

POSTED AT 9 O'CLOCK A M
THIS 10 DAY OF 10 2026
BY [Signature]

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MCMULLEN §

WHEREAS, on June 19, 2013 **David Kocian and Karen Kocian** (herein the "Grantor"), executed and delivered a Deed of Trust and Security Agreement (the "Deed of Trust") conveying to **David Zalman**, as Trustee, the herein below described property to secure **Prosperity Bank**, in the payment of all indebtedness (collectively the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's File No. 75579, Volume 62, Page 367, in the Official Public Records of Real Property of McMullen County, Texas, to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith, Jo Woolsey, Bob Frisch, Jodi Steen, Vicki Rodriguez, Wayne Daughtrey, Janice Stoner, Garron Dean and Deanna Ray, any of whom may act independently** as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I, **L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, November 3, 2026**. The earliest time at which the sale will occur shall be at **11:00 o'clock A.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the top of the outside steps to the second floor in front of the McMullen County Courthouse 501 River Street Tilden, Texas 78072 or as designated by the County Commissioner's Office as the area for foreclosures to be held. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

A tract of land containing 475 acres more or less (herein called the "South Portion") out of the Michael Hely Survey No. 5, Abstract No. 6, and out of the John Turner Survey No. 4, Abstract No. 979, all in McMullen County, Texas, and being the same tract conveyed to David Kocian and Karen Kocian by deed recorded in Volume 459, Page 344, Official Public Records of McMullen County, Texas as more particularly described in Exhibit "A" attached to the Deed of Trust recorded under Clerk's File No. 75578, Volume 62, Page 367, Official Public Records, McMullen County, Texas (the "S. State Hwy 72 Property").

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY,

CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

SUBSTITUTE TRUSTEES

NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:

L. David Smith, Jo Woolsey, Bob Frisch, Jodi Steen, Vicki Rodriguez, Wayne Daughtrey, Janice Stoner, Garron Dean and Deanna Ray

c/o L. David. Smith
2618 Kittansett Circle
Katy Texas 77450
Telephone: (281)788-3666
Email: ldslaw7@gmail.com

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.

Dated this 5th day of October, 2026.

L. David Smith Substitute Trustee
L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy Texas 77450
Telephone: (281) 788-3666
Email: ldslaw7@gmail.com