

## Notice of [Substitute] Trustee 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:** 03/05/2024

**Time:** The sale will begin at 10:00 AM or not later than three hours after that time

**Place:** Cass County, Texas at the following location: **AT THE NORTH ENTRANCE OF THE CASS COUNTY COURTHOUSE LOCATED ON HOUSTON STREET, LINDEN, TEXAS OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS**

**Property Address:** 782 COUNTY RD 3333, ATLANTA, TX 75551-2907

- 2. Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee 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. Any conveyance of the property is subject to all matters of record affecting the property.
- 3. Instrument to be Foreclosed:** The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 08/07/2006 and recorded 08/10/2006 in Document 2006004243, real property records of Cass County, Texas, with **Victoria Falls and husband, Jonathan M. Scott** grantor(s) and **OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION**, as Lender, Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2006-3, Asset-Backed Certificates, Series 2006-3 as Beneficiary.
- 4. Appointment of Substitute Trustee:** In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue, Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.
- 5. Obligation Secured:** Deed of Trust or Contract Lien executed by **Victoria Falls and husband, Jonathan M. Scott**, securing the payment of the indebtedness in the original principal amount of **\$58,720.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2006-3, Asset-Backed Certificates, Series 2006-3** is the current mortgagee of the note and deed of trust or contract lien.

AMY L. VARNHULL  
CASS COUNTY CLERK

2024 JAN 11 PM 2:35

FILED FOR RECORD



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**6. Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

**7. Property to be sold:** The property to be sold is described as follows:

**ALL THAT CERTAIN 0.459 ACRE TRACT OF LAND LOCATED IN THE HORATIO CUNNINGHAM SURVEY, A-168, IN CASS COUNTY, TEXAS, BEING ALL OF A CALLED 0.46 ACRE TRACT OF LAND CONVEYED FROM ARTIS JAMES, JR. TO JACQUELINE JAMES FALLS AND HUSBAND, ROOSEVELT E. FALLS, BY AN ASSUMPTION DEED DATED JANUARY 2, 2003, RECORDED IN VOLUME 1183, PAGE 238 OF THE REAL PROPERTY RECORDS OF CASS COUNTY, TEXAS, SAID 0.459 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: WEST LINE OF RECORDED DEED, VOLUME 1176, PAGE 310) BEGINNING AT A 5/8" IRON ROD FOUND AT THE INTERSECTION OF CASS COUNTY ROAD NO. 3333 (CR3333) AND CALLED 0.46 ACRE TRACT; THENCE: N 89° 57' 23" E, 200.04 FEET, ALONG THE SOUTH LINE OF CR 3331 TO A 5/8" IRON ROD FOUND FOR THE NORTHWEST CORNER OF A CALLED 1.000 ACRE TRACT OF LAND CONVEYED TO BENNIE D. RICHARDSON, BY WARRANTY DEED RECORDED IN VOLUME 624, PAGE 7 OF THE DEED RECORDS OF CASS COUNTY, TEXAS AND THE NORTHEAST CORNER OF SAID CALLED 0.46 ACRE TRACT; THENCE: S 00°02'09" E, 100.03 FEET, ALONG THE WEST LINE OF SAID CALLED 1.000 ACRE TRACT TO A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE RESIDUE OF A CALLED 3.703 ACRE TRACT OF LAND CONVEYED TO ROOSEVELT FALLS ET UX, BY WARRANTY DEED RECORDED IN VOLUME 1176, PAGE 310 AND THE SOUTHEAST CORNER OF SAID CALLED 0.46 ACRE TRACT; THENCE: S 89°57'23" W, 200.10 FEET, ALONG THE NORTH LINE OF SAID CALLED 3.703 ACRE TRACT TO A 5/8" IRON ROD FOUND ON THE EAST LINE OF CR 3333 FOR THE SOUTHWEST CORNER OF SAID CALLED 0.46 ACRE TRACT; THENCE: NORTH, 100.03 FEET, ALONG THE EAST LINE OF CR 3333 TO THE POINT OF BEGINNING, CONTAINING 0.459 ACRE OF LAND, MORE OR LESS.**

**8. 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. **PHH Mortgage Corporation**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

**C/O PHH Mortgage Corporation  
PO BOX 24605  
West Palm Beach, FL 33416-4605  
Phone: 877-744-2506**

TS No.: 2024-00014-TX  
19-001121-673

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**9. Limitation of Damages:** If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

**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.**

Date: January 10, 2024



Monique Patzer, Trustee Sale Assistant

C/O Power Default Services, Inc.  
7730 Market Center Ave, Suite 100  
El Paso, TX 79912  
Telephone: 855-427-2204  
Fax: 866-960-8298

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.**

I am Robert LaMont

whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on January 11, 2024 I filed this Notice of Foreclosure Sale at the office of the Cass County Clerk and caused it to be posted at the location directed by the Cass County Commissioners Court.



Robert LaMont, January 11, 2024

Certificate of Posting