

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS §
 §
COUNTY OF COMANCHE §

WHEREAS, **Brazos Valley, LLC** executed and delivered a certain *Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing* (the "Deed of Trust") dated as of July 24, 2020, conveying to Brett F. Gunter, as Trustee, the real and personal property described in that Deed of Trust, which is recorded in the Official Public Records of Comanche County, Texas, as follows:

<u>DATE RECORDED</u>	<u>RECORDING CREDENTIALS</u>
July 28, 2020	Volume 463, Page 287

WHEREAS, the undersigned has been appointed as a Substitute Trustee under this Deed of Trust; and

WHEREAS, the indebtedness secured this Deed of Trust has matured (whether by acceleration or otherwise) and remains outstanding and delinquent, and **AGAMERICA AV1, LLC**, the owner and holder of the indebtedness secured by this Deed of Trust and the due and lawful Beneficiary thereunder (as successor in interest), has requested that the Substitute Trustees exercise the power to sell this Property (as defined below).

NOW, THEREFORE, notice is hereby given that at **1:00 p.m.** (or within three hours thereafter) on **Tuesday, August 3, 2021**, I will sell:

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AT 10:00 O'CLOCK A M

- the real property described on the attached Exhibit "A" (the "Real Property"), and
- the other property (whether real property, personal property, fixtures, or otherwise)

JUL 12 2021
Clerk, County Court Comanche Co., Texas

which is (i) described in the Deed of Trust and (ii) located on, affixed to or otherwise appurtenant to that Real Property (collectively, the "Property").

The Property described above shall be sold to the highest bidder. The sale shall be conducted in accordance with the Deed of Trust and the Texas Property Code in the area designated by the Commissioners Court of such County, pursuant to § 51.002 of the Texas Property Code 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 of Substitute Trustee's Sale is posted).

AGAMERICA AV1, LLC, the owner and holder of the indebtedness secured by the Deed of Trust, reserves the right to credit-bid at this sale. Except for any such credit-bid, the purchase price set forth in the final bid accepted by the Substitute Trustee is due and payable in cash (or cashier's checks) without delay upon acceptance of the bid.

In accordance with TEX. BUS. & COMM. CODE §22.004, the winning bidder at the foreclosure sale, other than the owner and holder of the indebtedness, shall provide the following information to the Substitute Trustee at the time the Substitute Trustee completes the sale:

- (1) the name, address, telephone number, and e-mail address of the bidder and of each individual tendering or who will tender the sale price for the winning bid;
- (2) if the bidder is acting on behalf of another individual or organization, the name, address, telephone number, and e-mail address of the individual or organization and the name of a contact person for the organization;
- (3) the name and address of any person to be identified as the grantee in the Trustee's Deed;
- (4) the purchaser's tax identification number;
- (5) a government-issued photo identification to confirm the identity

- of each individual tendering funds for the winning bid; and
- (6) any other information reasonably needed to complete the Substitute Trustee's duties and functions concerning the sale.

Notice. 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.

EXECUTED this 12 day of July, 2021.



Substitute Trustee

Richard H. Hester, Kelly Goddard, David
Garvin, Michelle Schwartz
Attn: Thomas C. Scannell, Esq.
Foley & Lardner, LLP
2021 McKinney Avenue, Suite 1600
Dallas, TX 75201
214-999-3000
tscannell@foley.com

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Exhibit "A"

Property Description

All that certain lot, tract or parcel of land, situated in Comanche County, Texas, and being 974.22 acres of land out of the M.D. Barnett Survey, Abstract No. 89, W.H. Massingill Survey, Abstract No. 2090, G.W. Fuqua Survey, Abstract no. 371, O.P. Talley Survey, Abstract No. 1430, James Farmer Survey, Abstract No. 359, and the Wm. Dickerson Survey, Abstract No. 1127, situated in Comanche County, Texas, and described as follows:

BEGINNING at a point for the NEC of the M.D. Barnett Survey, from which point a fence corner past bears N. 71 deg. 41' W. 14.6 feet for the NEC of this tract;

THENCE N 71 deg. 41' W. along general course of a wire fence, 5618.9 feet to a fence corner post at the occupied NWC of the W.H. Massingill Survey, Abstract No. 2090, for the Northerly NWC of this tract;

THENCE S 16 deg. 00' W with fence, 1591.0 feet to a corner post at the SWC of said Massingill Survey, in the N. line of the James Farmer Survey, Abstract No. 359, for an inner corner of this tract;

THENCE N 73 deg. 49' W along general course of a wire fence, 1475.5 feet to a corner post on the Westerly side of Resley's Creek for a corner of this tract;

THENCE N 75 deg. 17' W with fence, a projection thereof, 1410.2 feet to a point in Resley's Creek from which point a corner post on the Easterly bank of creek bears S 75 deg. 17' E 106.2 feet for the calculated NWC of said Farmer Survey and a NWC of this tract;

THENCE S 21 deg. 37' W along W line of said Farmer Survey, at 336.8 feet begin with fence, at corner post on top of bluff, and continuing with fence, a total distance of 2756.2 feet to a corner post in the W line of said Farmer Survey, being the NEC of the Wm. Dickerson Survey, Abstract No. 1127, and an inner corner of this tract;

THENCE N 71 deg. 05' W with fence, 2387.4 feet to a corner post at the NWC of said Dickerson Survey for the Westerly NWC of this tract;

THENCE S 19 deg. 12' W with fence, 280.2 feet to a corner post at the Westerly SWC of said Dickerson Survey for the Westerly SWC of this tract;

THENCE S 71 deg. 00' E 1379.0 feet to a corner post at inner corner of the Dickerson Survey for an inner corner of this tract;

THENCE 19 deg. 00' with fence, 3280.1 feet to a corner post at a SWC of said Dickerson Survey for a SWC of this tract;

THENCE S 73 deg. 15' E with fence, 393.2 feet to an occupied inner corner of said Dickerson Survey for an inner corner of this tract;

THENCE S 17 deg. 52' W with fence, 1926.6 feet to a corner post near the Southerly SWC of Dickerson Survey for the Southernly SWC of this tract;

THENCE with fence, S 58 deg. 52' E 323.1 feet and S 72 deg. 16' E 227.1 feet to a corner post at the SEC of said Dickerson Survey and SWC of the Farmer Survey for the Southerly SEC of this tract;

THENCE with fence, along occupied W line of said Farmer Survey as follows: N 18 deg. 41' E 3899.6 feet; S 72 deg. 31' E 24.0 feet; and N 21 deg. 45' E 615.3 feet to a corner post in W line of the Farmer Survey and E line of the Dickerson Survey as fence, for an inner corner of this tract;

THENCE S 69 deg. 55' E with fence, 776.0 feet to a corner post for a SEC of this tract;

THENCE along fence, around the Northwesterly side of a 54 acre tract as follows: N 10 deg. 28' E 558.4 feet; N 14 deg. 55' E. 46.1 feet; N 24 deg. 49' E, 85.4 feet; N 50 deg. 53'E. 598.0 feet; N 79 deg. 45' E. 505.9 feet; N 83 deg. 30' E. 727.0 feet to a point in the center of Resley's Creek, from which point a fence corner post on Westerly top bank of creek bears S 83 deg. 30' W, 47.0 feet of an inner corner of this tract;

THENCE down and along the center of Resley's Creek as follows: S 10 deg. 05' E 170.0 feet; S 35 deg. 15' E 268.0 feet; S 10 deg. 12' W 329.0 feet; S 02 deg. 55' W 182.0 feet; S 26 deg. 03' W 359.0 feet; S 57 deg. 45' W 335.5 feet; S 10 deg. 40' W 308.0 feet; S 37 deg. 50' E 215.0 feet; S 50 deg. 25' E 179.0 feet; S 68 deg. 15' E 320.0 feet; N 43 deg. 55' E 157.0 feet; S 07 deg. 35' E 263.0 feet; S 56 deg. 25' E 374.0 feet; S 49 deg. 25' E. 314.0 feet; S 17 deg. 13' W. 210.0 feet; S 10 deg. 55' W 198.0 feet; S 40 deg. 15' E 365.0 feet to a point in the center of said creek from which point a 2" iron pipe set in fence on the Easterly top bank of creek bears S 71 deg. 42' E 49.0 feet for a SWC of this tract;

THENCE S 71 deg. 42' E with fence, 1710.0 feet to a corner post at the occupied E line of the Farmer Survey for a SEC of this tract;

THENCE with fence along the occupied E line of the Farmer Survey as follows: N 22 deg. 08' E, 1594.0 feet and N 18 deg. 29' E, 2600.2 feet to a corner post in the E line of the Farmer Survey at the NWC of the C.W. Fuqua Survey, Abstract No. 371 and Southerly SW corner of the M.D. Barnett Survey, Abstract No. 89 for an inner corner of this tract;

THENCE down and along the center of Thompson's Branch as follows: S 03 deg. 57' W 339.9 feet; S 06 deg. 20' W 201.7 feet; S 17 deg. 07' E 261.0 feet; S 05 deg 10'E 394.8 feet; S 26 deg. 20'E 153.2 ; S 38 deg. 57' E 405.5 feet; S 19 deg. 31' E 140.9 feet; S 15 deg. 08' W 302.0 feet; S 30 deg. 26' W 612.7 feet; S 10 deg. 57' E. 347.1 feet; S 37 deg. 34'E 469.8 feet; and S 05 deg. 03' W 293.4 feet to appoint in the center of Thompson's Branch for the S line of the O.P. Talley Survey, Abstract No. 1430 and a SWC of this tract;

THENCE S 69 deg. 13'E at 69.5 feet begin fence, and continuing with fence and projection thereof, a total distance of 194.5 feet to a point in county road, from which point a fence corner posts bears N 69 deg. 13' W 11.1 feet for the SEC of said Talley Survey and the Easterly SEC of this tract;

THENCE N 19 deg. 00' E along road, with the E. line of the Talley Survey, E line of the Fuqua Survey and E. line of the Barnett Survey, 5756.6 feet to the place of Beginning, containing 974.22 acres of land. There being approximately 159.50 acres in the M.D. Barnett Survey, Abstract No. 9, 95.50 acres in the W.H. Massingill Survey, Abstract No. 2090, 66.80 acres in the G.W. Fuqua Survey, Abstract No. 371, 6.00 acres in the O.P. Talley Survey, Abstract No. 1430, 534.79 acres in the James Farmer Survey, Abstract No. 359, and 111.63 acres in the Wm. Dickerson Survey, Abstract No. 1127.