

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.

NOTICE OF SALE BY SUBSTITUTE TRUSTEE

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF REFUGIO

**Note:** Note dated July 6, 2009 executed and delivered by Donell H. Whitmore, Sr. to Swartz & Brough

**Security Instrument:** Deed of Trust, dated July 6, 2009, executed and delivered by Donell H. Whitmore, Sr. to Swartz & Brough, to secure payment of that certain Note, recorded in Volume 230, Page 695, in Refugio County, Texas.

**Original Creditor:** Swartz & Brough

**Current Holder:** The Bank of New York Mellon, as Indenture Trustee, for WIMC Capital Trust 2011-1

**Current Owner:** Ditech Financial LLC

**Mortgage Servicer:** Ditech Financial LLC FKA Green Tree Servicing LLC ("Servicer"), 2100 E. Elliot Road, Bldg 94, Mail Stop T325, Tempe, AZ 85284

**Attorneys for Mortgage Servicer Authorized to Appoint Substitute Trustees:** Theodore J. Riney, Bruce K. Packard, Hayden Hooper

Accepted for Filing in Refugio County, TX NOV 09, 2018 12:57 PM by Lorraine Garcia

**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, and by these presents hereby does name and appoint the following individuals as Substitute Trustees to act under and by virtue of said Security Instrument.

**Names and Street Address of Substitute Trustees:** JIM MILLS, SUSAN MILLS, EMILY NORTHERN, ALEXANDRA ZOGRAFOS, TINA JACOB, CHRIS LAFOND, HARRY BRELSFORD, 9065 Jollyville, Suite 203A, Austin, TX 78759

AND

<b>PROPERTY ADDRESS:</b> 110 Palm Rd. Refugio, TX 78377	<b>RP FILE NO. DITE02-531</b>	<b>BORROWER:</b> Whitmore, Sr., Donell H.
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T. J. RINEY, H. HOOPER, S.G. HARVEY, B.K. PACKARD,  
5420 LBJ Freeway, Suite 220, Dallas, TX 75240.

The Substitute Trustees are authorized to sell the Premises at public venue to the highest bidder or bidders, for cash. *Note: Each substitute trustee is authorized individually, to act alone without the joinder of the other trustees.*

**Property to be sold:** 110 Palm Rd., Refugio, TX 78377, 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, December 4, 2018.

**Time of Sale:** The sale will begin no earlier than 1:00 PM and no later than three (3) hours thereafter.

**Location of Sale:** At the County Courthouse in Refugio County, Texas, on the front porch of the courthouse, on the Easterly side of the courthouse facing Commerce Street, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Refugio County. If such a designation by the Commissioner's Court has been made and recorded after the date hereof and prior to the time of the sale, then the Substitute Trustee will sell the Premises at the area designated by the Commissioner's Court of Refugio County, Texas.

**Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the 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 Deed of Trust at the time of 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 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 Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

<b>PROPERTY ADDRESS:</b> 110 Palm Rd. Refugio, TX 78377	<b>RP FILE NO.</b> DITE82-531	<b>BORROWER:</b> Whitmore, Sr., Donell H.
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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.

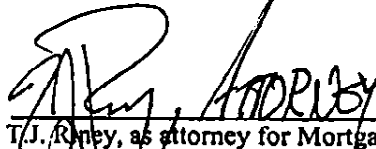
**Type of Sale:**

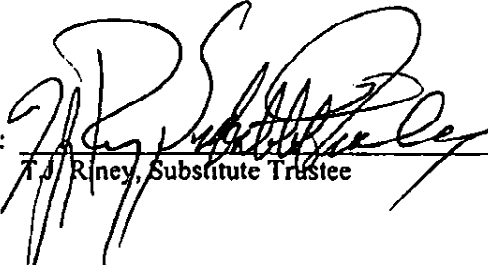
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by Donell H. Whitmore, Sr.

**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 Donell H. Whitmore, Sr. 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: October 26, 2018.

By:   
T.J. Riney, as attorney for Mortgage Servicer

By:   
T.J. Riney, Substitute Trustee

**AFTER RECORDING, PLEASE RETURN TO:**

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

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED  
WILL BE USED FOR THAT PURPOSE**

PROPERTY ADDRESS: 110 Palm Rd. Refugio, TX 78377	RP FILE NO. DITE02-531	BORROWER: Whitmore, Sr., Donell H.
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Whitmore, Sr., Donell H.

**EXHIBIT "A"**

**LOT FIVE (5), IN BLOCK THREE (3) OF THE PARKVIEW SUBDIVISION, REFUGIO COUNTY, TEXAS, AS SHOWN ON THE PLAT OF SAID SUBDIVISION RECORDED IN VOLUME 3, PAGE 6 OF THE MAP AND PLAT RECORDS OF REFUGIO COUNTY, TEXAS.**

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