

## Notice of Foreclosure Sale

April 15, 2024

### Deed of Trust ("Deed of Trust"):

Dated: May 3, 2019

Grantor: Juan Antonio Moreno, a single person; and Luz Maria Porcayo, a single person

Trustee: Vickie Johnston, P.C.

Lenders: Jim H. Wang; Kathy Lai; and Kitty Wong

Recorded in: Document No. 2019023043 of the real property records of Galveston County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of \$214,000.00 executed by Juan Antonio Moreno and Luz Maria Porcayo ("Borrower") and all other indebtedness of Borrower to Lenders, payable to the order of Lenders.

Legal Description: The Real Property, improvements, and personal property described in the Deed of Trust and all rights and appurtenances thereto described as follows: Lot One (1) of the Replat of Lots 13 through 16 in Block 291 of the Nicholstone, a subdivision in Galveston County, Texas according to the map or plat thereof recorded in County Clerk's File No. 2018024455 in the Office of the County Clerk of Galveston County, Texas, commonly known as 4411 East 38<sup>th</sup> Street, Dickinson, TX 77539.

Substitute  
Trustee: Anita Suson, Cate Lauber

Substitute  
Trustee's Address: 3220 Broadway Street, Suite 200  
Houston, Texas 77017

Substitute Trustee  
Telephone: (281) 501-3025

### Foreclosure Sale

*Date:* **Tuesday, May 7, 2024**

*Time:* The sale of the Property will be held between the hours of

10:00 a.m. and 4:00 p.m. local time; **the earliest time at which the Foreclosure Sale will begin is 1:00 p.m. and not later than three hours thereafter.**

*Place:* **The area outside of the West Entrance to the Galveston County Courthouse, 722 Moody, Galveston, Texas 77550.**

*Terms of Sale:* The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Lenders' bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

*Bidder Eligibility:* To be eligible to bid, all bidders, other than Lenders, must sign in on the Foreclosure Sale Attendance Sheet with their name and entity, if any, for which they are submitting bids immediately after making such bidder's first bid at the Foreclosure Sale. All bids must be made in \$500 increments above the highest bid. If any such third-party bidder submits the highest bid, the Foreclosure Sale will be recessed for 30 minutes from the time of the highest bid being made to allow the highest bidder time to produce the funds. After such 30-minute time period, Substitute Trustee will reconvene the Foreclosure Sale. If the highest bidder does not return with good funds, the Substitute Trustee at the reconvened Foreclosure Sale will strike the Property off to the next highest bidder.

*Payee and Place of Payment:* All certified funds shall be made payable as follows: **Jim H. Wang; Kathy Lai; and Kitty Wong**, or otherwise endorsed in a manner acceptable to Substitute Trustee at the Place of the Foreclosure Sale.

*Overpayments:* Any overpayment of funds by the highest bidder will be refunded by Lenders within 30 days after the Foreclosure Sale.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lenders, the owner and holder of the Note, have requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lenders' election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with

Lenders' rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale, Bidder Eligibility, Payee and Place of Payment, and Overpayments described above, the Deed of Trust, and applicable Texas law.

If Lenders pass 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 necessarily 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 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 from the lien and/or security interest of the Deed of Trust by Lenders. Prospective bidders are strongly 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, Substitute 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 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.**

Please reach out to **(281) 501-3025** for more information on the matter.

By:   
Anita Suson, Substitute Trustee

**FILED**

Instrument Number: *FILED2024000499*

Filing Fee: 2.00

Number Of Pages: 4

Filing Date: 04/15/2024 2:07PM

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.*