

## NOTICE OF TRUSTEE'S SALE

### DEED OF TRUST INFORMATION:

Grantor(s)	Wayne McLarty and Gevene McLarty	Deed of Trust Date	July 1, 2008
Original Mortgagee	Financial Freedom Senior Funding Corporation, a subsidiary of Indy Mac Bank, F.S.B.	Original Principal	\$169,500.00
Recording Information	Instrument #: 2008026425 in Lubbock County, Texas	Original Trustee	Brown, Fowler & Alsup
Property Address	8210 Albany Avenue, Lubbock, TX 79424	Property County	Lubbock

### MORTGAGE SERVICER INFORMATION:

Current Mortgagee	Seattle Bank	Mortgage Servicer	PHH Mortgage Corporation
Current Beneficiary	Seattle Bank	Mortgage Servicer Address	1661 Worthington Road, Suite 100, West Palm Beach, FL 33409

### SALE INFORMATION:

Date of Sale	07/02/2024
Time of Sale	10:00 AM or no later than 3 hours thereafter
Place of Sale	The Gazebo located on the front lawn of the County Courthouse, with the first alternate location being the 2nd floor auditorium at 916 Main and the second alternate location being the commissioners court room located on the 5th floor of the Courthouse in Lubbock County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Lubbock County Commissioner's Court.
Substitute Trustees	Bobby Fletcher, David Ray, Clay Golden, Doak Lambert, Jonathan Schendel, Angie Uselton, Charles Green, Lisa Bruno, Shawn Schiller, Patrick Zwiers, Kristopher Holub, Dana Kamin, Joshua Sanders, Matthew Hansen, Aleena Litton, Auction.com, Terry Browder, Laura Browder, Jamie Osborne, 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:

**LOT EIGHT HUNDRED SEVENTY-TWO B (872-B), OF A REPLAT OF LOTS 829 THRU 843 AND LOTS 868 THRU 876, THE MEADOWS, AN ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS, ACCORDING TO THE MAP, PLAT, AND/OR DEDICATION DEED THEREOF RECORDED IN VOLUME 1789, PAGE 83, OF THE DEED RECORDS OF LUBBOCK 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.

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

TAHERZADEH, PLLC

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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.

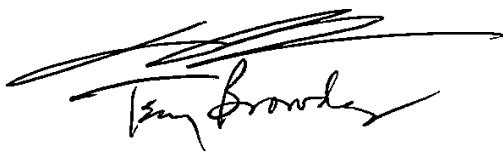
Pursuant to the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the Sale. Any such further conditions shall be announced before bidding is opened for the first Sale of the day held by the Trustee or any Substitute Trustee.

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 refiled 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 May 1, 2024.

/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

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**CAUSE NUMBER DC-2024-CV-0350**

<b>IN RE: ORDER FOR FORECLOSURE</b>	§	<b>IN THE DISTRICT COURT</b>
<b>CONCERNING</b>	§	
	§	
<b>8210 ALBANY AVENUE</b>	§	
<b>LUBBOCK, TX 79424</b>	§	
	§	
<b>UNDER TEX. R. CIV. PROC. 736</b>	§	<b>OF LUBBOCK COUNTY, TEXAS</b>
	§	
<b>Petitioner:</b>	§	
	§	
<b>SEATTLE BANK,</b>	§	
	§	
<b>Respondent(s):</b>	§	
	§	
<b>WAYNE MCLARTY AND GEVENE</b>	§	<b>72nd JUDICIAL DISTRICT</b>
<b>MCLARTY.</b>	§	
	§	

**DEFAULT ORDER ALLOWING FORECLOSURE**

Seattle Bank, 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. Seattle Bank, 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 8210 Albany Avenue, Lubbock, TX 79424 and legal description as described in the Real Property Records of Lubbock County, Texas as follows:

LOT EIGHT HUNDRED SEVENTY-TWO B (872-B), OF A REPLAT OF LOTS 829 THRU 843 AND LOTS 868 THRU 876, THE MEADOWS, AN ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS, ACCORDING TO THE MAP, PLAT, AND/OR DEDICATION DEED THEREOF RECORDED IN VOLUME 1789, PAGE 83, OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS.

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

Gevene McLarty, Deceased  
8210 Albany Avenue  
Lubbock, TX 79424

Wayne McLarty  
8210 Albany Avenue  
Lubbock, TX 79424

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

Instrument #: 2008026425 in the Real Property Records of Lubbock  
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 30th day of April, 2024.

  
\_\_\_\_\_  
Judge Presiding

Approved as to form by:

  
\_\_\_\_\_

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Facsimile: (469) 828-2772  
**ATTORNEYS FOR PETITIONER**

# FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



*Kelly Pinion*

Kelly Pinion, County Clerk  
Lubbock County, TEXAS  
05/02/2024 09:27 AM  
FEE: \$2.00  
2024017852