

1103 BEAUTY STREET
DAYTON, TX 77535

0000009538273

NOTICE OF [SUBSTITUTE] TRUSTEE'S 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.

1. Date, Time, and Place of Sale.

Date: September 06, 2022

Time: The sale will begin at 10:00 AM or not later than three hours after that time.

Place: THE SOUTH SIDE DOOR OF THE LIBERTY COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. Instrument to be Foreclosed. The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated August 07, 2017 and recorded in Document INSTRUMENT NO. 2017015032 real property records of LIBERTY County, Texas, with DELWYN J MITCHELL, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE, mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by DELWYN J MITCHELL, securing the payment of the indebtednesses in the original principal amount of \$67,750.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. MIDFIRST BANK is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. Property to Be Sold. The property to be sold is described in the attached Exhibit A.

6. Mortgage Servicer Information. The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK
999 N.W. GRAND BLVD
STE 110
OKLAHOMA CITY, OK 73118-6077

FILED
at 1:26 o'clock P M

JUL 11 2022

LEE H. CHAMBERS
COUNTY CLERK, LIBERTY COUNTY, TEXAS
BY: *Suzanne Ball* DEPUTY



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.

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, CARY CORENBLUM, KRISTOPHER HOLUB, JOSHUA SANDERS, JULIAN PERRINE, AMY OIAN, MATTHEW HANSEN, JAMI HUTTON, ALEXIS BANKS, ALEENA LITTON, AARTI PATEL, AUCTION.COM, DANA DENNEN, CINDY DENNEN, AARON CRAWFORD, TOMMY JACKSON, KEATA SMITH AND STEPHANIE HERNANDEZ, KEVIN MCCARTHY OR BEATRICE CARRILLO whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.



Israel Saucedo

Certificate of Posting

My name is Keata Smith, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on July 11, 2022 I filed at the office of the LIBERTY County Clerk and caused to be posted at the LIBERTY County courthouse this notice of sale.

Keata Smith

Declarants Name: Keata Smith

Date: July 11, 2022

EXHIBIT "A"

FIELD NOTES OF A TRACT OF LAND CONTAINING 0.15 ACRES SITUATED IN THE LIBERTY TOWN WEST LEAGUE, ABSTRACT 357, LIBERTY COUNTY, TEXAS AND BEING OUT OF AND A PART OF LOT 11, WILSON ADDITION, A SUBDIVISION IN LIBERTY COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME "F", PAGE 138 OF THE DISTRICT COURT MINUTES OF LIBERTY COUNTY, TEXAS, ALSO BEING THE SAME TRACT OF LAND CONVEYED TO VIOLET CHAPMAN RECORDED BY DEED IN VOLUME 164, PAGE 825 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. SAID 0.15 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE THE MONUMENTS FOUND AND CALLED BEARING IN THE OCCUPIED SOUTHWEST RIGHT-OF-WAY LINE OF BEAUTY STREET WERE USED FOR THE BEARING BASIS DIRECTIONAL CONTROL LINE.

BEGINNING AT A ¾" IRON PIPE, FOUND, IN THE OCCUPIED SOUTHWEST RIGHT-OF-WAY LINE OF SAID BEAUTY STREET, THE SOUTHEAST CORNER OF A 0.155 ACRE TRACT OF LAND CONVEYED TO HOWARD BOSTON AND OCTUVIA BOSTON RECORDED BY DEED IN VOLUME 875, PAGE 447 OF THE DEED RECORDS OF SAID COUNTY AND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 30°45'37" E, ALONG THE OCCUPIED SOUTHWEST RIGHT-OF-WAY LINE OF SAID BEAUTY STREET, A DISTANCE OF 67.50 FEET TO A 5/8" IRON ROD, FOUND, BEING THE SOUTHERLY NORTHEAST CORNER OF THE RESIDUE OF A TRACT OF LAND CONVEYED TO KENNETH BERRY RECORDED BY DEED IN LIBERTY COUNTY CLERK'S FILE NO. (S) 2006000090 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 59°26'37" W, ALONG THE SOUTHERLY NORTH LINE OF SAID BERRY TRACT, A DISTANCE OF 100.00 FEET TO A ½" CAPPED IRON ROD MARKED H&H LAND, SET, BEING AN INTERIOR CORNER OF SAID BERRY TRACT AND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 30°44'29" W, ALONG THE WESTERLY EAST LINE OF SAID BERRY TRACT, A DISTANCE OF 67.50 FEET TO A 5/8" IRON ROD, FOUND, BEING THE SOUTHWEST CORNER OF SAID 0.155 ACRES AND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 59°26'35" E, ALONG THE SOUTH LINE OF SAID 0.155 ACRES, A DISTANCE OF 99.98 FEET (CALLED 100.00) TO THE POINT OF BEGINNING AND CONTAINING 0.15 ACRES OF LAND, MORE OR LESS.

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S 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.

DEED OF TRUST INFORMATION:

Date: 04/07/2006
Grantor(s): HARRIET YOUNG AKA HARRIET BARNES YOUNG AKA HARRIET B. YOUNG & RICHARD YOUNG AKA RICHARD L. YOUNG AKA RICHARD LAVELL YOUNG, HUSBAND & WIFE
Original Mortgagee: JIM WALTER HOMES, INC
Original Principal: \$160,819.05
Recording Information: Instrument 2006008002 ; re-recorded under Instrument 2006013982
Property County: Liberty
Property: (See Attached Exhibit "A")
Reported Address: 601 S COLBERT ST. DAYTON, TX 77535

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.
Current Mortgagee: The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2006-1 Trust
Mortgage Servicer: Shellpoint Mortgage Servicing
Current Beneficiary: The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2006-1 Trust
Mortgage Servicer Address: 55 Beattie Place, Suite 110, Greenville, SC 29601

SALE INFORMATION:

Date of Sale: Tuesday, the 6th day of September, 2022
Time of Sale: 10:00AM or within three hours thereafter.
Place of Sale: AT THE FRONT STEPS OF THE COURTHOUSE, ON THE SOUTH SIDE, WITH AN ADDRESS OF 1923 SAM HOUSTON in Liberty County, Texas. Or, if the preceding area(s) is/are no longer the area(s) designated by the Liberty County Commissioner's Court, at the area most recently designated by the Liberty County Commissioner's Court.

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared: such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Tommy Jackson, Keata Smith, Margie Allen, Kyle Barclay, Stephanie Hernandez, Braden Barnes, Rachel Donnelly, or Jamie E. Silver, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness: and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Tommy Jackson, Keata Smith, Margie Allen, Kyle Barclay, Stephanie Hernandez, Braden Barnes, Rachel Donnelly, or Jamie E. Silver, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.

at 1052 FILED A
o'clock _____ M

JUL 14 2022

LEE H. CHAMBERS
COUNTY CLERK, LIBERTY COUNTY, TEXAS
BY W DEPUTY

4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Substitute Trustee(s): Tommy Jackson, Keata Smith, Margie Allen, Kyle Barclay, Stephanie Hernandez, Braden Barnes, Rachel Donnelly, or Jamie E. Silver, any to act.

Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

Document Prepared by:
Bonial & Associates, P.C.
14841 Dallas Parkway, Suite 425, Dallas, TX 75254
AS ATTORNEY FOR THE HEREIN
IDENTIFIED MORTGAGEE AND/OR
MORTGAGE SERVICER

Certificate of Posting

I am Tommy Jackson whose address is 14841 Dallas Parkway, Suite 425, Dallas, TX 75254. I declare under penalty of perjury that on 7-14-22 I filed and / or recorded this Notice of Foreclosure Sale at the office of the Liberty County Clerk and caused it to be posted at the location directed by the Liberty County Commissioners Court.

By: Tommy Jackson

Exhibit "A"

2.0214 ACRES OF LAND, MORE OR LESS, OUT OF THE NORTH ONE-HALF OF LOT 2, BLOCK 22, OF THE TOWN OF DAYTON, LIBERTY COUNTY, TEXAS, BEING ALSO OUT OF A TRACT RECORDED IN VOLUME 13, PAGE 520 DEED RECORDS OF LIBERTY COUNTY, SAID 2.0214 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;
BEGINNING AT A 3/8 INCH IRON ROD FOUND AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTH COLBERT STREET (50 FEET WIDE) AND THE SOUTH RIGHT-OF-WAY LINE OF EAST YOUNG STREET (FOUND 39 FEET WIDE) FOR THE NORTHWEST CORNER OF SAID LOT 2;
THENCE, NORTH 60 DEGREES 00' 00" EAST (BASIS OF BEARING), ALONG SAID SOUTH RIGHT-OF-WAY LINE, BEING THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 288.37 FEET TO A 1/2 INCH IRON ROD SET FOR THE NORTHWEST CORNER OF A CALLED 3 ACRE TRACT CONVEYED TO CLARENCE GRAYS BY DEED RECORDED IN VOLUME 322, PAGE 230 OF THE LIBERTY COUNTY DEED RECORDS;
THENCE SOUTH 30 DEGREES 00' 00" EAST, ALONG THE WEST LINE OF SAID GRAYS TRACT, A DISTANCE OF 216.69 FEET TO A 1/2 INCH IRON ROD SET FOR THE SOUTHWEST CORNER OF A TRACT CONVEYED FROM MR. GRAYS TO MELINDA GRAYS GAINES BY DEED RECORDED IN VOLUME 899, PAGE 296 OF THE LIBERTY COUNTY DEED RECORDS;
THENCE NORTH 60 DEGREES 00' 00" EAST, ALONG THE SOUTH LINE OF SAID GAINES TRACT, A DISTANCE OF 131.80 FEET TO A 1/2 INCH IRON ROD SET FOR AN INTERIOR CORNER OF SAID GRAYS 3 ACRE TRACT;
THENCE SOUTH 30 DEGREES 00' 00" EAST, ALONG A WESTERLY LINE OF SAID GRAYS TRACT, A DISTANCE OF 139.06 FEET TO A 1/2 INCH IRON ROD FOR CORNER;
THENCE SOUTH 60 DEGREES 00' 00" WEST, ALONG THE SOUTH LINE OF SAID NORTH ONE HALF OF LOT 2, A DISTANCE OF 210.11 FEET TO A 1/2 INCH IRON ROD SET FOR THE SOUTHEAST CORNER OF A CALLED 1/2 ACRE TRACT CONVEYED TO OLDIS PRATER BY DEED RECORDED IN VOLUME 161, PAGE 455 OF THE LIBERTY COUNTY DEED RECORDS;
THENCE NORTH 30 DEGREES 00' 00" WEST ALONG THE EAST LINE OF SAID 1/2 ACRE TRACT AND THE EAST LINE OF A CALLED 1/4 ACRE TRACT CONVEYED TO FRANKIE EDWARDS BY DEED RECORDED IN VOLUME 351, PAGE 422 OF THE LIBERTY COUNTY DEED RECORDS, A DISTANCE OF 156.40 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER;
THENCE SOUTH 60 DEGREES 00' 00" WEST, ALONG THE NORTH LINE OF SAID EDWARDS TRACT, A DISTANCE OF 210.00 FEET TO A 1/2 INCH IRON ROD FOUND IN THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH COLBERT STREET FOR CORNER;
THENCE NORTH 30 DEGREES 00' 00" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 199.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.0214 ACRES OF LAND, MORE OR LESS.

Return to: Bonial & Associates, P.C., 14841 Dallas Parkway, Suite 425, Dallas, TX 75254