



VG-311-2018-1803643

**Freestone
County
Linda Jarvis
Freestone County
Clerk**



Instrument Number: 1803643

Foreclosure Posting

DECLARATION OF INVALIDITY OF FORECLOSURE SALE

Recorded On: November 09, 2018 01:43 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: 1803643
Receipt Number: 20181109000020

Record and Return To:

Abstracts/Trustees of Texas
PO BOX 9932

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

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF FREESTONE

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Note:

Sale Contract dated December 8, 2017 executed and delivered by Curtis Eugene Mansel, Jr. to Ditech Financial LLC

Security Instrument:

Purchase Money Deed of Trust, dated December 8, 2017, executed and delivered by Curtis Eugene Mansel, Jr. to Ditech Financial LLC, to secure payment of that certain Sale Contract, recorded as Document Number 201800360, in Freestone County, Texas.

Original Creditor:

Ditech Financial LLC

Current Holder:

The Bank of New York Mellon, as Indenture Trustee, for WIMC Capital Trust 2011-1

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

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:

121 County Road 550, Fairfield, TX 75840, 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, December 4, 2018.

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.

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:

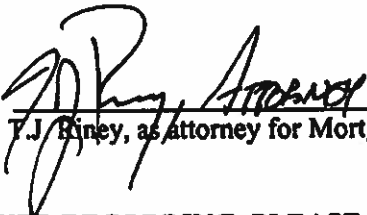
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Curtis Eugene Mansel, Jr.

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 Curtis Eugene Mansel, Jr. 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: October 10, 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**

EXHIBIT "A"

FIELD NOTES FOR 1.500 ACRES OF LAND IN THE JESSE KORN LEAGUE, A-15, PRESTON COUNTY, TEXAS AND BEING OUT OF A 4.847 ACRE TRACT CONVEYED TO HARVIN E. SUTTON AND WIFE, VIOLET L. SUTTON IN VOLUME 1032, PAGE 414 IN THE OFFICIAL PUBLIC RECORDS OF PRESTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING on the west margin of FCR 550, being the northeast corner of a 4.847 acre tract conveyed to Harvin E. Sutton and wife, Violet L. Sutton in Volume 1032, Page 414 in the Official Public Records of Preston County, Texas and being also the northeast corner of this tract;

THENCE with the west margin of FCR 550 along the east line of said 4.847 acre Sutton tract, for the following calls:

- 1) South 29° 27' 15" East for 186.78 feet to a 1/2 inch steel pin;**
- 2) South 27° 42' 30" East for 201.00 feet to a 1/2 inch steel pin on the north margin of FCR 540, being the southeast corner of said 4.847 acre Sutton tract and also being the southeast corner of this tract;**

THENCE with the north margin of FCR 540 along south line of said 4.847 acre Sutton tract, South 83° 00' 30" West for 179.91 feet to a 1/2 inch steel pin for the southwest corner of this tract;

THENCE with the west line of this tract, North 28° 48' 30" West for 383.18 feet to a 1/2 inch steel pin set in a fence line on the north line of said 4.847 acre Sutton tract and being the northwest corner of this tract;

THENCE with the fence line along the north line of said 4.847 acre Sutton tract, North 81° 27' 15" East for 179.91 feet to the POINT OF BEGINNING.