

**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: February 22, 2008  
Original Creditor: Jim Walter Homes, Inc.  
Debtor: Ezequiel Z. Luna, Jr. and Melissa S. Luna  
Current Holder: The Bank of New York Mellon f/k/a The Bank of New York as trustee for WIMC Capital Trust 2011-1 by Ditech Financial LLC, as servicer with delegated authority

**Security Instrument:**

Mechanic's Lien Contract with Power of Sale  
Date: February 22, 2008  
Grantor: Ezequiel Z. Luna, Jr. and Melissa S. Luna  
Trustee: Joseph H. Kelly, Jr.  
Recording Information: Volume 1023 at pages 398 et seq. recorded in the Official Records of Jim Wells 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: The Bank of New York Mellon f/k/a The Bank of New York as trustee for WIMC Capital Trust 2011-1 by Ditech Financial LLC, as servicer with delegated authority

9:40 FILED  
AT \_\_\_\_\_ o'clock \_\_\_\_\_ M  
JUL 10 2017

JC  
By \_\_\_\_\_  
Attorney for Mortgage Servicer

**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:** Jim Wells, Texas

**Date of Sale (first Tuesday of month):** August 1, 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 Jim Wells County, Texas (located at 200 North Almond Street, Alice, 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 Jim Wells County Commissioners' Court as follows: South door of 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 WIMC Capital Trust 2011-1 under a Servicing Agreement.

**Dated:** July 6, 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"

STATE OF TEXAS  
COUNTY OF JIM WELLS

FIELDNOTE DESCRIPTION of a 2.50 acre tract of land out of a 25.609 acre tract of land out of Blocks 97, 98 and 99 of the Alice Farm Block Subdivision to the City of Alice, Jim Wells County, Texas; said 25.609 acre tract of land being described in Volume 569, Pages 375-379 of the Deed Records of Jim Wells County, Texas; said 2.50 acre tract of land being more particularly described by metes and bounds as follows:

- Commencing: At a 5/8" iron rod set in the South right-of-way line of Luera Street (60 foot wide right-of-way) and the West right-of-way line of Evelyn Street (40 foot wide right-of-way) for the Northwest corner of Mayes Addition to the City of Alice, as shown by map recorded in Volume 4, Page 37 of the Map Records of Jim Wells County, Texas, for the Northeast corner of said 25.609 acre tract of land for the POINT OF BEGINNING, the Northeast corner of this 2.50 acre tract of land;
- Thence: S 00° 09' W, with the West right-of-way line of Luera Street and the West line of Mayes Addition and with the East line of said 25.609 acre tract of land, a distance of 377.88 feet to a 5/8" iron rod set for the Southeast corner of this 2.50 acre tract of land;
- Thence: S 89° 52' 20" W, across said 25.609 acre tract of land, parallel with Luera Street, a distance of 288.26 feet to a 5/8" iron rod set for the Southwest corner of this 2.50 acre tract of land;
- Thence: N 00° 10' 15" E, across said 25.609 acre tract of land, at 125.08 feet pass the Southeast corner of a 4.56 acre tract of land described in Volume 77, Pages 66 et seq., Deed Records, Jim Wells County, Texas, for an inner corner of said 25.609 acre tract of land, continuing with the East line of said 4.56 acre tract of land and with the upper West line of said 25.609 acre tract of land for a total distance of 377.88 feet to a 5/8" iron rod found on the South right-of-way line of Luera Street for the Northeast corner of said 4.56 acre tract of land and for the upper Northwest corner of said 25.609 acre tract of land for the Northwest corner of this 2.50 acre tract of land;
- Thence: N 89° 52' 20" E, with the South right-of-way line of Luera Street and with the upper North line of said 25.609 acre tract of land, a distance of 288.12 feet to the POINT OF BEGINNING, containing 2.50 acres of land, more or less.

**Exhibit "B"**

Kenneth M. Culbreth, Jr.  
500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78401-0341

Sandra Mendoza  
c/o 500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78401-0341

Arnold Mendoza  
c/o 500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78401-0341

W. D. Larew  
c/o 500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78401-0341

Leslye Evans  
c/o 500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78401-0341

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