

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: Sale Contract
Date: April 26, 2012
Original Creditor: Green Tree Servicing LLC
Debtor: Desman D. & Shaquitta L. Hood
Current Holder: The Bank of New York Mellon as Indenture Trustee for Mid-State Capital Corporation 2010-1 Trust by Ditech Financial LLC, as servicer with delegated authority

FILED
AUG 14 2018
9:00 O'CLOCK P M
AMY FINCHER
County Clerk, County Court at Law
By: Angelina County, Texas

Security Instrument:

Purchase Money Deed of Trust
Date: April 26, 2012
Grantor: Desman D. & Shaquitta L. Hood
Trustee: Joseph H. Kelly
Recording Information: Document #2012-00292266 recorded in the Official Records of Angelina County, Texas
Property: All that property (and improvements thereon) covered by and described in the above Security Instrument and as more particularly described in **Exhibit "A"** attached hereto (setting forth therein the legal description of the property as contained in or attached to the above Security Instrument) (referred to in this Notice of Sale as the "Property").

(9)

Current Beneficiary: The Bank of New York Mellon as Indenture Trustee for Mid-State Capital Corporation 2010-1 Trust by Ditech Financial LLC, as servicer with delegated authority

Mortgage Servicer: Ditech Financial LLC (f/k/a Green Tree Servicing LLC), 2100 E. Elliot Road, T-314, Tempe, Arizona 85284, by virtue of a servicing agreement with Current Beneficiary.

Attorney for Mortgage Servicer Authorized to

Appoint Substitute Trustees: Kenneth M. Culbreth, Jr.

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 Kenneth M. Culbreth, Jr. and others (identified in **Exhibit "B"** attached hereto) as Substitute Trustees, each to act individually (the "Substitute Trustee") under and by virtue of the Security Instrument.

Foreclosure Sale:

County: Angelina, Texas

Date of Sale (first Tuesday of month): September 4, 2018

Time of Sale: The sale of the Property will begin no earlier than 10:00 o'clock A.M. and no later than three (3) hours thereafter

Place of Sale: The sale of the Property 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 Angelina County Commissioners' Court as follows: Commissioners' courtroom in annex building.

Type of Sale: The sale of the Property is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument.

Terms of Sale: The sale of the Property will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Security Instrument permitting the Beneficiary to have the bid credited against the indebtedness secured by the Security Instrument at the time of the 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 of the Property 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 Substitute 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 Security Instrument.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

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 Debtor and any and all other necessary parties with regard to the defaulted indebtedness. Mortgage 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. Mortgage Servicer is representing Mid-State Capital Corporation 2010-1 Trust under a Servicing Agreement.

Dated: August 8, 2018

By:


Kenneth M. Culbreth, Jr., as
Attorney for Mortgage Servicer

By:



Kenneth M. Culbreth, Jr., as Substitute Trustee
500 North Shoreline, Suite 612
Corpus Christi, Texas 78401-0341
(361) 884-5678 Telephone
(361) 888-9149 Telecopier

Exhibit "A"

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the A. VARILLA SURVEY, ABSTRACT NO. 49 and being all the residue of that certain called 23/100 acre tract conveyed to Steven A. Morris in Document No. 2006-00238941 of the Official Public 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 $\frac{1}{2}$ " iron pin found for the Southwest corner of the aforesaid referred to 23/100 acre tract and the Northwest corner of a called 41/100 acre tract conveyed to Joe W. Soranton, et ux in the document recorded in Volume 111 on Page 215 of the Deed Records of the said County;

THENCE, along the West boundary line of the said 23/100 acre tract, N 07° 50' 56" W at 50.03 feet a $\frac{1}{4}$ " iron pin found for the Northwest corner of the said 23/100 acre tract and the Southwest corner of a called .226 acre tract- (net) conveyed to Lufkin Independent School District, Trustee in Document No. 2007-00227335 of the said Official Public Records;

THENCE, along the common boundary line of the said 23/100 acre tract and the said .226 acre tract, N 82° 17' 07" E at 199.34 feet a $\frac{1}{4}$ " iron pin found for Southeast corner of the said .226 acre tract on the curving West Right-Of-Way line of Culverhouse Street;

THENCE, across the said 23/100 acre tract and along the said curving West ROW line of Culverhouse Street, 49.38 feet along a 10° 44' 59" curve to the left having a radius of 533.00 feet, a central angle of 05° 18' 31" and a long chord bearing S 14° 35' 32" E a distance of 49.37 feet to a $\frac{1}{4}$ " iron pin found for the end of curvature on the East boundary line of the said 23/100 acre tract;

THENCE, along the East boundary line of the said 23/100 acre tract and along the West ROW line of Culverhouse Street, S 08° 08' 03" E at 1.02 feet a $\frac{1}{4}$ " iron pin set for Southeast corner of the said 23/100 acre tract and the Northeast corner of the said 41/100 acre tract;

THENCE, along the common boundary line of the said 23/100 acre tract and the said 41/100 acre tract, S 82° 00' 00" W at 205.14 feet the **POINT AND PLACE OF BEGINNING** and containing 0.232 acre of land, more or less.

The bearings for this tract are based on the South boundary line of the said 23/100 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.

Exhibit "B"

Kenneth M. Culbreth, Jr.
500 North Shoreline, Suite 612
Corpus Christi, Nueces County, Texas 78401

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

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

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

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

Carol Dartez
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.