

NOTICE OF TRUSTEE'S SALE

WHEREAS, on the **29th day of October, 2014**, **CHRISTOPHER M. LOZIER**, executed a Deed of Trust conveying to G. WILLIAM RIDER, as Trustee, the real estate hereinafter described, to secure **HOMETOWN BANK, NATIONAL ASSOCIATION**, in the payment of a debt therein provided, all as in said Deed of Trust provided; said Deed of Trust being recorded under **Film Code No. 2014062341** in the office of the County Clerk of Galveston County, Texas;

WHEREAS, default has occurred in the payment of said indebtedness, and the same is wholly due, and pursuant to the authority conferred upon me by said Deed of Trust, the owner and holder of said indebtedness has requested the undersigned to sell said property in order to satisfy the indebtedness served thereby, which includes obligations under said promissory note and said Deed of Trust;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the **3rd day of December, 2019**, between 10:00 a.m. and 12:00 noon (the earliest time at which the sale will occur will be 10:01 a.m.), I will sell, at the area of the County Courthouse of Galveston County, Texas, designated by the Commissioner's Court, to-wit: **the Lobby located on the 1st Floor of the Galveston County Courthouse, 722 – 21st Street, Galveston, Texas**, at public auction to the highest bidder for cash, the following-described real estate lying and being situated in the County of Galveston, State of Texas, to-wit:

The following described Condominium Unit and Limited Common Elements appurtenant thereto, together with an undivided interest in the General Common Elements located in and being part of THE VICTORIAN, PHASE "I" a Condominium Project in Galveston County, Texas, as fully described in and as located, delineated and as defined in the Condominium Declaration together with the Survey Plat, By-Laws and Exhibits attached thereto, recorded in/under Clerk's File No. 8216085, 8224101, 8236438, 8416477, 8931675, 9038097, 9145484, and 9546118, of the Real Property Records of Galveston County, Texas.

Condominium Unit Number Seven Thousand Two Hundred Four (7204), in Building "G", and the space encompassed by the boundaries thereof, and

An undivided percent ownership interest in and to the General Common Elements of the Condominium Project, together with the limited common elements appurtenant thereto.

In accordance with Section 61.025, Texas Natural Resources Code, the following:

The real property described in this contract (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 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 vegetation line, the landward boundary of the easement is as provided in Section 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. 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 seek the advice of an attorney or other qualified person *before purchasing this property* 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 OF THE PROPERTY SHALL BE SUBJECT TO ALL MATTERS OF RECORD AND TO ALL MATTERS WHICH A CURRENT SURVEY OF THE SUBJECT PROPERTY WOULD SHOW. THE SALE OF SUCH PROPERTY SHALL FURTHER BE "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE OR BY THE OWNER AND HOLDER OF SAID INDEBTEDNESS, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE OWNER AND HOLDER OF SAID INDEBTEDNESS NOR THE SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATION OR WARRANTY 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.

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.



G. WILLIAM RIDER, TRUSTEE
Suite 802, 2200 Market Street Tower
Galveston, Texas 77550
williamrider@sbcglobal.net
PH: (409) 763-3531/FAX: (409) 763-3553

FILED

Instrument Number: *FILED2019001435*

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Filing Date: 10/29/2019 3:57PM

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

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*