

101 Cross Trail
Spicewood, TX 78669

POSTED **Vicinta Stafford**
Burnet County Clerk
By Natalie Chapa at 1:41 pm, Jul 13 2026

No. ____

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

August 4, 2026

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES IDENTIFIED HEREIN TO SELL THE PROPERTY DESCRIBED IN THE DEED OF TRUST REFERENCED IN THIS NOTICE OF SALE, PURSUANT TO THE AUTHORITY GRANTED TO THE BENEFICIARY THEREUNDER AND TEXAS PROPERTY CODE § 51.0075. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AND AUTHORIZED AGENT OF THE MORTGAGEE, WHICH IS THE CURRENT BENEFICIARY AND HOLDER OF THE NOTE AND DEED OF TRUST.

Date, Time, and Place of Foreclosure Sale:

Date: Tuesday, August 4, 2026

Time: The sale will begin no earlier than 10:00 a.m. and no later than three (3) hours thereafter.

Place: The area designated by the Commissioners Court of Burnet County, Texas, for foreclosure sales at the Burnet County Courthouse, Burnet, Texas, or, if no area is designated, the area where such sales are customarily conducted pursuant to Section 51.002 of the Texas Property Code.

Property to be Sold:

Tract No. 24, Double Horn Section Two, according to the map or plat thereof, recorded in Cabinet 2, Slide 160C, Plat Records, Burnet County, Texas, also commonly known as 101 Cross Trail, Spicewood, Texas 78669, together with all improvements situated thereon (the "**Property**").

Instrument to be Foreclosed:

The instrument to be foreclosed is that certain Deed of Trust dated May 30, 2024, executed by Kimmo Babinski and Jana Babinski, as Grantors, to Jay S. Fitzgerald, Trustee, for the benefit of Robert C. Bryar, Lender, recorded under Document No. 202406490 in the Official Public Records of Burnet County, Texas (the "Deed of Trust").

The Deed of Trust secures that certain Promissory Note dated May 30, 2024 in the original principal amount of \$605,000.00, executed by Kimmo Babinski and Jana Babinski and payable to the order of Robert C. Bryar.

The indebtedness is further secured by a first and superior vendor's lien retained in that certain Warranty Deed with Vendor's Lien dated May 29, 2024, recorded under Document No. 202405306, Official Public Records of Burnet County, Texas

Parties:

Grantors: Kimmo Babinski and Jana Babinski

Original Beneficiary: Robert Cory Bryar

Current Beneficiary: Nancy Bryar, Administrator of the Estate of Robert Cory Bryar

Substitute Trustee: Brian Berger, 2110 W. Slaughter Lane, Suite 107-679, Austin, TX 78748 (737-244-7337)

The current beneficiary is the holder and owner of the Note and Deed of Trust by transfer and assignment.

Default and Acceleration:

Default has occurred in the payment and performance of the obligations secured by the Deed of Trust and the Promissory Note, including, without limitation, failure to comply with obligations relating to payment of taxes and maintenance of insurance as required by the Loan Documents.

The beneficiary has provided all required notices of default and opportunity to cure, and such defaults were not cured within the time permitted. The beneficiary has elected to accelerate the maturity of the indebtedness, and all sums secured by the Deed of Trust are now immediately due and payable.

Type of Sale:

This sale is a non-judicial foreclosure of a deed of trust lien and vendor's lien conducted pursuant to the power of sale conferred in the Deed of Trust and Section 51.002 of the Texas Property Code.

Terms of Sale:

The foreclosure sale will be conducted as a public auction to the highest bidder for cash. The beneficiary may bid at the sale and may credit bid up to the amount of the indebtedness secured by the Deed of Trust. The Property will be sold "AS IS, WHERE IS," without any express or implied warranties, except as to the warranties of title provided in the Deed of Trust. Prospective bidders are encouraged to examine the public records to determine the nature and extent of any encumbrances on the Property.

Pursuant to Section 51.0075(a) of the Texas Property Code, the substitute trustee reserves the right to set reasonable conditions for conducting the sale and to announce such conditions prior to the opening of bidding.

Obligations Secured:

The Deed of Trust secures the payment of the indebtedness evidenced by the Promissory Note in the original principal amount of \$605,000.00, together with all renewals, extensions, modifications, advances, interest (including default interest), attorneys' fees, costs, tax advances, and all other amounts due under the Loan Documents.

The sale of the Property is being made to satisfy the indebtedness and all amounts lawfully owed to the beneficiary.

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 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.

s/ Brian Berger

Brian Berger (#24089985)

JOHNSON EVANS & HEADRICK, P.C.

2110 W. Slaughter Lane, Suite 107-679,

Austin, TX 78748

[737-244-7337](tel:737-244-7337)

bberger@je.legal