

Notice of [Substitute] Trustee Sale

Assert and protect your rights as a member of the armed forces of the United States. If you 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: 04/02/2024

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

Place: Harris County, Texas at the following location: **AT THE MAGNOLIA SOUTH BALLROOM OF THE BAYOU CITY EVENT CENTER LOCATED AT 9401 KNIGHT ROAD, HOUSTON, TX 77045 PER ORDER RECORDED IN CLERK'S FILE NO. RP-2023-304925, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court. 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: 2834 BALMORHEA AVENUE, HOUSTON, TX 77039

2. Terms of Sale: The sale will be conducted as a public sale 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 05/22/2003 and recorded 05/23/2003 in Book 568-25 Page 0338 Document W692279, real property records of Harris County, Texas, with JUAN GUTIERREZ AND SPOUSE, CAROLINA GUTIERREZ grantor(s) and SPRING CAPITAL PARTNERS, LIMITED PARTNERSHIP 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 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 JUAN GUTIERREZ AND SPOUSE CAROLINA GUTIERREZ, securing the payment of the indebtedness in the original principal amount of \$77,952.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. PHH MORTGAGE CORPORATION 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 the property to satisfy said indebtedness.

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

A tract of land containing 9683 square feet known as Tract 286 of Castlewood Tract "C"; an unrecorded subdivision in the Johnson Survey, Abstract Number 555, Harris County, Texas and being the same tract described in deed to Jimmy Acevedo, Jr. under Clerk's File Number P774279 of the Real Property Records of said Harris County, and, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod (found) at the most northerly west corner of the herein described tract, also being the southwest corner of Tract 285 as described in deed to Albert G. Cocanougher under Clerk's File Number E690272, and being located on the easterly right-of-way line of Balmorhea Avenue (width varies);

THENCE EAST along the north line of Tract 286, also being the south line of Tract 285 and departing said right-of-way line, a distance of 150.00 feet to a 1/2" iron rod (found) at the northeast corner of the herein described tract, also being the southeast corner of Tract 285, and being located on the westerly line of a Drainage Easement (60 feet in width) as described in Volume 5387, Page 486 of the Deed Records of said Harris County;

THENCE S 00 deg 00 min 25 sec W along the east line of Tract 286, also being the west line of said drainage easement a distance of 150.00 feet to a 1/2" Iron rod (found) at the southeast corner of the herein described tract, also being the northeast corner of a part of Tract 302 and Tract 303 as described in deed to Gabriel L. Caballero under Clerk's File Number E120323;

THENCE N 89 deg 55 min 32 sec W along the south line of Tract 286, also being the north line of said Caballero tract, a distance of 72.93 feet to a 1/2" iron rod (found) at the southwest corner of the herein described tract, also being the southeast corner of Tract 287 as described in deed to Willie K. Montgomery under Clerk's File Number E289699;

THENCE N 00 deg 02 min 28 sec W along the west line of Tract 286, also, being the east line of Tract 287, a distance of 96.39 feet to a 1/2" iron rod (found) at the most westerly corner of the herein described tract, also being the northeast corner of Tract 287, and being located on the aforementioned easterly right-of-way line of Balmorhea Avenue;

THENCE in a northeasterly direction following a curve to the left having a radius of 60.00 feet, an arc length of 66.00 feet to the Point of Beginning of the herein described tract of land.

8. Mortgage Servicer Information: The Mortgagee has 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 mortgage, whose address is:

C/O PHH Mortgage Corporation

PO BOX 24605 West Palm Beach, FL 33416-4605

Phone: 877-744-2506

TENESHIA HUDSPETH, COUNTY CLERK, HARRIS COUNTY, TEXAS

FRCL-2024-648

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No.: 2024-00079-TX
4-000083-673

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

THIS INSTRUMENT POINTS 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 29, 2024


Malysa Torres - Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.
7730 Market Center Ave, Suite 1230
El Paso, TX 79912
Telephone: 855-427-2204
Fax: 866-960-8298

For additional sale information visit www.mubzu.com or (855) 882-1314

**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 _____, whose address is c/o AVT Title Services, L.L.C., 5177 Richmond Avenue, Suite 1230,
Houston, TX 77056. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office
of the Harris County Clerk and caused it to be posted at the location _____ of the Harris County Commissioners Court.