

**NOTICE OF TRUSTEE'S SALE AND
APPOINTMENT OF SUBSTITUTE TRUSTEE**

STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS

COUNTY OF GALVESTON

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WHEREAS, Creekside 2019 LLC, a Delaware limited liability company ("Borrower"), became indebted to Arbor Realty SR, Inc., a Maryland corporation ("Lender"), as evidenced by that certain Promissory Note dated November 22, 2019 in the maximum principal amount of FOURTEEN MILLION THREE HUNDRED FIFTY THOUSAND and NO/100 DOLLARS (\$14,350,000.00) (the "Promissory Note"), executed and delivered by Borrower to the order of Lender, as payee, bearing interest and being due and payable as therein provided, and said Promissory Note and all liens, security interests and assignments securing same having been finally assigned to CREEKSIDE PROPERTY OWNER LLC, a Delaware limited liability company (the "Holder");

WHEREAS, the indebtedness evidenced by the Promissory Note is secured by, among other things, certain liens, security interests and assignments, evidenced by, among other things, that certain Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing (the "Deed of Trust") dated of even date with the Promissory Note, naming Charles H. Mansour as Trustee for the benefit of Lender and/or its assigns, said Deed of Trust being duly recorded as Instrument No. 2019064994 of the Official Public Records of Galveston County, Texas, covering the property described in Exhibit A attached hereto and made a part hereof by reference for all purposes, together with all appurtenances, buildings, structures, fixtures, personal property, and improvements on, in and under said real property, including without limitation any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit all or any portion of said real property, including without limitation all reservations or commitments or letters covering any such use in the future, whether now or hereafter acquired, and any leases and rents relating thereto, which are described therein (all of which is hereinafter referred to as the "Property");

WHEREAS, the Promissory Note and the Deed of Trust and all other documents securing the Promissory Note are now held by the Holder (hereinafter referred to as "Beneficiary"), having an address c/o Sheppard Mullin, Richter & Hampton LLP, 2200 Ross Avenue, 20th Floor, Dallas, Texas 75201;

WHEREAS, default has occurred in the payment of the Promissory Note and indebtedness, and in the performance of the obligations of the Deed of Trust, and because of such default, Beneficiary, as the owner and holder of the Promissory Note and the Deed of Trust, has requested Substitute Trustee to sell the Property;

WHEREAS, to the extent the Deed of Trust encumbers both real and personal property, formal notice is hereby given of Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Beneficiary's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code;

WHEREAS, pursuant to the authority granted in the Deed of Trust and in accordance with the Texas Property Code, Beneficiary has appointed each of the undersigned as "Substitute Trustee" under the Deed of Trust pursuant to duly authorized and executed appointment document;

WHEREAS, Beneficiary has requested the undersigned Substitute Trustee to enforce the liens of the Deed of Trust by sale of the Property in the manner set forth under the terms of the Deed of Trust and pursuant to the laws of the State of Texas; and

WHEREAS, the undersigned, Substitute Trustee, acting upon the request of said Beneficiary, by these presents is hereby posting, filing and giving notice of the foreclosure of the Deed of Trust and the lien thereof in accordance with applicable Texas law and the terms and provisions of the Deed of Trust.

NOW, THEREFORE, pursuant to authority conferred upon each of us by the Deed of Trust, we, the undersigned duly appointed Substitute Trustee under said Deed of Trust or another such duly appointed Substitute Trustee or Successor Substitute Trustee under said Deed of Trust, having an address c/o Sheppard, Mullin, Richter & Hampton LLP, 2200 Ross Avenue, 20th Floor, Dallas, Texas 75201, in order to satisfy the indebtedness secured thereby and at the request of Beneficiary, the owner and holder of said indebtedness, default having been made in the payment of the Promissory Note and said indebtedness and/or default having been made under the covenants set out in the said Deed of Trust, will sell the Property on **Tuesday, September 3, 2024**, at a time commencing not earlier than **10:00 AM** and no later than **1:00 PM**, to the highest bidder for cash (except that Beneficiary's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust) at the area designated by the Galveston County Commissioner's Court as the area where non-judicial foreclosures shall take place, and more specifically the 1st Floor Lobby of the Galveston County Courthouse located at 722 Moody (21st Street), Galveston, Texas 77550, pursuant to Section 51.002 of the Texas Property Code.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE(S), EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE HOLDER OF THE PROMISSORY NOTE NOR THE SUBSTITUTE TRUSTEE(S) MAKE(S) ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO 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.

PURSUANT TO SECTION 51.0075(A) OF THE TEXAS PROPERTY CODE, SUBSTITUTE TRUSTEE RESERVES THE RIGHT TO SET FURTHER REASONABLE CONDITIONS FOR CONDUCTING SUCH SALE CONTEMPLATED BY THIS NOTICE. ANY SUCH FURTHER CONDITIONS SHALL BE ANNOUNCED BEFORE BIDDING IS OPENED FOR THE FIRST SALE OF THE DAY BY SUBSTITUTE TRUSTEE.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU 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 HOLDER IMMEDIATELY.


THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED BELOW 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.

[SIGNATURE PAGE FOLLOWS]

In accordance with Section 51.0076 of the Texas Property Code, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint the following attorneys at law as Substitute Trustee to act under and by virtue of said Deed of Trust:

AMANDA COTTRELL
STEVEN GERSTEN
KELLY VAZHAPPILLY
ALEXANDRIA AMERINE
GRACE MILLER

EXECUTED AND EFFECTIVE AUGUST 13, 2024.



Sheppard, Mullin, Richter & Hampton LLP
2200 Ross Avenue, 20th Floor
Dallas, Texas 75201

EXHIBIT A
LEGAL DESCRIPTION

Tax Assessor's ID No. 301501030000002

Tract 1:

All of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Twenty (20) and Twenty-One (21), and parts of Lots Sixteen (16), Seventeen (17), Eighteen (18), and part of abandoned Tanglewood Drive and all of abandoned Pioneer Drive of TALL TIMBERS, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-A, Page 79, in the Office of the County Clerk of Galveston County, Texas, and the Northeast 1/2 of Lot One Hundred Three (103), in ADDITION "D" TO THE TOWN OF DICKINSON, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 155, Page 10, in the Office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the North corner of Lot 103, Addition "D" to the Town of Dickinson, said point lying in the Southeasterly right-of-way line of Deats Road;

THENCE from said Beginning Point, South 39 degrees 08 minutes East along the Northeast line of Lot 103, a distance of 660.00 feet to a 3/8 inch iron rod set for corner at the East corner of Lot 103, said point lying in the Northwest line of Lot 7, in Tall Timbers Subdivision;

THENCE North 50 degrees 52 minutes East along the Northwest line of Lots 7, 8 and 9, in Tall Timbers Subdivision, a distance of 330.00 feet to a 3/8 inch iron rod set for corner, said point being the North corner of Tall Timbers Subdivision;

THENCE South 39 degrees 08 minutes East along the Northeast line of Lots 10, 11 and 18, in Tall Timbers Subdivision, a distance of 536.00 feet to a 3/8 inch iron rod set for corner;

THENCE South 50 degrees 52 minutes West across Lots 16, 17, 18 and part of abandoned Tanglewood Drive as set out in Volume 2261, Page 189, in the Office of the County Clerk of Galveston County, Texas, a distance of 307.10 feet to a point in the common line of Lots 16 and 15, said point lying in the platted centerline of Borden's Gulley;

THENCE in an Easterly direction along the platted centerline of Borden's Gulley and along the common line of Lots 16 and 15, and across Lot 16, as follows:

South 42 degrees 50 minutes 46 seconds East, 21.16 feet;

South 04 degrees 45 minutes 04 seconds West, 38.39 feet;

North 76 degrees 04 minutes 50 seconds East, 41.61 feet;

North 35 degrees 49 minutes 48 seconds East, 24.80 feet;

North 75 degrees 36 minutes 44 seconds East, 46.64 feet;

North 08 degrees 48 minutes 20 seconds East, 12.48 feet, and

North 58 degrees 00 minutes 53 seconds East, a distance of 33.92, called North 57 degrees 41 minutes 26 seconds East, a distance of 34.02 feet to a 3/8 inch iron rod set for corner in the Northwesterly right-of-way line of Tanglewood Drive;

THENCE in a Southwesterly direction along the Northwesterly right-of-way line of Tanglewood Drive, around a curve to the right, whose radius is 968.45 feet, a distance of 145.09 feet to the P. T. of said curve;

THENCE South 50 degrees 52 minutes West continuing along the Westerly right-of-way line of Tanglewood Drive, a distance of 214.62 feet to the P. C. of a curve;

THENCE in a Southwesterly direction along the Northwesterly right-of-way line of Tanglewood Drive around a curve to the left, whose radius is 157.70 feet, a distance of 99.61 feet to the P. R. C. of said curve;

THENCE continuing in a southwesterly direction, along the Northwesterly right-of-way line of Tanglewood Drive, around a curve to the right, whose radius is 37.70 feet, a distance of 23.81 feet to a 3/8 inch iron rod set for corner at the South corner of Lot 1, Tall Timbers Subdivision;

THENCE North 39 degrees 08 minutes West along the Southwest line of Lots 1, 2, 3, 4 and Lot 5, of Tall Timbers subdivision and the Southwest line of the Northeast 1/2 of Lot 103, Addition "D" to the town of Dickinson, a distance of 1320 feet to a 3/8 inch iron rod set for corner at the West corner of the Northeast 1/2 of Lot 103, said point lying in the Southeasterly right-of-way line of Deats Road;

THENCE North 50 degrees 52 seconds East along the Northwest line of Lot 103, and the Southeasterly right-of-way line of Deats Road, a distance of 330.00 feet to the PLACE OF BEGINNING, and all of Lots Twenty (20), and Twenty-One (21) of Tall Timbers Subdivision.

Tract 2:

Non-exclusive easement for vehicular and pedestrian ingress and egress created by that certain Easement Agreement as set forth in instrument recorded in Volume 2473, Page 609 in the Office of the County Clerk of Galveston County, Texas.

FILED

Instrument Number: *FILED2024000940*

Filing Fee: 2.00

Number Of Pages: 7

Filing Date: 08/13/2024 11:45AM

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.*