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At 1:05 o'clock P M

AUG 22 2024

CAROL SWIZE, COUNTY CLERK
KARNES COUNTY, TEXAS
[Signature] Deputy

STATE OF TEXAS §
 §
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
Falls City, TX 78113

MORTGAGE SERVICER: FALLS CITY NATIONAL BANK
PO Box 339
Falls City, TX 78113

SECURITY INSTRUMENT(S): A Deed of Trust, recorded at Vol. 1004, Page 733, Official Public Records of Karnes, County, Texas, securing a commercial instrument titled, Adjustable Rate Note, dated September 27, 2011, made by GARY JANECEK and CAROLYN JANECEK, and payable to the order of FALLS CITY NATIONAL BANK, in the principal amount of \$68,000.00.

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:

TRACT ONE:
BEING 0.75 acres of land called Tract 2 in survey and partition out of the Andres Hernandez Grant, A-4 within the town site of Panna Maria, in Karnes County, Texas; and being part or portion of the land described in Deed to The Trustees of Panna Maria Common School District No. 7 and recorded in Volume 115, Page 431 of the Deed Records of Karnes County, Texas; being all of the land described in Deed to Karnes City Independent School District, recorded in Volume 268, Page 497 of the Deed Records of Karnes County, Texas and a part or portion of the land described in Deed to The Trustees of Panna Maria Common School District No. 7, recorded in Volume 115, Page 382 of the Deed Records of Karnes County, Texas and further being part or portion of Lots 1 and 2, Block L and all of Lots 3-8 and 20, Block L and Lots 1-3 and 21, Block P and a portion of South

Street as shown on plat recorded in Plat Cabinet A, Page 31 of the Plat Records of Karnes County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap on the easterly right-of-way line of Polaski Street for the northwesterly corner of this tract, southwesterly corner of a 2.98 acre tract called Tract 1 in said survey and partition and being S. $29^{\circ} 45' 00''$ W., a distance of 308.76 feet from a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap at the intersection of said Polaski Street right-of-way with FM 81;

THENCE N. $60^{\circ} 15' 00''$ E., into the School land and common line of Tract 1 and of this tract, a distance of 115.06 feet to a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap for a common corner;

THENCE S. $74^{\circ} 53' 12''$ E., continuing with last said common line, a distance of 80.55 feet to a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap for a common corner;

THENCE N. $60^{\circ} 15' 00''$ E., continuing with last said common line, a distance of 25.13 feet to a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap for the lower northeasterly corner of this tract and upper northwesterly corner of a 2.26 acre tract called Tract 3 in said survey and partition;

THENCE S. $29^{\circ} 46' 50''$ E., with the common line of said Tract 3 and of this tract, a distance of 124.16 feet to a set $\frac{1}{2}$ " rebar for a common corner;

THENCE S. $60^{\circ} 13' 10''$ W., continuing with last said common line, a distance of 197.35 feet to a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap for a common corner on the easterly right-of-way line of said Polaski Street;

THENCE N. $29^{\circ} 45' 00''$ W., with said right-of-way line of Polaski Street, a distance of 181.09 feet to the POINT OF BEGINNING.

TRACT TWO:

BEING 2.26 acres of land called Tract 3 in survey and partition out of the Andres Hernandez Grant, A-4 within the town site of Panna Maria, in Karnes County, Texas; and being part or portion of the land described in Deed to The Trustees of Panna Maria Common School District No. 7 and recorded in Volume 115, Page 431 of the Deed Records of Karnes County, Texas; being all of the land described in Deed to Karnes City Independent School District, recorded in Volume 268, Page 497 of the Deed Records of Karnes County, Texas and a part or portion of the land described in Deed to The Trustees Panna Maria Common School District No. 7, recorded in Volume 115, Page 382 of the Deed Records of Karnes County, Texas and further being part or portion of Lots 1 and 2, Block L and all of Lots 1-3, 6-8 and 20, Block P and a portion of South Street as shown on plat recorded in Plat Cabinet A, Page 31 of the Plat Records of Karnes County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap on the easterly right-of-way line of Polaski Street for the northwesterly corner of this tract, southwesterly corner of a 0.75 acre tract called Tract 2 in said survey and partition and being S. $29^{\circ} 45' 00''$ E., a distance of 489.85 feet from the intersection of said right-of-way of Polaski Street and the southerly right-of-way line of FM 81;

THENCE N. $60^{\circ} 13' 10''$ E., into said School land with the common line of Tract 2 and of this tract, a distance of 197.35 feet to a set $\frac{1}{2}$ " rebar with a "Pollok & Sons" cap for a common corner;

THENCE N. 29° 46' 50" W., continuing with last said common line, a distance of 124.16 feet to a set ½" rebar with a "Pollok & Sons" cap for a common corner on the south line of said a 2.98 acre tract called Tract 1 in said survey and partition;

THENCE N. 60° 15' 00" E., with the common line of said Tract 1 and of this tract, a distance of 191.64 feet to a set ½" rebar with a "Pollok & Sons" cap for a common corner on the west line of the Adrian Lyssy land described in instrument recorded in Volume 449, Page 724 of the Deed Records of Karnes County, Texas and in Volume 704, Page 297 of the Official Records of Karnes County, Texas;

THENCE S. 32° 40' 57" E., with the common line of said Lyssy land and of this tract, a distance of 291.15 feet to a set ½" rebar with a "Pollok & Sons" cap for a common corner;

THENCE S. 54° 49' 36" W., with the southeasterly line of this tract, the northwesterly line of the said Lyssy land and of Lot 1, Block 2 of the Panna Maria Development Project as shown on plat recorded in Plat Cabinet A, Page 161 of the Plat Records of Karnes County, Texas, a distance of 405.63 feet to a set ½" rebar with a "Pollok & Sons" cap for the southwesterly corner of this tract and being on the easterly right-of-way line of Polaski Street;

THENCE N. 29° 45' 00" W., with said Polaski Street right-of-way line, a distance of 204.84 feet to the POINT OF BEGINNING.

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, James Dyches, David Bell, or Abby Lubbock, Bryant Law PC, 300 Austin Hwy, Ste. 100, San Antonio, TX 78209, 210-942-3615, 210-904-1011 (F), 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:

GARY JANECEK
245 County Road 382
Karnes City, TX 78118
VIA CMRRR # 9589 0710 5270 0710 6938 96
& FIRST CLASS MAIL

CAROLYN JANECEK
245 County Road 382
Karnes City, TX 78118
VIA CMRRR # 9589 0710 5270 0710 6939 02
& 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.



NOHL BRYANT, SUBSTITUTE TRUSTEE