

# NOTICE OF TRUSTEE'S SALE

16 BY  
DAY OF Feb YR 2015  
AT 10 HR 25 MIN 15 M.  
IRENE ESPINOZA, COUNTY CLERK  
BAILEY COUNTY, TEXAS

## DEED OF TRUST INFORMATION:

|                       |   |                    |                |
|-----------------------|---|--------------------|----------------|
| Grantor(s)            | Donald M. Phelps and Nancy Jo Phelps  | Deed of Trust Date | April 20, 2016 |
| Original Mortgagee    | Mortgage Electronic Registration Systems, Inc. ("MERS"), as beneficiary, as nominee for Willow Bend Mortgage Company, LLC, its successors and assigns | Original Principal | \$102,000.00   |
| Recording Information | Instrument #: 2016-20934 Book #: 0312 Page #: 0709 in Bailey County, Texas  | Original Trustee   | Tommy Bastain  |
| Property Address      | 217 W 6th Street, Muleshoe, TX 79347  | Property County    | Bailey         |

## MORTGAGE SERVICER INFORMATION:

|                     |  |                           |   |
|---------------------|--|---------------------------|---|
| Current Mortgagee   | Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee for Ocwen Loan Acquisition Trust 2023-HB1 | Mortgage Servicer         | PHH Mortgage Corporation                                    |
| Current Beneficiary | Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee for Ocwen Loan Acquisition Trust 2023-HB1 | Mortgage Servicer Address | 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 |

## SALE INFORMATION:

|                              |  |
|------------------------------|--|
| Date of Sale                 | 04/01/2025   |
| Time of Sale                 | 10:00 AM or no later than 3 hours thereafter   |
| Place of Sale                | The easterly Courthouse door facing State Highway #214 in Bailey County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Bailey County Commissioner's Court.   |
| Substitute Trustees          | Ronald Byrd, Jonathan Schendel, Charles Green, Lisa Bruno, Shawn Schiller, Patrick Zwiers, Kristopher Holub, Dana Kamin, Aarti Patel, Auction.com, Ronald Byrd, Brad Dickey, Nicole Dickey, Mike Quartaro, Keith Rodgers, Drew Dickey, Kevin Key, Jay Jacobs, Selim Taherzadeh, or Michael Linke, any to act |
| Substitute Trustees' Address | 15851 N. Dallas Parkway, Suite 410, Addison, TX 75001  |

## PROPERTY INFORMATION:

### Legal Description as per the Deed of Trust:

**A RECTANGULAR TRACT OF LAND, 70 FEET BY 100 FEET, AND BEING MORE PARTICULARLY DESCRIBED AS THE NORTHWESTERLY SEVENTY FEET (NWLY 70') OF LOTS NUMBERS SEVEN (7), AND EIGHT (8), IN BLOCK NUMBER EIGHT (8), WARREN ADDITION TO THE TOWN OF MULESHOE, BAILEY COUNTY, TEXAS, AS SHOWN BY PLAT OF SAID ADDITION RECORDED IN VOL. 15, PAGE 298, DEED RECORDS OF BAILEY COUNTY, TEXAS.**

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

Default has occurred under the Deed of Trust and all sums secured by the Deed of Trust were declared immediately due and payable. The Beneficiary has, or caused another to, removed the Original Trustee and appointed Substitute Trustees. On behalf of the Mortgagee, Mortgage Servicer, and Substitute Trustees, the undersigned is providing this Notice of Trustee's 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.

## NOTICE OF TRUSTEE'S SALE

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The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all other 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 Deed of Trust. The sale shall not cover any part of the property that has been released from the lien of the Deed of Trust. 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 Deed of Trust, 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 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. Purchasers will buy the property "at the purchaser's own risk" and "at his/her peril", and no representation is made concerning the quality of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property.

Pursuant to 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.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee, or any subsequently appointed Trustee, need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

Interested parties are encouraged to consult counsel of their choice prior to participating in the sale of the property.

**Assert and protect your rights as a member of the armed forces of the United States. If you 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.**

**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.**

Dated January 31, 2025.

*/s/ Selim H. Taherzadeh*

Selim H. Taherzadeh  
15851 N. Dallas Parkway, Suite 410  
Addison, TX 75001  
(469) 729-6800

Return to: **TAHERZADEH, PLLC**  
15851 N. Dallas Parkway, Suite 410, Addison, TX 75001

## CAUSE NUMBER 10593

**IN RE: ORDER FOR FORECLOSURE  
CONCERNING**

**217 W 6TH STREET  
MULESHOE, TX 79347**

**UNDER TEX. R. CIV. PROC. 736**

**Petitioner:**

**WILMINGTON SAVINGS FUND SOCIETY,  
FSB, NOT IN ITS INDIVIDUAL CAPACITY  
BUT SOLELY IN ITS CAPACITY AS  
OWNER TRUSTEE FOR OCWEN LOAN  
ACQUISITION TRUST 2023-HB1,**

**Respondent(s):**

**DONALD M. PHELPS AND NANCY JO  
PHELPS.**

**IN THE DISTRICT COURT**

**OF BAILEY COUNTY, TEXAS**

FILED 10:19 a.m./p.m.  
January 30, 2025  
 District Court, Bailey County, Texas  
 Lupita Pineda, District Clerk  
Farmers Bank, Deputy

**287th JUDICIAL DISTRICT**

**DEFAULT ORDER ALLOWING FORECLOSURE**

Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee for Ocwen Loan Acquisition Trust 2023-HB1, Petitioner, on behalf of itself, its successors and assigns, has brought before this Court for consideration its Application for Court Order Allowing Foreclosure of a Lien Under Texas Constitution Article XVI, Section 50(k)(6) ("Application"). Having considered the evidence presented, the Court finds that:

- 1) the Application complies with Texas Rule of Civil Procedure ("TRCP") 736.1;
- 2) the Application was properly served in accordance with TRCP 736.3;
- 3) a Respondent did not file a response to the Application by the due date; and
- 4) the return of service has been on file with the Clerk of the Court for at least 10 days; and
- 5) Petitioner has established the basis for foreclosure and finds that:

- (a) Petitioner is the holder of a Texas Home Equity Conversion Note secured by a lien created under Texas Constitution Article XVI, Section 50(k). A debt exists.
- (b) The obligation secured by the lien sought to be foreclosed is in default.
- (c) The requisite notice to cure the default has been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and the opportunity to cure has expired. Before the Application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

IT IS THEREFORE ORDERED that:

1. Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee for Ocwen Loan Acquisition Trust 2023-HB1, together with its successors and assigns, is hereby authorized to serve Notice of Sale on each Respondent and may proceed with a foreclosure sale in accordance with the security agreement and Texas Property Code Section 51.002 concerning the property with a commonly known mailing address of 217 W 6th Street, Muleshoe, TX 79347 and legal description as described in the Real Property Records of Bailey County, Texas as follows:

A RECTANGULAR TRACT OF LAND, 70 FEET BY 100 FEET, AND BEING MORE PARTICULARLY DESCRIBED AS THE NORTHWESTERLY SEVENTY FEET (NW'L.Y 70') OF LOTS NUMBERS SEVEN (7), AND EIGHT (8), IN BLOCK NUMBER EIGHT (8), WARREN ADDITION TO THE TOWN OF MULESHOE, BAILEY COUNTY, TEXAS, AS SHOWN BY PLAT OF SAID ADDITION RECORDED IN VOL. 15, PAGE 298, DEED RECORDS OF BAILEY COUNTY, TEXAS.

2. The name and last known address of each respondent subject to the order are:

Donald M. Phelps, Deceased  
217 W 6th Street  
Muleshoe, TX 79347

Nancy Jo Phelps  
217 W 6th Street  
Muleshoe, TX 79347

3. The recording or indexing information of each lien to be foreclosed is as follows:

Instrument #: 2016-20934 Book #: 0312 Page #: 0709 in the Real Property Records of Bailey County, Texas.

4. A conformed copy of an Order Allowing Foreclosure must be attached to the Trustee or Substitute Trustee's Foreclosure Deed in accordance with TRCP 736.12.

5. Petitioner may communicate with each Respondent and all third parties as reasonably necessary to conduct a foreclosure sale.

6. Notice of Foreclosure Sale must be mailed to Respondent's counsel by certified mail if a Respondent is represented by counsel.

Signed, this 29<sup>th</sup> day of January, 2025.

Karen A. Bentley  
Judge Presiding

Approved as to form by:

By: /s/ Scott H. Crist

- Selim H. Taherzadeh  
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- Jeremiah B. Hayes  
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**ATTORNEYS FOR PETITIONER**