

**Original was  
NOT COMPARED**

**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: September 24, 2003	Original Mortgagor/Grantor: MARGARET K ESSARY AKA MARGARET ESSARY
Original Beneficiary / Mortgagee: JIM WALTER HOMES, INC.	Current Beneficiary / Mortgagee: THE BANK OF NEW YORK MELLON, AS INDENTURE TRUSTEE, FOR MID-STATE CAPITAL CORPORATION 2004-1 TRUST
Recorded in: Volume: 508 Page: 474 Instrument No: n/a	Property County: MEDINA
Mortgage Servicer: NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING	Mortgage Servicer's Address: 55 Beattie Place, Suite 110, MS#001, Greenville, SC 29601

\* 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 \$144,536.40, executed by MARGARET ESSARY and payable to the order of Lender.

**Property Address/Mailing Address:** 19349 FM 463, DEVINE, TX 78016

**Legal Description of Property to be Sold:** FIELD NOTES FOR 1.000 ACRE OF LAND IN THE ED TOSBIE SURVEY NO. 36, A-1422, MEDINA COUNTY, TEXAS AND BEING OUT OF A 25 ACRE TRACT CONVEYED TO MARGARET KIRKHAM ESSARY IN VOLUME 224, PAGE 5 IN THE DEED RECORDS OF MEDINA COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 4 INCH BY 4 INCH CONCRETE MONUMENT FOUND ON THE WEST MARGIN OF F.M. 463, BEING THE SOUTHEAST CORNER OF A 25 ACRE TRACT CONVEYED TO MARGARET KIRKHAM ESSARY IN VOLUME 224, PAGE 5 IN THE DEED RECORDS OF MEDINA COUNTY, TEXAS AND BEING THE SOUTHEAST CORNER OF THIS TRACT;

THENCE WITH THE FENCE LINE ALONG THE SOUTH LINE OF SAID 25 ACRE ESSARY TRACT, SOUTH 89° 57' 55" WEST, PASSING AT 181.27 FEET A 1/2 INCH STEEL PIN SET AND AT A TOTAL DISTANCE OF 208.72 FEET TO THE SOUTHWEST CORNER OF THIS TRACT;

THENCE WITH THE WEST LINE OF THIS TRACT, NORTH 00° 30' 00" EAST FOR 208.72 FEET TO THE NORTHWEST CORNER OF THIS TRACT;

THENCE WITH THE NORTH LINE OF THIS TRACT, NORTH 89° 57' 55" EAST FOR 208.72 FEET TO A 1/2 INCH STEEL PIN SET ON THE WEST MARGIN OF F.M. 463 AND ON THE EAST LINE OF SAID 25 ACRE ESSARY TRACT AND BEING THE NORTHEAST CORNER OF THIS TRACT;

THENCE WITH THE WEST MARGIN OF F.M. 463 ALONG THE EAST LINE OF SAID 25 ACRE ESSARY TRACT, SOUTH 00° 30' 00" WEST FOR 208.72 FEET TO THE POINT OF BEGINNING.  
AS SURVEYED ON THE GROUND OCTOBER 19, 2003.



Date of Sale: September 01, 2020

Earliest time Sale will begin: 1:00 pm

**Place of sale of Property:** THE NORTH SIDE OF THE MEDINA COUNTY COURTHOUSE LOCATED BELOW THE FIRE ESCAPE STAIRWELL

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, *THE BANK OF NEW YORK MELLON, AS INDENTURE TRUSTEE, FOR MID-STATE CAPITAL CORPORATION 2004-1 TRUST*, the owner and holder of the Note, has requested Deborah Martin, Troy Martin, Alexis Martin, Cassie Martin, Terri Martin, Shelby Martin, Vicki Rodriguez, Martha Rossington 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 *THE BANK OF NEW YORK MELLON, AS INDENTURE TRUSTEE, FOR MID-STATE CAPITAL CORPORATION 2004-1 TRUST* 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, Deborah Martin, Troy Martin, Alexis Martin, Cassie Martin, Terri Martin, Shelby Martin, Vicki Rodriguez, Martha Rossington 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 Deborah Martin, Troy Martin, Alexis Martin, Cassie Martin, Terri Martin, Shelby Martin, Vicki Rodriguez, Martha Rossington 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.

  
SUBSTITUTE TRUSTEE

Deborah Martin, Troy Martin, Alexis Martin, Cassie Martin,  
Terri Martin, Shelby Martin, Vicki Rodriguez, Martha  
Rossington, Trustee

c/o RAS CRANE, LLC, 10700 Abbott's Bridge Road, Suite  
170, Duluth, Georgia 30097; PH: (470)321-7112

## FILED AND RECORDED

**Instrument Number: 20-00039**

Filing and Recording Date: 07/16/2020 08:23:34 AM Pages: 3 Recording Fee: \$3.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the PUBLIC RECORDS of Medina County, Texas.



*Gina Champion*

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Gina Champion, County Clerk  
Medina County, Texas

Filed By Jeanie Gomez Deputy