

STATE OF TEXAS
COUNTY OF ATASCOSA

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FILED FOR RECORD
2024 MAR 12 AM 11:28

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

THERESA CARRASCO
ATASCOSA COUNTY CLERK
BY JC DEPUTY

**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: March 11, 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 Document or Clerk's File No. 177680, Official Public Records of Atascosa, County, Texas, securing a commercial instrument titled, Adjustable Rate Note, dated March 06, 2017, made by VICTOR L. SMITH A/K/A VICTOR LEE SMITH and ANGELA SMITH A/K/A ANGELA MARIE SMITH, and payable to the order of FALLS CITY NATIONAL BANK, in the principal amount of \$98,900.00.

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:

11.00 acres, called Tract 4 in survey dated June 15, 2011, prepared by William F. Martell, R.P.L.S. 4952, being situated in the Dolores Alderette Survey No. 1211, A-26 in Atascosa County, Texas, being out of that same 77.18 acre tract recorded under Clerk's File No. 11055 in the Official Public Records of Atascosa County, Texas; and being described as follows:

BEGINNING at a 1/2" iron pin set in the northwest right-of-way line of Mann Road, a county maintained road with a 45' right-of-way, and being N. 29° 04' 00" E., a distance of 1706.74 feet from the south corner of said 77.18 acre parent tract for the east corner of a 11.00 acre called Tract 3 in said survey and the south corner of this tract;

THENCE N. 60° 56' 00" W., a distance of 839.86 feet along the southwest line of said Tract 3 and across said 77.18 acre parent tract to a 1/2" iron pin set in the southeast line of a 26.64 acre tract described in instrument recorded under Clerk's File No. 106838 in the Official Public Records of Atascosa County, Texas, for the west corner of this tract;

THENCE N. 29° 05' 31" E., a distance of 570.45 feet along the southeast line of said 26.64 acre tract and across said 77.18 acre parent tract to a 1/2" iron pin set for the west corner of a 11.00 acre tract called Tract 5 in said survey for the north corner of this tract;

THENCE S. 60° 56' 00" E., a distance of 839.62 feet along the northeast line of said Tract 5 and across said 77.18 acre parent tract to a 1/2" iron pin set in the northwest right-of-way line of said Mann Road for the east corner of this tract;

THENCE S. 29° 04' 00" W., a distance of 570.45 feet along the northwest line of said Mann Road to the POINT OF BEGINNING.

And being the same property described in Deed dated January 14, 2013, executed by Klutts Investments, LLC to Victor L. Smith and wife, Angela Smith, recorded under Clerk's File No. 138880 in the Official Public Records of Atascosa County, Texas.

TOGETHER WITH ONE (1) manufactured housing unit manufactured by CMH MANUFACTURING, Serial No. CLW026184TX, Label No. HWC0384581, which manufactured housing unit has been permanently attached to the real estate so as to become a permanent fixture thereon, as reflected on the Texas Department of Housing and Community Affairs Statement of Ownership and Location.

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: May 7, 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: The west porch of the Atascosa County Courthouse, located at 1 Courthouse Circle Drive, Jourdanton, Atascosa County, Texas 78026, or in the area of the courthouse designated by the Commissioners Court of Atascosa County, Texas for real property foreclosures under Section 51.002 of the Property Code, pursuant to an instrument or instruments recorded in the Official Public Records of Atascosa County, Texas.

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, 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:

VICTOR L. SMITH A/K/A VICTOR LEE SMITH
753 Mann Road
Poteet, TX 78065
VIA CMRRR # 9589 0710 5270 0922 9189 61
& FIRST CLASS MAIL

ANGELA SMITH A/K/A ANGELA MARIE SMITH
753 Mann Road
Poteet, TX 78065
VIA CMRRR # 9589 0710 5270 0922 9189 78
& 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.



NGHL BRYANT, SUBSTITUTE TRUSTEE