

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.

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS

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COUNTY OF GALVESTON

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Date: August 13, 2024

Borrower: Linda Swarzman

Borrower's Address: 4460 Libbit Ave.
Encino, California 91436

Holder: Toorak Capital Partners, LLC

Holder's Address: 15 Maple St., Second Floor West
Summit, New Jersey 07901

Substitute Trustee: Carl Meyers, Leb Kemp, Traci Yeaman, Israel Curtis, John Sisk, Stephen Mayers, Colette Mayers, Matthew Hansen, Ramiro Cuevas, Evan Press, Jami Grady, Amy Oian, Auction.com, Patricia Poston, Nick Poston, David Poston, Anna Sewart, David Barry, Byron Sewart, Chris Poston, P. Kyle Cheves, or Austin DuBois, and each of them acting alone.

Substitute Trustee's Address: 6700 N. New Braunfels Ave.
San Antonio, Texas 78209

Deed of Trust: Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing

Date: March 16, 2022

Grantor: Linda Swarzman

Original Lender: Riverbend Funding, LLC

Trustee: 2001 Agency Corporation

Secures: Promissory Note, dated as of March 16, 2022 (the "Note"), executed by Grantor, payable to Original Lender, in the original stated principal amount of One Hundred Eighty-Nine Thousand Five Hundred Seventeen Dollars and 00/100 (\$189,517.00), presently owned and held by Holder.

Recording: Recorded in the Official Public Records of Galveston County, Texas (the "Records") as Instrument 2022020896.

Assignment from Original Lender to Toorak Capital Partners, LLC ("Toorak"): Evidenced by that certain Assignment of Deed of Trust dated May 27, 2022 and recorded in the Records as Instrument 2022051171.

Property: All real property, improvements and personal property described as collateral in the Deed of Trust; the legal description of the property is also, for the sake of convenience only, described on Exhibit A attached hereto and made a part hereof for all purposes; however, the description of the real property, improvements and personal property in the Deed of Trust will control to the extent of any conflict or any deficiency in such description contained in this Notice of Substitute Trustee's Sale, it being the intent that the "Property", for all purposes hereof, means all property, real, personal, tangible and intangible, which constitutes collateral under, and described in, the Deed of Trust.

Foreclosure Sale:

Date of Sale: Tuesday, September 3, 2024

Time of Sale: The sale of the Property will take place between the hours of 10:00 a.m. and 1:00 p.m. local time; the earliest time at which the sale will take place is 10:00 a.m., and the sale will begin within three hours thereafter.

Place of Sale: GALVESTON COUNTY COURTHOUSE, 722 MOODY, GALVESTON, TX 77550 OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.

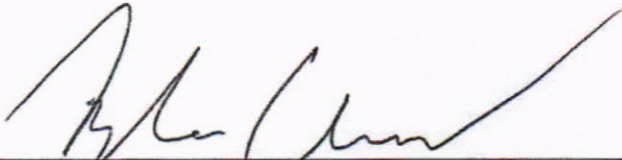
Holder has appointed Carl Meyers, Leb Kemp, Traci Yeaman, Israel Curtis, John Sisk, Stephen Mayers, Colette Mayers, Matthew Hansen, Ramiro Cuevas, Evan Press, Jami Grady, Amy Oian, Auction.com, Patricia Poston, Nick Poston, David Poston, Anna Sewart, David Barry, Byron Sewart, Chris Poston, P. Kyle Cheves, or Austin DuBois, and each of them acting alone as Substitute Trustees under the Deed of Trust upon the contingency and in the manner outlined by the Deed of Trust and in accordance with Chapter 51 of the Texas Property Code.

Default has occurred pursuant to the provisions of the Deed of Trust and other documents relating to the indebtedness evidenced by the Note. The indebtedness evidenced by the Note is now wholly due. Holder has instructed Substitute Trustee to sell the Property toward the satisfaction of the Note.

The Deed of Trust encumbers both real and personal property. Notice is hereby given of Holder's election to proceed against and sell all the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

Notice is hereby given that on the Date of Sale, at the Time of Sale, Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS" and further subject to any valid leases to the Property or any portion thereof, which leases shall not terminate as a result of the sale. THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION OR QUIET ENJOYMENT OR THE LIKE FOR THE PERSONAL PROPERTY INCLUDED IN THE SALE. Holder may bid by credit against the indebtedness evidenced by the Note and secured by the Deed of Trust. The Substitute Trustee conducting the Foreclosure Sale may, at his option, postpone the sale for a reasonable time to permit the highest bidder (if other than Holder) to produce cash to pay the purchase price bid, and the sale may be resumed if the bidder fails to produce cash to pay the purchase price within such time period, provided in any event the sale shall be concluded no later than 1:00 P.M. local time.

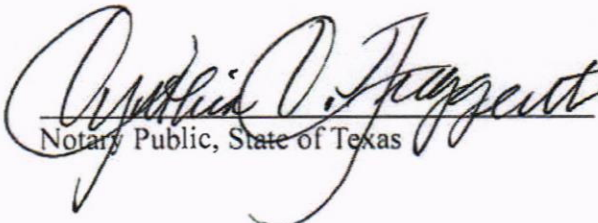
[signature on following page]


P. Kyle Cheves, Substitute Trustee

STATE OF TEXAS §
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COUNTY OF GALVESTON §

Subscribed and sworn to before me on this 12th day of August 2024.




Notary Public, State of Texas

My Commission expires:

9/8/24

After recording return to:

P. Kyle Cheves
Polsinelli PC
2950 N. Harwood Street, Suite 2100
Dallas, Texas 75201

EXHIBIT A

Lots 20 and 22, in Block 6, Second Section of Perkins Beach, a subdivision in Galveston County, Texas, according to the Map or Plat thereof, recorded in Volume 254, Page 124, of the Deed Records, later transferred to Volume 7, Page 55, of the Map and/or Plat Record, Galveston County, Texas.

FILED

Instrument Number: *FILED2024000938*

Filing Fee: 2.00

Number Of Pages: 6

Filing Date: 08/13/2024 11:32AM

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.*