

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.

FILED FOR RECORD IN FANNIN COUNTY
04/13/2021 10:47:27 AM

AMENDED NOTICE OF SALE BY SUBSTITUTE TRUSTEE

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

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COUNTY OF FANNIN

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Note: Sale Contract dated July 6, 2009 executed and delivered by Patsy Garcia and Felix Garcia to Walter Mortgage Company, LLC

Security Instrument: Purchase Money Deed of Trust, dated July 6, 2009, executed and delivered by Patsy Garcia and Felix Garcia to Walter Mortgage Company, LLC, to secure payment of that certain Sale Contract, recorded in Volume 1443, Page 52, in Fannin County, Texas.

Order Granting Application to Proceed with Notice of Sale and Non-Judicial Foreclosure Sale Order Granting Application to Proceed with Notice of Sale and Non-Judicial Foreclosure Sale entered February 3, 2021 in Cause No. PR-2020-12812; styled *In Re: The Estate of Felix Garcia, Deceased*, in the County Court of Fannin County, Texas.

Original Creditor: Walter Mortgage Company, LLC

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: 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

Mortgage Servicer: New Rez LLC d/b/a Shellpoint Mortgage Servicing (“Servicer”), 75 Beattie Pl. #300, Greenville, SC 29601

Appointed Substitute Trustees: JIM MILLS, SUSAN MILLS, EMILY NORTHERN, ED HENDERSON, LARRY PENNINGTON, TONY HULSEY, JACK RICHARDSON, DAVID CULLAR, SUSAN ZACHARY, ASHLEY HAMMONS TRUSTEES OF TEXAS, 9065 JOLLYVILLE, SUITE 203A, AUSTIN, TX 78759

Note: Each substitute trustee is authorized individually, to act alone without the joinder of the

AND

PROPERTY ADDRESS:
411 W. Houston St.
Leonard, TX 75452

RP FILE NO. SHELL02-122

BORROWER: Garcia, Patsy & Felix

other trustees.

The Substitute Trustees are authorized to sell the Premises at public venue to the highest bidder or bidders, for cash.

RANDY DANIEL, RANDY DANIEL,
SERVICE LINK, 3220 EL CAMINO REAL, IRVINE, CA 92602

AND
RANDY DANIEL
AUCTION.COM, 1 MAUCHLY, IRVINE, CA 92618

AND
CONNIE MEDLEY OR SARAH CHAMPINE OR LUIS GARCIA OR
CONSTANCE LEWIS OR CLYDE COBB OR MONTGOMERY
MEDLEY OR JULIE MARTIN OR BOB FRISCH OR ARNOLD
MENDOZA OR JODI STEEN
XOME, 750 TX-121, SUITE 100, LEWISVILLE, TX 75067

AND
RANDY DANIEL
COVIS REALTY BID, 3225 RAINBOW DRIVE, SUITE 248-B,
RAINBOW CITY, AL 35906

AND
T. J. RINEY, H. HOOPER, S.G. HARVEY, B.K. PACKARD, M.
SANTOYO
5420 LBJ FREEWAY, SUITE 220, DALLAS, TX 75225

Property to be sold:

411 W. Houston St., Leonard, TX 75452, 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, May 4, 2021.

Time of Sale:

Auction.com: The sale will begin no earlier than **1pm-4pm** and no later than three (3) hours thereafter.

Location of Sale:

At the **County Courthouse in Fannin County**, Texas, at the North door of the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Fannin County, 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, subject to the provisions of the Purchase Money Deed of Trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Purchase Money Deed of Trust at the time of sale.

PROPERTY ADDRESS: 411 W. Houston St. Leonard, TX 75452	RP FILE NO. SHELL02-122	BORROWER: Garcia, Patsy & Felix
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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.

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 Purchase Money 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 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.

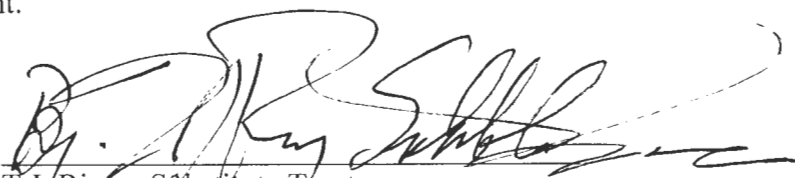
Type of Sale:

The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Patsy Garcia and Felix Garcia.

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 Patsy Garcia and Felix Garcia 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: April 1, 2021.


T.J. Riney, Substitute Trustee

PROPERTY ADDRESS: 411 W. Houston St. Leonard, TX 75452	RP FILE NO. SHELL02-122	BORROWER: Garcia, Patsy & Felix
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AFTER RECORDING, PLEASE RETURN TO:

Riney Packard, PLLC
Attn: T.J. Riney
Two Lincoln Centre
5420 LBJ Freeway, Suite 220
Dallas, Texas 75240

PROPERTY ADDRESS: 411 W. Houston St. Leonard, TX 75452	RP FILE NO. SHELL02-122	BORROWER: Garcia, Patsy & Felix
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EXHIBIT "A"

All that certain tract or parcel of land in Fannin County, Texas, more particularly described as follows: Being LOTS ONE, TWO AND THREE, BLOCK TWO of the ROCKWELL ADDITION to the Town of Leonard, Texas as per plat of record in the Deed Records of Fannin County, Texas. The land above described is conveyed subject to an easement from Mrs. K. A. McBroom to Community Public Service Company dated September 4, 1953 recorded in Vol. 360, Page 148, Deed Records of Fannin County, Texas. The land above described is conveyed subject to any and all easements not of record in the Deed Records of Fannin County, Texas which are apparent, visible and ascertainable by inspection on the ground, including any buried beneath the surface of the ground for the servicing of utilities and like entities.

PROPERTY ADDRESS: 411 W. Houston St. Leonard, TX 75452	RP FILE NO. SHELL02-122	BORROWER: Garcia, Patsy & Felix
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FILED FOR RECORD
FANNIN COUNTY, TEXAS

2021 FEB -4 AM 9:49

TAMMY BIGGAR
COUNTY CLERK
DEPUTY

CAUSE NO. PR-2020-12812

IN RE: THE ESTATE OF FELIX
GARCIA,

DECEASED

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IN THE COUNTY COURT
FANNIN COUNTY, TEXAS

**ORDER GRANTING APPLICATION TO PROCEED WITH NOTICE OF SALE
AND NON-JUDICIAL FORECLOSURE SALE**

On this date, the Court considered NewRez LLC, F/K/A New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing ("Applicant"), as Mortgage Servicer for 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's Application for Foreclosure, wherein Applicant requests an order to proceed with non-judicial foreclosure against Felix Garcia and Patsy Garcia ("Respondents") and against the real property located at 411 W. Houston Gt., Leonard, TX 75452 ("Property"), and more fully described, by its legal description as follows:

All that certain tract or parcel of land in Fannin County, Texas, more particularly described as follows: Being LOTS ONE, TWO AND THREE, BLOCK TWO of the ROCKWELL ADDITION to the Town of Leonard, Texas as per plat of record in the Deed Records of Fannin County, Texas. The land above described is conveyed subject to an easement from Mrs. K. A. McBroom to Community Public Service Company dated September 4, 1953 recorded in Vol. 360, Page 148, Deed Records of Fannin County, Texas. The land above described is conveyed subject to any and all easements not of record in the Deed Records of Fannin County, Texas which are apparent, visible and ascertainable by inspection on the ground, including any buried beneath the surface of the ground for the servicing of utilities and like entities.

The Court finds as follows:

1. Applicant is the mortgage servicer for 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 ("Mortgagee"), as that term is defined by TEX. PROP. CODE § 51.0001(3) for Mortgagee pursuant to a servicing agreement as permitted by TEX. PROP. CODE § 51.0025;

2. On or about July 6, 2009, Decedent executed and delivered a Retail Installment Contract to Jim Walter Homes, Inc. ("Note").;
3. The Note is described in that certain Purchase Money Deed of Trust, dated July 6, 2009, which was executed by Decedent and recorded in the Official Public Records of Fannin County, Texas, in Volume 1443, Page 52 ("Security Instrument");
4. Applicant acquired the indebtedness represented by the Loan Documents and is the current holder of the indebtedness.
5. Mortgagee is the current holder of the indebtedness represented by the Note and Security Instrument;
6. There has been a material breach of the Note and Security Instrument, specifically, a failure to pay the debt when due; that Petitioner provided written notice of default and demand for payment; that the defaults referred to in Petitioner's demand have not been cured; and that Petitioner accelerated the maturity of the debt;
7. On October 23, 2020, Letters of Dependent Administration were issued to Hayden Hooper.
8. On October 30, 2020, the Authenticated Claim of NewRez LLC, F/K/A New Penn Financial, LLC D/B/A Shellpoint Mortgage Servicing was presented to Hayden Hooper.
9. On November 2, 2020, Dependent Administrator Hayden Hooper executed a Memorandum of Allowance of the Authenticated Claim.
10. On November 3, 2020, the Court entered an Order Approving the Claim of NewRez LLC D/B/A Shellpoint Mortgage Servicing, fixing the claim as a preferred debt and lien.
11. The last known addresses for Respondents are as follows:
 - a. Patsy Garcia, 411 W. Houston St., Leonard, TX 75452
 - b. John Skotnik, Attorney Ad Litem, P.O. Box 727, Bonham, TX 75418
 - c. Hayden Hooper, Administrator, 5420 LBJ Freeway, Suite 220, Dallas, TX 75240

Due to the material breach of the Note and Security Instrument, specifically, the failure to pay the debt when due, **IT IS, ORDERED and DIRECTED** that Applicant may proceed with

non-judicial foreclosure of the Property in accordance with the terms of the Note and Security Instrument, and any supplements or amendments thereto, and Texas Property Code § 51.002.

IT IS FURTHER ORDERED that a copy of this Order be sent to Respondent with the notice of sale.

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

All relief not granted herein is denied.

Dated: 2/3/, 2021.



JUDGE PRESIDING

AGREED AND APPROVED AS TO FORM:



THEODORE J. RINEY

State Bar No. 16925075

triney@rineypackard.com

BRUCE K. PACKARD

State Bar No. 15402300

bpackard@rineypackard.com

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Facsimile: (214) 461-1210