

CAUSE NO. 2023-34281

JAMIE PHELAN	§	IN THE DISTRICT COURT
Plaintiff	§	
v.	§	
	§	11TH JUDICIAL DISTRICT
KING PEAK, LLC, its assignees	§	
and successors	§	
Defendant	§	OF HARRIS COUNTY, TEXAS

DEFENDANT’S FIRST AMENDED ANSWER

King Peak, LLC, Defendant herein (Defendant), hereby files its first amended answer asserting a general denial, and denying each and every, all and singular, the allegations asserted against it by the Plaintiff Jamie Phelan, and demands strict proof thereof.

Plaintiff previously obtained a Temporary Restraining Order (TRO) enjoining Defendant, the junior lien holder on the note securing the subject property, from foreclosing. The Court noted on its Order granting the TRO that the basis for granting the TRO was Defendant’s alleged lack of notice to the senior lien holder.

Defendant has rescheduled the foreclosure sale and has cured the purported defect by providing notice of the upcoming foreclosure sale to the Defendant, her spouse and the senior lienholder. *See Exhibit A.*

WHEREFORE PREMISES CONSIDERED, Defendant requests this court deny all relief prayed for by Plaintiff, grant all relief to which Defendant is entitled, both legal and equitable, special and general, and for such other relief to which Defendant may be justly entitled.

Respectfully submitted,

/S/ Glen Nordt
Glen Nordt
TBN 15076600
13115 Turnbridge Trail
Houston, Tx 77065
713 302 8890
nordtlaw@gmail.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Defendant's First Amended Answer was served upon the pro se Plaintiff in accordance with the Texas Rules of Civil Procedure on the 15th day of August, 2023.

/S/ Glen Nordt
Glen Nordt

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 78555229
Filing Code Description: Amended Filing
Filing Description: Amended Filing
Status as of 8/15/2023 3:44 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jamie Phelan		kingwoodkastles@gmail.com	8/15/2023 3:08:36 PM	SENT

EXHIBIT A

DECLARATION OF MAILING

iMailTracking, LLC
9620 Ridgehaven Court, Suite A
San Diego, CA 92123

Reference No: 23-8596
Mailing Number: 0031486-01
Type of Mailing: TXNTS

I, Theodore Robert Schroeder Jr., declare as follows:

I am, and at all times herein mentioned, a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California. I am not a party to the action/matter identified in the document(s) referenced below. My business address is iMailTracking, LLC, 9620 Ridgehaven Ct., Ste. A, San Diego, CA 92123.

At the request of Prestige Default Services on 5/1/2023, I deposited in the United States mail a copy of the attached document(s), in separate sealed envelopes, in accordance with the checked mailing classes listed below, postage prepaid, to the address list in Exhibit A which is attached hereto and made a part hereof.

- First Class
- Certified
- First Class with Certificate of Mailing
- Certified with Return Receipt
- Certified with Return Receipt and Restricted Delivery
- Certified with Electronic Return Receipt
- Registered
- Registered International

Additional Services provided during the production of this mail order (if any):

None

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date and Location: 5/1/2023 San Diego, California



Theodore Robert Schroeder Jr., Mail Production Specialist, iMailTracking, LLC

Notice of Substitute Trustee Sale

T.S. #: 23-8596

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.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: **6/6/2023**
Time: The sale will begin no earlier than **10:00 AM** or no later than three hours thereafter.
The sale will be completed by no later than **1:00 PM**
Place: **Harris County Courthouse in Houston, Texas, at the following location: Approximately 5,050 square feet of area of the Bayou City Event Center beginning at the southeast corner of the large ballroom and continuing westerly along the south wall a distance of approximately 87 feet and; thence northerly a distance of approximately 58 feet; then easterly approximately 87 feet to the east wall; thence southerly approximately 59 feet to the point of beginning, OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

Property To Be Sold - The property to be sold is described as follows:

Lot 19, Block 3, Mills Branch Village, Section 5, according to map or plat thereof recorded in Film Code No. 353009, of the Map Records of Harris County, Texas.

Instrument to be Foreclosed – The instrument to be foreclosed is the Deed of Trust is dated 2/15/2007 and is recorded in the office of the County Clerk of Harris County, Texas, under County Clerk's File No 20070114007, recorded on 2/23/2007, of the Real Property Records of Harris County, Texas.

Property Address: 3906 WILDWOOD VALLEY COURT HOUSTON, TX 77345

Trustor(s): **MICHAEL G. PHELAN and JAMIE M. PHELAN** Original Beneficiary: **Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns**

Current Beneficiary: **King Peak LLC** Loan Servicer: **King Peak, LLC**

Current Substituted Trustees: **Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC**

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.

T.S. #: 23-8596

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. 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 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. 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 deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$40,600.00, executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE, and payable to the order of Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE to MICHAEL G. PHELAN and JAMIE M. PHELAN. King Peak LLC is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

King Peak LLC
PO Box 594
Horsham, PA 19044
800-887-1696

Dated: _____ Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

T.S. #: 23-8596

AFTER RECORDING, PLEASE RETURN TO:

Prestige Default Services, LLC

16801 Addison Road, Suite 350

Addison, Texas 75001

Attn: Trustee Department



16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: 949-427-2732

NOTICE OF ACCELERATION OF MATURITY

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

Date: May 1, 2023

Loan No. 399212649
T.S. No. 23-8596

Re: \$40,600.00 promissory note (the "Note", whether one or more) dated 2/15/2007, executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE, and payable to the order of Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns as therein provided, secured by a deed of trust (the "Deed of Trust") dated 2/15/2007 of even date therewith, and recorded in Harris County, Texas, covering the property described in the enclosed Notice of Substitute Trustee's Sale.

MICHAEL G. PHELAN and JAMIE M. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

You have previously been advised by letter dated 12/16/2022, of certain defaults under the Note or Deed of Trust and informed of the intent to accelerate the maturity date of the Note if defaults therein were not cured within the specified time period. Because of defaults in complying with the terms and provisions of the Note and Deed of Trust, notice is hereby given that the present legal holder of the Note HAS ACCELERATED THE MATURITY DATE OF THE NOTE. As a result of such acceleration, the entire unpaid principal balance of the Note and all accrued interest and all other sums lawfully owing on the Note or under the Deed of Trust are now due and payable and demand is hereby made for the immediate payment in full of all such sums.

YOU WILL, THEREFORE, TAKE NOTICE that, pursuant to Section 51.002 of the Texas Property Code, a Notice of Substitute Trustee's Sale (the "Notice") will be posted at the courthouse door of Harris County, Texas, and a copy of the Notice will be filed in the office of the County Clerk of Harris County, Texas. A copy of the Notice is enclosed herein.

If payment in full of the outstanding principal balance of the Note, together with all interest accrued thereon and all other lawful charges and attorney's fees incurred to date are not received before the foreclosure sale, the liens created under the Deed of Trust will be foreclosed on **6/6/2023**, as specified in the Notice, and any sums received at the foreclosure sale shall be applied as set forth in the Deed of Trust.

In the event the subject property is sold at foreclosure for an amount not sufficient to satisfy the entire unpaid balance of the Note plus accrued but unpaid interest thereon plus escrow charges, late charges, default interest, trustee's fees, attorney's fees, and expenses incurred in connection with the foreclosure, you may be liable for the deficiency.

If you have received a discharge in bankruptcy, the lender does not seek a monetary judgment against you but only seeks possession of the collateral which is security for the debt.

Notice of Acceleration of Maturity

Loan No. 399212649
T.S. No. 23-8596

Dated: 5/01/2023

Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian
Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack
Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC

/s/ Omar Reynosa

By: Omar Reynosa, Foreclosure Assistant

Notice of Substitute Trustee Sale

T.S. #: 23-8596

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.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: 6/6/2023
Time: The sale will begin no earlier than 10:00 AM or no later than three hours thereafter. The sale will be completed by no later than 1:00 PM
Place: Harris County Courthouse in Houston, Texas, at the following location: Approximately 5,050 square feet of area of the Bayou City Event Center beginning at the southeast corner of the large ballroom and continuing westerly along the south wall a distance of approximately 87 feet and; thence northerly a distance of approximately 58 feet; then easterly approximately 87 feet to the east wall; thence southerly approximately 59 feet to the point of beginning, OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

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Trustor(s):	MICHAEL G. PHELAN and JAMIE M. PHELAN	Original Beneficiary:	Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns
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Current Beneficiary:	King Peak LLC	Loan Servicer:	King Peak, LLC
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Current Substituted Trustees:	Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC
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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.

T.S. #: 23-8596

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. 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 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. 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 deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

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The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:
King Peak LLC
PO Box 594
Horsham, PA 19044
800-887-1696

Dated: 4-19-23

Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC



Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

TENESHIA HUDSPETH, COUNTY CLERK, HARRIS COUNTY, TEXAS

FRCL-2023-2566

FILED 4/19/2023 8:29:48 AM

T.S. #: 23-8596

AFTER RECORDING, PLEASE RETURN TO:
Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Attn: Trustee Department

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
(972) 893-3096 ext. 1035

Date: 5/1/2023

T.S. Number: 23-8596

Loan Number: *****649

DEBT VALIDATION NOTICE

1. The enclosed document relates to a debt owed to:
King Peak LLC
2. You may send us a written request for the name and address of the original creditor, if different from the current creditor, and we will obtain and mail the information within thirty (30) days after we receive your written request.
3. As of the estimated total delinquency owed was **\$1,795.56**, because of interest, late charges, and other charges that may vary from day to day this amount will increase until the delinquency has been fully paid. Before forwarding payment please contact the above at the address or phone number listed in order to receive the current amount owed.
4. As of **5/1/2023**, the estimated amount required to pay the entire debt in full was the unpaid principal balance of **\$38,901.39**, plus interest from **4/1/2020**, late charges, negative escrow and attorney and/or trustee's fees and costs that may have been incurred. The amount will increase daily until the debt has been paid in full. For further information please write to the above listed address or call **(972) 893-3096 ext. 1035**
5. You may dispute the validity of this debt, or any portion thereof, by contacting our office within thirty (30) days after receiving this notice. In that event, we will obtain and mail to you written verification of the debt. Otherwise, we will assume that the debt is valid.

WE ARE NOT A DEBT COLLECTOR. THIS NOTICE IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. IF WE ARE DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE AND THIS NOTICE IS PROVIDED TO SATISFY ANY DEBT VALIDATION NOTICE REQUIREMENTS.

Exhibit A to Declaration of Mailing

Postal Class: First Class
Mail Date: 05/01/2023
Type of Mailing: TXNTS
Attachment: 0031486-01 000 20230501 Prestige000402

Sender: Prestige Default Services
1920 Old Tustin Ave.
Santa Ana CA 92705

2 (11)9690024850461685
MICHAEL G. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

4 (11)9690024850461753
JAMIE M. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

6 (11)9690024850461845
MICHAEL G. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

8 (11)9690024850461913
JAMIE M. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

Exhibit A to Declaration of Mailing

Postal Class: Electronic - Ret
Mail Date: 05/01/2023
Type of Mailing: TXNNTS
Attachment: 0031486-01 000 20230501 Prestige000402

Sender: Prestige Default Services
1920 Old Tustin Ave.
Santa Ana CA 92705

1 71969002484076119518
MICHAEL G. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

3 71969002484076119532
JAMIE M. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

5 71969002484076119563
MICHAEL G. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

7 71969002484076119600
JAMIE M. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

DECLARATION OF MAILING

iMailTracking, LLC
9620 Ridgehaven Court, Suite A
San Diego, CA 92123

Reference No: 23-8596
Mailing Number: 0033715-01
Type of Mailing: TXNTS

I, Charlene Broussard, declare as follows:

I am, and at all times herein mentioned, a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California. I am not a party to the action/matter identified in the document(s) referenced below. My business address is iMailTracking, LLC, 9620 Ridgehaven Ct., Ste. A, San Diego, CA 92123.

At the request of Prestige Default Services on 8/14/2023, I deposited in the United States mail a copy of the attached document(s), in separate sealed envelopes, in accordance with the checked mailing classes listed below, postage prepaid, to the address list in Exhibit A which is attached hereto and made a part hereof.

- First Class
- Certified
- First Class with Certificate of Mailing
- Certified with Return Receipt
- Certified with Return Receipt and Restricted Delivery
- Certified with Electronic Return Receipt
- Registered
- Registered International

Additional Services provided during the production of this mail order (if any):

None

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date and Location: 8/14/2023 San Diego, California



Charlene Broussard, Mail Production Specialist, iMailTracking, LLC

Notice of Substitute Trustee Sale

T.S. #: 23-8596

Notice sent via certified mail and regular mail to:

MICHAEL G. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

JAMIE M. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

MICHAEL G. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

JAMIE M. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

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Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: **9/5/2023**
Time: The sale will begin no earlier than **10:00 AM** or no later than three hours thereafter.
The sale will be completed by no later than **1:00 PM**
Place: **Harris County Courthouse in Houston, Texas, at the following location: Approximately 5,050 square feet of area of the Bayou City Event Center beginning at the southeast corner of the large ballroom and continuing westerly along the south wall a distance of approximately 87 feet and; thence northerly a distance of approximately 58 feet; then easterly approximately 87 feet to the east wall; thence southerly approximately 59 feet to the point of beginning, OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

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Current Beneficiary:	King Peak LLC	Loan Servicer:	King Peak, LLC
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Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the “Obligations”) including by not limited to (1) the promissory note in the original principal amount of \$40,600.00, executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE, and payable to the order of Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE to MICHAEL G. PHELAN and JAMIE M. PHELAN. King Peak LLC is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

T.S. #: 23-8596

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

King Peak LLC
PO Box 594
Horsham PA 19044
800-887-1696

Dated: _____ Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC,

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

AFTER RECORDING, PLEASE RETURN TO:
Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Attn: Trustee Department

Exhibit A to Declaration of Mailing

Postal Class:	First Class	
Mail Date:	08/14/2023	Sender: Prestige Default Services
Type of Mailing:	TXNTS	1920 Old Tustin Ave.
Attachment:	0033715-01 000 20230814 Prestige000402	Santa Ana CA 92705

2

(11)9690024857026795
U.S. Bank National Assoc., as Trustee, Successor in Interest to Bank of America National
Assoc., as Trustee, Successor by Merger to LaSalle Bank National Assoc.
Home Equity Mortgage Asset-Backed PassThrough Certificates, Series 2007-KS4,
5720 PREMIER PARK DRIVE WEST PALM BEACH, FL 33407

Exhibit A to Declaration of Mailing

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Mail Date:	08/14/2023	Sender: Prestige Default Services
Type of Mailing:	TXNTS	1920 Old Tustin Ave.
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1

71969002484078256709
U.S. Bank National Assoc., as Trustee, Successor in Interest to Bank of America National
Assoc., as Trustee, Successor by Merger to LaSalle Bank National Assoc.
Home Equity Mortgage Asset-Backed PassThrough Certificates, Series 2007-KS4,
5720 PREMIER PARK DRIVE WEST PALM BEACH, FL 33407

DECLARATION OF MAILING

iMailTracking, LLC
9620 Ridgehaven Court, Suite A
San Diego, CA 92123

Reference No: 23-8596
Mailing Number: 0033715-01
Type of Mailing: TXNTS

I, Charlene Broussard, declare as follows:

I am, and at all times herein mentioned, a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California. I am not a party to the action/matter identified in the document(s) referenced below. My business address is iMailTracking, LLC, 9620 Ridgehaven Ct., Ste. A, San Diego, CA 92123.

At the request of Prestige Default Services on 8/14/2023, I deposited in the United States mail a copy of the attached document(s), in separate sealed envelopes, in accordance with the checked mailing classes listed below, postage prepaid, to the address list in Exhibit A which is attached hereto and made a part hereof.

- First Class
- Certified
- First Class with Certificate of Mailing
- Certified with Return Receipt
- Certified with Return Receipt and Restricted Delivery
- Certified with Electronic Return Receipt
- Registered
- Registered International

Additional Services provided during the production of this mail order (if any):

None

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date and Location: 8/14/2023 San Diego, California



Charlene Broussard, Mail Production Specialist, iMailTracking, LLC

Notice of Substitute Trustee Sale

T.S. #: 23-8596

Notice sent via certified mail and regular mail to:

MICHAEL G. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

JAMIE M. PHELAN
3906 WILDWOOD VALLEY COURT
HOUSTON, TX 77345

MICHAEL G. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

JAMIE M. PHELAN
3106 LITTLE BEAR DR
KINGWOOD, TX 77339

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.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: **9/5/2023**
Time: The sale will begin no earlier than **10:00 AM** or no later than three hours thereafter.
The sale will be completed by no later than **1:00 PM**
Place: **Harris County Courthouse in Houston, Texas, at the following location: Approximately 5,050 square feet of area of the Bayou City Event Center beginning at the southeast corner of the large ballroom and continuing westerly along the south wall a distance of approximately 87 feet and; thence northerly a distance of approximately 58 feet; then easterly approximately 87 feet to the east wall; thence southerly approximately 59 feet to the point of beginning, OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

Property To Be Sold - The property to be sold is described as follows:

Lot 19, Block 3, Mills Branch Village, Section 5, according to map or plat thereof recorded in Film Code No. 353009, of the Map Records of Harris County, Texas.

T.S. #: 23-8596

Instrument to be Foreclosed – The instrument to be foreclosed is the Deed of Trust is dated 2/15/2007 and is recorded in the office of the County Clerk of Harris County, Texas, under County Clerk’s File No 20070114007, recorded on 2/23/2007, of the Real Property Records of Harris County, Texas.

Property Address: 3906 WILDWOOD VALLEY COURT HOUSTON, TX 77345

Trustor(s):	MICHAEL G. PHELAN and JAMIE M. PHELAN	Original Beneficiary:	Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns
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Current Beneficiary:	King Peak LLC	Loan Servicer:	King Peak, LLC
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Current Substituted Trustees:	Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC
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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.

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. 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 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. 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 deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the “Obligations”) including by not limited to (1) the promissory note in the original principal amount of \$40,600.00, executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE, and payable to the order of Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE to MICHAEL G. PHELAN and JAMIE M. PHELAN. King Peak LLC is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

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Dated: _____ Auction.com, Roy Crush, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan L. Randle, Ebbie Murphy, Jack Palmer, Sabrina Palmer, Rick Snoke, Prestige Default Services, LLC,

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

AFTER RECORDING, PLEASE RETURN TO:
Prestige Default Services, LLC
16801 Addison Road, Suite 350
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(11)9690024857026795
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1

71969002484078256709
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Assoc., as Trustee, Successor by Merger to LaSalle Bank National Assoc.
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