

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF 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. Sender is: Codilis & Moody, P.C., 20405 State Highway 249, Suite 170, Houston, TX 77070

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated October 29, 2021 and recorded under Clerk's File No. 2021079731, in the real property records of GALVESTON County Texas, with Tamdy Elaine Marak and RJ Marak, Jr., wife and husband as community property as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for OCMBC, Inc., its successors and assigns as Original Mortgagee.

Deed of Trust executed by Tamdy Elaine Marak and RJ Marak, Jr., wife and husband as community property securing payment of the indebtedness in the original principal amount of \$752,250.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Tamdy Elaine Marak. U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCAF ACQUISITION TRUST is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan. Selene Finance is acting as the Mortgage Servicer for the Mortgagee. Selene Finance, is representing the Mortgagee, whose address is: 3501 Olympus Blvd. 5th Fl. Ste. 500, Dallas, TX 75019.

Legal Description:

A TRACT OR PARCEL OF LAND CONTAINING 4.5020 ACRES OR 196,107.61 SQUARE FEET BEING ALL OF TRACT 1 (CALLED 3.428 ACRE TRACT) AND ALL OF TRACT 2 (CALLED 1.083 ACRE TRACT) IN DEED RECORDED IN GALVESTON COUNTY CLERK'S FILE NO. 2016028814 OF THE GALVESTON COUNTY OFFICIAL PUBLIC RECORDS, IN THE JOHN MILES SURVEY, ABSTRACT 15, IN GALVESTON COUNTY, TEXAS, SAID 4.5020 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES:

SALE INFORMATION

Date of Sale: 01/07/2025

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: GALVESTON County Courthouse, Texas at the following location: 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.

TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.



The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. Pursuant to the Deed of Trust, the mortgagee has the right to direct the 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.**

The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

THIS INSTRUMENT APPOINTS 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.

WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Steve Leva, Sandy Dasigenis, Jeff Leva, Patricia Poston, Nicole Durrett, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ASAP, as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Executed on 11/12/2024.

/s/ Will Morphis SBOT No. 24131905, Attorney at Law
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Posted and filed by: _____

Printed Name: _____

C&M No. 44-23-3422

EXHIBIT 'A'

File No.: 113238-GAT80 (jf)
Property: 519 Miles Road, Bacliff, TX 77518-1102

A TRACT OR PARCEL OF LAND CONTAINING 4.5020 ACRES OR 196,107.61 SQUARE FEET BEING ALL OF TRACT 1 (CALLED 3.428 ACRE TRACT) AND ALL OF TRACT 2 (CALLED 1.083 ACRE TRACT) IN DEED RECORDED IN GALVESTON COUNTY CLERK'S FILE NO. 2016028814 OF THE GALVESTON COUNTY OFFICIAL PUBLIC RECORDS, IN THE JOHN MILES SURVEY, ABSTRACT 15, IN GALVESTON COUNTY, TEXAS, SAID 4.5020 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

BEGINNING at a ½ inch iron rod found marking the intersection of the Southwest right-of-way line of Alsworth Street (40 ft. in width) with the Southeast right-of-way line of Miles Road (40 ft. in width) and marking the North corner of the herein described tract;

THENCE South 56 degrees 46 minutes 00 seconds East with the Southwest right-of-way line of Alsworth Street a distance of 200.00 ft. to a ½ inch iron rod found marking the North corner of a 1.219 acre tract, conveyed to Dan E. Tindall, recorded in Volume 2773, Page 849 and in Volume 2773, Page 861 G.C.D.R.;

THENCE South 33 degrees 14 minutes 00 seconds West with the Northwest boundary line of said Tindall Tract a distance of 199.97 ft. to a 3/8 inch iron rod found marking a re-entrant corner of the herein described tract;

THENCE South 56 degrees 46 minutes 00 seconds East with the Southwest boundary line of said Tindall Tract a distance of 271.95 ft. to a 1 inch iron rod found bears West 0.45 ft. marking the South corner of said Tindall Tract;

THENCE South 33 degrees 14 minutes 00 seconds West with the Northwesterly boundary line of a 1.000 acre tract, conveyed to Ronald P. Mitchell, recorded in Galveston County Clerk's File No. 2016024809, a distance of 66.18 ft. to a ½ inch iron rod found bears South 0.45 ft. marking another re-entrant corner of the herein described tract;

THENCE South 56 degrees 46 minutes 00 seconds East with the Southwest boundary line of said Mitchell Tract a distance of 118.26 ft. to a ½ inch iron rod found bears West 0.75 ft. marking the South corner of said Mitchell Tract, in the Northwest boundary line of a 0.580 acre tract, conveyed to Sharon N. Binion, recorded in File Code No. 005-56-1113;

THENCE South 52 degrees 00 minutes 00 seconds West with the Southeasterly boundary line of the herein described tract and the Northwesterly boundary line of said Binion Tract a distance of 189.98 ft. to a ½ inch iron rod found bears East 0.60 ft. marking the South corner of the herein described tract and the East corner of a 3.077 acre tract, conveyed to Jubilee Investments, Inc., recorded in Galveston County Clerk's File No. 2012042805;

THENCE North 56 degrees 46 minutes 00 seconds West with the Northeasterly boundary line of said Jubilee Investments, Inc. Tract a distance of 475.25 ft. to a 3/8 inch iron rod found marking the Southeast corner of a 0.224 acre tract, conveyed to Dan E. Tindall, recorded in Volume 2773, Page 853 G.C.D.R.;

THENCE North 25 degrees 13 minutes 45 seconds West with the Northeasterly boundary line of said Tindall Tract a distance of 97.82 ft. to a 3/8 inch iron rod found marking an angle point in said Northeasterly boundary line;

THENCE North 38 degrees 54 minutes 06 seconds West with the Northeasterly boundary line of said Tindall Tract a distance of 99.13 ft. to a 3/8 inch iron rod found marking the Westerly corner of the herein described tract in the Southeasterly right-of-way line of Miles Road;

THENCE North 52 degrees 00 minutes 00 seconds East with the Southeasterly right-of-way line of Miles Road a distance of 384.82 ft. to the PLACE OF BEGINNING and containing 4.5020 acres of land.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

A.P.N. 0153-0010-0000-000

FILED

Instrument Number: *FILED2024001359*

Filing Fee: 2.00

Number Of Pages: 5

Filing Date: 11/14/2024 11:19AM

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.*