

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 MARION

§
 § KNOW ALL MEN BY THESE PRESENTS:
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FILED FOR RECORD
 19 MAR 12 AM 11:56
 CLERK, MARION CO. TEXAS
 DEPT. 1

Note: Retail Installment Contract dated January 30, 2004 executed and delivered by Tabitha Johnson and Frederick Johnson to Neatherlin Homes, Inc.

Security Instrument: Mechanic's Lien Contract with Power of Sale, dated January 30, 2004, executed and delivered by Tabitha Johnson and Frederick Johnson to Neatherlin Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded on February 18, 2004 in Book 00676 at Page 329, in Marion County, Texas.

Original Creditor: Neatherlin Homes, Inc.

Current Holder: The Bank of New York Mellon, f/k/a The Bank of New York, as trustee for Mid-State Capital Corporation 2004-1 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, CHRISTY SMITH, JAMEY PARSONS
 9065 Jollyville, Suite 203A, Austin, TX 78759

PROPERTY ADDRESS: 121 FM 2208 Cutoff Jefferson, TX 75657	RP FILE NO. DITE02-43	BORROWER: Johnson, Tabitha; Johnson, Frederick
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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:

121 FM 2208 Cutoff, Jefferson, TX 75657, 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, April 2, 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 Marion County**, Texas, at the Austin Street courthouse door, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Marion 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 Marion 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

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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:

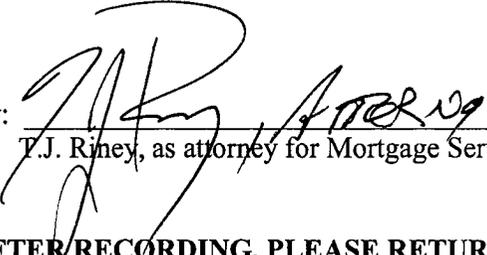
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Tabitha Johnson and Frederick Johnson.

Default and Notice:

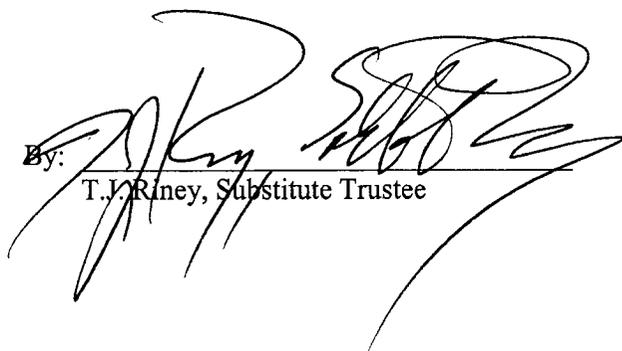
Default has been made in payment of the Note and Security Instrument and the Note is now unpaid, delinquent and in default. All required notices have been given to Tabitha Johnson and Frederick Johnson and any and all other necessary parties with regard to the defaulted indebtedness. Servicer has requested 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: February 20, 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**

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EXHIBIT "A"

All that certain tract lot or parcel of land, a part of the Nancy Massey Survey A-452, Marion County, Texas, and also being all of that certain called 1.00 acre tract of land that is described in a Deed dated January 22, 2003 from Marcus Speed and Markosha Speed to Sherrie Johnson that is recorded in Volume 658 Page 600 of the Deed Records of Marion County, Texas, and being more completely described as follows to wit;

METES AND BOUNDS DESCRIPTION

Beginning at a Railroad Spike found for corner in the centerline of a County Road (FM # 2208 cut off) at the N.E.C. of said tract and the S.E.C. of the Steward Estate tract (Vol. 626 Pg. 67);

Thence South 00 degrees 00 minutes 00 seconds East, along said centerline and the E.B.L. of said tract, for a distance of 210.00 feet to a Railroad Spike set for corner at the S.E.C. of said tract;

Thence North 85 degrees 56 minutes 03 seconds West, along the S.B.L. of said tract and the N.B.L. of the residue of the W. Jefferson tract (Vol. 382 Pg. 221) for a distance of 210.00 feet to a 1/2 Inch Iron Rod set for corner at the S.W.C. of said tract;

Thence North 00 degrees 00 minutes 00 seconds East, along the W.B.L. of said tract, for a distance of 210.00 feet to a 1/2 Inch Iron Rod set for corner at N.W.C. of said tract and in the occupied S.B.L. of said Steward tract;

Thence South 85 degrees 56 minutes 03 seconds East, along the occupied S.E.L. of said Steward tract and the occupied N.B.L. of said tract, for a distance of 210.00 feet to the place of beginning containing 1.0098 acres of which 0.1446 acres is located in the R.O.W. of said County Road

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