

## Notice of Substitute Trustee Sale

T.S. #: 23-9494

**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.**

**Date, Time, and Place of Sale** - The sale is scheduled to be held at the following date, time and place:

Date: **6/4/2024**  
Time: The sale will begin no earlier than **10:00 AM** or no later than three hours thereafter.  
The sale will be completed by no later than **1:00 PM**  
Place: **Galveston County Courthouse in GALVESTON, Texas, at the following location:  
THE FIRST FLOOR LOBBY OF THE GALVESTON COUNTY  
COURTHOUSE, 722 MOODY, GALVESTON, TEXAS OR IN THE AREA  
DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION  
51.002 OF THE TEXAS PROPERTY CODE**

**Property To Be Sold** - The property to be sold is described as follows:

**Lot twenty-five (25), in Block Three (3), of replat of Ellis Landing, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in volume 15, page 112, of the map records of Galveston County, Texas.**

**Instrument to be Foreclosed** – The instrument to be foreclosed is the Deed of Trust is dated 8/17/2007 and is recorded in the office of the County Clerk of Galveston County, Texas, under County Clerk's File No 2007056562, recorded on 8/29/2007, of the Real Property Records of Galveston County, Texas.

Property Address: 103 CAVALRY CIRCLE LEAGUE CITY, TX 77573

Trustor(s): **TOMMY OWEN THOMASON and ANNETTE THOMASON** Original Beneficiary: **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC (MERS) AS NOMINEE AS BENEFICIARY FOR RESMAE MORTGAGE CORPORATION, ITS SUCCESSORS AND ASSIGNS**

Current Beneficiary: **U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust** Loan Servicer: **SN Servicing Corporation**

Current Substituted Trustees: **Auction.com, Patricia Poston, David Poston, Nick Poston, Chris Poston, Steve Leva, Jeff Leva, Sandy Dasigenis, Rick Snoke, Prestige Default Services, LLC,**

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan.

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**Terms of Sale** - The sale will be conducted as a public auction to the highest bidder for cash with funds being made payable to Prestige Default Services, LLC, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to the Deed of Trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

**Type of sale** - The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by TOMMY OWEN THOMASON AND ANNETTE THOMASON HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

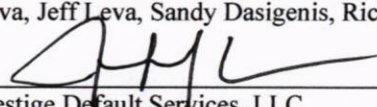
**Obligations Secured** - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$105,000.00, executed by TOMMY OWEN THOMASON AND ANNETTE THOMASON HUSBAND AND WIFE, and payable to the order of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC (MERS) AS NOMINEE AS BENEFICIARY FOR RESMAE MORTGAGE CORPORATION, ITS SUCCESSORS AND ASSIGNS; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of TOMMY OWEN THOMASON AND ANNETTE THOMASON HUSBAND AND WIFE to TOMMY OWEN THOMASON and ANNETTE THOMASON. U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the Note and all other amounts lawfully owing under the Note, the Deed of Trust, and all of the other associated loan documents, including, without limitation, all interest, default interest, late charges, advances, attorneys' fees and other costs and expenses. **All checks must be made payable to Prestige Default Services, LLC**

Questions concerning the sale may be directed to the undersigned or to the beneficiary:  
**U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust**  
c/o SN Servicing Corporation  
323 5th Street  
Eureka, CA 95501  
800-603-0836

Dated: 4-26-24

Auction.com, Patricia Poston, David Poston, Nick Poston, Chris Poston, Steve Leva, Jeff Leva, Sandy Dasigenis, Rick Snoke, Prestige Default Services, LLC

  
Prestige Default Services, LLC  
16801 Addison Road, Suite 350  
Addison, Texas 75001  
Phone: (972) 893-3096 ext. 1035  
Fax: (949) 427-2732





5. THE COURT FURTHER FINDS the property that is the subject of this foreclosure proceeding is commonly known as 103 Cavalry Circle League City, TX 77573, with the following legal description:

**Situate, lying and being in the County of Galveston, State of Texas, described as follows:**

**Lot twenty-five (25), in Block Three (3), of replat of Ellis Landing, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in volume 15, page 112, of the map records of Galveston County, Texas.**

6. THE COURT FURTHER FINDS the lien to be foreclosed is indexed or recorded as Instrument No. 2007056561 and recorded in the real property records of Galveston County, Texas.
7. THE COURT FURTHER FINDS the material facts establishing Respondent's default are alleged in the Petitioner's Application and the supporting affidavit. Those facts are adopted by the Court and incorporated by reference in this order.
8. THE COURT FURTHER FINDS no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App § 501 et seq.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Petitioner's Motion for Summary Judgment on the Application for Rule 736 Application is in all things granted. Petitioner and/or its successors and assigns are authorized to and may proceed with non-judicial foreclosure of the property described above in accordance with applicable law and the Loan Agreement, contract, or lien sought to be foreclosed, and Petitioner is hereby authorized to proceed with a non-judicial foreclosure on the herein described property pursuant to the Loan Agreement, Texas Property Code Section 51.002, and under article XVI, section 50(a)(6) of the Texas Constitution.

Petitioner and/or its successors and assigns is hereby authorized to take all actions necessary to proceed with the non-judicial foreclosure and to secure the property.

This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

**IT IS FURTHER ORDERED** that all other costs of court are taxed against the party incurring same.

**IT IS SO ORDERED.**

SIGNED this 18 day of April 2024.



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JUDGE PRESIDING

**APPROVED AND ENTRY REQUESTED:**

**GHIDOTTI | BERGER LLP**

/s/ George C. Scherer

George C. Scherer

Email: [gscherer@ghidottiberger.com](mailto:gscherer@ghidottiberger.com)

State Bar No. 000784916

16801 Addison Rd., Suite 350

Addison, Texas 75001

Tel: (949) 427-2010 ext. 1020

Fax: (954) 780-5578

*Attorneys for Defendant*



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Envelope ID: 85053699

Filing Code Description: Motion for Summary Judgment

Filing Description: Petitioners Motion for Summary Judgment

Status as of 2/29/2024 1:25 PM CST

Associated Case Party: U.S. Bank Trust National Association

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Dellilah Perez		dperez@ghidottiberger.com	2/29/2024 1:20:02 PM	SENT

T.S. #: 23-9494

AFTER RECORDING, PLEASE RETURN TO:

Prestige Default Services, LLC

16801 Addison Road, Suite 350

Addison, Texas 75001

Attn: Trustee Department

**FILED**

Instrument Number: *FILED2024000539*

Filing Fee: 2.00

Number Of Pages: 8

Filing Date: 04/26/2024 9:53AM

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.*