

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

Notice is hereby given that a public sale at auction of the Property (as described below) will be held at the date, time and place specified herein.

**Information regarding the indebtedness and lien that is the subject of this sale:**

Note:

Date: July 5, 2016  
Maker: Tabosa Holdings, LLC, and Thomas E. Kelly  
Payee: Ag New Mexico, FCS, FLCA  
Original Principal Amount: \$6,500,000.00  
Ag New Mexico, FCS, FLCA Loan No. 937563

Deed of Trust:

Date: July 5, 2016  
Grantor: Tabosa Holdings, LLC  
Trustee: Frank Shelton  
Recorded in: Clerk's File No. 29654, in Volume 225, Page 528, Official Public Records of Jeff Davis County, Texas

Property:

The following described real property, together with all mineral interests, improvements, fixtures, personal property and intangible property, if any, described in and presently covered by the Deed of Trust and all other rights, privileges and appurtenances pertaining thereto:

8,901.9200 acres of land situated in Jeff Davis County, Texas, more particularly described on **Exhibit "A"** attached hereto and incorporated herein by reference.

Together with all rights, easements, appurtenances, royalties, surface, subsurface and/or mineral rights, now owned or hereafter acquired, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, all water and riparian rights, wells, ditches, reservoirs, and water stock and all existing and future improvements,

structures, fixtures and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

Notwithstanding any other provision, reservation or exception contained in said Deed of Trust or on any exhibit thereto, the lien shall cover all of Grantor's water rights, including, but not limited to, rights to surface water, groundwater, underground water, percolating waters, rights to any water from lakes, streams or other bodies of water, adjudicated or permitted water rights, riparian and other water rights which are owned or which are hereafter acquired by Grantor whether or not expressly excepted from the description of the Property.

Prior Modification of Note and/or Deed of Trust:

Present Owner of Note and Beneficiary under Deed of Trust:

Ag New Mexico, FCS, FLCA

**Information regarding the public sale to be held:**

Substitute Trustees: Shelley Nail, Johnie Eads, Donna Trout, David Garvin

Appointed by written instrument dated April 28, 2020, executed by Ag New Mexico, FCS, FLCA, and recorded or to be recorded in the appropriate Official Public Records of Jeff Davis County, Texas.

Date of Sale: September 1, 2020, being the first Tuesday in said month.

Time of Sale: The earliest time at which the sale will occur is 1:00 P.M., Fort Davis, Texas local time, and shall begin not later than 3 hours thereafter.

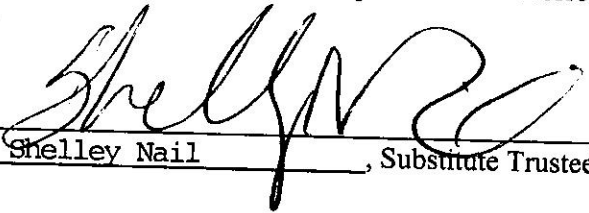
Place of Sale: The designated area of the County Courthouse as designated by the Commissioners Court of Jeff Davis County, Texas.

Default has occurred in the payment of the indebtedness evidenced by the Note. Because of such default, Ag New Mexico, FCS, FLCA appointed Substitute Trustee and has requested Substitute Trustee to enforce the Deed of Trust.

Therefore, notice is given that on the date and time and at the place set forth hereinabove, any one of the above-named Substitute Trustees will sell the above-referenced Property by public sale to the highest bidder for cash in accordance with the Deed of Trust and the laws of the State of Texas.

Prospective bidders are advised to make their own examination of title to the Property to determine the existence of any easements, restrictions, liens or other matters affecting title to the

Property. Neither Substitute Trustee nor Ag New Mexico FCS, FLCA make any representation or warranty (express or implied) regarding title to or the condition of the Property. The Property to be sold at the public sale will be sold in its present "AS IS" condition and subject to all ad valorem taxes then owing with respect to the Property.

  
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Shelley Nail, Substitute Trustee

Please return File-Stamped Copy to:

Tommy J. Swann  
McCleskey, Harriger, Brazill & Graf, L.L.P.  
5010 University Ave, Floor 5  
Lubbock, TX 79413-4422

**EXHIBIT "A"**

REMAINDER OF LAND OWNED BY TABOSA HOLDINGS, LLC.

8,901.9200 acres of land situated in Jeff Davis County, Texas, more particularly described below:

<u>ABSTRACT #</u>	<u>SURVEY</u>	<u>PART</u>	<u>BLOCK</u>	<u>ORIGINAL GRANTEE</u>	<u>ACRES</u>
1542	13	ALL	2	G.H. & S.A. RY. CO	640
1659/2878	14	PT E OF HWY 166*	2	G.H. & S.A. RY. CO.	545.92
1656	21	PT E OF HWY 166*	2	G.H. & S.A. RY. CO.	214.89
1434	22	PT E OF HWY 166*	2	G.H. & S.A. RY. CO.	109.71
1654	29	E PART	2	G.H. & S.A. RY. CO.	254
1436	30	ALL	2	G.H. & S.A. RY. CO,	640
84	29	PART	WJG-1	E.L. & R.R. RY. CO.	408.11
1563	30	PART	WJG-1	E.L. & R.R. RY. CO.	298.8
87	35	ALL	WJG-1	E.L. & R.R. RY. CO.	640
1562	36	ALL	WJG-1	E.L. & R.R. RY. CO.	640
1544	38	PART	WJG-1	E.L. & R.R. RY. CO.	435.68
3262	46	NE PART	WJG-1	E.L. & R.R. RY. CO.	71.24
3576	46	NW PART	WJG-1	E.L. & R.R. RY. CO.	28.5
93	47	PART	WJG-1	E.L. & R.R. RY. CO.	585.39
2144	48	ALL	WJG-1	E.L. & R.R. RY. CO.	640
885	841	ALL		T.C. RY. CO.	277.5
1740	842	ALL		T.C. RY. CO.	277.5
1288	353	ALL		T. & N. O. RY. CO.	640
1420	354	ALL		T. & N. O. RY. CO.	640
1316	45	PART	360	NANCY C. WYATT	596
	1	ALL	SF16368	B.F. GEARHART, JR.	<u>318.68</u>
					8,901.92

\* ALL OF THAT PORTION OF THE SECTION LYING EAST OF HIGHWAY 166

Being the same land as shown in Deed dated December 30, 2010, from Thomas E. Kelly to Tabosa Holdings, LLC, filed for record on December 30, 2010 and recorded in Volume 207, Page 795, Official Public Records of Jeff Davis County, Texas; and

Land shown in Deed dated September 27, 2013, from Joan Diane Henry, Independent Executrix of the Estate of Martha Anne Gearhart, filed for record on September 27, 2013 and recorded in Volume 216, Page 514, Official Public Records of Jeff Davis County, Texas.

**SAVE AND EXCEPT:**

Land as shown in Deed dated March 4, 2016, from Tabosa Holdings, LLC to Wyatt Ranches of Texas, LLC, filed for record on March 4, 2016 and recorded in Volume 224, Page 304, Official Public Records of Jeff Davis County, Texas; and

Land as shown in Deed dated March 4, 2016, from Tabosa Holdings, LLC to Wyatt Ranches of Texas, LLC, filed for record on March 4, 2016 and recorded in Volume 224, Page 405, Official Public Records of Jeff Davis County, Texas.