

FILED  
AT 10:00 O'CLOCK P.M.

OCT 15 2013

JOANN CHASTAIN,  
County Clerk, County Court at Law  
Angelina County, Texas

**SUBSTITUTE TRUSTEE'S NOTICE OF SALE**

**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.**

**Note:** Retail Installment Contract  
Date: September 7, 2007  
Original Creditor: Jim Walter Homes, Inc.  
Debtor: Kendall Byerly and Yolanda Byerly  
Current Holder: Green Tree Servicing LLC

**Mechanic's Lien Contract with Power of Sale:**

Date: September 7, 2007  
Grantor: Kendall Byerly and Yolanda Byerly  
Trustee: Joseph H. Kelly, Jr.  
Recording Information: Document #2007-00236120 recorded in the Official Records of Angelina County, Texas  
Property: All that property (and improvements thereon) covered by and described in the above Mechanic's Lien Contract with Power of Sale (attached hereto for convenience is an **Exhibit "A"** intended to be a copy of the property description contained in or attached to the aforesaid Mechanic's Lien Contract with Power of Sale).  
Current Holder: Green Tree Servicing LLC

**County:** Angelina, Texas

**Date of Sale (first Tuesday of month):** November 5, 2013

**Time of Sale:** 10:00 o'clock A.M. or no later than three (3) hours thereafter

**Place of Sale:** The sale will be held at the county courthouse annex in Angelina County, Texas (located at 606 East Lufkin Avenue, Lufkin, Texas), the county in which the above described Property is located, and at that area of said county courthouse annex which has been so designated by the Commissioners' Court as follows: Commissioners' courtroom in annex building.

**Substitute Trustee:** Current Holder / Beneficiary has appointed Kenneth M. Culbreth, Jr. and others (identified in **Exhibit "B"** attached hereto) as Substitute Trustee, each to act individually (the "Substitute Trustee") under the Mechanic's Lien Contract with Power of Sale and has instructed Substitute Trustee to offer the above-described Property for sale toward satisfaction of the Retail Installment Contract, as a result of the default thereunder.

NOTICE IS HEREBY GIVEN that Substitute Trustee will offer the above described Property (and improvements thereon) to the highest bidder for cash on the Date of Sale, at the Time of Sale and at the Place of Sale as stated above.

**Dated:** October 9, 2013



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Kenneth M. Culbreth, Jr., Substitute Trustee  
500 N. SHORELINE, SUITE 900  
CORPUS CHRISTI, TX 78471-0341  
(361) 884-5678 (361) 888-9149 telefax

# Exhibit "A"

## PROPERTY DESCRIPTION

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the SANTIAGO ERIE SURVEY, ABSTRACT NO. 12 and being a part or portion of that certain called 23.11 acre tract described in the document recorded in Volume 1049 on Page 180 of the Real Property Records of Angelina County, Texas, to which reference is hereby made for all purposes and being more particularly described by metes and bounds as follows, to-wit:

**BEGINNING** at a ½" iron pipe found for the Northeast corner of the aforesaid referred to 23.11 acre tract and the Northwest corner of a called 5.26 acre tract conveyed to Terry L. Mark, et al in the document recorded in Volume 1020 on Page 818 of the said Real Property Records on the South Right-Of-Way line of FM 1475;

**THENCE**, along the common boundary line of the said 23.11 acre tract and the said 5.26 acre tract, S 17° 00' 00" W at 417.96 feet a ½" iron pin set for corner;

**THENCE**, across the said 23.11 acre tract the following two (2) courses:

- 1) S 78° 46' 24" W at 234.35 feet a ½" iron pin set for corner;
- 2) N 16° 27' 34" E at 415.87 feet a ½" iron pin set for corner on the North boundary line of the said 23.11 acre tract and the said South ROW line;

**THENCE**, along the North boundary line of the said 23.11 acre tract and the said South ROW line, N 78° 46' 24" E at 238.80 feet the **POINT AND PLACE OF BEGINNING** and containing 2.000 acres of land, more or less.

The bearings for this tract are based on the East boundary line of the said 23.11 acre tract.

I, A.L. HARGRAVES, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THESE NOTES REPRESENT THE RESULTS OF A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

TEXAS SURVEYING ASSOCIATES  
LUFKIN, TEXAS

*ALH*  
A.L. HARGRAVES, JR.  
Registered Professional Land Surveyor No. 2075  
September 27, 2007 07414



**Exhibit "B"**

Kenneth M. Culbreth, Jr.  
500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78471

Jim Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Susan Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Emily Northern  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Alexandra Zografos  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Marlene Zografos  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Paige Bentley  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Andrew Farley  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

**Note:** Individually and separate, each Substitute Trustee listed above is authorized to act alone without the joinder of the other Substitute Trustees.