

Williams, Louis

From: Edson, Andrew G.
Sent: Monday, October 10, 2022 4:16 PM
To: Ehab Ahmed; Reese Baker
Cc: Allison Byman
Subject: Samurai - Foreclosure Notice Letter
Attachments: Samurai - Obligor Letter re Foreclosure Notice(268779675.1).pdf

Mr. Ahmed and Mr. Baker,

Please see attached letter with enclosed foreclosure sale notice. Please advise if the Borrower/Debtor has a position prior to the scheduled foreclosure sale of November 1st.

Best,
Andrew

Andrew G. Edson

Member

Clark Hill

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Clark Hill PLC
901 Main Street, Suite 6000
Dallas, TX 75202
T 214.651.4300
F 214.651.4330

October 10, 2022

**VIA U.S. FIRST CLASS MAIL, EMAIL, AND CERTIFIED MAIL, RETURN RECEIPT
REQUESTED # 92147969009997901644927692**

Samurai Martial Sports, Inc.
Attn: Ihad S. Ahmed, President
12500 Oxford Park Drive
Houston, TX 77077
ehabkarate@yahoo.com

VIA U.S. FIRST CLASS MAIL AND EMAIL

Reese Baker
Baker & Associates LLP
950 Echo Lane, Suite 300
Houston, TX 77024
reese.baker@bakerassociates.net

Re: That certain SBA Note (the "**Note**") entered into by Samurai Martial Sports, Inc. ("**Borrower**") dated May 12, 2017, secured by, among other things, that certain Deed of Trust (the "**Deed of Trust**") dated May 12, 2017, recorded on May 16, 2017 under Clerk's File No. 2017-211314, in the Official Public Records of Harris County, Texas, where Borrower as Grantor conveyed a security interest for the benefit of BankUnited, N.A. ("**Holder**"), certain real property situated in Harris County, Texas.

Dear Parties:

This correspondence supersedes any prior correspondence (oral, written or electronic) from Holder, or its officers, employees, agents, attorneys or representatives, with respect to the Note and Deed of Trust. As you know, Borrower has failed to pay its obligations under the Note when due and, as a result, have been, and remains, in default under the terms of the Note. Holder is the current beneficiary under the Deed of Trust.

By letter dated July 19, 2022, Holder advised of Second Monetary Default of Borrower's Confirmed Chapter 11 Plan, *In re Samurai Martial Sports, Inc.*, Case No. 21-32250 (the "**Plan**"). The Plan provides that upon an uncured default, the Holder can proceed with all of its rights and remedies. In addition to the defaults under the Note and Deed of Trust, Borrower has not cured the continuing defaults under the Plan as to Holder.

Exhibit 2

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This letter, together with the enclosed Notice of Substitute Trustee's Sale ("Notice"), constitutes notice to Borrower in accordance with the Deed of Trust and Tex. Prop. Code Ann. §51.002 (Vernon's 2007), as amended, that the Property (as defined in the Notice) has been posted for foreclosure. Regardless of any prior notices providing any other dates to the contrary (which notices, if any, are expressly superseded hereby), Borrower is hereby advised that the Property will be sold as provided in the Notice.

If any party who receives this letter, other than the Borrower, is a debtor in a bankruptcy proceeding subject to the provisions of the United States Bankruptcy Code (Title 11 of the United States Code) (the "**Code**"), this letter is merely intended to be written notice that formal demand has been made in compliance with the loan documents and applicable law. This letter is not an act to collect, assess or recover a claim against that party, nor is this letter intended to violate any provisions of the Code. Any and all claims that Holder asserts against that party will be properly asserted in compliance with the Code in the bankruptcy proceeding. In addition, all of Holder's claims, demands and accruals regarding the documents, whenever made, and whether for principal, interest or otherwise, are intended to comply in all respects, both independently and collectively, with all applicable usury laws, and are accordingly limited so that no applicable usury laws are violated.

Should you have any questions concerning this matter, or would like to resolve this matter with Holder, please contact the undersigned.

Sincerely,

CLARK HILL PLC



Andrew G. Edson

cc:

Via U.S. First Class Mail

Texas Workforce Commission
101 E. 15th Street, Room 556
Austin, Texas 78778-0001

Via U.S. First Class Mail

Texas Citizens Bank, N.A.
Attn: Michael Cornett, Trustee
4949 Fairmont Parkway
Pasadena, Texas 77505

Via Email

Allison Byman

Exhibit 2

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Chapter 7 Trustee
Byman & Associates PLLC
7924 Broadway, Suite 104
Pearland, TX 77581
adb@bymanlaw.com

Exhibit 2

RP-2022-500858
10/10/2022 ER \$34.00

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Notice is hereby given that a public sale at auction of the Property (as that term is defined and described below) will be held at the date, time and place specified in this notice.

DATE OF SALE: Tuesday, the 1st day of November, 2022 (which is the first Tuesday of that month).

TIME OF SALE: The earliest time at which the sale shall occur is 1:00 o'clock p.m. The sale shall begin at that time or not later than three hours after that time.

PLACE OF SALE: The Bayou City Event Center, 9401 Knight Road, Houston, Texas 77045, or, if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court.

INFORMATION REGARDING THE DEED OF TRUST LIEN THAT IS THE SUBJECT OF THIS SALE:

NAME OF DOCUMENT: Deed of Trust (as has been renewed, extended, modified, amended restated, or corrected (the "Deed of Trust").

DATE: May 12, 2017

GRANTOR: Samurai Martial Sports, Inc.

BENEFICIARY: BankUnited, N.A.

TRUSTEE: Mike Ramsey

RECORDING INFORMATION: Clerk's File Number 2017-211314, in the Official Public Records of Harris County, Texas, filed May 16, 2017.

PROPERTY DESCRIPTION: The real property located in Harris County, Texas and being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes, together with the improvements, fixtures, and other real and personal property described in the Deed of Trust (collectively, the "Property").

INDEBTEDNESS SECURED:

NAME OF DOCUMENT: Small Business Administration Note (as has been renewed, extended, modified, amended or restated, the "Note")

DATE: May 12, 2017

FACE AMOUNT: \$1,765,000.00

MAKER: Samurai Martial Sports, Inc.

PAYEE: BankUnited, N.A.

Exhibit 2

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.

SUBSTITUTION OF TRUSTEE:

NAME OF DOCUMENT: Removal and Appointment of Substitute Trustee

DATE: May 3, 2021

NAME OF SUBSTITUTE TRUSTEE: Andrew Edson

ADDRESS OF SUBSTITUTE TRUSTEE: Clark Hill, PLC, 901 Main Street, Suite 6000, Dallas, Texas 75202, 214-460-9029; aedson@clarkhill.com

NAME OF SUBSTITUTE TRUSTEE: Louis Williams

ADDRESS OF SUBSTITUTE TRUSTEE: Clark Hill, PLC, 909 Fannin Street, Suite 2300, Houston, Texas 77010, 713-750-5531; lwilliams@clarkhill.com

NAME OF SUBSTITUTE TRUSTEE: Robert K. "Chip" Sugg

ADDRESS OF SUBSTITUTE TRUSTEE: Clark Hill, PLC, 2301 Broadway Street, San Antonio, Texas, 75034, 210-250-6165, csugg@clarkhill.com

Default has occurred under the terms of the Note, secured by the Deed of Trust. The indebtedness evidenced by the Note is now wholly due and payable. The current owner and holder of the indebtedness has requested that the undersigned, as Substitute Trustee under the Deed of Trust, sell the Property, the proceeds of such sale to be applied in accordance with the provisions of the Deed of Trust.

The holder of the indebtedness has further requested that the undersigned, as Substitute Trustee under the Deed of Trust, sell all of the components of the Property that are personal property in accordance with the terms of the Deed of Trust and Article 9 of the Texas Uniform Commercial Code. The sale of the personalty will be held at the same time and place as the above-described real property sale; however, to the extent permitted by Article 9 of the Texas Uniform Commercial Code, the undersigned has been instructed to proceed as to both the real and personal property in accordance with the rights and remedies of the owner and holder of the indebtedness in respect of the real property, i.e., in accordance with the Deed of Trust.

Therefore, at the date, time and place set forth above, the undersigned, as Substitute Trustee, will sell the Property to the highest bidder for cash, pursuant to the terms of the Deed of Trust.

Exhibit 2

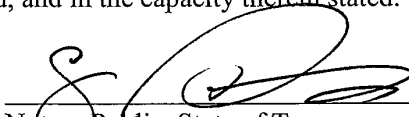
IN WITNESS WHEREOF this Notice of Substitute Trustee's Sale has been executed on this the 10th day of October, 2022.



Louis Williams
Substitute Trustee

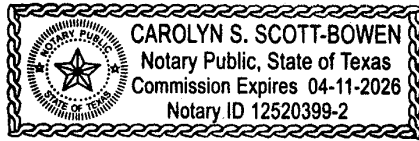
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was ACKNOWLEDGED before me on October 10, 2022, by Louis Williams, Substitute Trustee, who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.



Notary Public, State of Texas

Seal:



RP-2022-500858

Exhibit 2

EXHIBIT A

The Property has a physical address of 12500 Oxford Park Drive, Houston, Texas 77077.

LEGAL DESCRIPTION

BEING A TRACT OR PARCEL CONTAINING 2.108 ACRES (91,831 SQUARE FEET) OF LAND SITUATED IN THE WILLIAM HARDIN SURVEY, A-24, HARRIS COUNTY, TEXAS, BEING THE SAME CALLED 2.108 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO JACOB A. COHEN RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO. S324866 AND OUT AND A PART OF RESTRICTED RESERVE "A", BLOCK 1, IN DAIRY ASHFORD ACRES, SECTION THREE, A SUBDIVISION OF RECORD UNDER FILM CODE NUMBER (F.C. NO.) 361005 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), SAID 2.108 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS CITED HEREIN ARE BASED ON THE SAID DAIRY ASHFORD ACRES, SECTION THREE). BEARING BASIS IS THE NORTH RIGHT-OF-WAY OF OXFORD PARK DRIVE BEING SOUTH 87 DEGREES 31 MINUTES 40 SECONDS WEST.

COMMENCING AT A POINT IN THE EASTERLY RIGHT-OF-WAY (R.O.W.) LINE OF DAIRY ASHFORD ROAD (100 FEET WIDE) AND MARKING THE SOUTHWEST CORNER OF RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION TWO, A SUBDIVISION OF RECORD UNDER F.C. NO. 359122 OF THE H.C.M.R. AND MARKING THE NORTHWESTERLY CORNER OF RESTRICTED RESERVE "B", BLOCK 1 OF SAID DAIRY ASHFORD ACRES, SECTION THREE AND OF A CALLED 1.246 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO DAVEY ENTERPRISES, INC. RECORDED UNDER H.C.C.F. NO. 8710558;

THENCE, NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, ALONG THE COMMON SOUTHERLY LINE OF SAID RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION TWO AND THE NORTHERLY LINE OF SAID DAIRY ASHFORD ACRES, SECTION THREE AND OF SAID 1.246 ACRE TRACT, A DISTANCE OF 250.00 FEET TO A POINT MARKING THE SOUTHEAST CORNER OF SAID RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION TWO, AND AN INTERIOR CORNER OF SAID DAIRY ASHFORD ACRES, SECTION THREE;

THENCE, NORTH 02 DEGREES 28 MINUTES 20 SECONDS WEST, ALONG THE COMMON EASTERLY LINE OF SAID RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION TWO AND THE WESTERLY LINE OF SAID DAIRY ASHFORD ACRES, SECTION THREE, A DISTANCE OF 150.00 FEET TO A 5/8-INCH IRON ROD FOUND IN THE SOUTHERLY LINE OF DAIRY ASHFORD ACRES, SECTION ONE, A SUBDIVISION OF RECORD UNDER F.C. NO. 356007 OF THE H.C.M.R. AND OF A CALLED 13.564 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO A-S 94 WESTHEIMER-DAIRY ASHFORD, L.P. RECORDED UNDER H.C.C.F. NO 20060138612 AND MARKING THE NORTHEAST CORNER OF SAID RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION TWO, THE NORTHWESTERLY CORNER OF RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION THREE AND THE POINT OF BEGINNING AND NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

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Exhibit 2

THENCE, NORTH 87 DEGREES 37 MINUTES 00 SECONDS EAST, ALONG THE COMMON SOUTHERLY LINE OF DAIRY ASHFORD ACRES, SECTION ONE AND OF SAID 13.564 ACRE TRACT AND THE NORTHERLY LINE OF RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION THREE, A DISTANCE OF 250.00 FEET TO A 5/8-INCH IRON ROD FOUND MARKING THE NORTHWESTERLY CORNER OF A CALLED 2.86 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO ART STONE MEADOW, INC. RECORDED UNDER H.C.C.F. NO. T325118 AND THE NORTHEASTERLY CORNER OF SAID RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION THREE AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEGREES 28 MINUTES 20 SECONDS EAST, DEPARTING LAST SAID COMMON LINE AND ALONG THE EASTERLY LINE OF SAID DAIRY ASHFORD ACRES, SECTION THREE AND THE WESTERLY LINE OF SAID 2.86 ACRE TRACT, A DISTANCE OF 367.13 FEET TO A 5/8-INCH IRON-ROD FOUND IN THE NORTHERLY R.O.W. LINE OF OXFORD PARK DRIVE, BASED ON A 60-FOOT WIDTH AS DEPICTED ON THE PLAT OF SAID DAIRY ASHFORD ACRES, SECTION THREE, AND MARKING THE SOUTHWESTERLY CORNER OF SAID 2.86 ACRE TRACT AND THE SOUTHEASTERLY CORNER OF SAID RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION THREE AND OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DERGEES 31 MINUTES 40 SECONDS WEST, ALONG THE COMMON NORTHERLY R.O.W. LINE OF SAID OXFORD PARK DRIVE AND THE SOUTHERLY LINE OF SAID RESTRICTED RESERVE "A", BLOCK 1, DAIRY ASHFORD ACRES, SECTION THREE, A DISTANCE OF 250.00 FEET TO A 5/8-INCH IRON ROD FOUND MARKING THE SOUTHEASTERLY CORNER OF THE AFORESAID 1.246 ACRE TRACT AND THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEGREES 28 MINUTES 20 SECONDS WEST, DEPARTING LAST SAID COMMON LINE, OVER AND ACROSS SAID RESTRICTED RESERVE "A", BLOCK 1 OF DAIRY ASHFORD ACRES, SECTION, A DISTANCE OF 367.51 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.108 ACRE (91,831 SQUARE FEET) OF LAND.

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Exhibit 2

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Pages 6
10/10/2022 12:37 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$34.00

RP-2022-500858

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS