

2022 DEC 13 PM 1:30

Notice of [Substitute] Trustee Sale

MANDY SAWYER  
COUNTY CLERK

**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:** 02/07/2023

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

**Place:** Rains County, Texas at the following location: **THE EASTMOST SIDE OF THE COURTHOUSE ANNEX WHICH IS LOCATED AT 220 WEST QUITMAN STREET 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:** 140 RS COUNTY ROAD 1190, EMORY, TX 75440-6926

**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 04/17/2006 and recorded 04/24/2006 in Book 471 Page 0115 Document 00889, real property records of Rains County, Texas, with **ANGELA FITTS, AN UNMARRIED WOMAN** grantor(s) and **OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION** as Lender, **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-OPT5, ASSET-BACKED CERTIFICATES, SERIES 2006-OPT5** 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 **ANGELA FITTS, AN UNMARRIED WOMAN**, securing the payment of the indebtedness in the original principal amount of **\$78,546.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-OPT5, ASSET-BACKED CERTIFICATES, SERIES 2006-OPT5** 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:

Being a tract or parcel of land situated in Rains County, Texas, being part of the S. M. Flourney Survey, Abstract No. 85, being all of a called 4.226 acre tract of land as described in a Receiver's Deed from Gary Lewis et al, to Toni Threadgill as recorded in Volume 445, Page 816 of the Official Public Records of Rains County, Texas and being further described as follows: Beginning at a 3/8 inch iron rod found for a corner at the northeast corner of said 4.226 acre tract, said Point of Beginning being on the west side of Rains County Road No. 1190, said Point of Beginning being at the existing southeast corner of a 0.495 acre tract of land as conveyed to J. Hogue as recorded in Volume 380 at Page 634 of the Real Records of Rains County, Texas; Thence S 03° 21' 08" W along the northernmost east line of said 4.226 acre tract and the west side of Rains County Road No. 1190, a distance of 213.73 feet to a 3 inch iron pipe found for a corner at the northernmost southeast corner of said 4.226 acre tract; Thence N 79° 55' 25" W along the easternmost south line of said 4.226 acre tract, a distance of 204.42 feet to a 3 inch iron pipe found for a corner; Thence S 03° 34' 04" W along the southernmost east line of said 4.226 acre tract, a distance of 114.10 feet to a 1/2 inch iron rod set for a corner at the southernmost southeast corner of said 4.226 acre tract; Thence N 78° 54' 37" W joining and along a fence and the westernmost south line of said 4.226 acre tract, a distance of 433.00 feet to a 2 inch iron pipe found for a corner at the southwest corner of said 4.226 acre tract; Thence N 00° 15' 43" E along a fence and the west line of said 4.226 acre tract, a distance of 318.97 feet to a 1/2 inch iron rod found for a corner at the northwest corner of said 4.226 acre tract; Thence S 79° 52' 13" E along a fence and the north line of said 4.226 acre tract, a distance of 105.94 feet to a 5/8 inch iron rod found for a corner; Thence S 80° 19' 02" E along a fence and the north line of said 4.226 acre tract, a distance of 547.84 feet returning to the Point of Beginning and containing 4.222 acres of land.

**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**

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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 8, 2022**

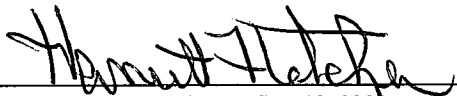
  
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Monique Patzer, Trustee Sale Assistant

C/O Power Default Services, Inc.  
2300 Lakeview Parkway, Suite 756  
Alpharetta, GA 30009  
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.**

**Certificate of Posting**

I am Harriett Fletcher 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 December 13, 2022 I filed this Notice of Foreclosure Sale at the office of the Rains County Clerk and caused it to be posted at the location directed by the Rains County Commissioners Court.

  
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Harriett Fletcher, December 13, 2022