

## NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

**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. Sender is: Codilis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060**

### INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated December 27, 2004 and recorded under Vol. 844, Page 390, or Clerk's File No. 127015, in the real property records of MAVERICK County Texas, with Elsa Frausto and Jose A. Frausto, wife and husband as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Resmae Mortgage Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Elsa Frausto and Jose A. Frausto, wife and husband securing payment of the indebtedness in the original principal amount of \$56,800.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Elsa Frausto. HSBC Bank USA, National Association, as Trustee for ACE Securities Corp. Home Equity Loan Trust, Series 2005-RM1 is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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 property securing the above referenced loan. PHH Mortgage Corporation is acting as the Mortgage Servicer for the Mortgagee. PHH Mortgage Corporation, is representing the Mortgagee, whose address is: 1 Mortgage Way, Mount Laurel, NJ 08054.

#### Legal Description:

**BEING THE SOUTH 36.8 FEET OF THE NORTH 91.8 FEET OF LOTS 17 AND 18, BLOCK 1, SOUTH HEIGHTS ADDITION, UNIT 1, AN ADDITION TO THE CITY OF EAGLE PASS, MAVERICK COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT THEREOF RECORDED IN VOLUME 6 PAGE 238, DEED RECORDS OF MAVERICK COUNTY, TEXAS.**

### SALE INFORMATION

**Date of Sale: 03/02/2021**

**Earliest Time Sale Will Begin: 10:00 AM**

**Location of Sale:** The place of the sale shall be: MAVERICK County Courthouse, Texas at the following location: On the steps at the front of the Maverick County Courthouse on Quarry Street, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

### TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. 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.**

The sale will begin at the earliest time stated above, or within three (3) hours after that time. 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.**

**WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE Calvin Speer, Melody Speer, Wendy Speer, Amy Ortiz, Bertha Cardenas, Garrett Sanders, Leo Gomez, Nancy Gomez, Ramon Perez, Stacey Sanders, Vicki Rodriguez, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:  
Codilis & Moody, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Executed on 02/04/2021.

/s/ Lisa Collins SBOT No. 24115338, Attorney at Law  
Codilis & Moody, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Posted and filed by: Calvin Speer  
Printed Name: Calvin Speer

C&M No. 44-20-1074

FILED  
AT 11:05 O'CLOCK A.M.  
FEB 08 2021  
SARA MONTEMAYOR  
County Clerk, Tarrant County, Texas  
By: [Signature] Deputy