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 THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

## FIRST AMENDED NOTICE OF SALE BY SUBSTITUTE TRUSTEE

STATE OF TEXAS

COUNTY OF HILL

KNOW ALL MEN BY THESE PRESENT

Note:

Sale Contract dated April 19, 2005 executed and delivered by Juanika Johnson and Lesley Johnson to Walter Mortgage Company

**Security Instrument:** 

Purchase Money Deed of Trust, dated April 19, 2005, executed and delivered by Juanika Johnson and Lesley Johnson to Walter Mortgage Company, to secure payment of that certain Sale Contract, recorded on May 23, 2005 as Document No. 004675 in Volume 1345 at Page 0827, in Hill County, Texas.

**Original Creditor:** 

Walter Mortgage Company

**Current Holder:** 

U.S. Bank, N.A., as trustee for Mid-State Trust VIII by Ditech Financial LLC, as servicer with delegated authority

**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, 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.

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

PROPERTY ADDRESS: 204 Abney St Hillsboro, TX 76645	RP FILE NO. DITE02-236	BORROWER: Johnson, Juanika; Johnson, Lesley	

## **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:

204 Abney St, Hillsboro, TX 76645, 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, July 4, 2017.

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 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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BORROWER: Johnson, Juanika; Johnson, Lesley

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 Juanika Johnson and Lesley 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 Juanika Johnson and Lesley 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.

Substitute Trustee

Dated: June 8, 2017.

By: T.J. Rinky, as attorney for Mortgage Servicer

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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BORROWER: Johnson, Juanika; Johnson, Lesley

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## **EXHIBIT "A"**

All that certain lot, tract or percel of land being 10° by 122° being all of Lot No. 10. QUECKENSTED ADDITION to the City of Hillsborn, Hill County, Texas, according to the plat recorded in Volume 48, Page 274, Hill County Deed Records, as well as a tract of land immediately adjacent to the South thereof, being 30° wide by 37, a part of Lot No. 66, birthullen Addition to the City of Hillsborn. Hill County, Texas.

Being more particularly described as follows:

BEING ALL OF LOT 10, QUICKENSTEDT ADDITION TO THE CITY OF HILLSBORG, HILL COUNTY, TEXAS, ACCORDING TO THE FLAT RECORDED IN VOLUME 48, PAGE 274, DEED RECORDS HILL COUNTY, TEXAS, AND DRING 0.064 OF AN ACRE OF LAND OUT OF LOT 66, NGMULLEN ADDITION TO THE CITY OF HILLSBORG, HILL COUNTY, TEXAS, AND DEING THAT SAME TRACT OF LAND CONVEYED TO HATTLE RUTH LOVELACE AND HUBBAND, WILLIAM H. LOVELACE AS RECORDED IN VOLUME 1010, PAGE 559, DEED RECORDS, HILL COUNTY, TEXAS, AND BRING HORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1 Inch steel pin set on the south margin of Abney Street, a forty (40) foot wide public roadway, for the northeast corner of Lot 9, of said Quickenstedt Addition and for the northwest corner of said Lot 10, and for the northwest corner and POINT OF BEGINNING of this 0.288 of an acre tract of land;

THENCE, with the south margin of said Abney Street, and with the north line of said Lot 10, East, for a distance of 80.00 feet to a 1 inch steel pin set for the northwest corner of a ten (10) foot wide alley and for the northeast corner of said

THENCE, leaving said Abney Street with the west line of said 10 foot wide sliey and with the east line of said Lot 10 and with the east line of this 0.288 of an ears tract of land. South, for a distance of 122.00 feet to a 1 inch steel pin set on the south line of said Quickenstedt Addition for the southeast corner of said Lot 10 and for the northeast corner of a 35 foot by 80 foot tract of land out of said Lot 66, McMullen Addition;

THENCE, with the wast line of said 35 foot by 80 foot tract of land, South 00° 19' 00' East, for a distance of 35.00 feet to a 1 inch steel pin set for the northeast corner of a tract of land as recorded in Volume 594, Page 250, Dead Records, Hill County, Texas, and for the southeast corner of this 0.288 of an acre tract of land; on the south line of said Quickenstedt Addition for the southwest corner of said Lot 10, Quickenstedt Addition;

THENCE, continuing with the west line of this tract and with the west line of said Lot 10, North, for a distance of 122.00 feet to the FOINT of BEGINNING.

As surveyed on the ground March 19, 1999.