

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 LIVE OAK

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 § KNOW ALL MEN BY THESE PRESENTS:
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Note: Retail Installment Contract dated March 4, 2004 executed and delivered by Jesus Saenz and Diana G. Saenz to Jim Walter Homes, Inc.

Security Instrument: Mechanic's Lien Contract with Power of Sale, dated March 4, 2004, executed and delivered by Jesus Saenz and Diana G. Saenz to Jim Walter Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded in Volume 3, Page 408, in Live Oak County, Texas.

Original Creditor: Jim Walter 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

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, ED HENDERSON, JOHN PATTERSON, CARLA PATTERSON
 9065 Jollyville, Suite 203A, Austin, TX 78759

PROPERTY ADDRESS: 126 CR 239 Three Rivers, TX 78071	RP FILE NO. DITE02-569	BORROWER: Saenz, Jesus & Diana G.
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FILED Jan 15 A.D. 2019
 LIVE OAK COUNTY, TEXAS
 IDA VASQUEZ, CLERK, COUNTY COURT
 BY [Signature] DEPUTY
 AT 11:28 AM

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: 126 CR 239, Three Rivers, TX 78071, 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, 2/5/2019

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 Live Oak County, Texas, on the front steps of the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Live Oak 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 Live Oak 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 as to the warranties of title (if any) provided for under the Mechanic's Lien

PROPERTY ADDRESS: 126 CR 239 Three Rivers, TX 78071	RP FILE NO. DITE02-569	BORROWER: Saez, Jesus & Diana G.
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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.

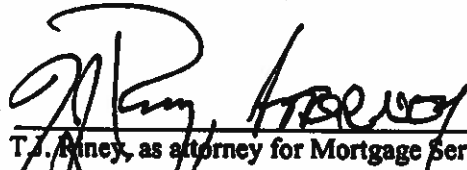
Type of Sale:

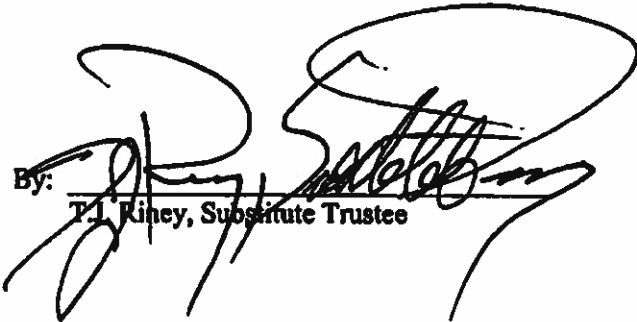
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Jesus Saenz and Diana G. Saenz.

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 Jesus Saenz and Diana G. Saenz 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: December 31, 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**

PROPERTY ADDRESS: 126 CR 239 Three Rivers, TX 78071	RP FILE NO. DITE02-569	BORROWER: Saenz, Jesus & Diana G.
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FIELD NOTES

FIELD NOTES FOR 2.000 ACRES OF LAND IN THE JOSEFA GIMINEZ SURVEY, A-185, LIVE OAK COUNTY, TEXAS AND BEING OUT OF A 9.57 ACRE TRACT CONVEYED TO JESUS C. SAENZ IN A PARTITION DEED AND AGREEMENT IN VOLUME 549, PAGE 434 IN THE OFFICIAL PUBLIC RECORDS OF LIVE OAK COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at the northeast corner of a 9.57 acre tract conveyed to Jesus C. Saenz in a Partition Deed and Agreement in Volume 549, Page 434 in the Official Public Records of Live Oak County, Texas, thence with the north line of said 9.57 acre Jesus C. Saenz tract, South $89^{\circ} 33' 19''$ West for 561.78 feet to a 1/2 inch steel pin set for the northeast corner of this tract and the POINT OF BEGINNING.

THENCE with the east line of this tract, South $04^{\circ} 46' 49''$ West for 293.77 feet to a 1/2 inch steel pin set on the south line of said 9.57 acre Jesus C. Saenz tract for the southeast corner of this tract;

THENCE with the south line of said 9.57 acre Jesus C. Saenz tract, South $89^{\circ} 33' 19''$ West for 297.80 feet to a 1/2 inch steel pin set for the southwest corner of this tract;

THENCE with the west line of this tract, North $04^{\circ} 46' 49''$ East for 293.77 feet to a 1/2 inch steel pin set on the north line of said 9.57 acre Jesus C. Saenz tract for the northwest corner of this tract;

THENCE with the north line of said 9.57 acre Jesus C. Saenz tract, North $89^{\circ} 33' 19''$ East for 297.80 feet to the POINT OF BEGINNING.

As surveyed on the ground March 16, 2004.

Jesus C. Saenz
Job#04C04-7

**FIELD NOTES
30 FOOT EASEMENT**

FIELD NOTES FOR 0.5861 ACRES OF LAND, BEING A 30 FOOT EASEMENT, IN THE JOSEFA GIMINEZ SURVEY, A-188, LIVE OAK COUNTY, TEXAS AND BEING OUT OF A 9.57 ACRE TRACT CONVEYED TO JESUS C. SAENZ IN A PARTITION DEED AND AGREEMENT IN VOLUME 549, PAGE 434 IN THE OFFICIAL PUBLIC RECORDS OF LIVE OAK COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at the northeast corner of a 9.57 acre tract conveyed to Jesus C. Saenz in a Partition Deed and Agreement in Volume 549, Page 434 in the Official Public Records of Live Oak County, Texas, thence with the north line of said 9.57 acre Jesus C. Saenz tract, South $89^{\circ} 33' 19''$ West for 10.00 feet to the west line of a 20 foot easement described as Easement No. 1 in said Partition Deed and Agreement in Volume 549, Page 434 in the Official Public Records of Live Oak County, Texas, for the northeast corner of this tract and the **POINT OF BEGINNING**.

THENCE with the west line of said 20 foot easement, South $00^{\circ} 26' 41''$ East-for 30.00 feet to the southeast corner of this tract;

THENCE with the south line of this easement, South $89^{\circ} 33' 19''$ West, passing at 554.52 feet the east line of a 2.000 acre tract and at a total distance of 852.32 feet to the west line of said 2.000 acre tract and the southwest corner of this tract;

THENCE with the west line of said 2.000 acre tract, North $04^{\circ} 46' 49''$ East for 30.13 feet to a 1/2 inch steel pin set on the north line of said 9.57 acre Jesus C. Saenz tract, the northwest corner of said 2.000 acre tract and the northwest corner of this tract;

THENCE with the north line of said 9.57 acre Jesus C. Saenz tract along the north line of said 2.000 acre tract, North $89^{\circ} 33' 19''$ East, passing at 297.80 feet the east line of said 2.000 acre tract and at a total distance of 849.58 feet to the **POINT OF BEGINNING**.

As surveyed on the ground March 16, 2004.

Jesus C. Saenz
Job#04C04-7