

**NOTICE OF FORECLOSURE SALE  
(COMMERCIAL PROPERTY)**

NOTICE IS HEREBY GIVEN OF A PUBLIC NONJUDICIAL FORECLOSURE SALE.

1. Date of Notice. February 13, 2024
2. Trustee. Melina B. Cain, 416 Westheimer, Houston, Texas 77006; Phone (713) 623-8200
3. Payee. BMI Investments Incorporated, a Texas corporation, as the present Payee and current holder of the Note and present Beneficiary under the Deed of Trust.
4. Property To Be Sold. The property to be sold is the improved real property with a street address and commonly known as 4528 Avenue L., Galveston, Texas 77551 more particularly described in that certain Commercial Deed of Trust dated March 30, 2021 which is recorded under Galveston County Clerk's file No. 2021031944 (the "Property").
5. Note, Deed(s) of Trust & Related Obligations. Real Estate Lien Note dated on or about March 30, 2021 in the original principal amount of \$193,100.00 (the "Note"), executed by Shatill Monte Johnson dba Sebastians's Heart as Maker (the "Maker") payable to the order of BMI Investments Incorporated, a Texas corporation, the indebtedness under which Note, together with all expenses and any other and future amounts that the Maker may owe the Payee (the "Indebtedness"), is secured by that certain Commercial Deed of Trust dated effective as of even date with the Note and executed by Maker as Grantor and Payee as Beneficiary and is recorded under Galveston County Clerk's file number 2021031944.
6. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:  
  
Date (First Tuesday of Month):        March 5, 2024  
  
Time: The sale shall begin no earlier than 11:00 a.m. or no later than four hours thereafter. The sale must be completed by no later than 4:00 P.M.  
  
Place: Galveston's Old Courthouse, 722 Moody, St. Galveston, Texas 77550, or other area as may be designated by order of Commissioner's Court.
7. Non-Judicial Foreclosure Sale. The sale will be non-judicial foreclosure sale of the Property. This sale is being noticed and made pursuant to the terms of the Note and Deed of Trust. This is a sale only of the Property which is highlighted on Exhibit "B."
8. Terms of Sale. THE SALE WILL BE CONDUCTED AS A PUBLIC AUCTION TO THE HIGHEST BIDDER FOR CASH, subject to the rights of the Payee to bid at the time of sale. Those desiring to purchase the Property will need to demonstrate their ability to pay cash before 4:00 pm on the day the Property is sold.

9. New Trustee May Be Appointed. Before the sale, the Payee may appoint a different trustee to conduct the sale and will not necessarily notify the Maker of such appointment. Notwithstanding the appointment of any additional substitute trustee, the Maker can contact the Payee and/or the Trustee named below before the date of the sale with additional details about the Property and the sale noticed hereby.

10. Current Obligations. The Maker did not perform its obligations to the Payee under the Note and Deed of Trust. Specifically, the Maker has not performed its obligations to make timely payments on the Property or to pay taxes and has caused liens to be threatened against the Property. In addition, the Maker has prevented the Payee from collecting rents from surrounding properties, which has resulted in a slander of title. The Maker now owes the Beneficiary (i) the accelerated loan balance; (ii) all amounts to pay property taxes and insurance on the Property if they have not been paid before the date of posting for foreclosure; (iii) attorney's fees of \$1,900.00 to prepare this Notice and post the Property for foreclosure; (iv) any additional attorney's fees and expenses incurred after the date of this Notice in connection with posting the Property for foreclosure and conducting the sale and as may be incurred to protect and/or foreclose the liens against the Property in favor of the Beneficiary; and (v) if the Property is sold at foreclosure, a trustee's fee as may be provided by the Note or Deed of Trust. **Contact the Trustee and/or the Payee to get the exact amount due before the sale.**

11. Questions. Questions concerning the sale must be directed to the Trustee, or to the Payee at the following addresses and phone numbers:

If to Trustee:

Melina B. Cain, 416 Westheimer Rd., Houston, Harris County, Texas 77006; Telephone: (713) 623-8200; E-mail: [melina@houstonlegal.services](mailto:melina@houstonlegal.services)

If to Payee:

BMI Investments Incorporated, a Texas corporation, 1925 Southwest Freeway, Houston, Harris County, Texas 77098; Telephone: (713) 524-0401. Attn: Barbra Markman

12. Default and Request To Act. Default has occurred under the Deed of Trust, and the Payee has requested the Trustee to conduct this sale. **NOTE: To prevent foreclosure, all attorney's fees must be paid directly to the Trustee.**

13. Notice of Military Rights. Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on any 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.

14. Sale Subject to all Prior Matter of Records. Except as is unambiguously required by applicable law, this sale will be expressly subject to the Deed of Trust and to any title matters of record as of the date of the Deed of Trust, if any, to the extent that they remain in force and effect, and to all title matters and encumbrances as of the date of the sale. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

15. Limitation of Warranties. THE SALE OF THE PROPERTY WILL BE MADE "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, BY THE PAYEE, CURRENT HOLDER, TRUSTEE OR THEIR RESPECTIVE ATTORNEYS, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE PAYEE, THE BENEFICIARY OR THE TRUSTEE OR THEIR RESPECTIVE AGENTS AND/OR ATTORNEYS MAKE ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO THE CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION OF THE PROPERTY OR THE IMPROVEMENTS THERETO, INCLUDING THE EXISTENCE OF ANY LATENT DEFECTS, COMPLIANCE WITH APPLICABLE LAWS OR THE EXISTENCE OF OTHER FAULTS WITH THE PROPERTY. THE PAYEE, TRUSTEE AND/OR THE CURRENT HOLDER EXPRESSLY DISCLAIM ALL WARRANTIES, AND ANY BIDDER TO PURCHASE (OR ANY PURCHASER OF) THE PROPERTY EXPRESSLY WAIVES AND RELEASES ANY AND ALL CLAIMS AGAINST THE PAYEE, TRUSTEE AND/OR CURRENT HOLDER (AND THEIR RESPECTIVE AGENTS AND/OR ATTORNEYS) IN CONNECTION WITH THE PROPERTY, THE NOTE, THE DEED OF TRUST OR THE ACTIONS OF THE PAYEE, CURRENT HOLDER AND/OR TRUSTEE.

Executed in Multiple Originals this 13th day of February 2024.

BMI INVESTMENTS INCORPORATED

By:


  
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Melina B. Cain, Trustee  
416 Westheimer  
Houston, Texas 77006  
Telephone: 713-623-8200

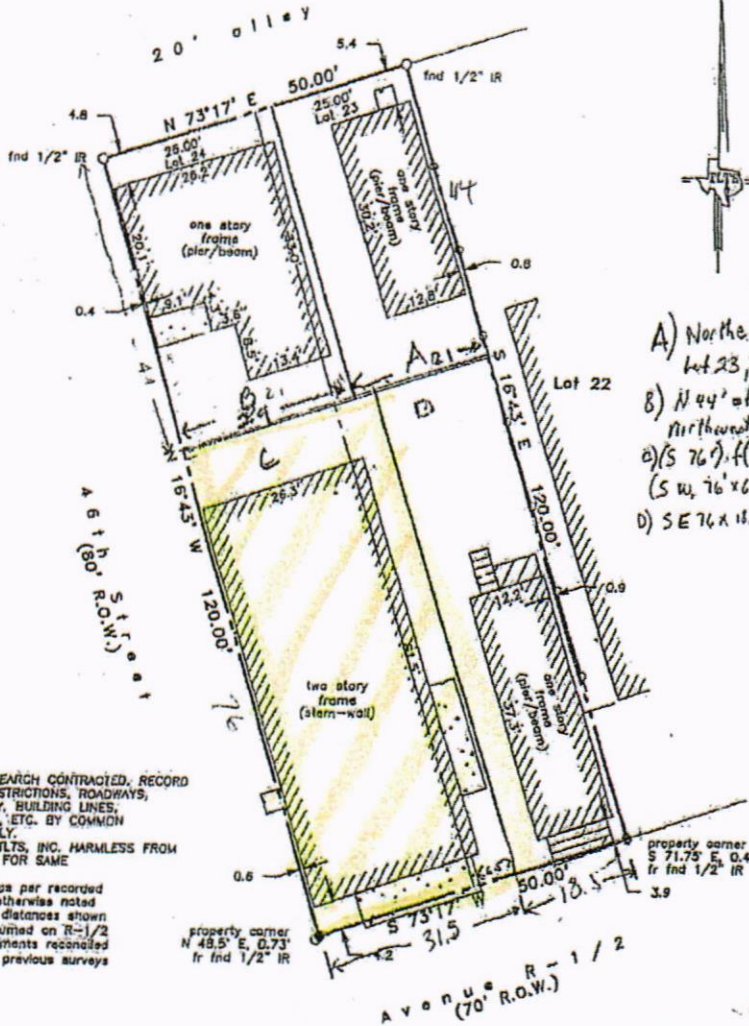
EXHIBIT A

4528 Avenue L, Galveston TX 77551

South 76' of lot TWENTY FOUR (24), and the South West 76' x 6.5' of Lot TWENTY THREE (23), DENVER RESURVEY, In the City and County of Galveston, Texas, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 91, Page 196 in the Office of the County Clerk of Galveston County, Texas

NATIONAL FLOOD INSURANCE PROGRAM  
FIRM Zones AE  
Community #405469  
Map #8187C0-4370  
August 15, 2019

A-40  
PAIN  
4 FMS  
SCANG  
CARRY



- A) Northeast 21' x 44' of Lot 23;
- B) If 44' of Lot 24 and the Northeast 41' x 44' of Lot 23
- C) (S 76°) of (Lot 24) or the (S W 76' x 6.5' of Lot 23
- D) S E 76' x 11.5' of Lot 23

NOTES:  
NO RECORDS SEARCH CONTRACTED, RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, BUILDING LINES, ENCUMBRANCES, ETC. BY COMMON KNOWLEDGE ONLY.  
CLIENT HOLDS TLTS, INC. HARMLESS FROM RESPONSIBILITY FOR SAME

- Restrictions as per recorded plat unless otherwise noted
- True ground distances shown
- Bearings assumed on R-1/2
- Survey monuments recognized w/numerous previous surveys



Subject property: 4528 Avenue L  
Galveston County, Texas

This survey is certified for this transaction only and may only be relied on by Marla Martinez. This survey is only valid if print has original seal and signature of surveyor. I hereby certify that this survey was made on the ground under my direct supervision and that this plat correctly represents the facts found at the time of the survey.



*Laurence C. Wall*

Laurence C. Wall  
RPLS #4814  
November 24, 2020

LAND TITLE SURVEY OF A TRACT OF LAND being Lots 23 and 24, In Block 13, of DENVER RESURVEY, in the City and County of Galveston, Texas, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 91, Page 196 in the Office of the County Clerk of Galveston County, Texas.



TLTS, Inc.  
TEXAS LAND TITLE SURVEYORS  
1801 Moody Avenue  
Galveston, Texas 77660  
(409) 765-8883

EXHIBIT 2

**FILED**

Instrument Number: *FILED2024000197*

Filing Fee: 2.00

Number Of Pages: 6

Filing Date: 02/13/2024 3:27PM

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*

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**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.*