

**NOTICE OF [SUBSTITUTE] 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.

**1. Date, Time, and Place of Sale.**

Date: February 07, 2017

Time: The sale will begin at 11:00AM or not later than three hours after that time.

Place: THE FRONT DOORS ON THE NORTH SIDE OF THE LAMB COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

**2. Terms of Sale. Cash.**

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated July 01, 2010 and recorded in Document VOLUME 660, PAGE 633; AS AFFECTED BY VOLUME 744, PAGE 249. real property records of LAMB County, Texas, with JOYCE LOWERY AND LOYD LOWERY, grantor(s) and NEW DAY FINANCIAL, LLC, mortgagee.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by JOYCE LOWERY AND LOYD LOWERY, securing the payment of the indebtednesses in the original principal amount of \$174,750.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. NATIONSTAR HECM ACQUISITION TRUST 2016-2, WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT INDIVIDUALLY, BUT SOLELY AS TRUSTEE is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

**6. Mortgage Servicer Information.** 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 lien securing the Property referenced above. CHAMPION MORTGAGE COMPANY, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CHAMPION MORTGAGE COMPANY  
8950 CYPRESS WATERS BLVD.  
COPPELL, TX 75019

SHELLY HENDERSON, CHELSEA BROOKS, JOHN MCCATHY, OR DAVID CARRILLO  
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001

#6026  
FILED FOR RECORD  
2017 JAN 13 A 11:02  
TONYA RITCHEE  
COUNTY CLERK, LAMB CO. TEXAS



2690 US HIGHWAY 385  
LITTLEFIELD, TX 79339

00000006004634  
Date of Sale: 02/07/2017

Certificate of Posting

My name is \_\_\_\_\_, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the LAMB County Clerk and caused to be posted at the LAMB County courthouse this notice of sale.

\_\_\_\_\_  
Declarants Name: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXHIBIT "A"**

## TRACT ONE:

A 1.82 ACRES OUT OF THE 5.406 ACRE TRACT DESCRIBED IN VOLUME 544, PAGE 287 OF LAMB COUNTY DEED RECORDS, BEING OUT OF THE SOUTHEAST PART OF LABOR 9, LEAGUE 644, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS;

BEGINNING AT A 3/8" IR SET N 0 DEGREES 32' 50" E, A DISTANCE OF 351.73' AND N 89 DEGREES 30' 10" W, A DISTANCE OF 47.19' FROM THE SE CORNER OF LABOR 9;

THENCE S 0 DEGREES 58' 10" E, A DISTANCE OF 220.07' TO A 3/8" IR SET FOR THE SE CORNER OF THIS TRACT;

THENCE N 89 DEGREES 30' 10" W, A DISTANCE OF 362.38' TO A 3/8" IR SET FOR THE SW CORNER OF THIS TRACT;

THENCE N 0 DEGREES 32' 50" E, A DISTANCE OF 220.00' TO A 3/8" IR SET FOR THE NW CORNER OF THIS TRACT;

THENCE S 89 DEGREES 30' 10" E, A DISTANCE OF 356.55' TO THE PLACE OF BEGINNING.

## TRACT TWO:

A 0.36 ACRES OUT OF THE 5.406 ACRE TRACT DESCRIBED IN VOLUME 544, PAGE 287 OF LAMB COUNTY DEED RECORDS, BEING OUT OF THE SOUTHEAST PART OF LABOR 9, LEAGUE 664, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS:

BEGINNING AT A 3/8" IR SET N 0 DEGREES 32 MINUTES 50 SECONDS E, A DISTANCE OF 351.73 FEET AND N 89 DEGREES 30 MINUTES 10 SECONDS W, A DISTANCE OF 47.19 FEET FROM THE SOUTHEAST CORNER OF LABOR 9;

THENCE N 89 DEGREES 30 MINUTES 10 SECONDS W, A DISTANCE OF 196.55 FEET TO A IR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 0 DEGREES 32 MINUTES 50 SECONDS E, A DISTANCE OF 81.17 FEET TO A IR SET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S 89 DEGREES 30 MINUTES 10 SECONDS E, A DISTANCE OF 194.18 FEET TO A IR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 0 DEGREES 58 MINUTES 10 SECONDS E, A DISTANCE OF 81.20 FEET TO THE PLACE OF BEGINNING.

## TRACT THREE:

THE REMAINING 3.226 ACRES OUT OF THE 5.406 ACRE TRACT OUT OF THE SOUTHEAST PART OF LABOR 9, LEAGUE 664, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS DESCRIBED IN VOLUME 544, PAGE 287 OF LAMB COUNTY DEED RECORDS.

Cause No. DCV-19488-16

NATIONSTAR MORTGAGE LLC  
DBA CHAMPION MORTGAGE  
COMPANY,  
Plaintiff,

v.

JOYCE LOWERY AND LLOYD  
LOWERY,  
Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

FILED  
IN THE OFFICE  
IN THE DISTRICT COURT  
OF THE DISTRICT CLERK  
DEC 05 2016  
AT 2:50 P.M. O'CLOCK  
LAMB COUNTY DISTRICT CLERK  
OF LAMB COUNTY, TEXAS

154<sup>TH</sup> JUDICIAL DISTRICT

DEFAULT REVERSE MORTGAGE FORECLOSURE ORDER

On this day, the Court determined it had jurisdiction over the subject matter and the parties to this proceeding. After considering plaintiff, Nationstar Mortgage LLC DBA Champion Mortgage Company's, its successors or assigns, motion for default reverse mortgage foreclosure order, pleadings, and evidence on file the Court GRANTS the motion and finds:

1. Citation properly served on defendant(s) according to law and remained on file with the Clerk of this Court for the time prescribed by law:

2. None of the defendant(s) who were personally served are in active military service.

3. The name and last known address of defendant(s) subject to this order are:

Lloyd Lowery  
2690 US Highway 385  
Littlefield, Texas 79339

Joyce Lowery  
2690 US Highway 385  
Littlefield, Texas 79339

4. Plaintiff is the current "mortgage", as that term is defined in TEX. PROP. CODE § 51.001, of a valid Texas reverse mortgage "loan agreement", as that term is defined in TEX. BUS. & COM. CODE § 26.02, ("Loan Agreement") that was created in accordance with TEX. CONST. art. XVI § 50a(7) and secured by the real property and improvements commonly known as 2960 US Highway 385, Littlefield, Texas 79339, ("Property") and legally described as:

TRACT ONE:

A 1.82 ACRES OUT OF THE 5.406 ACRE TRACT DESCRIBED IN VOLUME 544, PAGE 287 OF LAMB COUNTY DEED RECORDS, BEING OUT OF THE SOUTHEAST PART OF LABOR 9, LEAGUE 644, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS;

BEGINNING AT A 3/8" IR SET N 0 DEGREES 32' 50" E, A DISTANCE OF 351.73' AND N 89 DEGREES 30' 10" W, A DISTANCE OF 47.19' FROM THE SE CORNER OF LABOR 9;

THENCE S 0 DEGREES 58' 10" E, A DISTANCE OF 220.07' TO A 3/8" IR SET FOR THE SE CORNER OF THIS TRACT;

THENCE N 89 DEGREES 30' 10" W, A DISTANCE OF 362.38' TO A 3/8" IR SET FOR THE SW CORNER OF THIS TRACT;

THENCE N 0 DEGREES 32' 50" E, A DISTANCE OF 220.00' TO A 3/8" IR SET FOR THE NW CORNER OF THIS TRACT;

THENCE S 89 DEGREES 30' 10" E, A DISTANCE OF 356.55' TO THE PLACE OF BEGINNING.

TRACT TWO:

A 0.36 ACRES OUT OF THE 5.406 ACRE TRACT DESCRIBED IN VOLUME 544, PAGE 287 OF LAMB COUNTY DEED RECORDS, BEING OUT OF THE SOUTHEAST PART OF LABOR 9, LEAGUE 644, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS:

BEGINNING AT A 3/8" IR SET N 0 DEGREES 32 MINUTES 50 SECONDS E, A DISTANCE OF 351.73 FEET AND N 89 DEGREES 30 MINUTES 10 SECONDS W, A DISTANCE OF 47.19 FEET FROM THE SOUTHEAST CORNER OF LABOR 9;

THENCE N 89 DEGREES 30 MINUTES 10 SECONDS W, A DISTANCE OF 196.55 FEET TO A IR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 0 DEGREES 32 MINUTES 50 SECONDS E, A DISTANCE OF 81.17 FEET TO A IR SET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S 89 DEGREES 30 MINUTES 10 SECONDS E, A DISTANCE OF 194.18 FEET TO A IR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 0 DEGREES 58 MINUTES 10 SECONDS E, A DISTANCE OF 81.20 FEET TO THE PLACE OF BEGINNING.

**TRACT THREE:**

THE REMAINING 3.226 ACRES OUT OF THE 5.406 ACRE TRACT OUT OF THE SOUTHEAST PART OF LABOR 9, LEAGUE 664, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS DESCRIBED IN VOLUME 544, PAGE 287 OF LAMB COUNTY DEED RECORDS.

5. Under TEX. CONST. art. XVI, § 50(h)(9)(D), the failure of the obligation specified in the loan documents to pay taxes and assessments on, or insure the homestead property qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for plaintiff to exercise its rights under the security instrument by proceeding with a non-judicial foreclosure against the Property have been accomplished. Plaintiff will enforce its security interest by conducting a non-judicial foreclosure of its lien created under TEX. CONST. art. XVI §§ 50(a)(7) and 50(k) according to TEX. CONST. art. XVI § 50(h)(11), TEX. PROP. CODE § 51.002, and the terms of the Loan Agreement. The Trustee or Substitute Trustee, appointed to conduct the sale under TEX. PROP. CODE § 51.002 is Shelly Henderson, Chelsea Brooks, John McCarthy, David Canillo, or their successor.

IT IS THEREFORE ORDERED plaintiff has a valid lien on the Property by way of a security instrument dated July 1, 2010 and filed under Volume 660, Page 663 of the Official Public Records of Lamb County, Texas

IT IS FURTHER ORDERED that plaintiff, or its successors or assigns in interest, according to TEX. CONST. art. XVI, § 50(h)(11) shall enforce the Loan Agreement default by

foreclosing the security interest encumbering the Property pursuant to the Loan Agreement or TEX. PROB CODE § 51.002.

IT IS FURTHER ORDERED that this Judgment serve as an Order of Foreclosure of a Reverse Mortgage Loan in accordance with TEX. CONST. ART. XVI §§ 50(a)(7) and (b)(11);

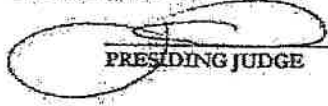
IT IS FURTHER ORDERED that a copy of this Judgment shall be sent to defendant(s) with the notice of the date, time and place of the foreclosure sale;

IT IS FURTHER ORDERED if a person occupying the Property fails to surrender the possession of the premises after foreclosure, plaintiff, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. R. Civ. P. 310; and


IT IS FURTHER ORDERED All costs of court are to be paid by the party by whom incurred.

All relief not granted herein is denied. This Judgment disposes of all parties and all claims and is appealable.

SIGNED this 1 day of Dec, 2016.

  
PRESIDING JUDGE

ORDER SUBMITTED BY:

  
Jennifer K. Chacko  
State Bar No.: 24082482  
4804 Belt Line Road, Suite 100  
Addicks, Texas 75001-4320  
(972) 341-5321  
(972) 341-0754 (Facsimile)  
[jennC@bdfgroup.com](mailto:jennC@bdfgroup.com)

ATTORNEY FOR PLAINTIFF