

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 SENDER OF THIS NOTICE IMMEDIATELY.

FILED FOR RECORD
IN MY OFFICE
AT 2:06 O'CLOCK P M

NOTICE OF SALE BY SUBSTITUTE TRUSTEE

OCT 10 2016

STATE OF TEXAS
COUNTY OF PANOLA

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§

KNOW ALL MEN BY THESE PRESENTS, THAT ROBBIE DAVIS, COUNTY CLERK, PANOLA COUNTY, TEXAS, BY [Signature] DEPUTY

Note: Retail Installment Contract dated September 14, 2006 executed and delivered by Gwyndolyn L. Henderson and Carrie M. Henderson to Neatherlin Homes, Inc.

Security Instrument: Mechanic's Lien Contract with Power of Sale, dated September 14, 2006, executed and delivered by Gwyndolyn L. Henderson and Carrie M. Henderson to Neatherlin Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded on September 21, 2006 in Volume 1338 at Page 103, in Panola County, Texas.

Agreed Order Allowing Foreclosure: Agreed Order Allowing Foreclosure dated July 25, 2016, in Cause No. 10536; *In Re: The Estate of Carrie M. Henderson Deceased* in the County Court of Panola County, Texas

Original Creditor: Neatherlin Homes, Inc.

Current Owner and Holder: The Bank of New York Mellon, f/k/a The Bank of New York, as trustee for Mid-State Capital Trust 2010-1 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, JAMEY PARSONS, BRANDY RATCLIFF, TAYLOR SMITH
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, H. HOOPER, S.G. HARVEY, B.K. PACKARD,
5420 LBJ Freeway, Suite 220, Dallas, TX 75225

PROPERTY ADDRESS: 201 County Rd 2781 Carthage, TX 75633	RP FILE NO. DITE02-08	BORROWER: Henderson, Gwyndolyn L.; Henderson, Carrie M.
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The Substitute Trustees are authorized to sell the Premises at public venue to the highest bidder or bidders, for cash.

Property to be sold: 201 County Rd 2781, Carthage, TX 75633, 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, November 1, 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.

PROPERTY ADDRESS: 201 County Rd 2781 Carthage, TX 75633	RP FILE NO. DITE02-08	BORROWER: Henderson, Gwyndolyn L.; Henderson, Carrie M.
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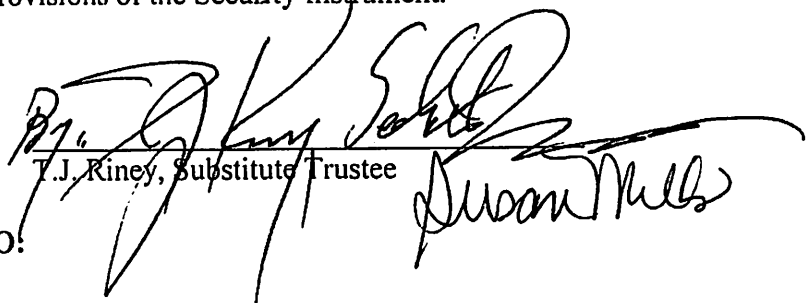
Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Mechanic's Lien Contract with Power of Sale. Prospective bidders are advised 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 Gwyndolyn L. Henderson and Carrie M. Henderson.

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 Gwyndolyn L. Henderson and Carrie M. Henderson 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: September 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

PROPERTY ADDRESS: 201 County Rd 2781 Carthage, TX 75633	RP FILE NO. DITE02-08	BORROWER: Henderson, Gwyndolyn L.; Henderson, Carrie M.
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Henderson, Gwyndolyn L.; Henderson, Carrie M.

EXHIBIT "A"

All that certain tract or parcel of land situated in Panola County, Texas, and described as being a part of the J. A. POWERS Survey, A-544, and being Lot 10 of the Western Hills Subdivision as shown by the Plat of said subdivision of record in Volume 668, Page 660, Deed Records of Panola County, Texas; reference to such Plat and its record is here made for all pertinent purposes.

PROPERTY ADDRESS: 201 County Rd 278 Carthage, TX 75633	RP FILE NO. DITE02-08	BORROWER: Henderson, Gwyndolyn L.; Henderson, Carrie M.
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Filed 7/25/2016 9:15:00 AM

Bobbie Davis, County Clerk
Panola County, Texas
By: Teresa Endsley,
Deputy Clerk

CAUSE NO. 10536

10536

IN RE: THE ESTATE OF CARRIE) IN THE COUNTY COURT
MAE HENDERSON)
DECEASED) PANOLA COUNTY, TEXAS

AGREED ORDER ALLOWING FORECLOSURE

On this day the Court considered the Petition for foreclosure of Petitioner, Ditech Financial LLC. its successors and assigns. The Court, after reviewing and considering the documents filed here, taking judicial notice of the notice of the contents of the Court's file, the consent of Dependent Administrator Rick McPhearson, the consent of the heirs of Carrie Mae Henderson and the arguments of counsel. makes the following findings:

1. On April 4, 2016, the Court entered an Order Appointing Rick McPhearson the Dependent Administrator of the Estate of Carrie Mae Henderson, Deceased and to receive Letters of Administration;
2. that the Authenticated claim of Ditech Financial LLC was presented to Rick McPhearson on April 22, 2016;
3. A Memorandum Allowing Claim was executed and approved by Dependent Administrator Rick McPhearson on April 29, 2016, allowing the claim in full as a preferred debt in lien according with TEX. EST. CODE § 355.151 which provides in relevant part the claim be paid "...[A]ccording to the terms of the contract that secured the lien;" and
4. Petitioner's Petition establishes a default under the terms of the contract, whose terms contemplate the invocation of the power of sale contained therein.

It is therefore **ORDERED, ADJUDGED, and DECREED** that, in accordance with TEX. EST. CODE §§ 356.401-.403, TEX. PROP. CODE § 51.002, and the terms of the Lien Contract, Petitioner, its successors in interest and assigns may sell by public auction the property commonly known as 201 CR 2781, Carthage, TX and more fully described as:

AGREED ORDER OF SALE

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JUL 26 2016



PAGE TWO COPY
I hereby certify
Bobbie Davis
COUNTY CLERK
PANOLA COUNTY, TEXAS
TERESA ENDSLEY
DEPUTY CLERK

ALL THAT CERTAIN TRACT OF PARCEL OF LAND SITUATED IN PANOLA COUNTY, TEXAS, AND DESCRIBED AS BEING A PART OF THE J.A. POWERS SURVEY, A-544 AND BEING LOT 10 OF WESTERN HILLS SUBDIVISION AS SHOWN BY THE PLAT OF SAID SUBDIVISION OF RECORD IN VOLUME 668, PAGE 660, DEED RECORDS OF PANOLA COUNTY, TEXAS; REFERENCE TO SUCH PLAT AND ITS RECORD IS HERE MADE FOR ALL PERTINENT PURPOSES.

It is further ORDERED, ADJUDGED, and DECREED that the public sale will be conducted in accordance with the terms of the Lien Contract and TEX. PROP. CODE § 51.002; and

It is further ORDERED, ADJUDGED, and DECREED that the costs incurred by Rick McPhearson as Dependent Administrator in the amount of \$ _____ be paid by Petitioner.

It is further ORDERED, ADJUDGED, and DECREED that, not later than the 30th day after the date of the sale under this order, Petitioner shall file with a Court a Report pursuant to TEX. EST. CODE § 356.551.

SIGNED on this the 25th day of July, 2016.



JUDGE PRESIDING



A TRUE COPY
I hereby certify
Bobbie Davis
COUNTY CLERK
PANOLA COUNTY, TEXAS
TERESA ENDSLEY
DEPUTY CLERK

APPROVED & AGREED:

HAYDEN HOOPER
State Bar No. 24066571
hhooper@ringpackard.com
RINGPACKARD, PLLC
Two Lincoln Centre
175 E. Mockingbird, Suite 220
Dallas, TX 75260
Telephone: (214) 461-1200
Facsimile: (214) 461-1219

ATTORNEYS FOR PETITIONER &
INTERIM FINANCIAL, LLC

BY AND FOR:

Gwendolyn L. Henderson
600 County St 2931
Carrollton, TX 75631

HEIR OF CARRIE MAE HENDERSON

AGREED

RIK MC PHERSON
State Bar No. 13864509
McPhersonlaw@hotmail.com
414 W. Sabino St.
Carrollton, TX 75631
Telephone: (903) 693-2143

DEPENDENT ADMINISTRATOR OF
THE ESTATE OF CARRIE MAE
HENDERSON, DECEASED

WITH CONSENT

Sir Syrus Ferguson
1476 CR 26
Lyle, TX 75707

HEIR OF CARRIE MAE HENDERSON

THIS INSTRUMENT IS FILED

JUL 26 2016

PAGE 1



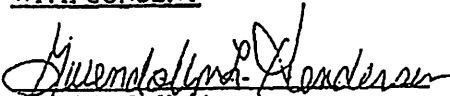
A TRUE COPY
I hereby certify
Bobbie Davis
COUNTY CLERK
PANOLA COUNTY, TEXAS
TERESA ENDSLEY
DEPUTY CLERK

APPROVED & AGREED

HAYDEN HOOPER
State Bar No. 24066517
hhooper@rincypackard.com
RINEY PACKARD, PLLC
Two Lincoln Centre
5420 LBJ Freeway, Suite 220
Dallas, TX 75240
Telephone: (214) 461-1200
Facsimile: (214) 461-1210

ATTORNEYS FOR PETITIONER
DITECH FINANCIAL LLC

WITH CONSENT


Gwendolyn L. Henderson
201 County Rd 2781
Carthage, TX 75633

HEIR OF CARRIE MAE HENDERSON

AGREED



RICK MCPHEARSON
State Bar No. 13844500
Mcphearsonlaw@hotmail.com
418 W. Sabine St.
Carthage, TX 75633
Telephone: (903) 693-7143

DEPENDENT ADMINISTRATOR OF
THE ESTATE OF CARRIE MAE
HENDERSON, DECEASED

WITH CONSENT

Sir Syrus Henderson
14894 CR 26
Tyler, TX 75707

HEIR OF CARRIE MAE HENDERSON

AGREED ORDER OF SALE

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JUL 26 2016



A TRUE COPY
I hereby certify
Bobbie Davis
COUNTY CLERK
PANOLA COUNTY, TEXAS
TERESA ENDSLEY
DEPUTY CLERK