



**PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

The front steps on the east side of the Irion County Courthouse, located at 209 N. Park View St, Mertzon, Irion County, Texas 76941, or if the preceding area is no longer the designated area, then in the area of the courthouse designated by the Commissioners Court of Irion County, Texas for real property foreclosures under Section 51.002 of the Texas Property Code pursuant to instrument(s) recorded in the real property records of Irion County, Texas.

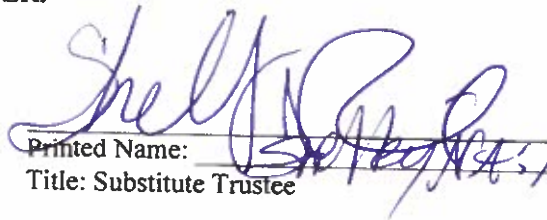
Default has occurred in the payment of the Promissory Note and in the performance of the obligations of the Deed of Trust, which secures the Promissory Note. Because of such default, Lender, the owner of the Promissory Note, and the holder of the Promissory Note and the Deed of Trust lien for purposes of Section 51.002 of the Texas Property Code, has requested Substitute Trustee to sell the Property in accordance with the terms of the Deed of Trust and applicable law.

The Deed of Trust encumbers both real and personal property. Formal notice is hereby 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 (Texas UCC).

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, Substitute Trustee or such other Substitute Trustee as Lender may subsequently appoint, will sell the Property by public sale to the highest bidder for cash, in accordance with the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust and to the permitted exceptions to title, if any, described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property includes only Borrower's right, title, and interest in and to oil, gas and other minerals interests (including royalty interests) and is sold and conveyed "AS IS, WHERE IS", and WITH ALL FAULTS.

**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 Nation Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United State, please send written notice of the active duty military service to the sender of this notice immediately.**

**ALTHOUGH SUBSTITUTE TRUSTEE(S) WAS PREVIOUSLY APPOINTED PURSUANT TO THE DEED OF TRUST AND THE TEXAS PROPERTY CODE, FOR AVOIDANCE OF DOUBT, THIS INSTRUMENT REAFFIRMS THAT APPOINTMENT AS FOLLOWS: 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 MORTGAGEE SERVICER.**

  
Printed Name: \_\_\_\_\_  
Title: Substitute Trustee

**EXHIBIT "A"**  
**Mortgaged Property**

All of Borrower's right, title, and interest in and to the Minerals (hereinafter defined), and any current or future royalties, overriding royalties, bonuses, rents or other monies paid, due, or held in suspense as a result of the extraction, sale, lease, extension, or use of the following, or any proceeds therefrom:

1. The land described on Exhibit "A-1" attached hereto (the "**Lands**").
2. All natural resources or other substance of value which may be extracted or produced from the Lands (the "**Minerals**"). The Minerals include, but are not limited to oil, gas, carbons metals and water.
3. Any substances or materials that result from the extraction of Minerals from the Lands (the "**Products**"). The Products include, but are not limited to the extracted Minerals and any materials or substances created from the extracted Minerals.
4. Any existing leases that cover any part of the Lands (the "**Lease**").

The Mortgaged Property additionally includes all of Borrower's right, title, interest and estate in and to the Minerals and Proceeds and all other claims or causes of action held by or accruing to the Borrower under the Lease and any lease covering interests under the Lands or held by Borrower by virtue of ownership of the Lands, Minerals or Products, including, but not limited to revenues, incomes, and payments from royalties, overriding royalties, lease bonuses, lease extensions, and purchases.

**EXHIBIT "A-1"**  
**Lands**

**IRION COUNTY, TEXAS**

<u>Lease</u>	<u>Abstract</u>	<u>Survey</u>
LINTHICUM	802, 644, 873, 506	C&M RR CO/KIRCE, L P
LINTHICUM B	53, 50, 802, 55, 844, 875, 1260, 7	C&M RR CO
LAUDREE	54, 801, 1157	C&M RR CO/THORPC, A M

**DESCRIPTION:**

All of the right, title and interest of Mortgagee, of every nature whatsoever in oil, gas and other minerals now owned or later acquired by Grantor, in and under lands located in Iron County, Texas, including, without limitation, all rights, titles and interests in the above Leases, Abstracts and Surveys, whether or not properly described herein, and including, but not limited to, those lands more particularly described herein below, to wit:

TRACT ONE: 268.71 acres out of Survey 1137, C & M Ry. Co. Survey, lying South of the K.C.M. & O. Ry. Co. right-of-way.

TRACT TWO: 479.58 acres out of the L.P. Hinde Survey 1140, lying South of the K.C.M. & O. Ry. Co. right-of-way.

TRACT THREE: The East 490.57 acres of Survey No. 3, J.T. Plowman Survey, Abstract No. 644.

TRACT FOUR: 212.25 acres out of the A.D. Anderson Survey No. 1148, Abstract No. 873.

TRACT FIVE: 143.43 acres out of Survey 1148, A.D. Anderson, Original Grantee, Abstract No. 873.

TRACT SIX: 567.26 acres out of the C & M Ry. Co. Survey 1141, lying South of the K.C.M. & O. Ry. Co. right-of-way.

TRACT SEVEN: 36.90 acres out of the C & M Ry. Co. Survey 1141, lying South of the K.C.M. & O. Ry. Co. right-of-way.

TRACT EIGHT: 598.26 acres out of Survey 3, J.T. Plowman Survey, Abstract No. 506.

TRACT NINE: The West 38.67 acres out of Survey 3, J.T. Plowman Survey, Abstract No. 506.

TRACT TEN: 104.09 acres out of the A.D. Anderson Survey No. 1148, Abstract No. 873.

TRACT ELEVEN: 112.84 acres out of Survey 1148, A.D. Anderson, Original Grantee, Abstract No. 873.

TRACT TWELVE: .31 acres out of the C&M Ry Co. Survey 1139.

TRACT THIRTEEN: 104.21 acres out of the L.P. Hinde Survey 1140, lying South of the K.C.M. & O. Ry. Co. right-of-way.

TRACT FOURTEEN: The West 162 acres out of Survey 4, J.P. Fleeman Survey, Abstract No. 844.

TRACT FIFTEEN:

The East 177.68 acres, more or less, out of Survey #1225, Abstract #146, G.C. & S. F. Co. Survey, Irion County, Texas;

TRACT SIXTEEN:

The West 504.35 acres of Survey #1145, Abstract #93 G. Fisk Survey, Irion County, Texas;

TRACT SEVENTEEN:

The East 507.89 acres of Survey #1139, Abstract #54, C & M RR Co. Survey, Irion County, Texas, lying North of the North right-of-way of K. C. M. & O. Ry. Co. Survey being described in a certain Warranty Deed recorded in Vol. 71, Page 668, of the Deed Records of Irion County, Texas;

TRACT EIGHTEEN:

The West 289.6 acres of Survey #1138, Abstract #1157, Irion County, Texas;"

TRACT NINETEEN:

Being 6.92 acres of land in the North part of the L. P. Hinde Survey #1140, Irion County, Texas, the said 6.92 acres lying North of the North right-of way of K. C. M. & O. Ry. Co. Survey being described in a certain Warranty Deed recorded in Vol. 71, Page 668, of the Deed Records of Irion County, Texas;

TRACT NINETEEN

Being 14.68 acres of land out of C. & M. Ry Co Survey #1137, North right-of-way of K. C. M. & O. Ry. Co. Survey being described in a certain Warranty Deed recorded in Vol. 71, Page 668, of the Deed of Records of Irion County, Texas.

TRACT TWENTY

268.71 acres of land in C. & M. Ry. Co Survey #1137, Irion

TRACT TWENTY-ONE

479.58 acres of land in I. P. Hyde Survey # 1140, Irion County, Texas, described in Exhibit "B" hereto;

TRACT TWENTY-TWO

The East 490.57 acres out of Survey #4, J. T. Plowman, described as part of Share #5 awarded to Mrs. Grace Warren in that certain Partition of Land dated October 1, 1934, recorded in Volume 2, Page 182, Minutes of district Court, Irion County, Texas,

TRACT TWENTY-THREE

A portion of Survey # 1148, A. D. Anderson, containing 212.25 acres, described as part of Share No. 5 awarded to Mrs. Grace Warren in that certain Partition Deed dated October 1, 1934, recorded in Volume Two, Page 182, Minutes of District Court, Irion County, Texas,

It is the intent of Mortgagor and the Secured Party that the "Lands" defined in this Deed of Trust, as amended, shall include, without limitation, any and all lands owned by Mortgagor, now or hereafter, located in Irion County, Texas.