

## NOTICE OF FORECLOSURE SALE

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.

### Recitals:

- A. The Fairfield Economic Development Corporation (formerly known as Fairfield Industrial Development Corporation, "Lender") is the current owner and holder of the Promissory Note described below.
- B. The Promissory Note is secured by the Deed of Trust described below.
- C. The Borrower named below is in default under the Promissory Note and the Deed of Trust and the default has not been cured after receiving notice of default and opportunity to cure.
- D. Lender has accelerated the indebtedness evidenced by the Promissory Note.

### Notice of Foreclosure Sale:

Notice is given that the Property described below shall be sold at public auction on the date, at the time and in accordance with the terms contained in this Notice of Foreclosure Sale and the applicable laws of the State of Texas.

#### 1. Date, Time, and Place of Sale:

**Date:** The sale shall be held on Tuesday, August 7, 2018.

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.

**Place:** THE SALE SHALL BE HELD AT THE BASE OF THE COURTHOUSE STEPS ON THE SOUTH SIDE OF THE FREESTONE COUNTY COURTHOUSE, 103 E. MAIN ST., FAIRFIELD, TEXAS 75840 OR AS DESIGNATED BY THE COUNTY COMMISSIONERS OF FREESTONE COUNTY, TEXAS.

**2. Terms of Sale:** Because of the default in performance of the obligations secured by the Deed of Trust, the Substitute Trustee will sell the property "As Is" by public auction to the highest bidder for cash.

FILED FOR RECORD IN  
Freestone County  
Linda Jarvis  
COUNTY CLERK  
ON: Jul 13, 2018 AT 08:17A  
as Notice of Trustee Sale

**3. Instrument to be Foreclosed:** The security instrument to be foreclosed is the Deed of Trust dated December 1, 2011, by Green Energy Oilfield Holdings LLC (NKA Green Energy Oilfield Services, LLC, "Borrower"), as grantor, to Gene Chavers, as Trustee, for the benefit of Lender, as beneficiary, and recorded under Document Number 01105599 in the official public records of Freestone County, Texas.

**4. Name and Address of Substitute Trustee:** The name of the Substitute Trustee is: Patrick C. Bell. The address of the Trustee is: 110 N. College, Suite 500, Tyler, Texas 75702.

**5. Obligations Secured:** The indebtedness evidenced by the promissory note in the original principal amount of \$340,000.00, including all accrued and unpaid interest and all other amounts payable by the debtor as described in the promissory note, any other related documents and all modifications, renewals and extensions thereof. Lender is the current mortgagee of the Deed of Trust and the current owner and holder of the promissory note.

**6. Property to Be Sold:** The property to be sold is described as follows: that certain real property situated in Freestone County, Texas, as more particularly described on Exhibit A, together with all fixtures and improvements located thereon.

**7. Additional Provisions:**

Default has occurred in the payment of the promissory note and in the performance of the obligations of the Deed of Trust, and the Performance Agreement dated December 1, 2011 between Borrower and Lender. Because of that default, Lender, the owner and holder of the promissory note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.


If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been released or subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record by Lender from the security interest of the Deed of Trust. Prospective bidders are urged to examine the applicable property records to determine the nature and extent

of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

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 for the first sale of the day held by Substitute Trustee.

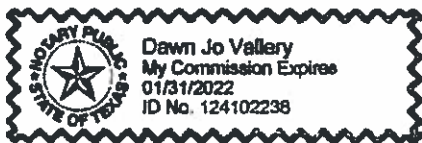
  
Patrick C. Bell, Substitute Trustee  
Phone: 903-597-8311  
Email: patrickbell@potterminton.com


STATE OF TEXAS §

COUNTY OF SMITH §

Before me, the undersigned notary public, on this day personally appeared Patrick C. Bell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity stated.

Given under my hand and seal of office this 12<sup>th</sup> day of July 2018



  
Notary Public, State of Texas

**EXHIBIT A**

TRACT 1A, PLAT OF SURVEY FAIRFIELD INDUSTRIAL PARK, PHASE II, RE-SUBDIVISION OF TRACT 1, FAIRFIELD INDUSTRIAL DEVELOPMENT CORP., as filed for public record in Cabinet B, Envelope 169 and 170 per Plat Records, Freestone County, Texas.