

Notice of Substitute Trustee's Sale

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

WHEREAS, by the Deed of Trust And Security Agreement, dated December 30, 2022 (the "DOT"), executed by JKM5 Marina LLC, a Texas limited liability company ("JMK5" and/or "Grantor"), and recorded under Clerk's File No. 2023000712 in the Real Property Records of Galveston County, Texas on January 5 2023 (the "Deed of Trust"), to which Deed of Trust and the record thereof reference is here made for all purposes, JMK5 as Grantor, originally conveyed to Declaration Title Company, LLC, as Trustee to secure that one Loan Agreement, dated December 30, 2022, executed by JMK5, payable to the order of Silver City Funding, LLC, a Texas limited liability company ("SCF" and/or "Beneficiary") (the "Note"), certain real property being described as follows:

See Exhibit "A" attached hereto and made a part hereof.

(the "Land" or "Property") together with all Improvements thereon and all and singular the rights and appurtenances pertaining thereto, including, but not limited to, all right, title, and interest of Grantor in and to adjacent streets, alleys, easements, and rights-or-way, any strips or gores of real property between such real property and abutting or adjacent properties, all water and water rights, timber and crops pertaining to such real estate, and all reversions and remainders in or to such real property.

WHEREAS, default has occurred under the terms of the Note and in that the indebtedness evidenced thereby is now wholly due, and the JMK5 has failed, and continues to fail, to pay the Note, SCF as the owner and holder of the Note, and Beneficiary of the Deed of Trust, requested the undersigned, or other designated substitute trustees, to sell the Property to satisfy the indebtedness; and,

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that after posting and filing this Notice at the place or places, and in the time required by law and by the Deed of Trust, I, or other designated substitute trustees, will sell, for cash or cash equivalent, to the highest bidder, at the Lobby of The Galveston County Courthouse 1st Floor located at 722 Moody (21st Street) Galveston, Texas 77550, in the City of Galveston per order recorded in Clerk's File No. 2015000998 or such other location as may be designated after the sending of this notice and before the time of the sale, in which the Property is situated, to the highest bidder on **Tuesday, the 6th day of August 2024, which sale shall begin at 10:00 a.m. or not later than three hours thereafter.**

The sale noticed herein shall include the interest of JMK5 in all real property, fixture and personal property covered by the Deed of Trust and any other documents executed in connection with or as security for the Indebtedness, SCF, having directed the undersigned to sell, and the undersigned hereby noticing the sale of, said fixtures and property pursuant to rights granted to SCF, under Section 9.50(d) of the Texas Business and Commerce Code.

THE SALE OF THE PROPERTY DESCRIBED HEREIN IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED, SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OR ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY PURCHASER.

Prospective bidders are advised to make their own examination of title to the Property to determine the existence of any easements, restrictions, liens, or other matters affecting the title to the Property. No representations of warranty are being made (express or implied) regarding the title to or the condition of the Property.

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.

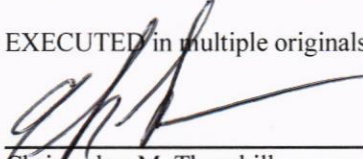
The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee or the Substitute Trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposed and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

The contact information for the Substitute Trustee is:

Christopher M. Thornhill
The Thornhill Law Firm, P.C.
2525 N. Loop West, Ste. 250
Houston, Harris County, Texas 77008
Tel: (281) 968-8105
Email CTHORNHILL@THORNHILLLAWFIRM.NET

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

EXECUTED in multiple originals this 15 day of July, 2024.

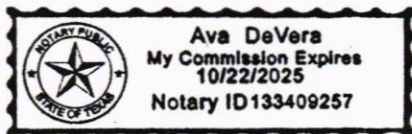



Christopher M. Thornhill
Substitute Trustee

THE STATE OF TEXAS §
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COUNTY OF GALVESTON §

Before me, the undersigned authority, on this day personally appeared Christopher M. Thornhill, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Substitute Trustee for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15th day of July, 2024.





Notary Public in and for the State of Texas
My commission expires: 10-22-25

After recording return to:
The Thornhill Law Firm, P.C.
2525 N. Loop West, Ste. 250
Houston, Harris County, Texas 77008

SCHEDULE A
PROPERTY DESCRIPTION

DESCRIPTION OF TWO (2) TRACTS OF LAND BEING RESTRICTED RESERVE "B" AND UNRESTRICTED RESERVE "C", OF MARINA DEL SOL, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 18, PAGE 160, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, AND PART OF RESTRICTED RESERVE "A-1", OF MARINA ON THE LAKE SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 18, PAGE 77, ON THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS.

TRACT 1:

RESTRICTED RESERVE "B" AND UNRESTRICTED RESERVE "C", OF MARINA DEL SOL, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 18, PAGE 160, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS.

TRACT 2:

BEING A TRACT OR PARCEL CONTAINING 1.126 ACRES (49,043 SQUARE FEET) OF LAND SITUATED IN THE MICHAEL MULDOON TWO LEAGUE GRANT, ABSTRACT NUMBER 18, GALVESTON COUNTY, TEXAS; BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND (TRACT 2) CONVEYED TO JAKS MARINA LLC AS DESCRIBED BY DEED RECORDED UNDER GALVESTON COUNTY CLERK'S FILE (C.C.F.) NUMBER 202205774; BEING OUT OF AND A PART OF RESTRICTED RESERVE "A-1", MARINA ON THE LAKE SUBDIVISION, A SUBDIVISION PLAT OF RECORD AT PLAT RECORD 18, MAP NUMBER(S) 77-78, GALVESTON COUNTY MAP RECORDS (C.C.M.R.); SAID 1.126 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (BEARINGS ARE GRID AND ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE NUMBER 4304, US SURVEY FEET, NAD83(NA2011);

COMMENCING AT A 5/8-INCH IRON ROD FOUND ON THE SOUTHERLY RIGHT-OF-WAY (R.O.W.) LINE OF TWIN OAKS BOULEVARD (90 FEET WIDE) AND MARKING THE MOST WESTERLY CORNER OF RESTRICTED RESERVE "D", MARINA DEL SOL, A SUBDIVISION PLAT OF RECORD AT PLAT RECORD 18, MAP NUMBER 180, C.C.M.R.;

THENCE, NORTH 71°49'15" EAST, ALONG SAID SOUTHERLY R.O.W. LINE, A DISTANCE OF 9.92 FEET TO A POINT OF CURVATURE FOR A CURVE TO THE LEFT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 28°32' WEST, 0.54 FEET;

THENCE, NORTHEASTERLY, AN ARC DISTANCE OF 172.76 FEET ALONG SAID SOUTHERLY R.O.W. LINE AND CURVE TO THE LEFT, HAVING A RADIUS OF 328.81 FEET, A CENTRAL ANGLE OF 39°28'28", AND A CHORD WHICH BEARS NORTH 69°28'56" EAST, 176.71 FEET TO A 3/8-INCH IRON ROD FOUND MARKING A POINT OF TANGENCY;

THENCE, NORTH 41°30'36" EAST, CONTINUING ALONG SAID SOUTHERLY R.O.W. LINE, A DISTANCE OF 26.57 FEET TO A 3/8-INCH IRON ROD FOUND MARKING THE MOST NORTHERLY CORNER OF SAID RESTRICTED RESERVE "D" AND A POINT OF CURVATURE FOR A CURVE TO THE RIGHT, SAID IRON ROD ALSO FOR THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTHEASTERLY, AN ARC DISTANCE OF 81.6 FEET ALONG SAID SOUTHERLY R.O.W. LINE AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 128.8 FEET, A CENTRAL ANGLE OF 37°27'56", AND A CHORD WHICH BEARS NORTH 69°49'34" EAST, 79.96 FEET TO AN "X" CUT IN CONCRETE FOUND MARKING A POINT OF TANGENCY;

THENCE, NORTH 7°47'56" EAST, CONTINUING ALONG SAID SOUTHERLY R.O.W. LINE, A DISTANCE OF 24.18 FEET TO THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 18°47'54" EAST, DEPARTING SAID SOUTHERLY R.O.W. LINE AND OVER AND ACROSS SAID RESTRICTED RESERVE "A-1", MARINA ON THE LAKE SUBDIVISION, A DISTANCE OF 469.18 FEET TO AN ANGLE POINT;

THENCE, NORTH 71°11'04" EAST, CONTINUING OVER AND ACROSS SAID RESTRICTED RESERVE "A-1", A DISTANCE OF 18.44 FEET TO AN ANGLE POINT;

THENCE, SOUTH 18°47'54" EAST, CONTINUING OVER AND ACROSS SAID RESTRICTED RESERVE "A-1", A DISTANCE OF 81.99 FEET TO THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 71°11'45" WEST, CONTINUING OVER AND ACROSS SAID RESTRICTED RESERVE "A-1", A DISTANCE OF 111.74 FEET TO THE NORTHEASTERLY LINE OF RESTRICTED RESERVE "B", MARINA DEL SOL AND FOR THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 21°06'44" EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 66.41 FEET TO THE EASTERLY COMMON CORNER OF SAID RESTRICTED RESERVE "B" AND UNRESTRICTED RESERVE "C", MARINA DEL SOL AND FOR AN ANGLE POINT;

THENCE, NORTH 18°47'54" WEST, AT 438.11 FEET PASSING THE EASTERLY COMMON CORNER OF SAID UNRESTRICTED RESERVE "C" AND RESTRICTED RESERVE "B", MARINA DEL SOL, CONTINUING IN ALL FOR A TOTAL DISTANCE OF 438.11 FEET TO AN "X" CUT IN CONCRETE FOUND MARKING A POINT OF CURVATURE FOR A CURVE TO THE LEFT;

THENCE, WESTERLY, AN ARC DISTANCE OF 82.23 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 26.88 FEET, A CENTRAL ANGLE OF 15°46'30", AND A CHORD WHICH BEARS NORTH 79°49'17" WEST, 41.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.126 ACRES (49,945 SQUARE FEET) OF LAND. THIS DESCRIPTION IS BASED ON A LAND TITLE SURVEY OF 15.639 ACRES (2 TRACTS) PREPARED BY BOUNDARY ONE, L.L.C., DATED APRIL 4, 2022, PROJECT NUMBER 0787-3181-315V.

FILED

Instrument Number: *FILED2024000789*

Filing Fee: 2.00

Number Of Pages: 5

Filing Date: 07/15/2024 12:05PM

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.*