

FILED

2024 MAR 14 P 12: 52

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*Jodi Casley*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

Carrington Foreclosure Services, LLC  
P.O. Box 3309  
Anaheim, California 92803  
For Sale Information: (888) 313-1969  
For Reinstatement Requests: 1-866-874-5860  
Pay Off Requests: 1-800-561-4567  
TS#: 24-30700

### NOTICE OF SUBSTITUTE TRUSTEE'S SALE

**WHEREAS**, on 9/30/2020, Michael Jason Martinez and Kimberly Martinez, husband and wife, as Grantor/Borrower, executed and delivered that certain Deed of Trust, in favor of Allan B Polunsky, as Trustee, Mortgage Electronic Registration Systems, Inc., solely as nominee for Carrington Mortgage Services, LLC, as Beneficiary which deed of trust secures the payment of that certain promissory note of even date therewith in the original amount of \$148,265.00, payable to the order of Mortgage Electronic Registration Systems, Inc., solely as nominee for Carrington Mortgage Services, LLC, which Deed of Trust is Recorded on 10/1/2020 as Volume 202010915, Book , Page , in Victoria County, Texas, Deed of Trust covers all of the real property, personal property, and fixtures described therein, including , but not limited to, all the following described property, rights and interests (the "Property"), to-wit;

**Being Lot Number Four (4), in Block Number Six (6), of Shenandoah, an addition to the City of Victoria, Victoria County, Texas, according to the established map and plat of said addition of record in Volume 4, Page 44 of the Plat Records of Victoria County, Texas, to which reference is here made for descriptive purposes.**

Commonly known as: **107 SAVANNAH DRIVE VICTORIA, TX 77904**

**WHEREAS**, the Trustee named in the Deed of Trust having been removed, the legal holder of the indebtedness described in the Deed of Trust appointed **Adolfo Rodriguez, Alexis Mendoza, Arnold Mendoza, Jennyfer Sakiewicz, Sandra Mendoza, Dustin George** or either of them, as Substitute Trustee (each being referred to as the "Substitute Trustee"), upon the contingency and in the manner authorized by the Deed of Trust: and

**WHEREAS**, defaults have occurred in the covenants of the Deed of Trust, monetary or otherwise, and the indebtedness secured by and described in the Deed of Trust is now wholly due, and Carrington Mortgage Services, LLC whose address is 1600 S. Douglass Road, Suite 200 A, Anaheim, CA 92806 is acting as the mortgage servicer for **Carrington Mortgage Services, LLC**, which is the mortgagee of the Note and Deed of Trust or mortgage and the legal holder of such indebtedness and the liens securing same has requested either one of the Substitute Trustees to sell the Property in accordance with applicable law and the terms and provisions of the Deed of Trust. Carrington Mortgage Services, LLC is authorized to represent the mortgagee by virtue of a written servicing agreement with the mortgagee. Pursuant to that agreement and Texas Property Code Section 51.0025, Carrington Mortgage Services, LLC is authorized to administer the foreclosure referenced herein.

**NOW, THEREFORE, NOTICE IS HEREBY GIVEN**, that on **6/4/2024 at 11:00 AM**, or no later than three (3) hours after such time, in **Victoria County, Texas**, the Substitute Trustee will sell the Property at public venue to the highest bidder for cash. The sale will take place at the area designated by the Commissioner's Court for sales of real property under a power of sale conferred by a deed of trust or other contract lien as follows: **FRONT OF THE EAST DOOR OF THE COURTHOUSE BUILDING LOCATED AT 115 NORTH BRIDGE STREET OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE**

**NOTICE IS FURTHER GIVEN** that , except to the extent that the Substitute Trustee may bind and obligate Mortgagors to warrant title the Property under the terms of the Deed of Trust, conveyance of the Property shall be made without any representations or warranties whatsoever, express or implied.



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If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney.

**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.**

**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.**

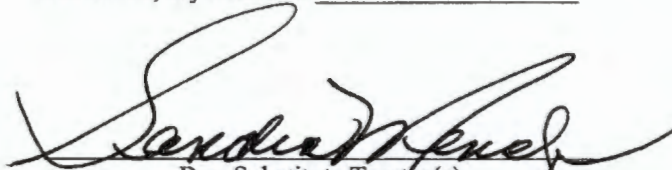
WITNESS, my hand this 3/12/2024

WITNESS, my hand this

3.14.24

*Monica Sandoval*

By: Monica Sandoval, Trustee Sale Specialist,  
Team Lead  
Carrington Foreclosure Services, LLC as  
authorized agent for Mortgagee or Mortgage  
Servicer  
1600 South Douglass Road, Suite 140  
Anaheim, CA 92806



By: Substitute Trustee(s)  
Adolfo Rodriguez, Alexis Mendoza, Arnold  
Mendoza, Jennyfer Sakiewicz, Sandra Mendoza  
C/O Carrington Foreclosure Services, LLC  
1600 South Douglass Road, Suite 140  
Anaheim, CA 92806

FILE No. 10331  
County Clerk, Victoria County, Texas

FILED

RECORDING REQUESTED BY:

2024 MAR 21 A 8:53

SD

WHEN RECORDED MAIL TO:

Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra  
Mendoza, Adolfo Rodriguez, Janice Stoner or Jodi Steen  
c/o Malcolm Cisneros/Trustee Corps  
17100 Gillette Avenue  
Irvine, CA 92614  
(949) 252-8300

*Jodi Casley*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

TS No TX07000067-24-1

APN 53213 | 40600-008-01600

TO No 240120833-TX-RW1

### NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, on July 25, 2017, HEATHER LYNN SMITH AND DAVID LEE SMITH, WIFE AND HUSBAND as Grantor/Borrower, executed and delivered that certain Deed of Trust in favor of CARLIE C. GAUSE as Trustee, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, as nominee for WALLICK AND VOLK, INC., its successors and assigns, as original Beneficiary, which Deed of Trust secures the payment of that certain Promissory Note of even date therewith in the original amount of \$127,645.00, payable to the order of M&T Bank as current Beneficiary, which Deed of Trust recorded on July 26, 2017 as Document No. 201708371 in Victoria County, Texas. Deed of Trust covers all of the real property described therein, including, but not limited to, all of the following described property, rights and interests (the "Property"), to-wit: **SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

APN 53213 | 40600-008-01600

WHEREAS, the Trustee named in the Deed of Trust having been removed, the legal holder of the indebtedness described in the Deed of Trust appointed **Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Adolfo Rodriguez, Janice Stoner or Jodi Steen** or either of them, as Substitute Trustee (each being referred to as the "Substitute Trustee"), upon the contingency and in the manner authorized by the Deed of Trust; and

WHEREAS, defaults have occurred in the covenants of the Deed of Trust, monetary or otherwise, and the indebtedness secured by and described in the Deed of Trust is now wholly due, and **M&T Bank**, the legal holder of such indebtedness and the liens securing same has requested either one of the Substitute Trustees to sell the Property in accordance with applicable law and the terms and provisions of the Deed of Trust.



TS No TX07000067-24-1

APN 53213 | 40600-008-01600

TO No 240120833-TX-RWI

NOW THEREFORE, NOTICE IS HEREBY GIVEN that on **Tuesday, June 4, 2024 at 11:00 AM**, no later than three (3) hours after such time, being the first Tuesday of such month, the Substitute Trustee will sell the Property at public venue to the highest bidder for cash. The sale will take place in Victoria County, Texas, at the area designated by the Commissioner's Court for sales of real property under a power of sale conferred by a Deed of Trust or other contract lien as follows: **FRONT OF THE EAST DOOR OF THE COURTHOUSE BUILDING LOCATED AT 115 NORTH BRIDGE STREET OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.**

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of and M&T Bank's election to proceed against and sell both the real property and any personal property described in said Deed of Trust in accordance with and M&T Bank's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

NOTICE IS FURTHER GIVEN, that except to the extent that the Substitute Trustee may bind and obligate Mortgagors to warrant title the Property under the terms of the Deed of Trust. Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in "as is", "where is" condition. Conveyance of the Property shall be made without any representations or warranties whatsoever, expressed or implied. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters and are advised to conduct an independent investigation of the nature and physical condition 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 expressed or implied warranties, except as to the warranted.

WITNESS, my hand this 21<sup>st</sup> day of March, 2024.

By Jo Woolsey  
~~Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Adolfo Rodriguez, Janice Stoner or Jodi Steen~~  
Substitute Trustee(s)

**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.**

**SALE INFORMATION CAN BE OBTAINED ONLINE AT [www.Xome.com](http://www.Xome.com)  
FOR AUTOMATED SALES INFORMATION PLEASE CALL: Xome at 800-758-8052**

FOR REINSTATEMENT / PAY OFF REQUESTS CONTACT: (949) 252-8300

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

TS No TX07000067-24-1

APN 53213 | 40600-008-01600

TO No 240120833-TX-RWI

**EXHIBIT "A"**

LOT NOS. SIXTEEN (16), SEVENTEEN (17) AND EIGHTEEN (18), IN BLOCK NO. EIGHT (8), OF MATCHETT MANOR, A SUBDIVISION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID SUBDIVISION OF RECORD IN VOLUME 1, PAGE 49, OF THE MAP AND PLAT RECORDS OF VICTORIA COUNTY, TEXAS.



FILE No. 10342  
County Clerk, Victoria County, Texas

**NOTICE OF SUBSTITUTE TRUSTEE SALE**

<b>Deed of Trust Date:</b> 10/31/2022	<b>Grantor(s)/Mortgagor(s):</b> LEONARD MARTINEZ JR AND JANIS R MARTINEZ, HUSBAND AND WIFE
<b>Original Beneficiary/Mortgagee:</b> MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") SOLELY AS A NOMINEE FOR PROSPERITY BANK, ITS SUCCESSORS AND ASSIGNS	<b>Current Beneficiary/Mortgagee:</b> U.S. BANK NATIONAL ASSOCIATION
<b>Recorded in:</b> <b>Volume:</b> N/A <b>Page:</b> N/A <b>Instrument No:</b> 202211878	<b>Property County:</b> VICTORIA
<b>Mortgage Servicer:</b> U.S. Bank National Association is representing the Current Beneficiary/Mortgagee under a servicing agreement with the Current Beneficiary/Mortgagee.	<b>Mortgage Servicer's Address:</b> 2800 Tamarack Road, Owensboro, KY 42301
<b>Date of Sale:</b> 6/4/2024	<b>Earliest Time Sale Will Begin:</b> 11:00 AM
<b>Place of Sale of Property:</b> Victoria County Courthouse, 115 N. Bridge Street, Victoria, TX 77901 OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.	

**Legal Description:** BEING LOT NUMBER FIVE (5), IN BLOCK NUMBER SIX (6), OF TUSCANY SECTION 1B-PHASE 1, AN ADDITION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 9, PAGE 131A-B OF THE PLAT RECORDS OF VICTORIA COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR DESCRIPTIVE PURPOSES.

In accordance with TEX. PROP. CODE §51.0076 and the Deed of Trust referenced above, the undersigned as attorney for Mortgagee or Mortgage Servicer does hereby remove the original Trustee and all successor substitute trustees and appoints in their stead, Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Jodi Steen, Janice Stoner, John Sisk, Amy Ortiz, Aleena Litton, Daniel McQuade, Vanna Ho, Auction.com, Adolfo Rodriguez, Janice Stoner or Jodi Steen, Cole Patton, Myra Homayoun, Thuy Frazier, McCarthy & Holthus, LLP, as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original Trustee under there said Deed of Trust, and, further, does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein

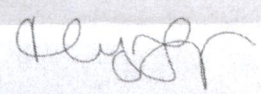
The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

The Property will be sold "AS IS," without any express or implied warranties, except as to warranties of title, and at the purchaser's own risk, pursuant to the terms of TEX. PROP. CODE §51.002 and §51.009. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

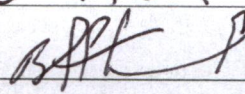
Substitute Trustee reserves the right to set further reasonable conditions for conducting the public auction. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**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.**

**NOTICE PURSUANT TO TEX. PROP. CODE § 51.002(1): ASSERT AND PROTECT YOUR RIGHTS AS MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU OR YOUR SPOUSE ARE SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL 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.**

Dated: 4/19/2024  


Thuy Frazier, Attorney  
McCarthy & Holthus, LLP  
1255 West 15th Street, Suite 1060  
Plano, TX 75075  
Attorneys for U.S. Bank National Association


Dated: 25 April 2024  
Bob Frisch  
Printed Name: 

Substitute Trustee  
c/o Auction.com  
1255 West 15th Street, Suite 1060  
Plano, TX 75075

**FILED**

2024 APR 25 P 2:40

MD

  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

MH File Number: TX-24-102127-POS  
Loan Type: FHA