

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

DATE: October 15, 2024

PROMISSORY NOTE: Fourth Amended and Restated Secured Promissory Note, described as follows:

Original Date: March 15, 2021

Maker: Cynthia A. Mika

Payee: TCT Financial II, LLC, a Texas limited liability company

Amount: \$83,500.00

DEED OF TRUST: Deed of Trust, Mortgage, Assignment, Security Agreement and Financing Statement

Original Date: June 28, 2019

Grantor: Cynthia A. Mika

Original Trustee: Catherine Hines

Beneficiary: TCT Financial II, LLC, a Texas limited liability company

Recorded in: Instrument Number 201900002727 of the Official Public Records of Karnes County, Texas.

LENDER: TCT Financial II, LLC, a Texas limited liability company

BORROWER: Cynthia A. Mika

PROPERTY: The "Mortgaged Property" as described in the Deed of Trust and as described on **Exhibit A** attached hereto.

SUBSTITUTE TRUSTEE: Bob Frisch, Janice Stoner, Jodi Steen, Jo Woolsey, or David Garvin.

SUBSTITUTE TRUSTEE'S MAILING ADDRESS:

c/o Michael B. Franklin
Munsch Hart Kopf & Harr, PC
1717 W. 6th Street, Suite 250
Austin, Texas 78703

DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

November 5, 2024, being the first Tuesday of the month, to commence at 11:00 a.m., or within three hours thereafter.

FILED
At 10:48 o'clock A M
OCT 15 2024
CAROL SWIZE, COUNTY CLERK
KARNES COUNTY, TEXAS
Mary E. Rio Deputy

PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

The front door of the Karnes County Annex, or if the preceding area is no longer the designated area, then in the area designated by the Commissioners Court of Karnes County, Texas for real property foreclosures under Section 51.002 of the Texas Property Code pursuant to instrument(s) recorded in the real property records of Karnes County, Texas.

Default has occurred in the payment of the Promissory Note and in the performance of the obligations of the Deed of Trust, which secures the Promissory Note. Because of such default, Lender, the owner of the Promissory Note, and the holder of the Promissory Note and the Deed of Trust lien for purposes of Section 51.002 of the Texas Property Code, has requested Substitute Trustee to sell the Property in accordance with the terms of the Deed of Trust and applicable law.

The Deed of Trust encumbers 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 (Texas UCC).

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, Substitute Trustee or such other Substitute Trustee as Lender may subsequently appoint, will sell the Property by public sale to the highest bidder for cash, in accordance with the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust and to the permitted exceptions to title, if any, described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property includes only Borrower's right, title, and interest in and to oil, gas and other minerals interests (including royalty interests) and is sold and conveyed "AS IS, WHERE IS", and WITH ALL FAULTS.

Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas Nation Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United State, please send written notice of the active duty military service to the sender of this notice immediately.

ALTHOUGH SUBSTITUTE TRUSTEE(S) WAS PREVIOUSLY APPOINTED PURSUANT TO THE DEED OF TRUST AND THE TEXAS PROPERTY CODE, FOR AVOIDANCE OF DOUBT, THIS INSTRUMENT REAFFIRMS THAT APPOINTMENT AS FOLLOWS: 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 MORTGAGEE SERVICER.

Printed Name: _____

Title: Substitute Trustee

Bob Frisch

Bob Frisch

EXHIBIT "A"
Mortgaged Property

All of Borrower's right, title, and interest in and to the Minerals (hereinafter defined), and any current or future royalties, overriding royalties, bonuses, rents or other monies paid, due, or held in suspense as a result of the extraction, sale, lease, extension, or use of the following, or any proceeds therefrom:

1. The land described on Exhibit "A-1" attached hereto (the "**Lands**").
2. All natural resources or other substance of value which may be extracted or produced from the Lands (the "**Minerals**"). The Minerals include, but are not limited to oil, gas, carbons metals and water.
3. Any substances or materials that result from the extraction of Minerals from the Lands (the "**Products**"). The Products include, but are not limited to the extracted Minerals and any materials or substances created from the extracted Minerals.
4. Any existing leases that cover any part of the Lands (the "**Lease**").

The Mortgaged Property additionally includes all of Borrower's right, title, interest and estate in and to the Minerals and Proceeds and all other claims or causes of action held by or accruing to the Borrower under the Lease and any lease covering interests under the Lands or held by Borrower by virtue of ownership of the Lands, Minerals or Products, including, but not limited to revenues, incomes, and payments from royalties, overriding royalties, lease bonuses, lease extensions, and purchases.

EXHIBIT "A-1"
Lands

KARNES COUNTY, TEXAS:

| <u>Lease</u> | <u>Abstract</u> | <u>Survey</u> |
|--------------|-----------------|---------------|
| MIKA | 4, 7 | MUSQUIZ, R |
| MIKA | 124 | GARY, I |

DESCRIPTION:

Including but not limited to All of Grantor's oil, gas and minerals in the above Leases, Abstracts and Surveys and also in Karnes County, Texas more particularly described as follows:

TRACT A:

FIRST TRACT: That entire tract of land out of the I. Gary Survey, A-124, in Karnes County, Texas, that is described as Tract 1 in that certain Partition Deed dated December 17, 2006, executed by and among Stephanie Buckwalter, Dolores Lavelle, Evelyn Mika, Jacquelyn Mika, Joyce Pitzer, Beverly Tanel, Virginia Dubose, Aloys Mika, Thomas A. Mika, Charlene Dailey, Arthur Mika, Germaine Ewen, Leslie Mika, Norma Prince, Dennis Mika, Mary Mika, Pamela Mika Wolf, and Felix Mika, Jr., and recorded in volume 862, beginning on page 843, of the Official Records of Karnes County, Texas, said tract said to contain 28.05 acres, more or less;

SECOND TRACT: That entire tract of land out of the I. Gary Survey, A-124, in Karnes County, Texas, that is described as Tract 2 in that certain Partition Deed dated December 17, 2006, executed by and among Stephanie Buckwalter, Dolores Lavelle, Evelyn Mika, Jacquelyn Mika, Joyce Pitzer, Beverly Tanel, Virginia Dubose, Aloys Mika, Thomas A. Mika, Charlene Dailey, Arthur Mika, Germaine Ewen, Leslie Mika, Norma Prince, Dennis Mika, Mary Mika, Pamela Mika Wolf, and Felix Mika, Jr., and recorded in volume 862, beginning on page 843, of the Official Records of Karnes County, Texas, said tract said to contain 28.05 acres, more or less;

THIRD TRACT: That entire tract of land out of the I. Gary A-124 and R. Musquiz A-7 Surveys, in Karnes County, Texas, that is described as Tract 3 in that certain Partition Deed dated December 17, 2006, executed by and among Stephanie Buckwalter, Dolores Lavelle, Evelyn Mika, Jacquelyn Mika, Joyce Pitzer, Beverly Tanel, Virginia Dubose, Aloys Mika, Thomas A. Mika, Charlene Dailey, Arthur Mika, Germaine Ewen, Leslie Mika, Norma Prince, Dennis Mika, Mary Mika, Pamela Mika Wolf, and Felix Mika, Jr., and recorded in volume 862, beginning on page 843, of the Official Records of Karnes County, Texas, said tract said to contain 28.05 acres, more or less;

FOURTH TRACT: That entire tract of land out of the I. Gary A-124 and R. Musquiz A-7 Surveys, in Karnes County, Texas, that is described as Tract 4 in that certain Partition Deed dated December 17, 2006, executed by and among Stephanie Buckwalter, Dolores Lavelle, Evelyn Mika, Jacquelyn Mika, Joyce Pitzer, Beverly Tanel, Virginia Dubose, Aloys Mika, Thomas A. Mika, Charlene Dailey, Arthur Mika, Germaine Ewen, Leslie Mika, Norma Prince, Dennis Mika, Mary Mika, Pamela Mika Wolf, and Felix Mika, Jr., and recorded in volume 862, beginning on page 843, of the Official Records of Karnes County, Texas, said tract said to contain 28.05 acres, more or less;

FIFTH TRACT: That entire tract of land out of the R. Musquiz A-7 Survey, in Karnes County, Texas, that is described as Tract 5 in that certain Partition Deed dated December 17, 2006, executed by and among Stephanie Buckwalter, Dolores Lavelle, Evelyn Mika, Jacquelyn Mika, Joyce Pitzer, Beverly Tanel, Virginia Dubose, Aloys Mika, Thomas A. Mika, Charlene Dailey, Arthur Mika, Germaine Ewen, Leslie Mika, Norma Prince, Dennis Mika, Mary Mika, Pamela Mika Wolf, and Felix Mika, Jr., and recorded in volume 862, beginning on page 843, of the Official Records of Karnes County, Texas, said tract said to contain 28.05 acres, more or less;

TRACT B

28.05 acres of land called Tract 3 in this survey and partition out of the Isaac Gray Survey No. 532, A-124 and the Ramon Musquiz Grant, A-7, Karnes County, Texas: being part or portion of the land described in a conveyance to Aloys Mika, et al land described in Volume 639, Page 128 Official Records of Karnes County, Texas.

28.05 acres of land called Tract 4 in this survey and partition out of the Isaac Gray Survey No. 532, A-124 and the Ramon Musquiz Grant, A-7, Karnes County, Texas: being part or portion of the land described in a conveyance to Aloys Mika, et al land described in Volume 639, Page 128 Official Records of Karnes County, Texas.

28.05 acres of land called Tract 2 in this survey and partition out of the Isaac Gray Survey No. 532, A-124 and the Ramon Musquiz Grant, A-7, Karnes County, Texas: being part or portion of the land described in a conveyance to Aloys Mika, et al land described in Volume 639, Page 128 Official Records of Karnes County, Texas.

28.05 acres of land called Tract 1 in this survey and partition out of the Isaac Gray Survey No. 532, A-124 and the Ramon Musquiz Grant, A-7, Karnes County, Texas: being part or portion of the land described in a conveyance to Aloys Mika, et al land described in Volume 639, Page 128 Official Records of Karnes County, Texas.