

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 HILL

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KNOW ALL MEN BY THESE PRESENTS:

**Note:** Sale Contract dated May 15, 2007 executed and delivered by Robert C. Yates and Shanna Yates to Walter Mortgage Company

**Security Instrument:** Purchase Money Deed of Trust, dated May 15, 2007, executed and delivered by Robert C. Yates and Shanna Yates to Walter Mortgage Company, to secure payment of that certain Sale Contract, recorded on June 12, 2007, as Document No. 005447 in Book 1490, at Page 0413, in Hill County, Texas.

**Original Creditor:** Walter Mortgage Company

**Current Holder:** U.S. Bank, N.A., as trustee for Mid-State Trust X by Ditech Financial LLC, as servicer with delegated authority

**Current Owner:** Ditech Financial LLC

**Mortgage Servicer:** Ditech Financial LLC FKA Green Tree Servicing LLC ("Servicer"), 7360 S Kyrene Rd, Mailstop T325, Tempe, AZ 85283, by virtue of a loan servicing agreement

**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.

FILED  
NICOLE TANIER, COUNTY CLERK  
HILL COUNTY, TEXAS  
2017 MAY 15 A 8:15

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, KAM COOK, DAVID TEEL  
9065 Jollyville, Suite 203A, Austin, TX 78759

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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:**

761 HCR 2200, Aquilla, TX 76622, 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 6, 2017.**

**Time of Sale:**

The sale will begin no earlier than **1:00 PM** and no later than three (3) hours thereafter.

**Location of Sale:**

At the **County Courthouse in Hill County, Texas**, on the steps outside the East door of the courthouse or the interior of the courthouse near the East door in case of inclement weather, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Hill 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 Hill 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

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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.

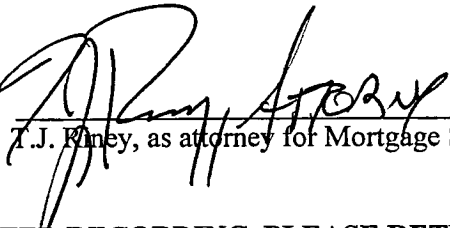
**Type of Sale:**

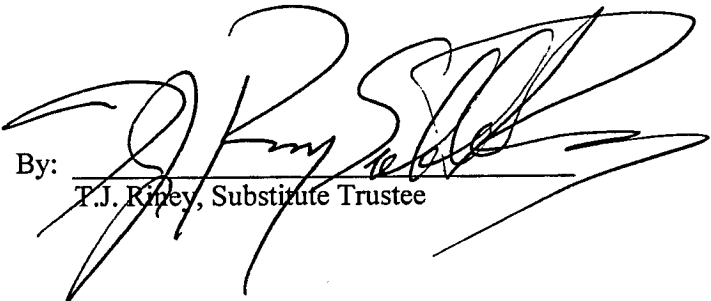
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Robert C. Yates and Shanna Yates.

**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 Robert C. Yates and Shanna Yates 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 10, 2017.

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**

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EXHIBIT "A"

METES AND BOUNDS DESCRIPTION OF A 1.01 ACRE TRACT - BRIAN E. AND KATHRYN BALLEW

A TRACT OR PARCEL OF LAND CONTAINING 1.01 ACRE BEING OUT OF AND A PART OF THAT CERTAIN 157.72 ACRES SO-CALLED CONVEYED TO DARRELL E. BALLEW, ET UX JOYCE L. BALLEW DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 1117, PAGE 773 OF THE HILL COUNTY DEED RECORDS OUT OF THE W. H. HENSON & J. A. BARCLAY SURVEYS IN HILL COUNTY, TEXAS BEING THAT SAME 1.01 ACRE TRACT CONVEYED TO BRIAN E. BALLEW, ET UX KATHRYN BALLEW IN INSTRUMENT RECORDED IN VOLUME 1117, PAGE 773 OF THE HILL COUNTY DEED RECORDS SAID 1.01 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

**BEGINNING** at a large iron post found marking the occupied Southeast corner of said 157.72 acre tract described in instrument recorded in Volume 471, Page 629 of the Hill County Deed Records and also marking the Southwest corner of the Glen Freeman so-called 4.692 acre tract;

**THENCE** South 60 degrees 00 minutes 00 seconds West (basis for bearings) with a fence line and the Southeast boundary line of said 157.72 acre tract a distance of 914.00 ft. to a 1/2 inch iron rod marking the Southeast corner and **PLACE OF BEGINNING** of the herein described 1.01 acre tract and marking the Easterly Southwest corner of the remainder of said 157.72 acre tract;

**THENCE** South 60 degrees 00 minutes 00 seconds West continuing with the Southeast boundary line of said 157.72 acre tract a distance 100.50 ft. to a 1/2 inch iron rod found at the Southwest corner of the herein described 1.01 acre tract and marking the most Westerly Southeast corner of said remainder tract;

**THENCE** North 28 degrees 58 minutes 49 seconds West passing the North right-of-way line of a 30.00 ft. ingress-egress perpetual public road easement partially described in instrument recorded in Volume 1117, Page 773 of the Hill County Deed Records a distance of 407.70 ft. a total distance of 437.70 ft. to a 1/2 inch iron rod found at the Northwest corner marking a re-entrant corner of said 157.72 acre tract;

**THENCE** North 60 degrees 08 minutes 33 seconds East a distance of 100.47 ft. to another re-entrant corner of said 157.72 acre tract;

**THENCE** South 28 degrees 59 minutes 03 seconds East passing the North boundary a total distance of 437.45 ft. to the **PLACE OF BEGINNING** and containing 1.01 acre of land and being known as 761 Hill County Road 2200, Aquilla, Texas 76622

DESCRIPTION OF A 0.629 ACRE INGRESS-EGRESS RIGHT-OF-WAY EASEMENT

A TRACT OR PARCEL OF LAND CONTAINING 0.629 ACRE INGRESS-EGRESS EASEMENT OFF THE SOUTH BOUNDARY OF A CERTAIN 157.72 ACRE TRACT CONVEYED TO DARRELL E. BALLEW, ET UX JOYCE L. BALLEW RECORDED IN INSTRUMENT IN VOLUME 471, PAGE 629 OF THE HILL COUNTY DEED RECORDS BEING OUT OF THE W. H. HENSON & J. A. BARCLAY SURVEYS IN HILL COUNTY, TEXAS BEING THE SAME INGRESS-EGRESS ROAD EASEMENT DESCRIBED AS 20 FT. WIDE PREVIOUSLY IN VOLUME 1117, PAGE 773 OF THE HILL COUNTY DEED RECORDS, SAID 0.629 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

**BEGINNING** at a large iron post marking the Southeast corner of said 157.72 acre tract and marking the Southwest corner of the Glen Freeman so-called 4.692 acre tract;

**THENCE** South 60 degrees 00 minutes 00 seconds West with an old fence line and the Southeast boundary of said Ballew Tract a distance of 914.00 ft. to a 1/2 inch iron rod found at the Southwest corner of the herein described 30.00 ft. strip marking the Southeast corner of the Brian E. Ballew and Kathryn Ballew 1.01 acre tract described in instrument recorded in Volume 1117, Page 773 of the Hill County Deed Records;

**THENCE** North 28 degrees 59 minutes 03 seconds West with the East boundary of said 1.01 acre tract a distance of 30.00 ft. to a point at the Northwest corner;

**THENCE** North 60 degrees 00 minutes 00 seconds East crossing over said 157.72 ft. and parallel to and 30.00 ft. perpendicularly distant from the Southeast boundary line of said tract a distance of 914.00 ft. to a point in the East boundary of said 157.72 acre tract and in the West boundary of said Freeman 4.692 acre tract;

**THENCE** South 28 degrees 59 minutes 03 seconds East with the West boundary of said Freeman Tract and the East boundary of said Ballew tract a distance of 30.00 ft. to the **PLACE OF BEGINNING** and containing 0.629 acre of land.

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