

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS
COUNTY OF GALVESTON

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KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated February 8, 2019 (the "Deed of Trust") **JMK5 Holdings Galveston Bay Club, LLC**, conveyed to **David Zalman**, as Trustee the herein below described property situated in Galveston County, Texas, to secure the payment of that certain Promissory Note and all other Indebtedness therein described (collectively the "Note"), which Deed of Trust is recorded under Galveston County Clerk's Instrument No. 2019007463 in the Official Public Records of Real Property of Galveston County, Texas, to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith Patricia Poston, Nick Poston, David Poston, Chris Poston, Anna Sewart, David Barry, Byron Sewart and Austin DuBois**, any of whom may act independently as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I, **L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and

addresses are set out below, will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, July 2, 2024**. The earliest time at which the sale will occur shall be at **1:00 o'clock P.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the first floor lobby of the Galveston County Courthouse, 722 Moody (21st street), Galveston, Texas 77550 or as designated by the County Commissioner's Office. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto and all equipment and articles of personal property attached to or used in or on the buildings and improvements

Lot Eight (8), in Block One (1), of Galveston Bay Club Partial Replat, an addition in Galveston County, Texas, according to the map or plat thereof recorded in/under Plat Record 2013A, Map Number 93 in the Office of the County Clerk of Galveston County, Texas.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

SUBSTITUTE TRUSTEES

**NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED
SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR
PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:**

**L. David Smith, Patricia Poston, Nick Poston, David Poston, Chris Poston, Anna Sewart,
David Barry, Byron Sewart and Austin DuBois**

c/o L. David. Smith
2618 Kittansett Circle
Katy Texas 77450
Telephone: (281)788-3666
Email: ldslaw7@gmail.com

**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.**

Dated this 11th day of June, 2024.

L. David Smith Substitute Trustee

L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy Texas 77450
Telephone:(281) 788-3666
Email:ldslaw7@gmail.com

FILED

Instrument Number: *FILED2024000688*

Filing Fee: 2.00

Number Of Pages: 4

Filing Date: 06/11/2024 9:11AM

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.*