

NOTICE OF SUBSTITUTE TRUSTEE'S 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.

WHEREAS, effective on the **30th day of September, 2016**, **JOHN JOLLY and CATHIE JOLLY**, collectively as Grantor, executed one certain deed of trust (“said Deed of Trust”) for Mary Elizabeth Giokas, the Holder and beneficiary in said Deed of Trust, with respect to certain real property described below, to secure Mary Elizabeth Giokas, who has the address of 2006 Avenue O ½, Galveston, Texas 77550, in the payment of the indebtedness described in one certain promissory note (“said Promissory Note”), dated to be effective September 30, 2016 in the original principal amount of \$610,000.00 executed by **JOHN JOLLY and CATHIE JOLLY** and payable to the order of Mary Elizabeth Giokas, and in the performance of the duties, obligations, covenants, and responsibilities set out in said Deed of Trust, by the deed of trust lien granted in favor of Mary Elizabeth Giokas in said Deed of Trust, and Mary Elizabeth Giokas was thereby granted a power of sale with respect to the real property described below, all as set out in said Deed of Trust which is recorded under **Galveston County Clerk’s File No. 2016060235** in the Official Public Records of Galveston County, Texas; and

WHEREAS, on the **30th day of September, 2016**, **JOHN JOLLY and CATHIE JOLLY**, collectively as Grantee, accepted one certain Warranty Deed with Vendor’s Lien which is recorded under **Galveston County Clerk’s File No. 2016060234** in the Official Public Records of Galveston County, Texas, that conveyed the real property described below and situated in Galveston County, Texas, subject to the duties, responsibilities, and obligations of **JOHN JOLLY and CATHIE JOLLY** to pay said Promissory Note and to perform the duties, obligations, covenants, and responsibilities set out in said Deed of Trust, all of which payments and obligations were secured by the vendor’s lien and the

deed of trust lien in favor of Mary Elizabeth Giokas, both of which liens cover the real property described below; and

WHEREAS, in that one certain Removal of Trustees executed on January 10, 2020 by Mary Elizabeth Giokas, the Holder of said Promissory Note and the Holder and beneficiary of said Deed of Trust, who acknowledged that she deemed it desirable in her sole discretion to remove without cause Patrick F. Doyle, Dennis R. Bettison, Ethan Baker, Jeff Adams, Donnie Quintanilla, and Jana L. Hartnett, all of whom were appointed the Trustees pursuant to said Deed of Trust with respect to the real property described below, who removed all of such Trustees under said Deed of Trust with respect to the real property described below, and who will appoint another Trustee as a Substitute Trustee in relation to said Deed of Trust with respect to the real property described below, which Removal of Trustees is recorded under **Galveston County Clerk's File No. 2020001839** in the Official Public Records of Galveston County, Texas; and

WHEREAS, in that one certain Appointment of Substitute Trustee executed on January 10, 2020 by Mary Elizabeth Giokas, who is the owner and the Holder of the indebtedness described in said Promissory Note and the Holder and beneficiary under said Deed of Trust, has appointed Michael L. Wilson, who has the mailing address of 2200 Market Street Tower, Suite 802, Galveston, Galveston County, Texas 77550, as the Substitute Trustee to act under, by virtue of, and in accordance with said Deed of Trust and which Appointment of Substitute Trustee is recorded under **Galveston County Clerk's File No. 2020001861** in the Official Public Records of Galveston County, Texas; and

WHEREAS, **JOHN JOLLY and CATHIE JOLLY** have made breaches and defaults in the payments of the indebtedness described in said Promissory Note and have failed to perform all of the duties, obligations, covenants, and responsibilities set out in said Deed of Trust, and the same payments and obligations are wholly due; and

WHEREAS, Mary Elizabeth Giokas, who is the current owner and Holder of the indebtedness described in said Promissory Note and the Holder and beneficiary under said Deed of Trust, has instructed the Substitute Trustee to sell the real property described below in order to satisfy the payment of the indebtedness described in said Promissory

Note and the performance of the duties, obligations, covenants, and responsibilities set out in said Deed of Trust;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the **3rd day of March, 2020**, between **1:00 p.m.** and **4:00 p.m.** (the earliest time at which the sale will begin will be 1:00 p.m. or within three hours after that time), because of breaches and defaults in the payment of the indebtedness described in said Promissory Note and the performance of the duties, obligations, covenants, and responsibilities set out in said Deed of Trust, I, the undersigned Substitute Trustee, will sell the real property described below by public auction, at the area designated by the Galveston County Commissioners' Court, to wit: **the Lobby located on the 1st Floor of the Galveston County Courthouse, 722 - 21st Street, Galveston, Texas,** to the highest bidder for cash, to satisfy the debt secured by liens in favor of Mary Elizabeth Giokas, as Holder and beneficiary in said Deed of Trust, all of the following-described real property lying and being situated in the County of Galveston, State of Texas, to-wit:

Tract I:

Lots One (1), Two (2), Three (3), Four (4) and Five (5), in Block Thirty-One (31), in the City and County of Galveston, Texas.

Tract II:

Lot Ten (10) and East 1/2 of Lot Eleven (11), in the Southwest Block of Outlot Sixty-Two (62), in the City and County of Galveston, Texas.

In accordance with Section 61.025, Texas Natural Resources Code, the following statement is included as a part of the sale:

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 participating in this Substitute Trustee's Sale as to the relevance of these statutes and facts to the value of the property the purchaser is purchasing, or contracting to purchase, at this Substitute Trustee's Sale.

THE SALE OF THE ABOVE-DESCRIBED REAL PROPERTY SHALL BE SUBJECT TO ALL MATTERS OF RECORD AND TO ALL MATTERS WHICH A CURRENT SURVEY OF THE SUBJECT REAL PROPERTY WOULD SHOW. THE SALE OF SUCH REAL PROPERTY SHALL FURTHER BE "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, BY THE OWNER AND HOLDER OF THE PAYMENT OF THE INDEBTEDNESS DESCRIBED IN SAID PROMISSORY NOTE, AND BY THE HOLDER AND BENEFICIARY IN SAID DEED OF TRUST OF THE PERFORMANCE OF THE DUTIES, OBLIGATIONS, COVENANTS, AND RESPONSIBILITIES SET OUT IN SAID DEED OF TRUST, 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 THE PAYMENT OF THE INDEBTEDNESS DESCRIBED IN SAID PROMISSORY NOTE, THE HOLDER AND BENEFICIARY IN SAID DEED OF TRUST OF THE PERFORMANCE OF THE DUTIES, OBLIGATIONS, COVENANTS, AND

RESPONSIBILITIES SET OUT IN SAID DEED OF TRUST, 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 ABOVE-DESCRIBED REAL PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY THE PURCHASER AT THIS FORECLOSURE SALE.

Date of signing: February 11, 2020.

Michael L. Wilson, Substitute Trustee
Michael L. Wilson,
Substitute Trustee
2200 Market Street Tower, Suite 802
Galveston, Texas 77550
(409) 763-3531
Fax (409) 763-3553
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FILED

Instrument Number: *FILED2020000263*

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Filing Date: 02/11/2020 4:38PM

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.*