



Freestone  
County  
Linda Jarvis  
Freestone County  
Clerk

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Instrument Number: 1903286

Foreclosure Posting

NOTICE OF FORECLOSURE

Recorded On: October 14, 2019 01:24 PM

Number of Pages: 5

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" Examined and Charged as Follows: "

Total Recording: \$8.00

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\*\*\*\*\* 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: 1903286  
Receipt Number: 20191014000011  
Recorded Date/Time: October 14, 2019 01:24 PM  
User: Keitha W  
Station: Clerk Station

**Record and Return To:**

Abstracts/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

**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:** Retail Installment Contract dated August 16, 2005 executed and delivered by Derek Coleman and Carla Coleman to Neatherlin Homes, Inc.

**Security Instrument:** Mechanic's Lien Contract with Power of Sale, dated August 16, 2005, executed and delivered by Derek Coleman and Carla Coleman to Neatherlin Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded on August 16, 2005, as Document Number 05005716, in Volume 01331, Page 00235, in Freestone County, Texas.

**Original Creditor:** Neatherlin Homes, Inc.

**Current Holder:** U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, for Mid-State Capital Corporation 2005-1 Trust

**Current Owner:** Ditech Financial LLC FKA Green Tree Servicing 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 9065 Jollyville, Suite 203A, Austin, TX 78759

<b>PROPERTY ADDRESS:</b> 1746 FM 489 Oakwood, TX 75855	<b>RP FILE NO. DITE02-760</b>	<b>BORROWER:</b> Coleman, Derek & Carla
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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:** 1746 FM 489, Oakwood, TX 75855, 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, November 5, 2019.**

**Time of Sale:** The sale will begin no earlier than **10:00 a.m.** 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 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.

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

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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.

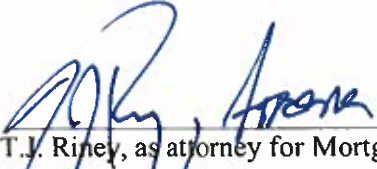
**Type of Sale:**

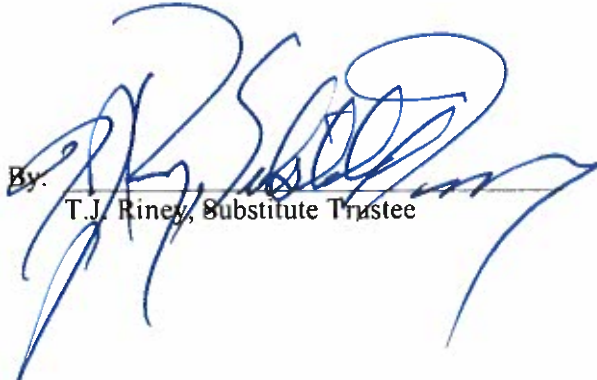
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Derek Coleman and Carla Coleman.

**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 Derek Coleman and Carla Coleman 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: September 13, 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**

<b>PROPERTY ADDRESS:</b> 1746 FM 489 Oakwood, TX 75855	<b>RP FILE NO. DITE02-760</b>	<b>BORROWER:</b> Coleman, Derek & Carla
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**EXHIBIT "A"**

Beginning at a ½ Inch Iron Rod found for corner at the S.W.C. of said tract at the S.E.C. of the Residue of a called 3.77 acres ( Vol 402 Pg 650 ) and in the N.B.L. of a County Road, from which a ¾ Inch Iron Pipe found for corner at the S.W.C. of said called 3.77 acres, bears North 52 degrees 26 minutes and 21 seconds West, 116.33 feet;

Thence North 42 degrees 00 minutes 00 seconds East, along the W.B.L. of said tract, for a distance of 266.87 feet to a ½ Inch Iron Rod found for corner at the N.W.C. of said tract, and the S.B.L. of the Callie Manning called 24.00 acres, from which a 1 Inch Iron Pipe found for corner at the N.W.C. of said called 3.77 acres, bears North 35 degrees 11 minutes and 36 seconds West, 74.42 feet;

Thence South 35 degrees 59 minutes 34 seconds East, along the N.B.L. of said tract and the S.B.L. of said Manning tract and the S.B.L. if Ruby D. Golff called 24.00 acres, for a distance of 185.79 feet to a T Iron found for corner at the N.E.C. of said tract and the N.W.C. of a called 1.00 acres ( Vol 661 Pg 714 );

Thence South 41 degrees 06 minutes 58 seconds West, along the E.B.L. of said tract and the W.B.L. of said tract ( Vol. 661 Pg 714 ) for a distance of 213.88 feet to a T Iron found for corner at the S.E.C. of said tract and in the N.B.L. of said County Road;

Thence North 52 degrees 26 minutes 21 seconds West, along the S.B.L. of said tract and the N.B.L. of said Road, for a distance of 185.58 feet to the place of beginning ~~containing~~ **1.0114 acres.**

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