



SUBSTITUTE TRUSTEE'S NOTICE OF SALE

**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or 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.**

**Note:** Retail Installment Contract  
Date: August 9, 2002  
Original Creditor: Jim Walter Homes, Inc.  
Debtor: Diane Turner and Darrell Turner  
Current Holder: U. S. Bank, N.A., as trustee for Mid-State Trust XI by Ditech Financial LLC, as servicer with delegated authority

**Security Instrument:**

Mechanic's Lien Contract with Power of Sale  
Date: August 9, 2002  
Grantor: Diane Turner and Darrell Turner  
Trustee: Ron Achille  
Recording Information: Volume 742 at pages 122 et seq. recorded in the Official Records of Waller County, Texas  
Property: All that property (and improvements thereon) covered by and described in the above Security Instrument and as more particularly described in **Exhibit "A"** attached hereto (setting forth therein the legal description of the property as contained in or attached to the above Security Instrument) (referred to in this Notice of Sale as the "Property").

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

**Mortgage Servicer:** Ditech Financial LLC (f/k/a Green Tree Servicing LLC), 7360 S. Kyrene Road, Mailstop T325, Tempe, Arizona 85283, by virtue of a servicing agreement with Current Holder.

**Attorney for Mortgage  
Servicer Authorized to**

**Appoint Substitute Trustees:** Kenneth M. Culbreth, Jr.

**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 Kenneth M. Culbreth, Jr. and others (identified in **Exhibit "B"** attached hereto) as Substitute Trustees, each to act individually (the "Substitute Trustee") under and by virtue of the Security Instrument.

**Foreclosure Sale:**

**County:** Waller, Texas

**Date of Sale (first Tuesday of month):** September 5, 2017

**Time of Sale:** The sale of the Property will begin no earlier than 10:00 o'clock A.M. and no later than three (3) hours thereafter

**Place of Sale:** The sale of the Property will be held at the county courthouse in Waller County, Texas (located at 836 Austin Street, Hempstead, Texas), the county in which the above described Property is located, and at that area of said county courthouse which has been so designated by the Waller County Commissioners' Court as follows: Foyer at south entrance to courthouse.

**Type of Sale:** The sale of the Property is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument.

**Terms of Sale:** The sale of the Property will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Security Instrument permitting the Holder to have the bid credited against the indebtedness secured by the Security Instrument at the time of the 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 of the Property 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 Holder has the right to direct the Substitute 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 Security Instrument.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

**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 Debtor and any and all other necessary parties with regard to the defaulted indebtedness. Mortgage 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. Mortgage Servicer is representing Mid-State Trust XI under a Servicing Agreement.

**Dated:** August 9, 2017

By:   
Kenneth M. Culbreth, Jr., as  
Attorney for Mortgage Servicer

By:   
Kenneth M. Culbreth, Jr., as Substitute Trustee  
500 North Shoreline, Suite 900  
Corpus Christi, Texas 78401-0341  
(361) 884-5678 Telephone  
(361) 888-9149 Telecopier

**Exhibit "A"**

Lot No. Three (3), Block Sixty (60), City of Hempstead, in Waller County, Texas.

**Exhibit "B"**

Kenneth M. Culbreth, Jr.  
500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78401

Jim Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Susan Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Emily Northern  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Alexandra Zografos Holub  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Marlene Zografos  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Debby Jurasek  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

**Note:** Individually and separate, each Substitute Trustee listed above is authorized to act alone without the joinder of the other Substitute Trustees.

## FILED AND RECORDED

**Instrument Number: 17-077**

Filing and Recording Date: 08/10/2017 02:44:41 PM Pages: 5 Recording Fee: \$5.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



*Debbie Hollan*

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Debbie Hollan, County Clerk  
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

Alexus Avendano, Deputy

Returned To: