

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.

ORIGINAL

EJ-130

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 STATE CA ZIP CODE 90064-1582 TELEPHONE NO. (310) 478-4100 FAX NO. (310) 479-1422 EMAIL ADDRESS dmedioni@wrslawyers.com 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		FOR COURT USE ONLY RECEIVED
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
WRIT OF <input type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input checked="" type="checkbox"/> SALE <input checked="" type="checkbox"/> Real Property		<input checked="" 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 page5. 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.9. ☒ Writ of Possession/Writ of Sale information on next page.10. ☐ This writ is issued on a sister-state judgment.

For items 11-17, see form MC-012 and form MC-013-INFO.

11. Total judgment (as entered or renewed)	\$	7,342.04
12. Costs after judgment (CCP 685.090)	\$	9,854.30
13. Subtotal (add 11 and 12)	\$	17,196.34
14. Credits to principal (after credit to interest)	\$	0.00
15. Principal remaining due (subtract 14 from 13)	\$	17,196.34
16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees)	\$	2,761.74
17. Fee for issuance of writ (per GC 70626(a)(1))	\$	40.00
18. Total amount due (add 15, 16, and 17)	\$	19,998.08

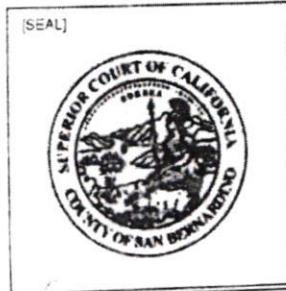
19. Levying officer:

a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees)

\$ 3.59

b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j))

\$ 0.00

20. ☐ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.Date: **OCT 10 2025**

Clerk, by

Paola Hernandez

Deputy

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

Page 1 of 3

WRIT OF EXECUTION

Code of Civil Procedure §§ 699.520, 712.010, 715.010
Government Code § 6103.5
www.courts.ca.gov

Westlaw Doc & Form Builder

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

CASE NUMBER
 CIVDS2021821

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

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

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

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

- 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
 Defendant/Respondent: David M. Martinez, et al.

CASE NUMBER:
 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)

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11400 West Olympic Boulevard, 9th Floor

3 Los Angeles, California 90064-1582

Telephone: (310) 478-4100

4 Facsimile: (310) 479-1422

5 Attorneys for Plaintiff Andover Square
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

11 ANDOVER SQUARE HOMEOWNERS
ASSOCIATION,

12 Plaintiff,

13 vs.

14 DAVID M. MARTINEZ, an individual;
15 and DOES 1 through 5, inclusive.

16 Defendant.

Case No. CIVDS2021821

Limited Civil Case

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

Trial Date: None
Department: S16

17
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

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

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

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

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

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

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

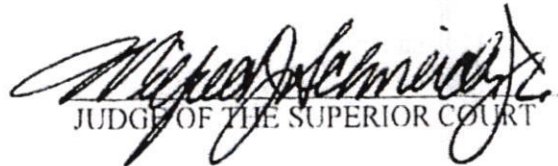
8. Defendant David M. Martinez and all persons claiming from and under him, and all persons having any lien subsequent to the notice of assessment by any judgment on the real property hereinafter described, and their personal representatives, and all persons

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.

12 DATED: 10-25-2021


JUDGE OF THE SUPERIOR COURT

13
14
15
16
17
18
19
20 NOTARIAL PUBLIC STATE OF CALIFORNIA
21 A 21 (2)2021
22 FULL TRUE AND CORRECT COPY OF THE ORIGINAL
23 ATTACHED DOCUMENT IS
24 Date: _____
25 _____
26 _____
27 _____
28 _____





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 SJT Deputy
Suzanne Trujillo