

Freestone
County
Linda Jarvis
Freestone County
Clerk

Instrument Number: 1901665

Foreclosure Posting

NOTICE OF FORECLOSURE

Recorded On: May 13, 2019 01:25 PM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$8.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 1901665
Receipt Number: 20190513000015
Recorded Date/Time: May 13, 2019 01:25 PM
User: Amanda G
Station: Clerk Station

Record and Return To:

Abstract/Trustees of Texas
PO BOX 9932
AUSTIN TX 78766



STATE OF TEXAS
COUNTY OF FREESTONE

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Freestone County, Texas.

Linda Jarvis
Freestone County Clerk
Freestone County, TX

Linda Jarvis

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 FREESTONE

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KNOW ALL MEN BY THESE PRESENTS:

Note: Sale Contract dated July 30, 2008 executed and delivered by Patrick Evans and Ashley Hopwood to Walter Mortgage Company

Security Instrument: Purchase Money Deed of Trust, dated July 30, 2008, executed and delivered by Patrick Evans and Ashley Hopwood to Walter Mortgage Company, to secure payment of that certain Sale Contract, recorded in Volume 01460, Page 00014, in Freestone County, Texas.

Original Creditor: Walter Mortgage Company

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 X

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, RUSSELL SLATON, KORY MORGAN, DENISE MORGAN, LORI GARNER, ED HENDERSON, MARLEY ROSS

PROPERTY ADDRESS: 105 FM 1366 Wortham, TX 76693	RP FILE NO. DITE02-656	BORROWER: Evans, Patrick & Hopwood, Ashley
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9065 Jollyville, Suite 203A, Austin, TX 78759

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:

105 FM 1366, Wortham, TX 76693, 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, June 4, 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 Freestone County, Texas**, on the front steps at the South entrance of the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Freestone 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 Freestone 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 Purchase Money Deed of Trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Purchase Money Deed of Trust 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

PROPERTY ADDRESS: 105 FM 1366 Wortham, TX 76693	RP FILE NO. DITE02-656	BORROWER: Evans, Patrick & Hopwood, Ashley
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as to the warranties of title (if any) provided for under the Purchase Money Deed of Trust. 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:

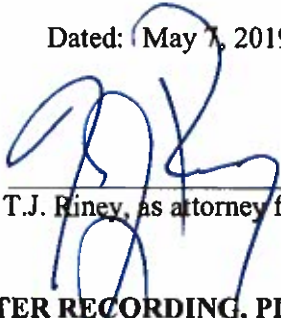
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Patrick Evans and Ashley Hopwood.

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 Patrick Evans and Ashley Hopwood 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.

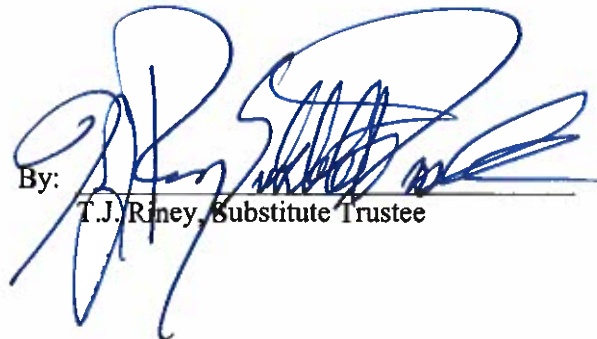
Dated: May 7, 2019.

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: 105 FM 1366 Wortham, TX 76693	RP FILE NO. DITE02-656	BORROWER: Evans, Patrick & Hopwood, Ashley
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EXHIBIT "A"

FIELD NOTES

FIELD NOTES OF 0.500 ACRES OF LAND OUT OF THE J. F. MCGUFFIN SURVEY A-400, BEING A PART OF A 3.200 ACRE TRACT DESCRIBED IN A DEED CONVEYED TO MINNIE BAILEY AS RECORDED IN VOLUME 800, PAGE 639 IN THE OFFICIAL RECORDS OF FREESTONE COUNTY, TEXAS BEING MORE PARTICULARLY DESCRIBED BY MEAS AND SOUNDS AS FOLLOWS:

COMMENCING at a tes post found in the east margin of Farm Road 1366 and being the southwest corner of a 3.200 acre tract conveyed to Minnie Bailey in Volume 800, Page 639, thence with the east margin of Farm Road 1366, North 04° 21' 00" East for 207.00 feet to a ½ inch steel pin set for the southwest corner of this tract and the POINT OF BEGINNING;

THENCE continuing with the east margin of Farm Road 1366, North 04° 21' 00" East for 90.00 feet to a ½ inch steel pin found for the northeast corner of said 3.200 acre Minnie Bailey tract and being the northeast corner of this tract;

THENCE with north line of said 3.200 acre Minnie Bailey tract and the north line of this tract, South 85° 27' 00" East for 242.00 feet to a ½ inch steel set for the northeast corner of this tract;

THENCE with the east line of this tract, South 04° 21' 00" West for 90.00 feet to a ½ inch steel pin set for the southeast corner of this tract;

THENCE with the south line of this tract, North 85° 27' 00" West for 242.00 feet to the POINT OF BEGINNING.

As surveyed on the ground April 18, 2001.

PROPERTY ADDRESS: 105 FM 1366 Wortham, TX 76693	RP FILE NO. DITE02-656	BORROWER: Evans, Patrick & Hopwood, Ashley
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