

**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:** Sale Contract  
Date: February 18, 2013  
Original Creditor: Green Tree Servicing LLC  
Debtor: Cedric Smith and Khara Davis  
Current Holder: U. S. Bank, N.A., as trustee for Mid-Sate Trust X by Ditech Financial LLC, as servicer with delegated authority

**Security Instrument:**

Purchase Money Deed of Trust  
Date: February 18, 2013  
Grantor: Cedric Smith and Khara Davis  
Trustee: Joseph H. Kelly  
Recording Information: Volume 1345 at pages 408 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 Beneficiary: U. S. Bank, N.A., as trustee for Mid-Sate Trust X by Ditech Financial LLC, as servicer with delegated authority

**Mortgage Servicer:** Ditech Financial LLC (f/k/a Green Tree Servicing LLC), 2100 E. Elliot Road, T-314, Tempe, Arizona 85284, by virtue of a servicing agreement with Current Beneficiary.

**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):** ~~November 6, 2018~~

**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 Beneficiary 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 Beneficiary 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 X under a Servicing Agreement.

**Dated:** October 10, 2018

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

By:   
Kenneth M. Culbreth, Jr., as Substitute Trustee  
500 North Shoreline, Suite 612  
Corpus Christi, Texas 78401-0341  
(361) 760-3333 Telephone  
(361) 760-3339 Telecopier

## Exhibit "A"

### Metes and bounds description of a 6,816 square foot or 0.1565 acre tract – Avaunder S. and Elenor J. Taylor

A tract or parcel of land containing 6,816 S.F. or 0.1565 acre of land out of the southeasterly portion of a certain 0.50 acre tract conveyed to Elenor J. Taylor, et vir Avaunder S. Taylor by Charles M. Taylor in instrument recorded in Volume 456, Page 550 of the Deed Records of Waller County, Texas, out of an original so-called 1.000 acre tract described in instrument recorded in Volume 456, page 550 of the Waller County Deed Records out of the H. & T. C. R.R. Co. Survey in the City of Brookshire, Waller County, Texas, said 0.1565 acre tract being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a 3/8 inch iron rod found at the Southeast corner of said 0.5000 acre tract in the North right-of-way line of 12<sup>th</sup> Street in the City of Brookshire also being in the West margin of a certain 1.000 acre parent tract described in instrument recorded in Volume 328, page 498 of the Deed Records of Waller County, Texas;

THENCE North 89 degrees 20 minutes 00 seconds West with the North right-of-way line of said 12 Street a distance of 50.14 feet to a 3/8 inch iron rod set at the Southwest corner of the herein described tract, whence a 3/8 inch iron rod at the Southwest corner of said 0.5000 acre tract bears North 89 degrees 20 minutes 00 seconds West a distance of 30.00 feet;

THENCE North 02 degrees 10 minutes 00 seconds East parallel to the East boundary of said 0.5000 acre tract a distance of 135.94 feet to a 3/8 inch iron rod set at the Northwest corner of the herein described 0.1565 acre tract marking a re-entrant corner of the remainder of said 0.5000 acre tract;

THENCE North 89 degrees 20 minutes 00 seconds East Parallel to the North right-of-way line of said 12<sup>th</sup> Street a distance of 50.14 feet to a 3/8 inch iron rod set at the Northeast corner being in the East boundary line of said 1.000 acre tract and said 0.5000 acre tract;

THENCE South 02 degrees 10 minutes 00 seconds West with the East boundary line of said original 1.000 acre tract described in instrument recorded in Volume 228, page 498 of the Deed Records of Waller County, Texas a distance of 135.94 feet to the PLACE OF BEGINNING and containing 0.1565 acre of land.

**Exhibit "B"**

Kenneth M. Culbreth, Jr.  
500 North Shoreline, Suite 612  
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: 18-078**

Filing and Recording Date: 10/15/2018 08:22:59 AM 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.

Marlene Arranaga, Deputy

Returned To: