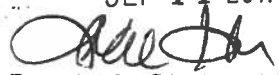


AT 9:25 o'clock A M

SEP 11 2017



JC Perez III, Co Clk. Jim Wells Co, Texas
Deputy

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: April 12, 2002
Original Creditor: Jim Walter Homes, Inc.
Debtor: Jesus A. Garcia and Seferina Martinez
Current 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

Security Instrument:

Purchase Money Deed of Trust
Date: April 12, 2002
Grantor: Jesus A. Garcia and Seferina Martinez
Trustee: Ronald K. Achille
Recording Information: Volume 785 at pages 842 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 Beneficiary: 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

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 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: Jim Wells, Texas

Date of Sale (first Tuesday of month): October 3, 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 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 Capital Trust 2010-1 under a Servicing Agreement.

Dated: September 7, 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"

All that certain tract or parcel of land situated in Jim Wells County, Texas, a part of the LA VACA GRANT, Abstract No. 166, same being a part of a 2.8 acre tract of land conveyed from Enrique M. Monsevais to Diana M. Monsevais, et al in a Warranty Deed dated November 2, 1964 and recorded in Volume 460, Page 53 of the Deed Records of Jim Wells County, Texas, and described by metes and bounds as follows, to-wit:

BEGINNING at a 5/8 inch iron rod set for the Northwest corner, same being the Northwest corner of the said Diana M. Monsevais, et al 2.8 acres as fenced;

THENCE, along the North fence boundary as it meanders North 87 degrees 40 minutes 26 seconds East 212.08 feet to a 5/8 inch iron rod set for the Northeast corner, same being the Northeast corner of the said 2.8 acres as fenced, same lying in the West margin of Rodriguez Road;

THENCE, along the West margin of said Rodriguez Road for approximately 15 feet and then along the East fence boundary as it meanders, South 00 degrees 02 minutes 00 seconds West 205.57 feet to a 5/8 inch iron rod set for the Southeast corner, same lying in the east boundary of the said 2.8 acres;

THENCE, South 87 degrees 40 minutes 26 seconds West 212.08 feet to a 5/8 inch iron rod set for the Southwest corner, same lying in the West boundary of the said 2.8 acres;

THENCE, along the west fence boundary of the said 2.8 acres as it meanders North 00 degrees 02 minutes 00 seconds East 205.57 feet to the PLACE OF BEGINNING, containing 1.000 acres of land.

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.