

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS

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COUNTY OF GALVESTON

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WHEREAS, 3910 ENTERPRISES INC. (“Borrower”) did execute and deliver to Moody National Bank (“Moody National”), a national banking association, that one certain promissory note in the original principal amount of ONE HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$170,000.00) dated May 8, 2018; said Note being secured by a Deed of Trust, Security Agreement and Financing Statement executed by Borrower and recorded under Clerk’s File No. 2018027765 in the Official Public Records of Galveston County, Texas, (such instruments being referred to as the “Note” and “Deed of Trust”, respectively), and creating a lien on a certain tract of real property situated in Galveston County, Texas as described herein; and

WHEREAS, default has occurred and Moody National, the legal owner and holder of the Note and Deed of Trust, has demanded cure of such default, and such cure not having been made, Moody National has accelerated said indebtedness and demanded payment in full on the above described Note together with all expenses permitted under the terms of the Deed of Trust, and the whole of said indebtedness has become due and payable in full; and

WHEREAS, Borrower as obligor, despite Moody National’s demand, has failed to pay and continues to fail to pay accelerated indebtedness owing and due the Note; and

WHEREAS, Moody National, the owner and holder of the Note therein described, has duly appointed R. Brent Cockerham as Substitute Trustee, and requested R. Brent Cockerham as Substitute Trustee under the Deed of Trust to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the indebtedness secured thereby, but notice is hereby given that Moody National may appoint another person as substitute trustee to conduct the sale herein described as provided in the Deed of Trust:

NOW THEREFORE, NOTICE IS HEREBY GIVEN that after due publication of this Notice as required by the Deed of Trust, that on Tuesday, the 1st day of October, 2024, at 1:00 p.m., or within three (3) hours thereafter, I, R. Brent Cockerham, Substitute Trustee, will sell at the area designated by the Commissioners Court of Galveston County (“Commissioners”) as the designated area for the conduct of foreclosure sales of this nature in Galveston County, Texas (or at such other location as may be designated by the Commissioners after the sending of this Notice and before the sale), to-wit: West entrance, Galveston County Courthouse, 722 Moody (21st Street), Galveston, Texas 77550, to the highest bidder for cash (subject to the provisions of the Deed of Trust permitting the beneficiary under the Deed of Trust to have its bid credited to the indebtedness owed to such beneficiary by Borrower under the Note and Deed of Trust up to the amount of unpaid indebtedness secured by the Deed of Trust at the time of the sale), the following described real property lying and being situated in the County of Galveston, State of Texas, together with all improvements thereon and all fixtures and personal property covered by

the Deed of Trust, and which includes, without limitation, the following described real property, together with improvements thereon, situated in Galveston County, Texas, to-wit:

Lots 5 and 6 in Block 90 of Denver Resurvey, an addition in Galveston County, Texas, according to the map or plat thereof recorded in Volume 91, Page 196 of the Deed Records of Galveston County, Texas.

The Deed of Trust permits Moody National as the beneficiary, thereunder to postpone, withdraw, or reschedule the sale for another day. 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. Such reposting or refiled may be after the date originally scheduled for this sale.

CONCERNING THE PROPERTY HEREIN DESCRIBED -

DISCLOSURE NOTICE CONCERNING LEGAL AND ECONOMIC RISKS OF
PURCHASING COASTAL REAL PROPERTY NEAR A BEACH

WARNING: THE FOLLOWING NOTICE OF POTENTIAL RISKS OF ECONOMIC LOSS TO YOU AS THE PURCHASER OF COASTAL REAL PROPERTY IS REQUIRED BY STATE LAW.

- READ THIS NOTICE CAREFULLY. DO NOT SIGN THIS CONTRACT UNTIL YOU FULLY UNDERSTAND THE RISKS YOU ARE ASSUMING.
- BY PURCHASING THIS PROPERTY, YOU MAY BE ASSUMING ECONOMIC RISKS OVER AND ABOVE THE RISKS INVOLVED IN PURCHASING INLAND REAL PROPERTY.
- IF YOU OWN A STRUCTURE LOCATED ON COASTAL REAL PROPERTY NEAR A GULF COAST BEACH, IT MAY COME TO BE LOCATED ON THE PUBLIC BEACH BECAUSE OF COASTAL EROSION AND STORM EVENTS.
- AS THE OWNER OF A STRUCTURE LOCATED ON THE PUBLIC BEACH, YOU COULD BE SUED BY THE STATE OF TEXAS AND ORDERED TO REMOVE THE STRUCTURE.
- THE COSTS OF REMOVING A STRUCTURE FROM THE PUBLIC BEACH AND ANY OTHER ECONOMIC LOSS INCURRED BECAUSE OF A REMOVAL ORDER WOULD BE SOLELY YOUR RESPONSIBILITY.

One or more of the tracts of real property described in this notice is located seaward of the Gulf Intracoastal Waterway to its southernmost point and then seaward of the longitudinal line also known as 97 degrees, 12', 19" which runs southerly to the international boundary from the intersection of the centerline of the Gulf Intracoastal Waterway and the Brownsville Ship Channel. If the property is in close proximity to a beach fronting the Gulf of Mexico, the purchaser pursuant to this Notice is hereby advised that the public has acquired a right of use or easement to or over the area of any public beach by prescription, dedication, or presumption or has retained a right by virtue of continuous right in the public since time immemorial, as recognized in law and custom.

The extreme seaward boundary of natural vegetation that spreads continuously inland customarily marks the landward boundary of the public easement. If there is no clearly marked natural vegetation line, the landward boundary of the easement is as provided by §§61.016 and 61.017, Natural Resources Code.

State law prohibits any obstruction, barrier, restraint, or interference with the use of the public easement, including the placement of structures seaward of the landward boundary of the easement. OWNERS OF STRUCTURES ERECTED SEAWARD OF THE VEGETATION LINE (OR OTHER APPLICABLE EASEMENT BOUNDARY) OR THAT BECOME SEAWARD OF THE VEGETATION LINE AS A RESULT OF NATURAL PROCESSES ARE SUBJECT TO A LAWSUIT BY THE STATE OF TEXAS TO REMOVE THE STRUCTURES.

The purchaser is hereby notified that the purchaser should:

- (1) determine the rate of shoreline erosion in the vicinity of the real property; and
- (2) seek the advice of an attorney or other qualified person before executing this contract or instrument of conveyance as to the relevance of these statutes and facts to the value of the property the purchaser is hereby purchasing or contracting to purchase.

The 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 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

R. Brent Cockerham, Substitute Trustee, may be contacted at 2302 Postoffice Street, Galveston, Texas 77550 or telephone number (409) 765-5561.

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 military service to R. Brent Cockerham, Substitute Trustee, at 2302 Postoffice Street, Galveston, Texas 77550 immediately.

THE SALE OF THE PROPERTY SHALL BE "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE OR NOTEHOLDER, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER MOODY NATIONAL NOR THE SUBSTITUTE TRUSTEE MAKES 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 AT THIS FORECLOSURE SALE.

EXECUTED on this the 29th day of August, 2024.



R. Brent Cockerham, Substitute Trustee

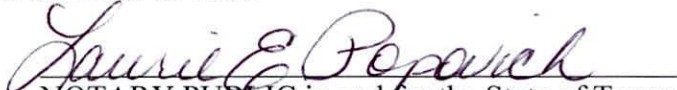
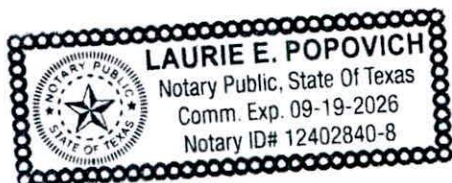
Address: 2302 Postoffice Street
Galveston, Texas 77550

STATE OF TEXAS

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COUNTY OF GALVESTON

This instrument was acknowledged before me on this 29 day of August, 2024, by R. Brent Cockerham, Substitute Trustee under the Deed of Trust.


NOTARY PUBLIC in and for the State of Texas

FILED

Instrument Number: *FILED2024001010*

Filing Fee: 2.00

Number Of Pages: 5

Filing Date: 08/29/2024 11:39AM

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.*