

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FILED FOR RECORD

2016 NOV 14 AM 11:27

WHEREAS, on March 14, 2006, Lanny D. Freeman ("Borrower") executed a Texas Home Equity Security Instrument in favor of Dream House Mortgage Corporation ("Deed of Trust"). The Deed of Trust was recorded in Instrument Number 001649 in Titus County, Texas on April 4, 2006; and

WHEREAS, Ditech Financial LLC FKA Green Tree Servicing LLC ("Ditech") is now the owner and holder of the Deed of Trust; and

WHEREAS, Jamie E. Silver, B. Bruce Johnson, Natalie Paul, Bria DiMarco, Alexandra Sallade, Harriett Fletcher, Robert LaMont, David Sims, Sheryl LaMont, Allan Johnston, Sharon St. Pierre have been appointed Substitute Trustee in place of the original Trustee, with all rights, powers, and immunities of the original Trustee; and

WHEREAS, default has occurred under the Deed of Trust and Ditech has instructed the Substitute Trustee to sell the property under the following terms and conditions.

Property To Be Sold. SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

Date, Time and Place of Sale:

Date: December 6, 2016

Time: Beginning no earlier than 10:00 a.m. and no later than three hours thereafter.

Place: Titus County Texas in the area designated by the Commissioner's Court of Titus County pursuant to section 51.002 of the Texas Property Code or, if no area is designated by the Commissioner's Court, then AT THE NORTH SIDE OF THE TITUS COUNTY COURTHOUSE, OR IF THE PRECEDING AREA IS NO LONGER THE DESIGNATED AREA, AT THE AREA MOST RECENTLY DESIGNATED BY THE COUNTY COMMISSIONER'S COURT.

Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash and shall not cover any part of the property that has been released of public record. 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. Except to the extent that the Substitute Trustee may bind and obligate the Borrower to warrant title to the property under the terms of the Deed of Trust, the property will be sold in "AS IS, WHERE IS" without any representations and warranties, whatsoever, express or implied, and subject to all matters of record affecting the property. The Substitute 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 Substitute Trustee. The beneficiary may postpone, withdraw or reschedule the sale and the Substitute Trustee need not announce the postponement, withdrawal or rescheduling. The beneficiary may appoint another Substitute Trustee to conduct the sale. Questions concerning the sale may be directed to the undersigned or to the beneficiary, Ditech at (480) 383-2084.



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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.

Dated this 11th day of November, 2016.



JAMIE SILVER, Substitute Trustee
12720 Hillcrest Road, Suite 280
Dallas, Texas 75230
(972) 788-4610 telephone
(972) 386-7694 telecopier

EXHIBIT "A"

All that certain lot, tract or parcel of land situated in Titus County, Texas, being a portion of the A. W. McDONALD SURVEY, Abstract No. 381, and also being a 26.333 acre tract out of that 92.37 acre tract conveyed by Freddie McNeil et al to Carl R. Ferrell as recorded in Vol. 409, Page 774 of the Deed Records of said County, and bounded as follows:

BEGINNING at a iron pin found at fence corner in south line of said McDonald Survey for SWC of 92.37 acre tract, SWC of this tract, and SEC of that certain 142.530 acre described in Special Warranty Deed from Texas Utilities Mining Company to Jettie James Walker et ux as recorded in Volume 708, Page 70 of said Deed Records, said iron pin being in north line of the T. C. Moore Survey, Abstract No. 387;

THENCE NORTH 0° 48' 30" EAST with west line of 92.37 acre tract, with east line of 142.530 acre tract, and along fence, 631.62 feet to a iron pin set for NWC of this tract;

THENCE EAST; 230.99 feet to a 60 "d" nail set in "twin 12" Oak tree on bank of creek for angle point corner;

THENCE NORTH 66° 40' EAST; 303.79 feet to a 60 "d" nail set in tree on bank of creek for angle point corner;

THENCE SOUTH 84° 20' EAST, 201.66 feet to a 60 "d" nail set in tree on bank of creek for angle point corner;

THENCE NORTH 86° 55' EAST, 139.12 feet to a iron pin set on bank of creek for angle point corner;

THENCE NORTH 86° 34' EAST, 207.64 feet to a 60 "d" nail set in tree on bank of creek for angle point corner;

THENCE NORTH 76° 50' 30" EAST, 374.41 feet to a 60 "d" nail set in tree on bank of creek for angle point corner;

THENCE NORTH 64° 49' EAST, 191.02' to a iron pin set in east line of McDonald Survey and 92.37 acre tract for NEC of this tract, said iron pin being in west line of the F. Richter Sv., Abstract 487;

THENCE SOUTH 1° 50' WEST with said survey line, with east property line, and generally along fence, 760.17 feet to a iron pin found at fence corner for most easterly SEC of 92.37 acre tract, most easterly SEC of this tract, and NEC of a 2.00 acre tract;

THENCE NORTH 88° 49' 30" WEST with south line of 92.37 acre tract, with north line of 2.00 acre tract, and along fence, 396.30 feet to a iron pin found at fence corner for all corner of 92.37 acre tract, all corner of this tract, and NWC of 2.00 acre tract;

THENCE SOUTH 0° 08' EAST with west line of 2.00 acre tract and along fence, 207.40 feet to a iron pin found near fence corner for most southerly SEC of 92.37 acre tract, most southerly SEC of this tract, and SWC of 2.00 acre tract, said iron pin being in south line of McDonald Survey and north line of the T. C. Moore Survey;

THENCE NORTH 89° 00" WEST with said survey line, with south property line, and along fence, 1183.56 feet to the place of BEGINNING and containing 26.333 acres of land, more or less.

FILED
AT 10 O'CLOCK A M

SEP 29 2016

DEBRA ABSTON, CLERK, DISTRICT COURT
TITUS COUNTY, TX

CAUSE NO. 39080

IN RE: ORDER FOR FORECLOSURE
CONCERNING

282 PRIVATE ROAD 4673
PITTSBURG, TEXAS 75688

under Tex. R. Civ. Proc. 736

PETITIONER:
DITECH FINANCIAL LLC

RESPONDENT:
LANNY D. FREEMAN

) IN THE DISTRICT COURT

) OF TITUS COUNTY, TEXAS

) 76th / 276th JUDICIAL DISTRICT

ORDER FOR FORECLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Came on for consideration the application of Ditech Financial LLC FKA Green Tree Servicing LLC ("Applicant"), for Order for Foreclosure pursuant to Texas Rules of Civil Procedure 736. The Court is of the opinion that said application should be granted. On March 14, 2006, Lanny D. Freeman ("Respondent") executed a Texas Home Equity Note ("Note") in the original principal amount of \$216,000.00 and a Deed of Trust. Respondent is obligated to pay the debt secured by the property according to the records of the holder of the debt. Petitioner is currently the legal owner and holder of the Note and is authorized to bring and maintain this action. The debt is secured by a lien created under the Tex. Const. Art. XVI, § 60(a)(6). Respondent is in default of its obligation to Petitioner in that payments have not been made when due and owing pursuant to the terms of the Note and Deed of Trust. Petitioner has given the requisite notices to cure the default and accelerate the maturity of the debt under the Security Instrument, Texas Property Code §51.002, and applicable law.

The court further finds that this is an *in rem* proceeding; that the Application filed by Applicant complies with Texas Rules of Civil Procedure 735 and 736; that Respondent has not previously filed a response; that a copy of the required return of service has been on file with the Clerk of Court for at least ten days, exclusive of date of filing; that the Applicant has met its burden of proof as to the elements of Texas Rules of Civil Procedure 736.1; and that the Applicant should proceed with foreclosure of the Property under the terms of the security instrument and Texas Property Code § 51.002.

ORDER FOR FORECLOSURE

PAGE 1

The name and last known address of each respondent subject to the order is:

Lanny D. Freeman
282 Private Road 4673
Pittsburg, Texas 75886

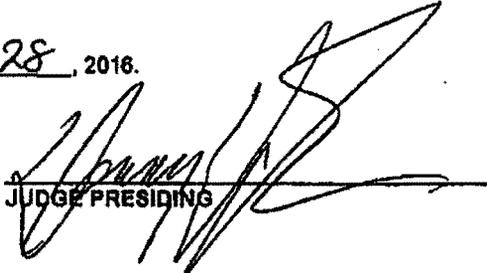
Occupant
282 Private Road 4673
Pittsburg, Texas 75886

The lien to be foreclosed was recorded in Instrument Number 001849 of the deed records of Titus County on April 4, 2006.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the Applicant may proceed with foreclosure of the property commonly known as 282 Private Road 4673, Pittsburg, Texas 75886 and with a legal description of: SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN;

IT IS FURTHER ORDERED that the Applicant may communicate with the Respondent and all third parties reasonably necessary to conduct the foreclosure sale.

SIGNED on September 28, 2016.


JUDGE PRESIDING

APPROVED AS TO FORM AND ENTRY REQUESTED:

JOHNSON & SILVER, LLP



JAMIE E. SILVER
State Bar No. 24042907
12720 Hillcrest Road, Suite 280
Dallas, Texas 75230
(872) 788-4610
(972) 386-7694 telecopler
legalservice@lawtbl.com
ATTORNEYS FOR APPLICANT

AFTER RECORDING, RETURN TO:
Johnson & Silver, LLP
12720 Hillcrest Road, Suite 280
Dallas, Texas 75230

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