

NOTICE OF TRUSTEE'S SALE

Pursuant to that certain **Deed of Trust** ("Deed of Trust") dated **October 19, 2018**, executed by **BINNACLE TEXAS CITY NINETY LLC** ("Mortgagor"), Mortgagor conveyed to **PATRICK F. DOYLE, DENNIS R. BETTISON, JEFF ADAMS, DONNIE QUINTANILLA, JANA L. HARTNETT, ALBERT G. REDMOND, or PETER J. SAPIO, JR., as Trustee(s)**, all of their right, title, and interest in and to that one certain parcel of real property situated in Galveston County, Texas and described as:

An 89.756 acre tract of land out of the W. K. Wilson Survey, Abstract 208, situated in Galveston County, Texas, said tract being more particularly described by metes and bounds on Exhibit "A" attached hereto, SAVE AND EXCEPT a 35.261 acre tract being more particularly described by metes and bounds on Exhibit "B" attached hereto.

to secure the payment of that one certain **Real Estate Lien Note** ("Note") dated **October 19, 2018**, in the original principal amount of **\$1,642,070.00**, executed by Mortgagor and payable to the order of **STERLING COMMERCIAL PROPERTIES, LLC** ("Beneficiary") and any and all other indebtedness secured by said Deed of Trust.

The Deed of Trust was filed of recorded under **Galveston County Clerk's File No. 2018063742**, and said note and lien being further secured by a Vendor's Lien retained in a Deed of even date therewith and filed for record under **Galveston County Clerk's File No. 2018063741**; all in the Real Property Records of Galveston County, Texas; and

The Note and Deed of Trust are in default and the entire unpaid balance of the Note is due and payable, and Beneficiary intends to enforce the power of sale set forth in the above-referenced Deed of Trust; and

The Beneficiary has directed the Substitute Trustee to enforce the power of sale under the Deed of Trust for the purpose of collecting the indebtedness secured under it, after the giving of at least 21 consecutive days notice and recording the Notice in the Galveston County Clerk's Office giving the time, place, and terms of said sale, and description of the property to be sold, pursuant to the Deed of Trust and the laws of the State of Texas;

Therefore, I, Ethan Baker, Substitute Trustee, hereby give notice, after due publication as required by the Deed of Trust and/or security instruments and the Texas Property Code, that I will, after due posting, publication, and filing of this Notice, and after having given written notice of at least 21 consecutive days by certified mail, return receipt requested, as well as regular mail, to each debtor obligated to pay the Note and indebtedness secured by the Deed of Trust, at the last known address of each such debtor, according to the records of Beneficiary, as required by the Deed of Trust and the laws of the State of Texas, sell the Property at public auction to the highest bidder or bidders for cash, between the hours of 10:00 a.m. and 1:00 p.m. on the first Tuesday in **May**, being **May 5**,

2020, at the first floor lobby, west side, of the Galveston County Courthouse, 722 Moody Avenue, Galveston, Texas or as designated by the County Commissioners.

Pursuant to Section 51.002 of the Texas Property Code, the foreclosure sale will begin no earlier than 10:00 a.m. and no later than three hours after that time.

The sale conducted pursuant to this Notice will be made subject to any valid and existing liens and any other title encumbrances affecting title to the property described above or any part of the property that are proved superior to the liens and other rights of Beneficiary under the security instrument or other recorded instruments.

Signed on April 13, 2020.

McLEOD, ALEXANDER, POWEL & APFFEL, P.C.

802 Rosenberg

P.O. Box 629

Galveston, Texas 77553

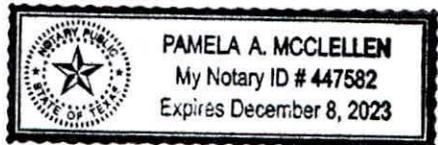
Telephone: 409/763-2481

Fax: 409/762-1155

By: 
Ethan Baker, Substitute Trustee

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

This instrument was acknowledged before me on the 13th day of April, 2020, by **Ethan Baker**, Substitute Trustee, and in the capacity therein stated.



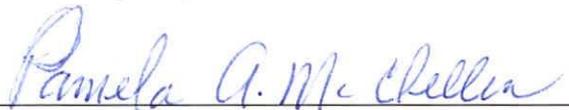

Notary Public in and for the State of Texas

EXHIBIT "A"

Being an 89.756 acre tract of land out of the W.K. Wilson Survey, Abstract No. 208, situated in Galveston County, Texas, said tract being more particularly described as follows:

Beginning at 5/8 inch rod found at the Northeast corner of Reserve "G", of Lone Trail Village, Section 2, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded under Instrument No. 2015065398, in the Office of the County Clerk of Galveston County, Texas, said point also being the Southeast corner of a 0.3145 acre tract of land conveyed to the City of Texas City, in deed recorded under Instrument No. 2010044266 in the Office of the County Clerk of Galveston County, Texas;

Thence North 00°03'00" East along the East line of said 0.3145 tract, a distance of 685.00 feet to the Northeast corner of said 0.3145 acre tract, and a set 1/2 inch rod;

Thence North 89°57'00" West along the North line of said 0.3145 acre tract, a distance of 20.00 feet to a point in the East line line of Century Boulevard (AKA Johnny Palmer Road), being a variable width right-of-way, and a set 1/2 inch rod;

Thence North 00°03'00" East along the East line of said Century Boulevard, a distance of 1,220.23 feet to the Southwest corner of a 6.000 acre tract of land conveyed to Nancy Gatewood, in deed recorded under Instrument No. 201057327 in the office of the County Clerk of Galveston County, Texas, from which a found 5/8 inch rod bears North 12°24'04" West, a distance of 0.7 feet;

Thence South 89°57'00" East along the South line of said Gatewood tract, a distance of 1,247.29 feet to a 1/2 inch rod set in the Southwesterly line of a tract of land conveyed to Galveston - Houston Electric Railway Company, according to deed recorded in Volume 241, Page 76 in the office of the County Clerk of Galveston County, Texas;

Thence South 40°29'00" East along the Southwesterly line of said Galveston - Houston Electric Railway Company tract, a distance of 2,366.49 feet to a 1/2 inch rod set in the West line of a 115.74 acre tract of land conveyed to SSLT, LLC., in deed recorded under Instrument No. 2017011172, in the office of the County Clerk of Galveston County, Texas;

Thence South 00°03'00" West along the West line of said SSLT, LLC tract, a distance of 106.63 feet to the Northeast corner of a 10.93 acre tract of land conveyed to Lone Trail Development, LLC., in deed recorded under Instrument No. 2014060494, in the office of the County Clerk of Galveston, Texas, from which a 2 inch pipe bears North 46°05'48" West, a distance of 0.5 feet;

Thence North 89°57'00" West along the North line of said Lone Trail Development, LLC. tract, at a distance of 1,220.15 feet pass a 5/8 inch rod found at the Northwest corner of said Lone Trail Development, LLC. tract, same being the Northeast corner of said Lone Trail Village, Section 2, and continuing along the North line of said Lone Trail Village, Section 2, for a total distance of 2,765.25 feet to the Point of Beginning of the herein described tract.

EXHIBIT "B"

Description of a 35.261 acre tract of land out of the W.K. Wilson Survey, Abstract No. 208, situated in Galveston County, Texas, said tract being more particularly described as follows:

Beginning at a 5/8 inch rod found at the Northeast corner of Reserve "G", of Lone Trail Village, Section 2, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded under Instrument No. 2015065398, in the Office of the County Clerk of Galveston County, Texas, said point also being the Southeast corner of a 0.3145 acre tract of land conveyed to the City of Texas City, in deed recorded under Instrument No. 2010044266 in the Office of the County Clerk of Galveston County, Texas;

Thence North 01°58'05" West along the East line of said 0.3145 tract, a distance of 685.00 feet to a 1/2 inch rod found at the Northeast corner of said 0.3145 acre tract;

Thence South 88°01'55" West along the North line of said 0.3145 acre tract, a distance of 20.00 feet to a 1/2 inch rod found in the East line of Century Boulevard (AKA Johnny Palmer Road), being a variable width right-of-way;

Thence North 01°58'05" West along the East line of said Century Boulevard, a distance of 315.00 feet to a point for corner, and a set 1/2 inch rod, said point also lying in the West line of a 89.765 acre tract (called 90.0701 acres) conveyed to Sterling Commercial Properties, LLC according to deed recorded under Instrument No. 2005017351 in the Office of the County Clerk of Galveston County, Texas;

Thence over and across said 89.765 acre tract the following courses and distances:

North 88°01'55" East, a distance of 94.44 feet to a point of curvature;

Along a curve to the right, said curve having a radius of 600.00 feet, a chord bearing of North 88°47'05" East, and an arc length of 15.77 feet to a point of tangency;

North 89°32'16" East, a distance of 174.48 feet to a point of curvature;

Along a curve to the left, said curve having a radius of 600.00 feet, a chord bearing of North 88°47'05" East, a chord length of 15.77 feet, and an arc length of 15.77 feet to a point of tangency;

North 88°01'55" East, a distance of 564.30 feet to a point for corner;

South 01°58'05" East, a distance of 70.00 feet to a non-tangent point of curvature;

Along a curve to the right, said curve having a radius of 665.00 feet, a chord bearing of South 67°14'05" East, a chord length of 556.47 feet, and an arc length of 574.13 feet to a point of tangency;

South 42°30'05" East, a distance of 440.54 feet to a point of curvature;

Along a curve to the left, said curve having a radius of 935.00 feet, a chord bearing of South 67°14'05" East, a chord length of 782.40 feet, and an arc length of 807.24 feet to a point of tangency;

North 88°01'55" East, a distance of 214.20 feet to a point of tangency;

Along a curve to the left, said curve having a radius of 935.00 feet, a chord bearing of North 81°43'51" East, a chord length of 205.24 feet, and an arc length of 205.65 feet to a point for corner, said point lying in the West line of part of a 115.74 acre tract of land conveyed to SSLT, LLC, in deed recorded under Instrument No. 2017011172, in the Office of the County Clerk of Galveston County, Texas;

Thence South 01°58'05" East along the West line of said SSLT, LLC tract, a distance of 52.53 feet to the Northeast corner of part of a 10.93 acre tract of land conveyed to Lone Trail Development, LLC, in deed recorded under Instrument No. 2014060494, in the Office of the County Clerk of Galveston, Texas, from which a 2 inch pipe bears North 48°05'53" West, a distance of 0.5 feet;

Thence South 88°01'55" West along the North line of part of said 10.93 acre tract, at a distance of 890.15 feet pass a 1/2 inch rod found at the Northeast corner of Lone Trail Village, Section 3, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded under Instrument No. 2018053813, in the Office of the County Clerk of Galveston County, Texas, at a distance of 1,220.15 feet pass a 5/8 inch rod found at the Northeast corner of said Lone Trail Village, Section 3, same being the Northeast corner of said Lone Trail Village, Section 2, and continuing along the North line of said Lone Trail Village, Section 2, for a total distance of 2,765.25 feet to the Point of Beginning of the herein described tract.

FILED

Instrument Number: *FILED2020000490*

Filing Fee: 23.00

Number Of Pages:5

Filing Date: 04/13/2020 2:27PM

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.*