

NOTICE OF FORECLOSURE SALE

August 13, 2024

Deed of Trust ("Deed of Trust"):

Dated: July 22, 2022

Grantor: HOLLEY HOME BUYERS, LLC

Trustee: Peterka & Associates, PLLC

Lender: SCHUMER-YARBROUGH DEVELOPMENT, LLC

Property: A Tract of land being part of Lots 15 and 16, in Block 126 of the DENVER RESURVEY in the City and County of Galveston, Texas, according to the map or plat thereof recorded in Volume 91, Page 196, in the Office of the County Clerk of Galveston County, Texas (OCCGC), and being a portion of the tract conveyed by F.H. Rowley and wife, Susan Rowley to J.C. Mattes and wife, Julia E. Mattes by deed dated September 21, 1937, recorded in Volume 555, Page 626, OCCGC, said tract of land containing 0.104 acre (4,531 square feet) of Land being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch diameter steel reinforcement bar (3/8IR) set for the southeast corner of said tract conveyed by F.H. Rowley, et ux, to J.C. Mattes, et me, also being the southeast corner of said Lot 15, Block 126;

THEN N 19° 20' 33 W, 80.83 feet (80feet - 10 inches) to a chain link fence post for corner;

THEN S 70° 39' 27 W, 37.50 feet (37'-6) to a chain link fence post for corner,

THEN N 19° 20' 33 W, 39.17 feet (39'-T) to a chain link fence post for corner,

THEN S 70° 39' 27 W, 12.50 feet (12'-6) to a 3/8 IR set at the base of a wood fence post for the northwest corner of said Mattes tract and the northwest corner of said Lot 16;

THEN S 19° 20' 33 E, 120.00 feet to a 1/2' IR found for the southwest corner of said Mattes tract and the southwest corner of Lot 16;

THEN N 70° 39' 27- E along the northerly line of Avenue Q (70 foot width), 50.00 feet to the POINT OF BEGINNING, containing 0.104 acre (4,531 square Feet) of land.

Address: 5106 Avenue Q, Galveston, TX 77551

Recorded: February 22, 2023, file number 2023007896 in the Official Public Records of GALVESTON County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of THREE HUNDRED FORTY NINE THOUSAND NINE HUNDRED AND 00/100 DOLLARS (U.S. \$349,900.00), executed by HOLLEY HOME BUYERS, LLC and payable to the order of Lender.

Guaranty: The Note and all other indebtedness of Borrower to Lender is guaranteed by a Guaranty Agreement dated July 22, 2022 and executed by Tyler Holley.

Substitute Trustee: Sandy Dasigenis, Jeff Leva, Steve Leva

Substitute Trustee's Address: 10406 Rockley, Houston, Texas 77099

Foreclosure Sale:

Date: Tuesday, September 3, 2024

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 1:00 P.M. local time

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

Term of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that SCHUMER-YARBROUGH DEVELOPMENT's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, SCHUMER-YARBROUGH DEVELOPMENT, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of SCHUMER-YARBROUGH DEVELOPMENT's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with SCHUMER-YARBROUGH DEVELOPMENT's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If SCHUMER-YARBROUGH DEVELOPMENT passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by SCHUMER-YARBROUGH DEVELOPMENT. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

THIS INSTRUMENT NOTES 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.

PETERKA & ASSOCIATES, PLLC.

Joseph J Peterka III

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DEVELOPMENT

FILED

Instrument Number: *FILED2024000943*

Filing Fee: 2.00

Number Of Pages: 4

Filing Date: 08/13/2024 12:00PM

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.*