288.80 feet, the point and place of beginning and containing 0.96 acre of land, more or less.

FILED
at 1:30 o'clock P M
OCT 15 2019

SHASTA BERGMAN
COUNTY CLERK, TRINITY CO., TEXAS
By *Janette Bergman*

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