

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 PANOLA

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KNOW ALL MEN BY THESE PRESENTS:

**Note:** Retail Installment Contract dated March 22, 1996 executed and delivered by Mattie B. Weatherton, Elijah Weatherton and Junior Harris to Jim Walter Homes, Inc.

**Security Instrument:** Mechanic's Lien Contract with Power of Sale, dated March 22, 1996, executed and delivered by Mattie B. Weatherton, Elijah Weatherton and Junior Harris to Jim Walter Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded on March 29, 1996 as Document Number 33710 in Volume 973 at Page 141, in Panola County, Texas.

**Original Creditor:** Jim Walter Homes, Inc.

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

**Loan Servicer:** Ditech Financial LLC FKA Green Tree Servicing LLC ("Servicer"), 7360 S Kyrene Rd, Mailstop T325, Tempe, AZ 85283, by virtue of a loan servicing agreement

**Appointed Substitute Trustees:** JIM MILLS, SUSAN MILLS, EMILY NORTHERN, ALEXANDRA ZOGRAFOS HOLUB, DEBRA CAMPBELL, CAROL DARTEZ  
 9065 Jollyville, Suite 203A, Austin, TX 78759

*Note: Each substitute trustee is authorized individually, to act alone without the joinder of the other trustees.*

AND

T. J. RINEY, J.O. CREWSE, S.G. HARVEY, B.K. PACKARD,  
 5420 LBJ Freeway, Suite 220, Dallas, TX 75225

FILED FOR RECORD  
 IN MY OFFICE

AT 11:57 O'CLOCK A.M.

MAY 16 2016

BOBBIE DAVIS  
 COUNTY CLERK, PANOLA COUNTY, TEXAS  
 BY *M. Th...* DEPUTY

<b>PROPERTY ADDRESS:</b> 105 County Rd 434 Tenaha, TX 75974	<b>RP FILE NO.</b> DITE02-63	<b>BORROWER:</b> Weatherton, Mattie B.; Weatherton, Elijah; Harris, Junior
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**Property to be sold:** 105 County Rd 434, Teneha, TX 75974, 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, June 7, 2016.

**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 Panola County, Texas, on the steps on the East side of the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Panola 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 Panola 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 Contract with Power of Sale. Prospective bidders are

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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 Mattie B. Weatherton, Elijah Weatherton and Junior Harris.

**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 Mattie B. Weatherton, Elijah Weatherton and Junior Harris 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: April 14, 2016.

  
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



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**EXHIBIT "A"**

All that certain 1.414 acres tract of land, more or less, being a part of two certain 2.00 acre tracts of land in the Alanson Barr Headright Survey, A-46, in Panola County, Texas, which said tracts are referred to as First Tract and Second Tract in a deed from Errol Dean Hopkins, et ux, to Mrs. Lala M. Dean, dated April 8, 1971, of record in Volume 535, Page 686, Deed Records of Panola County, Texas, which 1.414 acres of land, more or less, is more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the North boundary line of said First Tract, said point being 206.61 feet, S. 64° 28' 19" W. along the North boundary line of said first Tract and Second Tract from the apparent Northeast corner of said Second Tract, said point being on the proposed East right of way line of U.S. Highway 59, hereinafter referred to as the "survey centerline", at survey centerline station 664+80.47;  
**THENCE** N 64° 28' 19" E. along the North boundary line of said First Tract 206.61 feet, a stake for corner;  
**THENCE** S. 27° 35' E along the East boundary line of said First Tract 335.57 feet to a point on the proposed East right of way line U.S. Highway 59, said point being 497.57 feet at right angles from survey centerline station 668+21.05;  
**THENCE** S. 73° 40' 18" W. 109.61 feet along the proposed East right of way line of U.S. Highway 59 to a point 300.00 feet at right angles from survey centerline station 668+00.00;  
**THENCE** N. 72° 24' 01" W., 141.42 feet along the proposed East right of way centerline of U.S. Highway 59 to a point 200.00 feet at right angles from survey centerline station 667+00.00;  
**THENCE** N. 27° 24' 01" W., 219.53 feet along the proposed East right of way line of U.S. Highway 59 to the point of beginning, containing 1.414 acres if land, more or less.

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