

NOTICE OF FORECLOSURE SALE

April 16, 2020

Deed of Trust ("Deed of Trust"):

Dated: April 17, 2010
Grantor: Cody M. Shimek
Trustee: Thomas D. Whitmore
Lender: Timothy L. Whitmore
Recorded in: Clerk's File No. 2010020539 of the real property records of Galveston County, Texas

Legal Description: 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 Palms at Cove View, a Condominium, a Condominium Project in Galveston County, Texas, as fully described in, and as located, delineated and defined in the Condominium Declaration, together with the Survey Plat, By-Laws and Exhibits attached thereto, recorded under Clerk's File No. 2007060585, in the Official Public Records of Real Property in Galveston County, Texas;

Condominium Unit Number Two Hundred-Eleven, and the space encompassed by the boundaries thereof; and

An undivided .4467 percent ownership interest in and to the General Common Elements of the Condominium Project, together with the limited common elements appurtenant thereto.

Secures: Promissory Note ("Note") in the original principal amount of \$55,000.00, executed by Cody M. Shimek ("Borrower") and payable to the order of Lender Timothy L. Whitmore and all other indebtedness of Borrower to Lender

FORECLOSURE SALE:

Date: June 2, 2020

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, 722 Moody, 1st Floor, Galveston, Galveston County, Texas

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 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.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, 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.

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

The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$55,000.00, executed by Cody Shimek and payable to the order of Timothy L. Whitmore. Timothy L. Whitmore is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

As of April 1, 2020, there was owed \$51,501.65 on the note, being principal and interest in the following amounts: \$49,927.67 of principal, \$452.14 of Escrow, and \$1,121.84 of interest. The note is bearing interest at the rate of \$12.70 per day thereafter, plus any attorney fees and expenses incurred.

Questions concerning the sale may be directed to the undersigned or to the Lender, Timothy L. Whitmore, 2807 Mason Street, Houston, Texas 77006, 713-527-9325.

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 TRUSTEE 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.

Michael B. Hughes

Michael B. Hughes

FILED

Instrument Number: *FILED2020000526*

Filing Fee: 23.00

Number Of Pages:4

Filing Date: 05/04/2020 4:15PM

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.*