

NOTICE OF FORECLOSURE SALE

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.

1. *Property to Be Sold.* The property ("Property") to be sold is described as follows:

Lot 6, Block 2, ENCLAVE AT BAY COLONY WEST SEC ONE PHASE 1, an addition in Galveston County, Texas, according to the Map/Plat Recorded in Volume 2010/A, Pages 66 and 67, Map/Plat Records, Galveston County, Texas, more commonly known as 3053 Heather Grove Lane, Dickinson, Texas 77539.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the Deed of Trust described more fully as follows:

Deed of Trust ("Deed of Trust") dated January 1, 2024, from COLE ALAN PRAVDA, as grantor, conveying the Property in trust to KEITH A. KENNEDY and MARTI A. KENNEDY, as trustees, for the benefit of KEITH A. KENNEDY and MARTI A. KENNEDY ("Beneficiary"), recorded under Clerk's File No. 2024000677, Real Property Records, Galveston County, Texas ("Deed of Trust").

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

Date: **September 3, 2024**

Time: The sale will begin no earlier than **10:00 a.m.** or no later than three hours thereafter.

Place: Outside of the West entrance to the Galveston County Courthouse, 722 Moody, Galveston, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court.

The Beneficiary may postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee 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 reposted 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.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder FOR CASH, 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.

Those desiring to purchase the Property will need to demonstrate their ability to pay their bid immediately IN CASH if their bid is accepted.

The sale shall not cover any part of the Property that has been released of public record from the lien of the Deed of Trust. 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 Substitute 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 Substitute 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 Substitute Trustee.

5. *Type of Sale.* The sale is a non-judicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust.

6. *Obligations Secured.* The Deed of Trust secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to that certain promissory note ("Note") dated **January 1, 2024**, in the original principal amount of **TWO HUNDRED NINETY THOUSAND AND 00/100 DOLLARS (\$290,000.00)**, executed by **COLE ALAN PRAVDA**, and payable to the order of **Beneficiary**. **Beneficiary** is the current owner and holder of the Note and Obligations and is the current Beneficiary under the Deed of Trust.

7. Pursuant to the Deed of Trust, Beneficiary made, constituted and appointed in writing, **RONALD A. MURRAY, MATTHEW S. RUPLEY AND KYLE L. DICKSON**, as substitute trustees (each being a "Substitute Trustee") in that certain *Appointment of Substitute Trustee* dated August 6, 2024; to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Obligations.

8. *Default and Request to Act.* Default has occurred under the Deed of Trust, and although demand was made upon **COLE ALAN PRAVDA**, the default was not cured, and the

Beneficiary has requested a Substitute Trustee conduct this sale. Notice is given that before the sale, the Beneficiary may appoint other substitute trustees to conduct the sale.

Questions concerning the sale may be directed to the attention of Substitute Trustee, Ronald A. Murray c/o Murray | Lobb, PLLC, at 2200 Space Park Dr., Suite 350, Houston, Texas 77058, phone number (281) 488-0630.

DATED this the 9th day of August, 2024.



Signature

Matthew S. Rupley, Substitute Trustee

c/o Murray | Lobb, PLLC
2200 Space Park Dr., Suite 350
Houston, Texas 77058

FILED

Instrument Number: *FILED2024000917*

Filing Fee: 2.00

Number Of Pages: 4

Filing Date: 08/09/2024 2:27PM

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

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.*