

19-258817

Notice of Substitute Trustee's Sale

Notice Concerning Military Duty: 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. Tex. Prop. Code § 51.002(i)

Deed of Trust Date: May 24, 2013	Original Mortgagor/Grantor: EDDIE A. HURTADO AND BARBARA A. HURTADO
Original Beneficiary / Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR EVERBANK, ITS SUCCESSORS AND ASSIGNS	Current Beneficiary / Mortgagee: DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC
Recorded in: Volume: N/A Page: N/A Instrument No: 133255	Property County: CALDWELL
Mortgage Servicer: Ditech Financial LLC	Mortgage Servicer's Address: 2100 E Elliot Rd Building 94, Mail Stop T-325 Tempe, AZ 85284

* 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 property securing the above referenced loan.

Secures: Note in the original principal amount of \$246,300.00, executed by EDDIE A. HURTADO AND BARBARA A. HURTADO ("Borrower") and payable to the order of Lender.

Property Address/Mailing Address: 4375 SE SERIVER RD, MARTINDALE, TX 78655

Legal Description of Property to be Sold: A TRACT OF LAND CONTAINING 5.0038 ACRES OUT OF AND PART OF STEPHEN MORRISON SURVEY, ABSTRACT NO. 19, IN CALDWELL COUNTY, TEXAS, SAID 5.0038 ACRES BEING OUT OF AND PART OF A CALLED 64.046 ACRE TRACT CONVEYED TO KENNETH SMITH AND DESCRIBED IN VOLUME 206, PAGE 677 OF THE OFFICIAL RECORDS OF CALDWELL COUNTY, SAID 5.0038 ACRES BEING THE SAME TRACT, CALLED 5.01 ACRES, AS CONVEYED IN MARCH OF 2004 BY A WARRANTY DEED TO EDDIE A. HURTADO AND BARBARA A. HURTADO AS DESCRIBED AND RECORDED IN VOLUME 372, PAGE 549 OF THE OFFICIAL RECORDS OF CALDWELL COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND IN THE NORTHEAST RIGHT-OF WAY OF S. E RIVER ROAD, COUNTY ROAD # 103, FOR THE MOST SOUTHERLY CORNER OF THE SAID HURTADO TRACT, THE MOST SOUTHERLY CORNER OF THE SAID KENNETH SMITH 64.046 ACRE TRACT, THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT AND FOR THE MOST WESTERLY CORNER OF THE SCOTT SMITH TRACT AS DESCRIBED IN VOLUME 293, PAGE 820, OF THE OFFICIAL RECORDS OF CALDWELL COUNTY;

THENCE N 36° 37' 53" W, ALONG THE RIGHT-OF-WAY, A DISTANCE OF 239.02 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP FOUND FOR THE MOST WESTERLY CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE N 50° 00' 48" E, LEAVING THE RIGHT-OF-WAY, A DISTANCE OF 905.24 FEET TO A 1/2" IRON ROD E WITH A PLASTIC CAP FOUND FOR THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;



Filed this 14 day of March 2019
11:29 A.M.

TERESA RODRIGUEZ
COUNTY CLERK, CALDWELL COUNTY, TEXAS

By Brittany O'Carroll Deputy

THENCE S 39° 57' 47" E, A DISTANCE OF 239.28 FEET TO A ½" IRON ROD WITH A PLASTIC CAP FOUND IN THE NORTHWEST PROPERTY LINE OF THE SAID SCOTT SMITH TRACT FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 50° 03' 20" W (BEARING BASIS USED HEREIN), A DISTANCE OF 919.13 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0038 ACRES.

Date of Sale: April 02, 2019	Earliest time Sale will begin: 10:00 AM
-------------------------------------	--

Place of sale of Property: Caldwell County Justice Center, 1703 S. Colorado, Lockhart, TX 78644 OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

Appointment of Substitute Trustee: Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, *DITECH FINANCIAL LLC*, the owner and holder of the Note, has requested Corin Johnson, Aaron Johnson, Trent Davis, Maryna Danielian, Pamela Thomas, Jack Burns II, Kristopher Holub, Aarti Patel, Stacey Bennett, Amy Ortiz, Garrett Sanders, Maxwell Atherton, Dylan Ruiz, David Ackel, Sara Edgington, Vanessa McHaney, whose address is 1 Mauchly Irvine, CA 92618 or Sharlet Watts, Angela Zavala, Michelle Jones, Richard Zavala, Jr, Deanna Ray, whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

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 *DITECH FINANCIAL LLC* bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

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, Corin Johnson, Aaron Johnson, Trent Davis, Maryna Danielian, Pamela Thomas, Jack Burns II, Kristopher Holub, Aarti Patel, Stacey Bennett, Amy Ortiz, Garrett Sanders, Maxwell Atherton, Dylan Ruiz, David Ackel, Sara Edgington, Vanessa McHaney, whose address is 1 Mauchly Irvine, CA 92618 or Sharlet Watts, Angela Zavala, Michelle Jones, Richard Zavala, Jr, Deanna Ray, whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, 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 Corin Johnson, Aaron Johnson, Trent Davis, Maryna Danielian, Pamela Thomas, Jack Burns II, Kristopher Holub, Aarti Patel, Stacey Bennett, Amy Ortiz, Garrett Sanders, Maxwell Atherton, Dylan Ruiz, David Ackel, Sara Edgington, Vanessa McHaney, whose address is 1 Mauchly Irvine, CA 92618 or Sharlet Watts, Angela Zavala, Michelle Jones, Richard Zavala, Jr, Deanna Ray, whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee.

Limitation of Damages: If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the funds paid. The purchaser shall have no further recourse against Mortgagor, the Mortgagee, or the Mortgagee's attorney.

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.**

/s/William Attmore

William Attmore

Attorney for DITECH FINANCIAL LLC

State Bar No.:24064844

wattmore@rascrane.com

RAS CRANE, LLC / Attorney for Mortgagee

1900 Enchanted Way, Suite 125

Grapevine, TX 76051

Telephone: 817-873-3080

Facsimile: (817)796-6079