

**NOTICE OF SHERIFF'S SALE OF REAL PROPERTY (NON-FORECLOSURE) CCP 701.540**

Court Case #: CIVDS2021821

Sheriff's File Levy # 25014981

Date: 02/03/2026

In Favor of: ANDOVER SQUARE HOMEOWNERS ASSOCIATION  
And against: DAVID M. MARTINEZ

Under a WRIT OF SALE issued by the Superior Court, County of San Bernardino, State of California on 10/10/2025 on a judgment rendered on 10/25/2021 for the sum of \$19,998.08, I have levied upon all the right, title, claim and interest of the judgment debtor(s) DAVID M. MARTINEZ in the real property, in the county of San Bernardino, described as follows:

Physical Address: 703 N. DRIFTWOOD AVENUE RIALTO CA 91376  
APN(s): 0128-603-01-0000

Legal Description: 703 N. DRIFTWOOD AVENUE RIALTO, CA 91376. APN: 0128-603-01-0000. SEE ATTACHED EXHIBIT A FOR FULL LEGAL DESCRIPTION.

PROSPECTIVE BIDDERS SHOULD REFER TO SECTIONS 701.510 TO 701.680 INCLUSIVE OF THE CODE OF CIVIL PROCEDURES FOR PROVISIONS GOVERNING THE TERMS, CONDITIONS AND EFFECT OF THE SALE AND THE LIABILITY OF DEFAULTING BIDDERS. (CCP 701.547)

**PUBLIC NOTICE IS HEREBY GIVEN** that I will proceed to sell at public auction to the highest bidder, for cash in lawful money of the United States, all the right, title, claim and interest of said judgment debtor(s) in the above described property, or so much thereof as may be necessary to satisfy said judgment, with accrued interest and costs on:

Date and Time of Sale: 03/16/2026 at 1:00 pm  
at the following location:

San Bernardino County Superior Court  
351 N Arrowhead Avenue  
San Bernadino, CA 92415-0245

Directions to property location may be obtained from the levying officer upon written or oral request.

SHANNON D. DICUS, Sheriff

By:

  
S. Bierman, Sheriff's Authorized Agent



LIENS MAY BE PRESENT WHICH MAY OR MAY NOT SURVIVE THIS LEVY

**"Exhibit A"**

**LEGAL DESCRIPTION**

**Legal Description:** Lot 1 of Tract 12633 as shown on the applicable recorded Tract Map in the records of San Bernardino County, California, and more particularly described on that certain grant deed recorded on March 15, 2016, as instrument number 2016-0098164, which is commonly known as 703 N. Driftwood Avenue, Rialto, California 91376.

APN: 0128-603-01



SHANNON D. DICUS, SHERIFF-CORONER

### Terms and Conditions of a Sheriff's Sale

1. If you are the winning bidder, you must be prepared to pay in cash, certified check, or cashier's check. Personal checks, company checks, traveler's checks, or money orders are not acceptable (CCP 701.590(a)).
2. If you pay by certified check or cashier's check, the check must be payable to "Sheriff's Court Services." You may not endorse a check payable to you or anyone else over to the Sheriff's Department.
3. The winning bidder must be prepared to pay the full amount at the time of sale when:
  - a) The bid amount on real property is \$5,000.00 or less, or,
  - b) The bid amount on personal property is \$2,500.00 or less.
4. If the winning bid for an interest in the real property exceeds \$5,000.00, the bidder shall deposit at least \$5,000.00 or 10% of the bid, whichever is greater; and within 10 days after the date of sale, pay the balance plus interest on the balance and costs accruing related to the sale.

If the winning bid for an item, group, or a lot of personal property sold exceeds \$2,500.00, the winning bidder shall deposit at least \$2,500.00 or 10% of the bid, whichever is greater; and within 10 days after the date of the sale, pay the balance plus interest on the balance and costs accruing related to the sale. The winning bidder is also responsible for transfer taxes and fees.

The winning bidder is not entitled to possession of the property until the bid, plus costs and interest, have been paid.

If the winning bidder does not pay the bid amount as prescribed above, they will forfeit their deposit (CCP 701.590, 701.600).

5. The judgment creditor may bid against all or part of the judgment. Unpaid levying costs, preferred labor claims, exempt proceeds, and any other claims required to be satisfied shall be paid in cash or by certified check or cashier's check (CCP 701.590).
6. If a minimum is required and not received, provisions of CCP 701.620 will apply.
7. Prospective bidders should refer to CCP 701.600(c) regarding the liability of defaulting bidders.
8. Any person may bid on and purchase property at a Sheriff's Sale except employees of the San Bernardino County Sheriff's Department and their immediate families.
9. All bidders shall say how they intend to pay for the property and show evidence of their ability to pay. We do this for the benefit of all bidders.
10. The winning bidder shall be prepared to do business immediately. The auctioneer will not wait while you go to the bank for money.

**Sales Subject to the Right of Redemption**

The Right of Redemption applies only to real property. When an interest in real property is sold subject to the Right of Redemption, it means that the debtor, whose interest in the property is being sold, will have a certain amount of time to redeem or buy back their property interest. The purchaser will be issued a Certificate of Sale, and a duplicated copy of the certificate will be recorded (CCP 729.040). This certificate does not constitute a transfer of title but grants the purchaser specific rights (CCP 729.090).

The redemption period will depend on the selling price as follows (CCP 709.030):

- A. 3 months after the sale date if the sale proceeds are sufficient to satisfy the secured indebtedness with interest and costs.
- B. 1 year after the sale date if the sale proceeds are not sufficient to satisfy the secured indebtedness with interest and costs.

The redemption price is the total of the following:

- a) The purchase price at the time of the sale.
- b) The amount of any assessments or taxes and reasonable amounts for fire insurance, upkeep, and repair or improvements on the property.
- c) Any amount paid by the purchaser on a prior obligation secured by the property to the extent that the payment was necessary to protect the purchaser's interest.
- d) Interest on the amounts described above from the time such amounts were paid and until the deposit date.
- e) If the purchaser has any liens subordinate to the lien under which the property was sold, the amount of the purchaser's lien, plus interest from the sale date to the deposit date.

Rents and profits from the property paid to the purchaser or the value of the property's use and occupation to the purchaser may be offset against the amounts described above (CCP 729.060).

Disputes related to the right to redeem the property shall be resolved in court. The petitioner must petition the court before the redemption period expires. The petitioner must supply our office with the written notice of the hearing (CCP 729.070).

Refer to sections within CCP 729.010 for more information concerning the redemption process.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME DANIEL MEDIONI FIRM NAME WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP STREET ADDRESS 11400 West Olympic Boulevard, 9th Floor CITY Los Angeles TELEPHONE NO. (310) 478-4100 EMAIL ADDRESS dmedioni@wrslawyers.com		STATE BAR NO. 261329 STATE CA ZIP CODE 90064-1582 FAX NO. (310) 479-1422	FOR COURT USE ONLY
ATTORNEY FOR (name): Plaintiff Andover Square Homeowners Association <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS 247 West Third Street MAILING ADDRESS 247 West Third Street CITY AND ZIP CODE San Bernardino, 92415-0210 BRANCH NAME San Bernardino District - Civil Division			
PLAINTIFF/PETITIONER: Andover Square Homeowners Association DEFENDANT/RESPONDENT: David M. Martinez, et al.		CASE NUMBER: CIVDS2021821	
<input type="checkbox"/> EXECUTION (Money Judgment) <b>WRIT OF</b> <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input checked="" type="checkbox"/> SALE <input type="checkbox"/> Real Property		<input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate)	

## 1. To the Sheriff or Marshal of the County of: San Bernardino

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

## 2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

## 3. (Name): Plaintiff Andover Square Homeowners Association

is the  original judgment creditor  assignee of record whose address is shown on this form above the court's name.

## 4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

David M. Martinez

703 N. Driftwood, Avenue  
Rialto, California 91376

Additional judgment debtors on next page

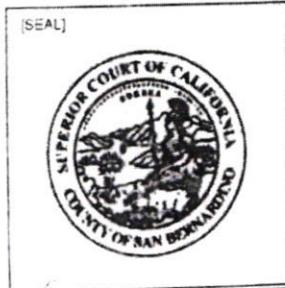
## 5. Judgment entered on (date): October 25, 2021

(See type of judgment in item 22.)

6.  Judgment renewed on (dates):

## 7. Notice of sale under this writ:

a.  has not been requested.  
 b.  has been requested (see next page).

8.  Joint debtor information on next page.

Date: OCT 10 2025

Clerk, by

Paola Hernandez

Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

## WRIT OF EXECUTION

Code of Civil Procedure §§ 699.520, 712 C10, 715.010

Government Code, § 6103.5

www.courts.ca.gov

Westlaw Doc &amp; Form Builder

Page 1 of 3

Plaintiff/Petitioner: Andover Square Homeowners Association	CASE NUMBER
Defendant/Respondent: David M. Martinez, et al.	CIVDS2021821

21.  Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. The judgment is for (check one):

- a.  wages owed.
- b.  child support or spousal support.
- c.  other.

23.  Notice of sale has been requested by (name and address):

Andover Square Homeowners Association  
c/o Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP  
11400 West Olympic Boulevard, 9th Floor  
Los Angeles, CA 90064

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24.  Joint debtor was declared bound by the judgment (CCP 989-994)

- a.  on (date):
- b. name, type of legal entity if not a natural person, and last known address of joint debtor:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c.  Additional costs against certain joint debtors are itemized:  below  on Attachment 24c.

25.  (Writ of Possession or Writ of Sale) Judgment was entered for the following:

- a.  Possession of real property: The complaint was filed on (date):  
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
  - (1)  The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
  - (2)  The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
  - (3)  The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
  - (a) The daily rental value on the date the complaint was filed was \$
  - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

Plaintiff/Petitioner: Andover Square Homeowners Association	CASE NUMBER:
Defendant/Respondent: David M. Martinez, et al.	CIVDS2021821

25. b.  Possession of personal property.

If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.

c.  Sale of personal property.

d.  Sale of real property.

e. The property is described  below  on Attachment 25e.

Lot 1 of Tract 12633, as shown on the applicable recorded Tract Map in the records of San Bernardino County, California, and more particularly described on that certain grant deed recorded on March 15, 2016, as instrument number 2016-0098164, which is commonly known as 703 N. Driftwood, Avenue, Rialto, California 91376.

#### NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

ORIGINAL

1 DANIEL MEDIONI (State Bar No. 281329)  
2 Dmedioni@wrslawyers.com  
3 WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP  
4 11400 West Olympic Boulevard, 9<sup>th</sup> Floor  
5 Los Angeles, California 90064-1582  
6 Telephone: (310) 478-4100  
7 Facsimile: (310) 479-1422

8 Attorneys for Plaintiff Andover Square  
9 Homeowners Association

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

OCT 25 2021

BY RAFAEL HERNANDEZ, DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN BERNARDINO, SAN BERNARDINO DISTRICT

10  
11 ANDOVER SQUARE HOMEOWNERS  
12 ASSOCIATION,

Case No. CIVDS2021821

Limited Civil Case

13 Plaintiff,  
14 vs.  
15 DAVID M. MARTINEZ, an individual;  
16 and DOES 1 through 5, inclusive.  
17 Defendant.

JUDGMENT BY COURT AFTER  
DEFAULT (FORECLOSURE AND  
ORDER OF SALE)

Trial Date: Nonc  
Department: S16

18 Plaintiff Andover Square Homeowners Association submitted the declarations of  
19 Alex Juarez and Daniel Medioni in support of default judgment by court. It appearing that  
20 defendant David M. Martinez, having been regularly served with process, failed to appear  
21 in answer to plaintiff's complaint filed herein, and the default of said defendant having  
22 been duly entered and evidence having been introduced under California Code of Civil  
23 Procedure Section 585(d) and having been considered by this Court:

24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

25 1. Plaintiff Andover Square Homeowners Association, have judgment by  
26 default which may be enforced by foreclosure and/or money judgment against defendant  
27 David M. Martinez.

28 2. Plaintiff recover from defendant David M. Martinez the following sums:

JUDGMENT BY COURT AFTER DEFAULT

1                   A. Principal in the amount of \$5,406.04, through January 1, 2021;  
2                   B. Attorney's fees in the amount of \$1,225.00;  
3                   C. Plaintiff's costs and disbursements in the amount of \$711.00; and  
4                   D. Actual costs of foreclosure and sale.

5                   3. The real property hereinafter described, or as much of it as may be necessary,  
6 is hereby ordered to be sold in the manner prescribed by law, and order of sale will issue to  
7 the Sheriff of the County of San Bernardino, California, ordering and directing him/her to  
8 conduct such sale. Any party to this action may purchase at the sale.

9                   4. From the proceeds of the sale, the Sheriff shall pay to plaintiff, after  
10 deducting the expenses of sale, the sum adjudged due, together with interest at the  
11 maximum rate allowed by law from the date of this judgment.

12                 5. If any surplus remains after making these payments, the surplus shall be paid  
13 in accordance with the priority set forth in Code of Civil Procedure Section 701.810, and  
14 defendant shall not receive any sum until all superior claims have been paid, including  
15 plaintiff's secured claim for assessments and related charges accruing after the date of  
16 judgment herein, if any.

17                 6. Defendant David M. Martinez is personally liable for payment of the sum  
18 secured by the notice of assessment lien for homeowners association maintenance  
19 assessments and related charges, recorded with the San Bernardino County Recorder on  
20 March 11, 2020, as instrument number 2020-0088438, and is a defendant against whom a  
21 deficiency judgment may be ordered. The Court retains jurisdiction to determine the  
22 amount of deficiency, if any.

23                 7. After the time allowed by law for redemption has expired, if any, the Sheriff  
24 shall execute a deed to the purchasers at the sale, who may then take possession, if  
25 necessary, with the assistance of the Sheriff of the County of San Bernardino, California.

26                 8. Defendant David M. Martinez and all persons claiming from and under him.  
27 and all persons having any lien subsequent to the notice of assessment by any judgment on  
28 the real property hereinafter described, and their personal representatives, and all persons

1 claiming to have acquired any estate or interest in the premises subsequent to the recording  
2 of the notice of pendency of this action with the County Recorder, are forever barred and  
3 foreclosed from all equity of redemption in and claims to the premises, and every part of  
4 the premises, from and after delivery of the deed by the Sheriff.

5       9. The property which is the subject of this judgment and order is legally  
6 described as:

7 Lot 1 of Tract 12633, as shown on the applicable recorded

8 Tract Map in the records of San Bernardino County, California.

9 and more particularly described on that certain grant deed recorded on March 15, 2016, as  
10 instrument number 2016-0098164, which is commonly known as 703 N. Driftwood,  
11 Avenue, Rialto, California 91376. 

11 Avenue, Rialto, California 91376.

12 DATED: 10-25-2021

~~JUDGE OF THE SUPERIOR COURT~~

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THE DOCUMENT TO WHICH THIS CERTIFICATION  
IS ATTACHED, CONSISTING OF 3 PAGE(S), IS A  
FULL, TRUE AND CORRECT COPY OF THE ORIGINAL  
ON FILE AND OF RECORD IN MY OFFICE.

ATTEST ANABEL Z. ROMERO  
Clerk of the Superior Court of the State of California,  
in and for the County of San Bernardino.

Date AUG 01 2023

By Suzanne Trujillo Deputy  
