

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
AT 3:06 O'CLOCK P.M.
APR 15 2019

NOTICE OF SALE BY SUBSTITUTE TRUSTEE

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ANGELINA

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
By MC

Note:

Retail Installment Contract dated October 28, 2007 executed and delivered by Christopher McMullen to Jim Walter Homes, Inc.

Security Instrument:

Mechanic's Lien Contract with Power of Sale, dated October 28, 2007, executed and delivered by Christopher McMullen to Jim Walter Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded as Document Number 2007-00237608, in Angelina 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, ALEXANDRA ZOGRAFOS HOLUB, MARLENE ZOGRAFOS, PAIGE BENTLEY, ANDREW FARLEY
9065 Jollyville, Suite 203A, Austin, TX 78759

PROPERTY ADDRESS:
935 Stephenson Brown Rd
Lufkin, TX 75904

RP FILE NO. DITE02-535

BORROWER: McMullen, Christopher

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: 935 Stephenson Brown Rd, 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, May 7, 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.

PROPERTY ADDRESS: 935 Stephenson Brown Rd Lufkin, TX 75904	RP FILE NO. DITE02-535	BORROWER: McMullen, Christopher
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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 Christopher McMullen.

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 Christopher McMullen 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: April 12, 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**

PROPERTY ADDRESS: 935 Stephenson Brown Rd Lufkin, TX 75904	RP FILE NO. DITE02-535	BORROWER: McMullen, Christopher
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PROPERTY DESCRIPTION

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the JOHN ALDRIDGE SURVEY, ABSTRACT NO. 56 and being a part or portion of that certain called 17.8068 acre tract conveyed to Donald Cole in the document recorded in Volume 570 on Page 857 of the Deed 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 1/4" iron pin found for the Southeast corner of a called 1.00 acre tract (out of the aforesaid referred to 17.8068 acre tract) conveyed to Thomas Lynn McMullen, et ux in Document # 2006-00218951 of the Official Public Records of the said County, on the South boundary line of the said Donald Cole 17.8068 acre tract and the North boundary line of a called 17.8068 acre tract conveyed to Carroll Cole in the document recorded in Volume 575 on Page 22 of the said Deed Records;

THENCE, along the East boundary line of the said 1.00 acre tract and across the said Donald Cole 17.8068 acre tract, N 00° 04' 00" E at 165.57 feet a 1/4" iron pin found for the Northeast corner of the said 1.00 acre tract;

THENCE across the said Donald Cole 17.8068 acre tract the following two (2) courses:

1. S 89° 53' 41" E at 264.38 feet a 1/4" iron pin set for corner;
2. S 00° 04' 00" W at 163.96 feet a 1/4" iron pin set for corner on the common boundary line of the said Donald Cole 17.8068 acre tract and the said Carroll Cole 17.8068 acre tract;

THENCE, along the common boundary line of the said Donald Cole 17.8068 acre tract and the said Carroll Cole 17.8068 acre tract, S 89° 45' 20" W at 264.39 feet the POINT AND PLACE OF BEGINNING and containing 1.000 acre of land, more or less.

Together with a 30' wide access & utility easement whose centerline line is described by metes and bounds as follows, to-wit:

COMMENCING at a 1/4" iron pin found for the Southeast corner of a called 1.00 acre tract (out of the aforesaid referred to 17.8068 acre tract) conveyed to Thomas Lynn McMullen, et ux in Document # 2006-00218951 of the Official Public Records of the said County, on the South boundary line of the said Donald Cole 17.8068 acre tract and the North boundary line of a called 17.8068 acre tract conveyed to Carroll Cole in the document recorded in Volume 575 on Page 22 of the said Deed Records;

THENCE, along the East boundary line of the said 1.00 acre tract and across the said Donald Cole 17.8068 acre tract, N 00° 04' 00" E at 15.00 feet the POINT OF BEGINNING;

THENCE across the said 1.00 acre tract the following two (2) courses:

page 1 of 2

NOTARIAL CERTIFICATE
 STATE OF TEXAS COUNTY OF ANGELINA

I hereby certify that the above is a true and correct copy of the original returned on file in my office.

NOT CLARENCE, COUNTY CLERK, ANGELINA CO. TX

11-30-07

