NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE

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.

DEED OF TRUST INFORMATION:

Date:	11/03/2017
Grantor(s):	DALE ALAN LOWERY, UNMARRIED
Original Mortgagee:	DITECH FINANCIAL LLC
Original Principal:	$29,600.00
Recording Information:	Instrument 201707589
Property County:	Upshur
Property:	(See Attached Exhibit "A")
Reported Address:	332 PRIVATE RD 4126, GILMER, TX 75644

FILED
TERRI ROSS
COUNTY CLERK
2021 MAR 15 AM 11:42
UPSHUR COUNTY, TX.
BY _____ DEPUTY

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee:	U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, for Mid-State Trust XI
Mortgage Servicer:	Shellpoint Mortgage Servicing
Current Beneficiary:	U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, for Mid-State Trust XI
Mortgage Servicer Address:	55 Beattie Place, Suite 110, Greenville, SC 29601

SALE INFORMATION:

Date of Sale:	Tuesday, the 6th day of April, 2021
Time of Sale:	10:00 AM or within three hours thereafter.
Place of Sale:	THE NORTH ENTRY OF THE UPSHUR COUNTY COURTHOUSE in Upshur County, Texas, Or, if the preceding area(s) is/are no longer the area(s) designated by the Upshur County Commissioner's Court, at the area most recently designated by the Upshur County Commissioner's Court.

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and TJ Upshur, Harriett Fletcher, Sheryl LaMont, Robert LaMont, Ronnie Hubbard, Allan Johnston, Terri Worley or Lisa DeLong, Braden Barnes, Michael Burns, Tori Jones, or Suzanne Suarez, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. TJ Upshur, Harriett Fletcher, Sheryl LaMont, Robert LaMont, Ronnie Hubbard, Allan Johnston, Terri Worley or Lisa DeLong, Braden Barnes, Michael Burns, Tori Jones, or Suzanne Suarez, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.

4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Substitute Trustee(s): TJ Upshur, Harriett Fletcher, Sheryl LaMont, Robert LaMont, Ronnie Hubbard, Allan Johnston, Terri Worley or Lisa DeLong, Braden Barnes, Michael Burns, Tori Jones, or Suzanne Suarez, any to act.

Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

Document Prepared by:
Bonial & Associates, P.C.
14841 Dallas Parkway, Suite 425, Dallas, TX 75254
AS ATTORNEY FOR THE HEREIN
IDENTIFIED MORTGAGEE AND/OR
MORTGAGE SERVICER

Certificate of Posting

I am Harriett Fletcher whose address is 14841 Dallas Parkway, Suite 425, Dallas, TX 75254. I declare under penalty of perjury that on 3-15-21 I filed and / or recorded this Notice of Foreclosure Sale at the office of the Upshur County Clerk and caused it to be posted at the location directed by the Upshur County Commissioners Court.

By: Harriett Fletcher

Harriett Fletcher 03-15-21

Exhibit "A"

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, PART OF THE JOHN PARMER SURVEY, ABSTRACT NO. 387, UPSHUR COUNTY, TEXAS, BEING PART OF THAT CERTAIN CALLED 54.901 ACRE TRACT DESCRIBED IN A DEED FROM JERRY DINKINS AND KAREN KUYKENDALL DINKINS TO ALLAN A. KIVALA AND SHARON KIVALA ON FEBRUARY 6, 1996 AND RECORDED IN VOLUME 215, PAGE 256 OF THE OFFICIAL PUBLIC RECORDS OF UPSHUR COUNTY, TEXAS AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT 1/2" IRON ROD (SET) FOR CORNER IN THE WESTERLY NORTH LINE OF THE ABOVE MENTIONED 54.091 ACRE TRACT, SAID POINT BEING SOUTH 82 DEG. 23 MIN. 30 SEC. WEST - 220.81 FT. FROM A 1/2" IRON ROD (FOUND) FOR AN INNER CORNER OF SAME AND THE SOUTHEAST CORNER OF THE A. D. HENSON, JR. TRACT;

THENCE SOUTH 09 DEG. 09 MIN. 30 SEC. EAST, A DISTANCE OF 208.70 FT. TO A 1/2" IRON ROD (SET) FOR CORNER;

THENCE SOUTH 82 DEG. 50 MIN. 17 SEC. WEST, A DISTANCE OF 206.78 FT. TO A 1/2" IRON ROD (SET) FOR CORNER;

THENCE NORTH 09 DEG. 11 MIN. 36 SEC. WEST, A DISTANCE OF 208.71 FT. TO A 1/2" IRON ROD (SET) FOR CORNER IN THE WESTERLY NORTH LINE OF SAID 54.091 ACRE TRACT, A NAIL (FOUND) AT THE WESTERLY NORTHWEST CORNER OF SAME BEARS SOUTH 82 DEG. 23 MIN. 30 SEC. WEST - 23.21 FT.;

THENCE NORTH 82 DEG. 23 MIN. 30 SEC. EAST WITH THE WESTERLY NORTH LINE OF SAID 54.091 ACRE TRACT, THE SOUTH LINE OF SAID HANSON TRACT, A DISTANCE OF 208.91 FT. TO THE PLACE OF BEGINNING, CONTAINING 1.000 ACRE OF LAND.

30.00 FT. WIDE ROAD EASEMENT

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, PART OF THE JOHN PARMER SURVEY, ABSTRACT NO. 387, UPSHUR COUNTY, TEXAS, BEING PART OF THAT CERTAIN CALLED 54.091 ACRE TRACT DESCRIBED IN A DEED FROM JERRY DINKINS AND KAREN KUYKENDALL DINKINS TO ALLAN A. KIVALA AND SHARON KIVALA ON FEBRUARY 6, 1996 AND RECORDED IN VOLUME 215, PAGE 256 OF THE OFFICIAL PUBLIC RECORDS OF UPSHUR COUNTY, TEXAS AND BEING MORE COMPLETE DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT 1/2" IRON ROD (SET) FOR CORNER IN THE WESTERLY NORTH LINE OF THE ABOVE MENTIONED 54.091 ACRE TRACT, SAID POINT BEING SOUTH 82 DEG. 23 MIN. 30 SEC. WEST - 220.81 FT. FROM A 1/2" IRON ROD (FOUND) FOR AN INNER CORNER OF SAME AND THE SOUTHEAST CORNER OF THE A. D. HANSON, JR. TRACT;

THENCE NORTH 82 DEG. 23 MIN. 30 SEC. EAST WITH THE WESTERLY NORTH LINE OF SAID 54.091 ACRE TRACT, AT 220.81 FT. PASS SAID INNER CORNER AND CONTINUE FOR A TOTAL DISTANCE OF 288.50 FT. TO A CORNER IN THE CENTERLINE OF F. R. NO. 4126;

THENCE SOUTH 10 DEG. 16 MIN. 53 SEC. WEST WITH THE CENTERLINE OF F. R. NO. 4126, A DISTANCE OF 31.69 FT. TO A CORNER;

THENCE SOUTH 82 DEG. 23 MIN. 30 SEC. WEST, A DISTANCE OF 277.95 FT. TO A CORNER IN THE EAST LINE OF A 1.000 ACRE TRACT THIS DAY DESCRIBED;

THENCE NORTH 09 DEG. 09 MIN. 50 SEC. WEST WITH THE EAST LINE OF SAID 1.000 ACRE TRACT, A DISTANCE OF 30.00 FT. TO THE PLACE OF BEGINNING, CONTAINING 0.195 OF AN ACRE OF LAND.

Return to: Bonial & Associates, P.C., 14841 Dallas Parkway, Suite 425, Dallas, TX 75254