

**Amended Notice of Foreclosure Sale**

Deed of Trust:

Dated: February 18, 2016

Grantor: Walter V. Arlt

Trustee: LeRoy McCall, Jr.

Lender: Michael Dean Thomas and Kathryn Elaine Thomas

Recorded in: Volume 1632, Page 594 of the real property records of Chambers County, Texas.

Legal Description: SUNSET RV PARK located on that certain 5.226 acre tract, more or less, (called 5.24 acres) situated in Block 14, M. M. GREGORY SUBDIVISION, M. M. GREGORY SURVEY, Abstract No. 647, recorded in Volume "A", Page 24 of the Plat Records of Chambers County, Texas, and being the same Charles Perkins (called 5.24 acres) tract as recorded in Volume 339, Page 517 of the Official Public Records of Chambers County, Texas, together with any improvements thereon.

Secures: Note in the original principal amount of \$290,000.00, executed by Walter V. Arlt ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, April 3, 2018

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m. and not later than three hours thereafter.

Place: Chambers County Courthouse, 404 Washington Avenue, Anahuac, Texas. The sale shall be conducted inside the Courthouse on the Eastern-most steps of the second level (middle floor). In the event the first Tuesday of the month falls on a holiday, all sales shall take place on the East Courthouse steps.



**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Michael Dean Thomas and Kathryn Elaine Thomas' bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Michael Dean Thomas and Kathryn Elaine Thomas the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Michael Dean Thomas and Kathryn Elaine Thomas' election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Michael Dean Thomas and Kathryn Elaine Thomas' rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Michael Dean Thomas and Kathryn Elaine Thomas passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure 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 Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Michael Dean Thomas and Kathryn Elaine Thomas. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**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.**

**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.**



Travis McCall  
Substitute Trustee  
3350 Eastex Freeway  
Beaumont, Texas 77703  
Telephone (409) 833-3350  
Telecopier (409) 833-2890

**FILED FOR RECORD IN:  
Chambers County  
On: 2/26/2018 9:37:42 AM  
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Amount: 10.00  
Order#: 20180226000012  
By: AM**



Heather H. Hawthorne, County Clerk

Recorder: 

**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 18, 2003  
Original Creditor: Jim Walter Homes, Inc.  
Debtor: Kenneth M. & Alma D. Moore  
Current Holder: The Bank of New York Mellon as Indenture Trustee for Mid-State Capital Corporation 2004-1 Trust by Ditech Financial LLC, as servicer with delegated authority

**Security Instrument:**

Mechanic's Lien Contract with Power of Sale  
Date: February 18, 2003  
Grantor: Kenneth M. & Alma D. Moore  
Trustee: Ron Achille  
Recording Information: Volume 03-603 at pages 317 et seq. recorded in the Official Records of Chambers 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 as Indenture Trustee for Mid-State Capital Corporation 2004-1 Trust by Ditech Financial LLC, as servicer with delegated authority

**Mortgage Servicer:** Ditech Financial LLC (f/k/a Green Tree Servicing LLC), 2100 E. Elliot Road, T-314, Tempe, Arizona 85284, 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:** Chambers, Texas

**Date of Sale (first Tuesday of month):** April 3, 2018

**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 Chambers County, Texas (located at 404 Washington Avenue, Anahuac, 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 Chambers County Commissioners' Court as follows: East steps 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 Mid-State Capital Corporation 2004-1 Trust under a Servicing Agreement.

**Dated:** March 7, 2018

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"**

Situated in Chambers County, Texas, and being Lots Ten (10), Eleven (11) and Twelve (12), in Block Nine (9), of the Original Townsite of Anahuac (a/k/a referred to as Hamilton Addition) out of the Charles Wilcox 2/3 League Abstract No. 303 and a part of the George Wilcox Survey Abstract 316, according to the map or plat of said subdivision of record in the office of the County Clerk of Chambers County, Texas.

**Exhibit "B"**

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

Jim Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Susan Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Emily Northern  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Alexandra Zografos Holub  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Margie Allen  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Tiffany Beggs  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Kyle Barclay  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Julia Perez  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Alfred Perez  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Tommy Jackson  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Ron Harmon  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

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

**FILED FOR RECORD IN:**  
**Chambers County**  
**On: 3/12/2018 4:07:54 PM**  
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**Number of Pages: 4**  
**Amount: 10.00**  
**Order#: 20180312000064**  
**By: AM**



**Heather H. Hawthorne, County Clerk**

**Recorded:** *Quae Martin*



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: January 30, 2008  
Original Creditor: Walter Mortgage Company  
Debtor: Tyrone White and Chastity White  
Current Holder: U. S. Bank, N.A., as trustee on behalf of Mid-State Trust VIII by Ditech Financial LLC, as servicer with delegated authority

**Security Instrument:**

Purchase Money Deed of Trust  
Date: January 30, 2008  
Grantor: Tyrone White and Chastity White  
Trustee: Joseph H. Kelly  
Recording Information: Volume 1021 at pages 428 et seq. recorded in the Official Records of Chambers 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: U. S. Bank, N.A., as trustee on behalf of Mid-State Trust VIII by Ditech Financial LLC, as servicer with delegated authority

**Mortgage Servicer:** Ditech Financial LLC (f/k/a Green Tree Servicing LLC), 2100 E. Elliot Road, T-314, Tempe, Arizona 85284, 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.

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**Foreclosure Sale:**

**County:** Chambers, Texas

**Date of Sale (first Tuesday of month):** April 3, 2018

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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.

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**Dated:** March 7, 2018

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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"**

Tract 7 consisting of .2070 acres of land, more or less, out of the I. P. Davis Survey (a/k/a Block 11 of Gills Addition), Abstract 642 located in Chambers County, Texas, and more particularly described in Volume 395, Page 260 of the Real Property Records of Chambers County, Texas.

**Exhibit "B"**

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

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Ron Harmon  
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Austin, Travis County, Texas 78759

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**Chambers County**  
**On: 3/12/2018 4:07:54 PM**  
**Doc Number: 2018 - 2742**  
**Number of Pages: 4**  
**Amount: 10.00**  
**Order#: 20180312000064**  
**By: AM**



Heather H. Hawthorne, County Clerk

Recorded: *Case Martin*