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At 1:04 o'clock P M

AUG 22 2024

CAROL SWIZE, COUNTY CLERK  
KARNES COUNTY, TEXAS

*Carol Swize* Deputy

STATE OF TEXAS

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COUNTY OF KARNES

**NOTICE OF FORECLOSURE SALE  
AND APPOINTMENT OF SUBSTITUTE TRUSTEE**

**THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE  
USED FOR THAT PURPOSE.**

**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.**

**DATE OF NOTICE:** August 22, 2024

**MORTGAGEE:** FALLS CITY NATIONAL BANK  
PO Box 339  
100 S. Front St.  
Falls City, Karnes County, Texas 78113

**MORTGAGE SERVICER:** FALLS CITY NATIONAL BANK  
PO Box 339  
100 S. Front St.  
Falls City, Karnes County, Texas 78113

**SECURITY INSTRUMENT(S):** A Deed of Trust, recorded at Vol. 1056, Page 12, Official Public Records of Karnes, County, Texas, securing a commercial instrument titled, Adjustable Rate Note, dated June 14, 2012, made by GERARD GARCIA and ANGELA GARCIA, and payable to the order of FALLS CITY NATIONAL BANK, in the principal amount of \$140,000.00.

**DEFAULT:** Default has occurred under the above-referenced Security Instrument(s). Because of that default, Lender, the owner and holder of the Security Instrument(s) and certain note(s) described therein, has requested Substitute Trustee to sell the Property in accordance with the Security Instrument(s), as more particularly described herein.

**PROPERTY:** The same property described in the Security Instrument(s), more particularly described as:

BEING Lot 17, La Chateaux Subdivision in the Town of Falls City, Karnes County, Texas, according to plat thereof recorded in Plat Cabinet A, Page 164 of the Plat Records of Karnes County, Texas.

And being the same property described in Deed dated March 14, 2012, executed by Ervin L. Moczygamba and wife, Darlene M. Moczygamba to Kevin D. Moczygamba and wife, Dana L. Moczygamba, recorded in Volume 1036, Page 791 of the Official Records of Karnes County, Texas.

**NO BANKRUPTCY STAY IS IN EFFECT:** As of the date of this Notice, neither Mortgagee nor Substitute Trustee are aware of any bankruptcy stay which would preclude the foreclosure sale contemplated by this Notice.

**DATE, TIME, AND PLACE OF SALE.** Substitute Trustee will conduct the Foreclosure Sale of the Property at the following date, time, and place:

**DATE:** October 01, 2024

**TIME:** The Foreclosure Sale of the Property will be held between 10:00 AM and 4:00 PM local time. The earliest time at which the foreclosure sale will begin is 10:00 AM and not later than 3 hours thereafter.

**PLACE:** At the front door of the Karnes County Annex or if the preceding area is no longer the designated area, in the area designated by the Commissions Court of Karnes County, pursuant to Property Code § 51.002 as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice is posted).

**TERMS OF SALE.** The sale will be conducted as a public auction to the highest bidder for cash, except that Lender may bid by credit against the indebtedness secured by the Security Instrument(s). Pursuant to Texas Property Code § 51.009, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the Security Instrument(s). Pursuant to section 51.0075(a) of the Texas Property Code, Substitute 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.

**PERSONAL PROPERTY.** The Security Instrument(s) may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real and any personal property described in the Security Instrument(s) in accordance with its rights and remedies under the Security Instrument(s) and section 9.604(a) of the Texas Business and Commerce Code.

**SUBSTITUTE TRUSTEE APPOINTED TO CONDUCT SALE.** In accordance with Texas Property Code §§ 51.0075 and 51.0076, the mortgagee or mortgage servicer has authorized the undersigned attorney to appoint, and the undersigned attorney has named and appointed and does hereby name and appoint Nohl Bryant, David Bell, James Dyches, and Abby Lubbock, Bryant Law PC, 300 Austin Hwy, Ste. 100, San Antonio, TX 78209, 210-942-3615, as Substitute Trustee(s) to act under and by virtue of said Security Instrument(s), each of whom may act singularly in such capacity without permission or notice to the other.

**SENDER OF NOTICE.** The name, address, and telephone number of the sender of this Notice of Foreclosure Sale and Appointment of Substitute Trustee is:

NOHL BRYANT  
300 Austin Hwy  
Ste. 100  
San Antonio, TX 78209  
210-942-3615

**MANNER OF DELIVERY AND RECIPIENTS OF NOTICE:** This Notice of Foreclosure Sale and Appointment of Substitute Trustee has been posted at the courthouse door of each county in which the Property is located and states that the Property will be sold in said county. A copy of this Notice of

Foreclosure Sale and Appointment of Substitute Trustee has been filed in the office of the County Clerk of each County in which the Property is located. This Notice of Foreclosure Sale and Appointment of Substitute Trustee has been sent by Certified Mail and First Class Mail on each debtor who, according to the records of the mortgage servicer of the debt, is obligated to pay the debt, to wit:

GERARD GARCIA  
831 Chambord  
Falls City, TX 78113  
VIA CMRRR # 7022 1670 0002 0784 7645  
& FIRST CLASS MAIL

ANGELA GARCIA  
831 Chambord  
Falls City, TX 78113  
VIA CMRRR # 7014 1820 0000 0818 5643  
& FIRST CLASS MAIL

**MULTIPLE ORIGINALS.** This Notice of Foreclosure Sale and Appointment of Substitute Trustee is executed in multiple originals, each of which shall constitute a copy and an original hereof.

**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.**

  
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NOHL BRYANT, SUBSTITUTE TRUSTEE