

## 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:** 02/06/2024

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

**Place:** Houston County, Texas at the following location: **AT THE EASTSIDE OF THE HOUSTON COUNTY COURTHOUSE, UNLESS INCLEMENT WEATHER, THEN THE FIRST FLOOR LOBBY OF THE HOUSTON COUNTY COURTHOUSE, 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:** 712 NORTH MAIN, GRAPELAND, TX 75844

**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 10/11/2001 and recorded 10/16/2001 in Book 0000, Page 0001, Document 0100000004156, real property records of Houston County, Texas, with **JOHN D LOWERY, A MARRIED PERSON AND MELBA A LOWERY, A MARRIED PERSON** grantor(s) and **CENDANT MORTGAGE 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 **JOHN D LOWERY, A MARRIED PERSON AND MELBA A LOWERY, A MARRIED PERSON**, securing the payment of the indebtedness in the original principal amount of \$32,911.00, 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 for GSMPS Mortgage Loan Trust 2005-RP1, Mortgage Pass-Through Certificates, Series 2005-RP1** 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:

**0.340 acre, being all that certain tract or parcel of land lying and situated in Houston County, Texas, out of the WILLIAM BURKE SURVEY, ABSTRACT NO. 170 and being all that certain called 0.34 acre tract conveyed to Chad Goolsby, et ux in the document recorded in Volume 338 on Page 27 of the Deed Records of Houston County, Texas, to which reference is hereby made for all purposes and being more particularly described by metes and bounds as follows, to-wit: BEGINNING at a 3/4" iron pipe found for the Southwest corner of the aforesaid referred to 0.34 acre tract and the Northwest corner of a called 6/10 acre tract conveyed to Harold Z. Hogan, et ux in the document recorded in Volume 1043 on Page 608 of the Official Records of the said County; THENCE along the west boundary line of the said 0.34 acre tract, N 17° 00' 00" E at 100.61 feet a 1/2" iron pin set for the Northwest corner of the said 0.34 acre tract and the Southwest corner of a called 1/2 acre tract conveyed to Annie Reither in the document recorded in Volume 960 on Page 868 of the said Official Records; THENCE, along the common boundary line of the said 0.34 acre tract and the said 1/2 acre tract, S 84° 25' 06" E, at 149.65 feet pass on line a 1/2" iron pin set for reference, at 150.02 feet a point for the Northeast corner of the said 0.34 acre tract and the Southeast corner of the said 1/2 acre tract on the West Right-of-Way line of North Main Street from which point a 3/8" iron pipe found for reference bears S 84° 25' 06" E 2.78 feet; THENCE, along the East boundary line of the said 0.34 acre tract and along the said West ROW line, S 17° 00' 00" W at 100.70 feet a point for the Southeast corner of the said 0.34 acre tract and the Northeast corner of the said 6/10 acre tract; THENCE, along the common boundary line of the said 0.34 acre tract and the said 6/10 acre tract, N 84° 23' 00" W, at 0.58 feet pass on line a 3" iron pipe found for reference, at 150.00 feet the POINT AND PLACE OF BEGINNING and containing 0.340 acre 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**

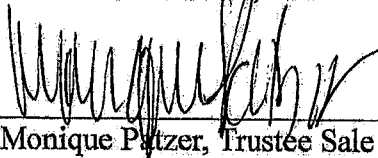
TS No.: 2023-01604-TX  
23-000779-673

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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:** December 20, 2023



Monique Putzer, Trustee Sale Assistant

C/O Power Default Services, Inc.  
7730 Market Center Ave, Suite 100  
El Paso, TX 79912  
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 Sharon St. Pierre 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 28, 2023 I filed this Notice of Foreclosure Sale at the office of the Houston County Clerk and caused it to be posted at the location directed by the Houston County Commissioners Court.