

NOTICE OF 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.

1. *Property to Be Sold.* The property ("Property") to be sold is described as follows:

TRACT ONE: The Surface estate only of a tract of land out of the James Spillman League, Galveston County, Texas described as follows, to-wit:

BEGINNING at a point on the Southerly right of way of Fifth Street, said **POINT OF BEGINNING BEING** North 70 degrees 54 minutes West, a distance of 808.50 feet from the Southwest corner of the intersection of Fifth Street and Highland Bayou Drive. Wittjen Subdivision No. 7 as per map of said subdivision recorded in Volume 254-A, Page 67 in the office of the County Clerk of Galveston County, Texas;

THENCE south 19 degrees 06 minutes West, a distance of 150 feet to point for Southeast corner;

THENCE North 70 degrees 54 minutes West, a distance of 50 feet to point Southwest corner;

THENCE East 19 degrees 06 minutes, a distance of 150 feet to point for Northwest corner;

THENCE South 70 degrees 54 minutes along the South right-of-way of Fifth Street, a distance of 50 feet to the **PLACE OF BEGINNING**; being also known as Lot 6 in Block 15 Wittjen Subdivision, unrecorded.

TRACT TWO: Part of James Spillman League in Galveston County, Texas and being the surface estate only of Lot 7 in Block 15 of Wittjen Subdivision No. 7 described by metes and bounds as follows:

BEGINNING at a point on the Southerly right of way of Fifth Street, said **POINT OF BEGINNING** being North 70 degrees 54 minutes West, a distance of 808.50 feet from the southwest corner of the intersection of Fifth Street and highland Bayou Drive. Wittjen Subdivision No. 7 as per map of said subdivision recorded in Volume 254-A, Page 67 in the office of the County Clerk of Galveston County, Texas;

THENCE South 19 degrees 06 minutes West, a distance of 50 feet to the Southwest corner;

THENCE North 70 degrees 54 minutes West, a distance of 50 feet to point for Southwest corner;

THENCE North 19 degrees 06 minutes East a distance of 150 feet to point for Northwest corner;

THENCE South 70 degrees 54 minutes East along the south right-of-way of Fifth Street, a distance of 50 feet to the **PLACE OF BEGINNING**.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the deed of trust described more fully as follows:

Deed of Trust dated April 17, 2017, from Samuel Casey Hunter Miller, as grantor, conveying the Property in trust to Philip H. Roberts or Thomas Cain, as Trustee, for the benefit of John Allen Bassett ("Beneficiary"), recorded under Clerk's File Number 2017023666, Real Property Records, Galveston County, Texas ("Deed of Trust").

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: **March 3, 2020**

Time: The sale will begin no earlier than **1:00 p.m.** or no later than three hours thereafter.

Place: The first floor lobby of 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.

The Beneficiary may postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. 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. The reposting or refiled may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder FOR CASH, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the Property will need to demonstrate their ability to pay their bid immediately IN CASH if their bid is accepted.

The sale shall not cover any part of the Property that has been released of public record from the lien of 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.

Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Substitute 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075 of the Texas Property Code, the Substitute Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Substitute Trustee.

5. *Type of Sale.* The sale is a non-judicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust.

6. *Obligations Secured.* The Deed of Trust secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to that promissory note ("Note") dated **April 17, 2017**, in the original principal amount of **EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$18,000.00)**, executed by **Samuel Casey Hunter Miller** and payable to the order of **John Allen Bassett**. **John Allen**

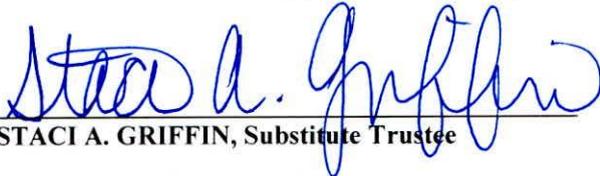
Bassett is the current owner and holder of the Note and Obligations and is the current Beneficiary under the Deed of Trust.

7. Pursuant to the Deed of Trust, Beneficiary made, constituted and appointed in writing, **STACI A. GRIFFIN, RONALD A. MURRAY, and KYLE L. DICKSON** as substitute trustees (each being a "Substitute Trustee") in that certain *Appointment of Substitute Trustee* dated February 2020; to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Obligations.

8. *Default and Request to Act.* Default has occurred under the Deed of Trust, and although demand was made upon **Samuel Casey Hunter Miller**, the default was not cured, and the Beneficiary has requested a Substitute Trustee conduct this sale. Notice is given that before the sale the Beneficiary may appoint other substitute trustees to conduct the sale.

Questions concerning the sale may be directed to the attention of Substitute Trustee, Staci A. Griffin, c/o Murray | Lobb, PLLC, at 700 Gemini, Suite 115, Houston, Texas 77058, phone number (281) 488-0630.

DATED this the 10th day of February, 2020.


STACI A. GRIFFIN, Substitute Trustee

c/o Murray | Lobb, PLLC
700 Gemini, Suite 115
Houston, Texas 77058

FILED

Instrument Number: *FILED2020000255*

Filing Fee: 23.00

Number Of Pages:4

Filing Date: 02/10/2020 1:13PM

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.*