

ORIGINAL

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

FILED FOR RECORD
2021 MAR -9 PM 1:11
JOANNA BLANCO
CASTRO COUNTY
DISTRICT & COUNTY CLERK

STATE OF TEXAS
COUNTY OF CASTRO

§ KNOW ALL MEN BY THESE PRESENTS:
§
§

Note: Retail Installment Contract dated July 28, 2000 executed and delivered by John E. Wall and Sharon K. Wall to Jim Walter Homes, Inc.

Security Instrument: Mechanic's Lien Contract with Power of Sale, dated July 28, 2000, executed and delivered by John E. Wall and Sharon K. Wall to Jim Walter Homes, Inc., to secure payment of that certain Retail Installment Contract, recorded on August 28, 2000 as Document No. 001275 in Volume 0252, at Page 611, in Castro 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 4, 2021 in Cause No. PR3022; styled *In Re: Order for Foreclosure Concerning Estate of Sharon Kayleen Wall and All Occupants and 945 County Rd. 515A, Dimmitt, TX 79027*, in the County Court of Castro County, Texas.

Original Creditor: Jim Walter Homes, Inc.

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 X

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 X

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, GEORGE HAWTHORNE, ED HENDERSON, SUSAN BOWERS, AARON BOWERS, GLANDEEN SHENK, SHANNON HECK

Note: Each substitute trustee is authorized individually, to act alone TRUSTEES OF TEXAS, 9065 JOLLYVILLE, SUITE 203A, AUSTIN, TX 78759

PROPERTY ADDRESS: 945 County Rd 515A Dimmitt, TX 79027	RP FILE NO. SHELL02-161	BORROWER: Wall, John E.; Wall, Sharon K.
--------------------------------------------------------------	-------------------------	------------------------------------------

without the joinder of the other trustees.

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

AND
RONALD BYRD, JOSE A. BAZALDUA, RONALD BYRD, JOSE A. BAZALDUA,
SERVICE LINK, 3220 EL CAMINO REAL, IRVINE, CA 92602

AND
RONALD BYRD, ANTONIO BAZALDUA, JOSE A. BAZALDUA, JONATHAN SCHENDEL, KRISTIE ALVAREZ, CHARLES GREEN, LISA BRUNO, SHAWN SCHILLER, PATRICK ZWIERS, KRISTOPHER HOLUB, DANA KAMIN, GARRETT SANDERS, AARTI PATEL
AUCTION.COM, 1 MAUCHLY, IRVINE, CA 92618

AND
LYNNE HOLIDAY OR JERRY TIEMANN
XOME, 750 TX-121, SUITE 100, LEWISVILLE, TX 75067

AND
RONALD BYRD, JOSE A. BAZALDUA
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: 945 County Rd 515A, Dimmitt, TX 79027, 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, April 6, 2021.

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 Castro County, Texas, at the foyer of the courthouse, unless the location of the sale has been otherwise designated to a specific location by the Commissioner's Court of Castro 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 Mechanic's Lien Contract with Power of Sale permitting the beneficiary thereunder to have the bid

PROPERTY ADDRESS: 945 County Rd 515A Dimmitt, TX 79027	RP FILE NO. SHELL02-161	BORROWER: Wall, John E.; Wall, Sharon K.
--------------------------------------------------------------	-------------------------	------------------------------------------

credited to the note up to the amount of the unpaid debt secured by the Mechanic's Lien Contract with Power of Sale 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 Mechanic's Lien Contract with Power of Sale. 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:

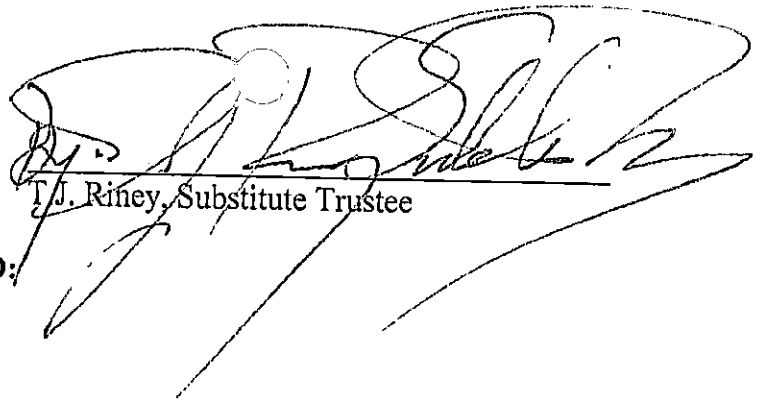
The sale is a non-judicial sale being conducted pursuant to the power of sale granted by the Security Instrument executed by John E. Wall and Sharon K. Wall.

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 John E. Wall and Sharon K. Wall 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.

PROPERTY ADDRESS: 945 County Rd 515A Dimmitt, TX 79027	RP FILE NO: SHELL02-161	BORROWER: Wall, John E.; Wall, Sharon K.
---------------------------------------------------------------------	--------------------------------	-------------------------------------------------

Dated: February 5, 2021.



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

PROPERTY ADDRESS: 945 County Rd 515A Dimmitt, TX 79027	RP FILE NO. SHELL02-161	BORROWER: Wall, John E.; Wall, Sharon K.
---------------------------------------------------------------------	--------------------------------	-------------------------------------------------

EXHIBIT "A"

PROPERTY DESCRIPTION:

A 20.70 acre tract out of the West part of Survey 2, League 1, J.E. Tucker Subdivision of the Delta County School Lands in Castro County, Texas, as shown by the plat thereof of record in Volume 12, Page 432, Deed Records of Castro County, Texas. Said 20.70 acre tract is described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod set for the Southwest corner of Survey 2, League 1, J.E. Tucker Subdivision whence bearings and distances found with cable adjacent for the Southeast corner of Survey 2, League 1 bear North 89 degrees 59 minutes 35 seconds East 4015.48 feet and a number 60 common nail found for the Southwest corner of Survey 3, League 1 bears South 89 degrees 59 minutes 35 seconds West 4015.48 feet;

THENCE North 00 degrees 03 minutes 00 seconds West along the West line of Survey 2, League 1, a distance of 4061.00 feet to a 1/2 inch iron rod set for the SOUTHWEST and BEGINNING corner of this tract;

THENCE continuing North 00 degrees 03 minutes 00 seconds West along the West line of Survey 2, League 1, a distance of 1039.00 feet to a 1/2 inch iron rod set for corner whence a mower shoe casting with 1/2 inch iron rod adjacent found for the Northwest corner of Survey 2, League 1 bears North 00 degrees 03 minutes 00 seconds West 1837.30 feet;

THENCE North 89 degrees 57 minutes 00 seconds East at 30.00 feet pass a 1/2 inch iron rod set for reference and at a total distance of 868.00 feet a 1/2 inch iron rod set for corner;

THENCE South 00 degrees 03 minutes 00 seconds East 1039.00 feet to a 1/2 inch iron rod set for corner;

THENCE South 89 degrees 57 minutes 00 seconds West at 838.00 feet pass a 1/2 inch iron rod set for reference and at a total distance of 868.00 feet the place of beginning.

The above described tract contains a computed area of 20.70 acres including approximately 0.72 acre in County Road 516A as same is physically located.

PROPERTY ADDRESS: 945 County Rd 515A Dimmitt, TX 79027	RP FILE NO. SHELL02-161	BORROWER: Wall, John E.; Wall, Sharon K.
--------------------------------------------------------------	-------------------------	------------------------------------------

FILED FOR RECORD

CAUSE NO. PR3022

2021 FEB -4 AM 8: 57

IN RE: ORDER FOR FORECLOSURE
CONCERNING

ESTATE OF SHARON KAYLEEN
WALL AND ALL OCCUPANTS

AND

945 COUNTY RD. 515A, DIMMITT, TX
79027

§
§
§
§
§
§
§
§
§
§
§

IN THE COUNTY COURT

JOANNA BLANCO
CASTRO COUNTY
DISTRICT & COUNTY CLERK

OF

CASTRO COUNTY, TEXAS

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

On this date, the Court considered NewRez 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 X's Application for Foreclosure, wherein Applicant requests an order to proceed with non-judicial foreclosure against Sharon Kayleen Wall and John E. Wall ("Respondents") and against the real property located at 945 County Rd. 515A, Dimmitt, TX 79027 ("Property"), and more fully described, by its legal description as follows:

PROPERTY DESCRIPTION:

A 20.70 acre tract out of the West part of Survey 2, League 1, J.E. Tucker Subdivision of the Delta County School Lands in Castro County, Texas, as shown by the plat thereof of record in Volume 12, Page 432, Deed Records of Castro County, Texas. Said 20.70 acre tract is described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod set for the Southwest corner of Survey 2, League 1, J.E. Tucker Subdivision whence bolts d' are remain'd found with cable adjacent for the Southeast corner of Survey 2; League 1 bears North 89 degrees 59 minutes 35 seconds East 4015.48 feet and a number 60 concrete nail found for the Southwest corner of Survey 3, League 1 bears South 89 degrees 59 minutes 35 seconds West 4015.48 feet;

THENCE North 00 degrees 03 minutes 00 seconds West along the West line of Survey 2, League 1, a distance of 4061.00 feet to a 1/2 inch iron rod set for the SOUTHWEST and BEGINNING corner of this tract;

THENCE continuing North 00 degrees 03 minutes 00 seconds West along the West line of Survey 2, League 1, a distance of 1039.00 feet to a 1/2 inch iron rod set for corner whence a mower shoe existing with 1/2 inch iron rod adjacent found for the Northwest corner of Survey 2, League 1 bears North 00 degrees 03 minutes 00 seconds West 1837.30 feet;

THENCE North 89 degrees 57 minutes 00 seconds East at 30.00 feet pass a 1/2 inch iron rod set for reference and at a total distance of 868.00 feet a 1/2 inch iron rod set for corner;

THENCE South 00 degrees 03 minutes 00 seconds East 1039.00 feet to a 1/2 inch iron rod set for corner;

THENCE South 89 degrees 57 minutes 00 seconds West at 838.00 feet pass a 1/2 inch iron rod set for reference and at a total distance of 868.00 feet the place of beginning.

The above described tract contains a computed area of 20.70 acres including approximately 0.72 acre in County Road 516A as same is physically located.

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 X ("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 28, 2000, Decedent executed and delivered a Retail Installment Contract to Jim Walter Homes, Inc. ("Note");
3. The Note is described in that certain Mechanic's Lien Contract with Power of Sale, dated July 28, 2000, which was executed by Decedent and recorded in the Official Public Records of Castro County, Texas, in Volume 0252, Page 611 ("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 31, 2018, the Court appointed Dependent Administrator Dane Norman.
8. On January 3, 2019, the Authenticated Claim of NewRez LLC, F/K/A New Penn Financial, LLC D/B/A Shellpoint Mortgage Servicing was presented to Dane Norman.
9. On March 24, 2019, Dependent Administrator Dane Norman executed a Memorandum of Allowance of the Authenticated Claim.
10. On March 26, 2019, the Court entered an Order Approving the claim of NewRez LLC, F/K/A New Penn Financial, 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. Sara Kayleen Perez, 6600 Plum Creek Dr., Apt. 207
 - b. John W. Wall, 401 NW 8th, Dimmitt, TX 79027
 - c. Dane Norman, Dependent Administrator, Law Office of Dane Norman, PLLC, 8212 Ithaca Ave., Ste 1, Lubbock, TX 79423

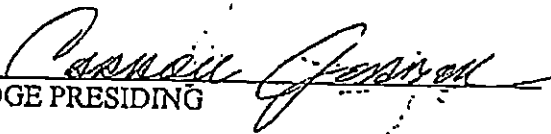
Due to the material breach of the Note and Security Instrument, specifically, the failure to pay the debt when due, **IT IS, ORDERED and DIRECTED** that Applicant may proceed with non-judicial foreclosure of the Property in accordance with the terms of the Note and Security Instrument, and any supplements 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: February 4, 2021


JUDGE PRESIDING