

## 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:** 05/06/2025

**Time:** The sale will begin at 01:00 PM or not later than three hours after that time

**Place:** Terrell County, Texas at the following location: **THE FRONT STEPS AT THE SOUTH SIDE OF THE COURTHOUSE BUILDING 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:** 315 EAST RICHARD STREET, SANDERSON, TX 79848

**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 10/25/2004 and recorded 10/26/2004 in Book 85 Page 329 Document 8-24054, real property records of Terrell County, Texas, with **JULIAN MARTINEZ, III AND ESMARALDA MARTINEZ, HUSBAND AND WIFE** grantor(s) and CONCORDE ACCEPTANCE CORPORATION as Lender, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. 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 **JULIAN MARTINEZ, III AND ESMARALDA MARTINEZ, HUSBAND AND WIFE**, securing the payment of the indebtedness in the original principal amount of \$55,800.00, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **The Bank of New York Mellon Trust Company, National Association** fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2004-RS12 is the current mortgage of the note and deed of trust or contract lien.



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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:

Field Notes Describing a 0.303 acre tract of land, being the south 132 feet of Lot 9 and of Lot 10, Block 134, Wilson Addition, Town of Sanderson, Terrell County, Texas being the same property as described in Volume 116, page 197, Deed Records. Plat of Kerr Addition and the Extension of the North line of Wilson Addition recorded in Volume 1, folder 6, Plat Records. Said 0.303 acre tract of land being more particularly described as follows: BEGINNING at a 1/2 inch rebar found at the Southeast corner of Lot 9, Block 134, Wilson Addition, Town of Sanderson, Terrell County, Texas, plat of Kerr Addition and the extension of the North line of Wilson Addition recorded in Volume 1, plat folder 6, Plat Records, for the Southeast corner of this tract; THENCE 66° 22' West 100.0 feet, along the South boundary line of said Lot 9 and Lot 10, Block 134, to a 1/2 inch rebar set at the Southwest corner of said Lot 10, for the Southwest corner of this tract; THENCE North 23° 38' East 132.0 feet, along the West boundary line of said Lot 10, to a 1/2 inch rebar set for the Northwest corner of this tract; THENCE South 66° 22' East 100.0 feet to a 1/2 inch, rebar found in the East boundary line of said Lot 9, for the Northeast corner of this tract; THENCE South 23° 38' West 132.0 feet, along said East boundary line, to the "Point of Beginning". Containing 0.303 acres 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.: 2025-00429-TX  
25-000261-673

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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: 03/12/2025



Mark Bombick – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

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

For additional sale information visit: [www.auction.com](http://www.auction.com) or (800) 280-2832

**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 Shelley Nail Certificate of Posting  
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 03/29/25 I filed this Notice of Foreclosure Sale at the office  
of the Terrell County Clerk and caused it to be posted at the location directed by the Terrell County Commissioners Court.

No. \_\_\_\_\_  
FILED TIME 1:45 PM

MAR 20 2025  
Raeline Thompson  
CLERK, COUNTY COURT, TERRELL CO., TEXAS  
BY: \_\_\_\_\_ DEPUTY