

**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.**

FILED  
 JAN 15 2019  
 AMY FINCHER  
 County Clerk, County Court at Law  
 By: Angelina, Texas

**NOTICE OF SALE BY SUBSTITUTE TRUSTEE**

STATE OF TEXAS  
 COUNTY OF ANGELINA

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**KNOW ALL MEN BY THESE PRESENTS:**

**Note:** Retail Installment Contract dated April 3, 2002 executed and delivered by Willie Lathan, Darrell Lathan and Linda Lathan to Jim Walter Homes, Inc.

**Security Instrument:** Mechanic's Lien Contract with Power of Sale, dated April 4, 2002, executed and delivered by Willie Lathan, Darrell Lathan and Linda Lathan to Jim Walter Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded in Volume 1561, Page 256, in Angelina County, Texas.

**Original Creditor:** Jim Walter Homes, Inc.

**Current Holder:** U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, successor by merger to First Union National Bank as Trustee, for Mid-State Trust XI

**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, ALEXANDRA ZOGRAFOS, MARLENE ZOGRAFOS, PAIGE BENTLEY, ANDREW FARLEY, LAURA ROWE

<b>PROPERTY ADDRESS:</b> 1920 Keltys St. Lufkin, TX 75904	<b>RP FILE NO. DITE02-591</b>	<b>BORROWER: Lathan, Willie &amp; Darrell &amp; Linda</b>
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9065 Jollyville, Suite 203A, Austin, TX 78759

AND

T. J. RINEY, H. HOOPER, S.G. HARVEY, B.K. PACKARD,  
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:** 1920 Keltys St., Lufkin, TX 75904, 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, February 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 Angelina County, Texas, at the Commissioners courtroom in annex building, unless the designated sale date is on a holiday, in which case the sale shall be held on the front steps of the main entrance to the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Angelina 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 Angelina 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.

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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 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.

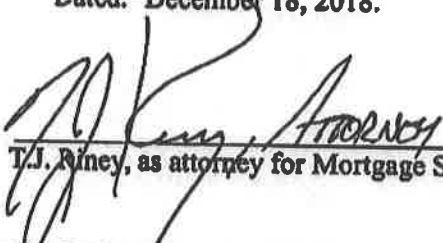
**Type of Sale:**


The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Willie Lathan and Darrell Lathan and Linda Lathan.

**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 Willie Lathan and Darrell Lathan and Linda Lathan 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: December 18, 2018.

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"**

All that certain lot, tract or parcel of land lying in the City of Lufkin, County of Angelina, Texas, and being a part or portion of Lot No. 4 of Block No. 15 of the NORTH LUFKIN ADDITION to the City of Lufkin, Texas, which Map or Plat of said North Lufkin Addition is of record in Vol. 2, page 39, of the Map or Plat Records of Angelina County, Texas, to which reference is hereby made for any and all purposes, and the said part or portion being described by metes and bounds as follows, to-wit:  
BEGINNING at the SW corner of said Lot No. 4, an iron rod for corner on the E B line of Kelty Street;

THENCE N 20 deg. 00 min. W with the W B line of said Lot No. 4 and the E B line of said Kelty Street, at 120.00 feet an iron stake for corner at the upper SW corner of a tract of land conveyed by deed from E. J. Roach, et ux to Mark Phillip, et ux, dated June 15, 1961, of record in Vol. 256, page 435, Deed Records of Angelina County, Texas;

THENCE N 70 deg. 00 min. E with the upper S B line of said Mark Phillip tract of land, at 140.00 feet an iron stake for corner at a ell corner of same;

THENCE S 20 deg. 00 min. E with the lower W B line of said Mark Phillip tract of land, at 123.00 feet an iron rod for corner at the lower SW corner of same on the S B line of said Lot No. 4;

THENCE S 71 deg. 14 min. W with the S B line of said Lot No. 4, at 140.00 feet the place of beginning, containing 0.39 of an acre of land,

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