

**T.S. Number: 23-8596**

**Borrower: MICHAEL G. PHELAN and JAMIE M. PHELAN**

## **SUBSTITUTE TRUSTEE'S DEED**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF Texas )  
COUNTY OF Harris )  
KNOW ALL MEN  
BY THESE PRESENTS:

WHEREAS, **MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE**, ("Mortgagor", whether one or more), executed and delivered to **Don Ledbetter**, Trustee, that certain deed of trust (the "Deed of Trust") dated **2/15/2007**, recorded **2/23/2007**, as Volume No. **20070114007**, in **Harris, Texas**, in order to secure the payment of certain promissory note (the "Note") in the original sum of **\$40,600.00**, executed by Mortgagors 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**, and

WHEREAS, the Deed of Trust conveyed to the said **Don Ledbetter**, in trust, that certain tract or parcel of land located in **Harris county, Texas**, to wit:

**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.**

**APN: 117-493-003-0019**

Commonly known as: **3906 WILDWOOD VALLEY COURT, HOUSTON, TX 77345**

WHEREAS, written notice of default and intent to accelerate the maturity of the Note having been served on all persons obligated on the Note, and the Trustee named in the Deed of Trust having been removed, the legal holder of the Note appointed **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 Substitute Trustees (the "Substitute Trustee"), and requested any one of the Substitute Trustee to sell the Property to satisfy, to the extent of the purchase price of the Property at such foreclosure sale, the outstanding principal of plus accrued by unpaid interest on the Note, plus any and all other sums due and owing under the Note and Deed of Trust, all according to law and in accordance with the provisions of the Deed of Trust; and

WHEREAS, the Property was advertised for sale, and written notices of the proposed sale were posted, filed and served in accordance with the terms of the Deed of Trust and in compliance with the laws of the State of Texas pertaining to sales of real property under a power of sale conferred by a deed of trust or other contract lien, the Property having been advertised for sale by posting a written Notice of Non-Judicial Foreclosure Sale (the "Notice") at the courthouse door of **Harris County, Texas**, least twenty-one (21) days preceding the date of the sale (and if the Property is situated in more than one county, a Notice was posted at the courthouse door and filed with the county Clerk of each county in which the Property is situated), and the Notice was served by certified mail on each debtor who, according to the

records of the holder of the Note, is obligated to pay the indebtedness described in the Note, by depositing a written copy of the Notice, enclosed in a postage prepaid wrapper, properly addressed to each such debtor at the last known address of each such debtor as shown by the records of the holder of the Notice, in the United States mail in a post office of official depository under the care and custody of the United States Postal Service at least twenty-one (21) days before the date of the sale; and

WHEREAS, pursuant to the authority granted in the Deed of Trust and in accordance with the terms of the Notice, at **10:00 AM**, or within three hours after such time, on Tuesday **9/5/2023**, the Substitute Trustee did offer the Property for sale at public venue at the county courthouse of **Harris** county, Texas, in the area of said courthouse designated by the commissioners court of **Harris** county, Texas, for sales of real property under a power of sale conferred by a deed of trust or other contract lien, or, if no such designation had been made by said commissioners court, at the courthouse door of said courthouse; and

WHEREAS, at such sale **King Peak LLC** ("Grantee"), whose mailing address is **PO Box 594, Horsham PA 19044**, bid for the Property the sum of **\$67,092.13** which was the highest and best bid offered or the Property, whereupon the Property was stuck off and sold for such sum to Grantee in accordance with the terms and provisions of the Deed of Trust and laws of the State of Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the Substitute Trustee, appointed in accordance with terms of the Deed of Trust and acting under and by the virtue of the power conferred by the Deed of Trust and in accordance with the laws of the State of Texas, for and in consideration of the sum bid as aforesaid, which amount has been applied on the indebtedness secured by the Deed of Trust in accordance with the terms thereof, has BARGAINED, SOLD AND CONVEYED and by the presents does hereby BARGAIN, SELL AND CONVEY unto Grantee, its successors and assigns, all of the Property, together with all appurtenances, fixtures, rights, rents, and profits incident or appertaining thereto; and being subject to the restrictions, covenants, conditions, limitation, easements, mineral reservations, unpaid taxes, if any, and other matters, existing of record to the extent that the same are valid, subsisting and affecting the Property, or apparent on the ground and are superior in priority to the Deed of Trust.

TO HAVE AND TO HOLD the Property, together with all and singular the rights, interests, privileges, and appurtenances thereto in any wise belonging unto Grantee, Grantee's successors and/or assigns forever, in fee simple; and the Substitute Trustee, acting in the capacity and manner aforesaid, to the extent of the power vested in the Substitute Trustee under the terms of the deed of Trust, without any liabilities whatsoever on the Substitute Trustee personally, does hereby bind and obligate Mortgagors and Mortgagors' heirs, executors, administrators and successors to WARRANT AND FOREVER DEFEND all and singular the right and title to the Property unto Grantee, Grantee's successors and/or assigns, against every person whomever lawfully claiming or to claim the same or any part thereof.

The warranty of title herein made, if any, is made solely on behalf of Mortgagors and Mortgagor's heirs, executors, administrators and successors; and, EXCEPT FOR THE ABOVE WARRANTY OF TITLE, IF ANY, ON BEHALF OF MORTGAGORS AND MORTGAGORS' HEIRS, EXECUTORS ADMINISTRATORS AND SUCCESSOR, THIS DEED AND CONVEYANCE IS MADE AND ACCEPTED WITHOUT ANY WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED (INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF TITLE, MERCHANTABILITY, CONDITION, HABITABILITY OR FITNESS OF ANY PARTICULAR USE OR PURPOSE, WARRANTIES CREATED BY ANY AFFIRMATION OF FACT OR PROMISE OR BY ANY DESCRIPTION OF THE PROPERTY, AND ALL OTHER WARRANTIES WHATSOEVER), BY THE SUBSTITUTE TRUSTEE, ANY OWNER OR HOLDER OF THE NOTE OR ANY OTHER PERSON OR ENTITY WHATSOEVER.

Date 9-14-23

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

BY: Jeff Leva

STATE OF Texas )

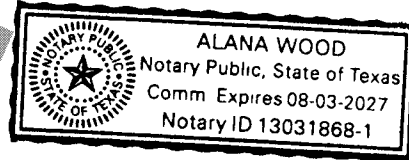
COUNTY OF Harris )

On 9/14/23 before me, Alana Wood, a Notary Public in and for said county, personally appeared Jeff Leva, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Alana Wood  
Notary Public in and for said County and State

Return to: Prestige Default Services, LLC  
9720 Coit Road, Suite 220-228"  
Plano, TX 75025



RP-2023-354792

**AUCTION AFFIDAVIT**

**STATE OF TEXAS**

**COUNTY OF Harris**

The undersigned, having knowledge of the matters hereinafter set forth, after being duly sworn. Deposes and states under oath, as follows:

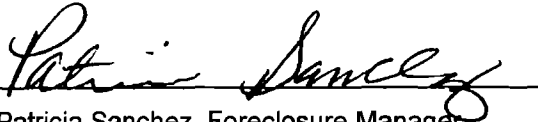
"I am above the age of eighteen (18) years and am competent to make this affidavit and knowledgeable of the statements made in this affidavit.

At the instructions of the servicer and/or holder and/or owner of the indebtedness secured by a Deed of Trust/Security Instrument, dated 2/15/2007; executed by MICHAEL G. PHELAN and JAMIE M. PHELAN, HUSBAND AND WIFE to Mortgage Electronic Registration Systems, Inc., as nominee for Homecomings Financial, LLC f/k/a Homecomings Financial Network, Inc., its successors and assigns, and in which Don Ledbetter is named as Trustee(s) and recorded in the Office of County Clerk in official records: INSTRUMENT # 20070114007; of Harris County, Texas and by which such Note and Lien was assigned to INSTRUMENT # RP-2023-30190 in favor of King Peak LLC that based upon the information provided by or on behalf of such servicer and/or holder and/or owner of the indebtedness, written notice of the proposed sale of real property encumbered by said Deed of Trust/Security Instrument scheduled for 9/5/2023 was mailed to each debtor who, according to the records of such servicer and/or holder and/or owner is obligated to pay the debt. Service of the written notice was completed on 8/14/2023 by Certified Mail- Return Receipt Requested. On that date, the notice was deposited in the United States mail. Postage prepaid and addressed to the debtor at the debtor's last known address 3906 WILDWOOD VALLEY COURT, HOUSTON, TX 77345 by Certified Mail- Return Receipt Requested, the date service of the Notice was completed, was a date at least twenty-one (21) days preceding the date of the scheduled sale.

To the best of my knowledge and belief, the obligor(s) had not filed any bankruptcy proceeding pending at the time of the foreclosure sale. Was/were alive at the time of the foreclosure sale and based upon information obtained from the U.S. Defense Manpower internet military website, it is my belief that such obligor(s) is/are not in the armed services of the United States of America on the date hereof or twelve months prior hereto

RP-2023-354792

Signed on this September 14, 2023

  
Patricia Sanchez, Foreclosure Manager

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  
SUBSTITUTE TRUSTEE

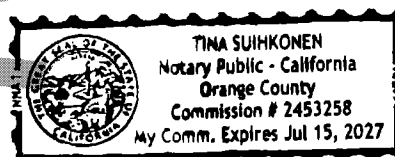
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California     )  
                                      )ss  
County of Orange     )

On 9/14/2023 before me, Tina Suikonen, Notary Public personally appeared Patricia Sanchez who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



**ADDRESS OF PROPERTY:**

3906 WILDWOOD VALLEY COURT  
HOUSTON, TX 77345

**ADDRESS OF TRUSTEE:**

Prestige Default Services, LLC  
9720 Coit Road, Suite 220-228  
Plano, TX 75025

23-8596

**NOTICE TO SERVICE MEMBERS: 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.**

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# Pages 6

09/15/2023 08:49 AM

e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

TENESHIA HUDSPETH

COUNTY CLERK

Fees \$34.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS

COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS