

## NOTICE OF FORECLOSURE 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.

### RECITALS:

- A. HomeCo Partners, LLC (the “Holder”) is the current owner and holder of the Promissory Note described below.
- B. The Promissory Note is secured by the Commercial Investor Deed of Trust described below.
- C. The Borrower named below is in default under the Promissory Note and the Commercial Investor Deed of Trust and the default has not been cured after receiving notice of default and opportunity to cure.
- D. The undersigned has accelerated the indebtedness evidenced by the Promissory Note.

### NOTICE OF FORECLOSURE SALE:

Notice is given that the Property described below shall be sold at public auction on the date, at the time, and in accordance with the terms contained in this Notice of Foreclosure Sale and the applicable laws of the State of Texas.

#### 1. Date, Time, and Place of Sale:

**Date:** The sale shall be held on Tuesday, March 5, 2024.

**Time:** The sale will begin at 10:00 AM and will be conducted within three hours thereafter.

**Place:** In the area designated by the Commissioners Court of such County, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Foreclosure Sale is posted).

#### 2. Terms of Sale:

Because of the default in performance of the obligations secured by the Deed of Trust, the Trustee will sell the property “As Is” by public auction to the highest bidder for cash or cash equivalent.

**3. Instrument to be Foreclosed:**

The security instrument to be foreclosed is the Deed of Trust dated September 19, 2022, by PREMIER PROPERTY DEVELOPERS LLC, a Texas limited liability company, as grantor(s), to GARY LANCASTER, as Trustee, said instrument having been assigned to NIGHTINGALE LAW GROUP PLLC, as Trustee, via Appointment of Successor Trustee, filed in the Real Property Records of Galveston County, Texas, for the benefit of Lonestar Flipco Financial, LLC as beneficiary, and recorded under 2022060926 in the official public records of Galveston County, Texas. Said security instrument having been assigned to HomeCo Partners, LLC.

**4. Name and Address of Trustee:**

The name of the Trustee is: NIGHTINGALE LAW GROUP PLLC: CASEY MARCIN AND/OR KATIE WOLLFARTH

The address of the Trustee is: 12140 Wickchester Lane, Suite 111, Houston, Texas 77079.

**5. Obligations Secured:**

The indebtedness evidenced by the Promissory Note in the original principal amount of four hundred five thousand dollars (\$405,000.00) including all accrued and unpaid interest and all other amounts payable by the debtor[s] as described in the promissory note, any other related documents and all modifications, renewals, and extensions thereof. is the current lien holder of the Deed of Trust and the current owner and holder of the Promissory Note.

**6. Property to Be Sold:**

The property to be sold is described as follows:

See attached Exhibit A incorporated herein as if set forth at length.

**7. Additional Provisions:**

Default has occurred in the payment of the Promissory Note and in the performance of the obligations of the Deed of Trust. Because of that default, Holder, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is given of Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Holder's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

Notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust and applicable Texas law.

If Holder passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been released or subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record by Holder from the security interest of the Deed of Trust. Prospective bidders are urged to examine the applicable property records to determine the nature and extent of such matters, if any.

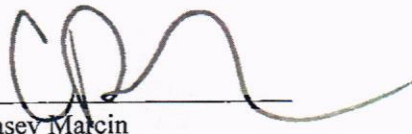
Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to Section 51.0075(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

This Notice of Foreclosure Sale is executed this 25th day of January 2024.

NIGHTINGALE LAW GROUP, PLLC

By:



Casey Marcin  
12140 Wickchester Drive, Suite 111  
Houston, Texas 77079

**EXHIBIT A**

Legal Description of Real Property

[Commonly known as 2715 Ave K Galveston, Texas 77550 and by Tax Parcel ID No. 100861]

Lot 4, Block 87, in the City and County of Galveston, Texas, being that same property conveyed to Connie V. Hill in General Warranty Deed recorded in Clerk's File No. 9332621, and corrected in Clerk's File No. 9336287, Official Public Records, Galveston County, Texas.

**FILED**

Instrument Number: *FILED2024000176*

Filing Fee: 2.00

Number Of Pages: 5

Filing Date: 02/12/2024 11:20AM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



*Dwight D. Sullivan*

**Dwight D. Sullivan, County Clerk**  
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

**DO NOT DESTROY** - *Warning, this document is part of the Official Public Record.*