

**NOTICE OF FORECLOSURE SALE**

Date: **November 5, 2019**

**Deed of Trust (Security Agreement, Assignment of Leases and Rents, and Financing Statement)**

Date: June 22, 2017  
Grantor: Kaiser Marine Group, LLC  
Lender: Texas Citizens Bank, N.A.  
Trustee: Michael Cornett  
Substitute Trustee: James William Freyer  
County where property  
is located: Galveston  
Recorded in: GALVESTON County Clerk's File Number 2017039429

Property: Being a tract or parcel of land containing 1.0215 acres of land or 44,500 square feet, located in the M. Muldoon 2 League, Abstract 18, Galveston County, Texas; Said 1.0215 acre tract being all of Unrestricted Reserve "A", in Nautic Kemah, a subdivision duly of record in Volume 2016, Page 27629 in the Official Records of Galveston County (O.R.G.C.), Texas; Said 1.0215 acre tract being more particularly described as follows (bearings based on said subdivision):

BEGINNING at a 1/2 inch iron rod found for the southeast corner of the herein described tract and the northeast corner of Lot 2 of record in the name of Marvin E. Novak in the Galveston County Clerk's File (G.C.C.F.) Number 198628243, and being on the west Right-of-Way (R.O.W.) line of Harris Avenue (60 feet wide);

THENCE, coincident the south line of the herein described tract and the north line of aforesaid Lot 2, South 80 Degrees 51 Minutes 00 Seconds West, a distance of 300.00 feet to a 5/8 inch iron rod found for the southwest corner of the herein described tract and the northwest corner of Lot 11 of record in the name of Marvin E. Novak in G.C.C.F. Number 198628243, and being on the east R.O.W. line of Texas Avenue (60 feet Wide);

THENCE, coincident the west line of the herein described tract and the east R.O.W. line of aforesaid Texas Avenue, North 09 Degrees 09 Minutes 00 Seconds West, a distance of 100.00 feet to a 5/8 inch iron rod found for the northwest corner of the herein described tract and the southwest corner of Lots 7 and 8 of record in the name of Bumum, Inc., and being on the east R.O.W. line of said Texas Avenue;

THENCE, coincident the south line of aforesaid Lot 7, North 80 Degrees 51 Minutes 00 Seconds East, a distance of 155.00 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of said Lot 7;

THENCE, coincident the east line of aforesaid Lot 7, North 09 Degrees 09 Minutes 00 Seconds West, a distance of 100.00 feet to a 5/8 inch iron rod found for the northeast corner of said Lot 7 and being on the south R.O.W. line of 6th Street (60 feet Wide);

THENCE, coincident the north line of the herein described tract and the south R.O.W. line of aforesaid 6th Street, North 80 Degrees 51 Minutes 00 Seconds East, a distance of 145.00 feet to a 5/8 inch iron rod found for the northeast corner of the herein described tract, being on the south R.O.W. line of said 6th Street and the west R.O.W. line of aforesaid Harris Avenue;

THENCE, coincident the east line of the herein described tract and the west R.O.W. line of aforesaid Harris Avenue, South 09 Degrees 09 Minutes 00 Seconds East, a distance of 200.00 feet to the POINT OF BEGINNING and containing 1.0215 acres of land.

including all personal property secured by the Security Agreement included in the Deed of Trust, to the extent Lender does not otherwise foreclose on and take possession of such personal property.

**Security Agreement**

Date: June 22, 2017  
Debtor: The Nautic Group, Inc.  
Secured Party: Texas Citizens Bank, N.A.  
Guarantor: Kevin Thomas Kaiser

**Assignment of Rents (Contained in the Deed of Trust)**

Date: June 22, 2017  
Assignor: Kaiser Marine Group, LLC  
Assignee: Texas Citizens Bank, N.A.  
Premises: The Real Property described above

**Special Warranty Deed With Vendor's Lien in Favor of Lender**

Date: June 22, 2017  
Grantor: Kemah Hospitality, LTD.  
Grantee: Kaiser Marine Group, LLC  
Lender: Texas Citizens Bank, N.A.  
Property: The Real Property described above

**UCC Financing Statements**

Financing Statement recorded June 27, 2017, from THE NAUTIC GROUP, INC., as Debtor, in favor of TEXAS CITIZENS BANK, N.A. as Secured Party, under GALVESTON County **Clerk's File No. 2017038938**.

Financing Statement recorded June 27, 2017, from KAISER MARINE GROUP, LLC, and THE NAUTIC GROUP, INC., each as Debtor, in favor of TEXAS CITIZENS BANK, N.A. as Secured Party, under **Clerk's File No. 17-0021902507** of the Office of the Secretary of State of Texas.

**Guaranty Agreement**

U.S. Small Business Administration Unconditional Guarantee dated June 22, 2017, executed by KEVIN THOMAS KAISER, as Guarantor, covering the obligations of Borrower, and being to and for the benefit of TEXAS CITIZENS BANK, N.A., as Lender.

**Secures:**

U.S. Small Business Administration Note ("Note")  
Date: June 22, 2017  
Amount: \$2,165, 000.00  
Borrower: Kaiser Marine Group, LLC  
Operating  
Company: The Nautic Group, Inc.  
Lender: Texas Citizens Bank, N.A.

Substitute Trustee: James William Freyer  
Trustee's Street Address: 14200 Gulf Freeway, Suite 101  
Houston, Texas 77034  
Harris County

1. Property to be Sold. The above-described Property.
2. Instrument to be Foreclosed. The Deed of Trust (Security Agreement, Assignment of Leases and Rents, and Financing Statement) (the "Deed of Trust") described above.
3. Foreclosure Sale:
  - Date: Tuesday, **December 3, 2019.**
  - Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; **the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.**
  - Place: Lobby  
Galveston County Courthouse, First Floor  
722 Moody (21<sup>st</sup> Street), Galveston, Galveston County, Texas 77550  
or as otherwise designated by the County Commissioners' Court.
4. Terms 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 Lender'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, Lender, the owner and holder of the Note, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code. Lender has appointed Substitute Trustee as the Trustee under the Deed of Trust. Lender has instructed the Substitute Trustee to offer the Property for sale toward the satisfaction of the Note.

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 Lender 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 Lender. 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.

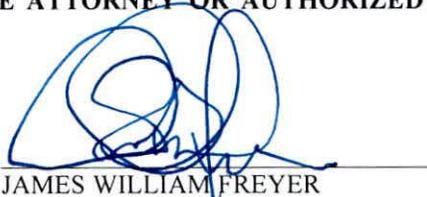
THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR ANY PERSONAL PROPERTY IN THIS DISPOSITION.

This sale will be conducted subject to the right of rescission contained in section 51.016 of the Texas Property Code, to the extent that there is any right of rescission which applies or may be found to apply to all or any part 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 will be announced before bidding is opened for the first sale of the day held by the 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 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.**



JAMES WILLIAM FREYER  
Attorney for  
TEXAS CITIZENS BANK, N.A.,  
a national banking association  
Lender / mortgagee

**FILED**

Instrument Number: *FILED2019001467*

Filing Fee: 23.00

Number Of Pages:5

Filing Date: 11/07/2019 12:14PM

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*

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Dwight D. Sullivan, County Clerk  
Galveston County, Texas

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