TS No.: 2019-02528-TX
19-001153-673

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: 02/04/2020

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

Place: **THE FIRST FLOOR LOBBY OF THE GALVESTON COUNTY COURTHOUSE, 722 MOODY (21st STREET), GALVESTON, TEXAS 77550 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: 334 24TH AVENUE NORTH, TEXAS CITY, TX 77590

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 09/14/2006 and recorded 09/26/2006 in Document 2006065887 , real property records of Galveston County, Texas, with **Toby Elliott, an unmarried person** grantor(s) and FIELDSTONE MORTGAGE COMPANY 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 CARL MEYERS, LEB KEMP, TRACI YEAMAN, TIM WORSTELL, COLETTE MAYERS, EVAN PRESS, JOSHUA SANDERS, DAVID BARRY, KELLY MCDANIEL, CARY CORENBLUM, MATTHEW HANSEN, ISRAEL CURTIS, JOHN SISK, STEPHEN MAYERS, PATRICIA POSTON, NICK POSTON, DAVID POSTON, STEVE LEVA, SANDY DASIGENIS, LILLIAN POELKER, JEFF LEVA, MICHAEL ROSSIELLO, BELINDA MCGAUGHY, CARL NIENDORFF, L. KELLER MACKIE, MICHAEL W. ZIENTZ, MICHAEL D. VESTAL, RAFAEL REBONG, ESTER GONZALES, JESSICA HOLT OR WES WEBB, Substitute Trustee to act under and by virtue of said Deed of Trust.

5. Obligation Secured: Deed of Trust or Contract Lien executed by **Toby Elliott, an unmarried person,** securing the payment of the indebtedness in the original principal amount of **$63,920.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE OF THE FIELDSTONE MORTGAGE INVESTMENT TRUST, SERIES 2006-3** is the current mortgagee 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:

Lot Twenty-Five (25), in Block Seven (7) of Mainland Park Addition Section "J", a Subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254A, Page 72 of the map records of Galveston County, Texas.

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

1 Mortgage Way
Mt. Laurel, NJ 08054

Phone: 877-744-2506

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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: December 24, 2019

Stephanie Spurlock, Laterrika Thompkins, Camisha Scott, **Iman Walcott,** Tanesha Humphrey, Claire Buxton – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.
Northpark Town Center
1000 Abernathy Rd NE; Bldg 400, Suite 200
Atlanta, GA 30328
Telephone: 855-427-2204
Fax: 866-960-8298

CARL MEYERS, LEB KEMP, TRACI YEAMAN, TIM WORSTELL, COLETTE MAYERS, EVAN PRESS, JOSHUA SANDERS, DAVID BARRY, KELLY MCDANIEL, CARY CORENBLUM, MATTHEW HANSEN, ISRAEL CURTIS, JOHN SISK, STEPHEN MAYERS, PATRICIA POSTON, NICK POSTON, DAVID POSTON, STEVE LEVA, SANDY DASIGENIS, LILLIAN POELKER, JEFF LEVA, MICHAEL ROSSIELLO, BELINDA MCGAUGHY, CARL NIENDORFF, L. KELLER MACKIE, MICHAEL W. ZIENTZ, MICHAEL D. VESTAL, RAFAEL REBONG, ESTER GONZALES, JESSICA HOLT OR WES WEBB - Substitute Trustee(s)

C/O AVT Title Services, LLC
5177 Richmond Avenue Suite 1230
Houston, TX 77056

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.

Certificate of Posting

I am STEVE LEVA whose address is c/o AVT Title Services, LLC, AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on DECEMBER 27, 2019 filed this Notice of Foreclosure Sale at the office of the Galveston County Clerk and caused it to be posted at the location directed by the Galveston County Commissioners Court.

FILED

Instrument Number: *FILED2019001742*

Filing Fee: 23.00

Number Of Pages:4

Filing Date: 12/27/2019 9:59AM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*