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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.

AMENDED NOTICE OF SALE BY SUBSTITUTE TRUSTEE

STATE OF TEXAS  
COUNTY OF GRIMES

§  
§ KNOW ALL MEN BY THESE PRESENTS:  
§

Note:

FILED FOR RECORD

At 9:19 O'clock A M

FEB 10 2019

VANESSA BARZYNSKI  
COUNTY CLERK, GRIMES COUNTY, TX  
By [Signature], Deputy

Retail Installment Contract dated October 21, 1997 executed and delivered by Roy Harvey and Audrey Harvey to Neatherlin Homes, Inc., and as amended by that certain Correction of Retail Installment Contract dated October 31, 1997 executed and delivered by Roy Harvey and Audrey Harvey to Neatherlin Homes, Inc., and as further amended by that certain Correction of Retail Installment Contract dated January 9, 1998

Mechanic's Lien Contract wth Power of Sale, dated October 21, 1997, and as amended by that certain Mechanic's Lien Contract wth Power of Sale dated October 31, 1997, executed and delivered by Roy Harvey and Audrey Harvey to Neatherlin Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded on January 6, 1998, as Document Number 00000153157, in Volume 878, page 522, in the Official public records of Grimes County, Texas.

**Original Creditor:** Neatherlin Homes, Inc.  
**Current Holder:** U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, successor by merger to First Union National Bank as Trustee, for Mid-State Trust VII  
**Current Owner:** Ditech Financial LLC  
**Mortgage Servicer:** Ditech Financial LLC FKA Green Tree Servicing LLC ("Servicer"), 2100 E. Elliot Road, Bldg 94, Mail Stop T325, Tempe, AZ 85284  
**Attorneys for Mortgage Servicer Authorized to Appoint Substitute Trustees:** Theodore J. Riney, Bruce K. Packard, Hayden Hooper

**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 AMENDED 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, and by these

PROPERTY ADDRESS: 1408 Sauls St. Navasota, TX 77868	RP FILE NO. DITE02-555	BORROWER: Harvey, Roy and Audrey
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presents hereby does name and appoint the following individuals as Substitute Trustees to act under and by virtue of said Security Instrument.

**Names and Street Address  
of Substitute Trustees:**

JIM MILLS, SUSAN MILLS, EMILY NORTHERN, ED HENDERSON,  
MARLENE ZOGRAFOS, MARLEY ROSS, JUDY DOYLE  
9065 Jollyville, Suite 203A, Austin, TX 78759

AND

T. J. RINEY, H. HOOPER, S.G. HARVEY, B.K. PACKARD, M. SANTOYO  
5420 LBJ Freeway, Suite 220, Dallas, TX 75240.

The Substitute Trustees are authorized to sell the Premises at public venue to the highest bidder or bidders, for cash. *Note: Each substitute trustee is authorized individually, to act alone without the joinder of the other trustees.*

**Property to be sold:**

1408 Sauls St., Navasota, TX 77868, 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, March 3, 2020.**

**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 Grimes County**, Texas, at the front door of the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Grimes 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 Grimes 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.

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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 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:**

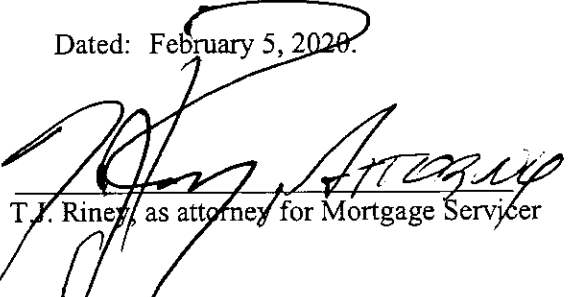
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Roy Harvey and Audrey Harvey.

**Default and Notice:**

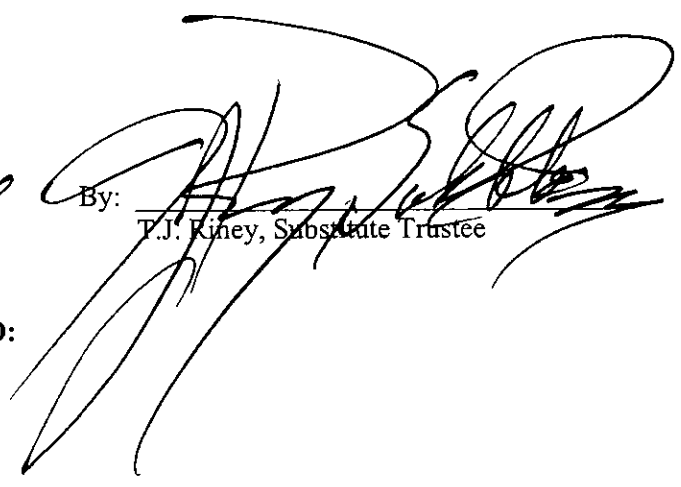
Default has been made in payment of the Note and Security Instrument and the Note is now unpaid, delinquent and in default. All required notices have been given to Roy Harvey and Audrey Harvey and any and all other necessary parties with regard to the defaulted indebtedness. Servicer has requested the 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: February 5, 2020.

By:

  
T.J. Riney, as attorney for Mortgage Servicer

By:

  
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

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED  
WILL BE USED FOR THAT PURPOSE**

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EXHIBIT A

Lying and being situated in the City of Navasota, in Grimes County, Texas, and being a part of the D. Arnold League and described as follows:  
 BEGINNING at a point in the NW boundary line of State Highway 90 from Navasota to Washington, said point being S 70 degrees W 2041.6 feet from the intersection of the original divisional line of the D. Arnold Survey and the NW boundary line of State Highway 90;  
 THENCE North 392 feet to stake for corner;  
 THENCE South 70 degree W 208.7 feet to a stake for corner;  
 THENCE South 392 feet to a stake in said NW boundary of State Highway No. 90;  
 THENCE N 70 degrees E and with said NW boundary line of State Highway No. 90 208.7 feet to the PLACE OF BEGINNING, containing 1.88 acre of land, more or less.  
 The said aforementioned property being the identical tract conveyed by deed from W.S. Moore and Tom J. Moore to Glenn Ahrenbeck dated July 15, 1946, recorded in Volume 177, Page 440 of the Deed Records of Grimes County, Texas, to which deed and the record thereof reference is here made for all purposes.

Lots 23, 42, 43, 44, 45, Moore Addition to the City of Navasota, Grimes County, Texas, according to the map or plat thereof recorded in Vol 174 Page 641 of the Deed Records of Grimes County, Texas

Lying and being situated in the City of Navasota, in Grimes County, Texas, and being a part of the D. Arnold League and described as follows:  
 BEGINNING at a point in the NW boundary line of State Highway 90 from Navasota to Washington, said point being S 70 degrees W 2041.6 feet from the intersection of the original divisional line of the D. Arnold Survey and the NW boundary line of State Highway 90.  
 THENCE North 392 feet to stake for corner;  
 THENCE South 70 degrees N 208.7 feet to a stake for corner;  
 THENCE South 392 feet to a stake in said NW boundary of State Highway No. 90;  
 THENCE N 70 degrees E and with said NW boundary line of State Highway No. 90 208.7 feet to the PLACE OF BEGINNING, Containing 1.88 acre of land, more or less. The said aforementioned property being the identical tract conveyed by deed from M. S. Moore and Tom J. Moore to Glenn Ahrenbeck dated July 15, 1946. Recorded in Volume 177, Page 440 of the Deed Records of Grimes County, Texas, to which deed and the record thereof reference is here made for all purposes.

Lots 23, 24, 25, 42, 43, 44, 45, 46. Moore Addition to the City of Navasota, Grimes County, Texas, according to the map or plat thereof recorded in Vol. 174, Page 641 of the Deed Records of Grimes County, Texas

Lots 42, 43, 44, 45 and 46 in the Moore Addition to the City of Navasota, in Grimes County, Texas in the D. Arnold League as conveyed to Roy Harvey and Audrey Harvey and recorded in 841, Page 413 of the real property records of Grimes County, Texas

all that certain lot, tract or parcel of land, lying and situated in the City of Navasota in Grimes County, Texas, and being a part out of the D. Arnold League and described as follows:  
 BEGINNING at a point in the N.W. boundary line of State Highway No. 90 from Navasota to Washington, said point being S 70 degrees W, 2041.6 ft. from the intersection of the original divisional line of the D. Arnold Survey and the N.W. boundary line of State Highway no. 90.  
 THENCE North Three hundred and ninety two (392) feet to a stake for corner.  
 THENCE South 70 degrees W, two hundred eight and seven tenths (208.7) feet to a stake for corner.  
 THENCE south Three hundred and ninety-two (392) feet to a stake in said N.W. boundary of State Highway No. 90.  
 THENCE N. 70 degrees E. and with said N.W. boundary line of State Highway No. 90 two hundred eight and seven tenths (208.7) feet to place of beginning; One and eighty eight hundredths (1.88) acres of land, more or less.

**Save and Except from the forgoing descriptions:**  
**Lots 42 and 43 in the Moore Addition to the City of Navasota,**  
**Grimes County, Texas.**

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\*VG-1576-2020-8\*

Grimes County  
Vanessa Burzynski  
Grimes County Clerk

Instrument Number: 8

Foreclosure Posting

Recorded On: February 10, 2020 09:19 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$8.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 8  
Receipt Number: 20200210000003  
Recorded Date/Time: February 10, 2020 09:19 AM  
User: Freddie H  
Station: Clerk02

**Record and Return To:**

ABSTRACT/TRUSTEES OF TEXAS  
P. O. BOX 9932  
AUSTIN TX 78766



STATE OF TEXAS  
Grimes County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Grimes County, Texas

Vanessa Burzynski  
Grimes County Clerk  
Grimes County, TX

*Vanessa Burzynski*