

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Notice is hereby given that a public sale at auction of the Property (as that term is defined and 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: June 24, 2009
Maker: Alvin A. Kaddatz and Brenda Kaddatz
Payee: AgTexas, FLCA
Original Principal Amount: \$409,375.00
AgTexas, FLCA Loan No. 887007

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS
2009 APR 15 A 11:56

Deed of Trust:

Date: June 24, 2009
Grantor: Alvin A. Kaddatz and spouse, Brenda Kaddatz a/k/a Alvin A. Kaddatz and Brenda Kaddatz d/b/a T & D Farm
Trustee: Mitchell Harris
Recorded in: Volume 1602, Page 754, Official Public Records of Hill County, Texas.

Property:

Two (2) tracts of land in Hill County, Texas, and being more particularly described by metes and bounds on **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes.

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:

AgTexas, FLCA

Information regarding the public sale to be held:

Substitute Trustees: Kelly Goddard, Michelle Schwartz, David Garvin

Appointed by written instrument dated February 27, 2019, executed by AgTexas, FLCA and recorded or to be recorded in the appropriate Official Public Records of Hill County, Texas.

Date of Sale: May 7, 2019, being the first Tuesday in said month.

Time of Sale: The earliest time at which the sale will occur is 1:00 p.m., Hillsboro, 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 Hill County, Texas

Default has occurred in the payment of the indebtedness evidenced by the Note. Because of such default, AgTexas, 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 the AgTexas, 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.



Kelly Goddard, 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"

Tract 1:

All that certain lot, tract or parcel of land lying and situated in the J.E. Ross Survey, Abstract 750, Hill County, Texas, being all of that certain tract of land described as Tract One, Tract Two, and Tract Three in the deed from Herman Smajstrla to Robert Smajstrla, Christine Smajstrla Doskocil and Mary Ann Smajstrla Doskocil (Smajstrla) dated January 27, 1989, recorded in Volume 708, Page 416, of the Deed Records of Hill County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 3/4 inch iron rod set for a corner lying in the west line of County Road 4223, the southwest corner of the said Smajstrla Tract Two, the southeast corner of that certain tract of land described in the deed from Autie Frazier to Alvin A. Kaddatz and wife, Brenda Kaddatz (one) dated November 01, 1991, recorded in Volume 749, Page 309, of the Deed Records of Hill County, Texas;

THENCE North 30-00 West (basis of bearing), 1805.56 feet along the west line of the said Road to a 2 inch steel pipe found for a corner, an inside ell corner of the said Smajstrla Tract Two, the northeast corner of the said Kaddatz (one) tract;

THENCE South 58-30-00 West, 728.46 feet to a 3/4 inch iron rod set for a corner, an outside ell corner of the said Smajstrla Tract Two, an inside ell corner of the said Kaddatz (one) tract, the southeast corner of that certain tract of land described in the deed from Mrs. Esther A. Bunn and husband, T.V. Bunn to Alvin A. Kaddatz (two) dated June 30, 1951, recorded in Volume 367, Page 603, of the Deed Records of Hill County, Texas;

THENCE North 29-32-41 West, 277.09 feet generally along a fence to a 3/4 inch iron rod set for a corner, an outside ell corner of the said Smajstrla Tract two, an inside ell of the said Kaddatz (two) tract;

THENCE North 58-45-13 East, 809.64 feet generally and partially along a fence to a 3/4 inch iron rod set for a corner lying in the east line of the said Road, an inside ell corner of the said Smajstrla Tract Two, and outside ell Corner of the said Kaddatz (two) tract;

THENCE North 18-51-41 West, 1219.88 feet along the said Road to a 3/4 inch iron rod set for a corner, the northwest corner of the said Smajstrla Tract Two, the southeast corner of that certain tract of land described in the deed from Theodore Motley and wife, Lucille A. Motley to Johnny Mac Motley and Kathleen Dearman (Motley), dated February 17, 1992, in Volume 753, Page 37, of the Deed Records of Hill County, Texas;

THENCE North 60-39-24 East, 1798.06 feet generally along a fence to a 3/4 inch iron rod set for a corner, the northwest corner of the said Smajstrla Tract One;

THENCE North 77-32-15 East, 100.00 feet to a 3/4 inch iron rod set for a corner, the northeast corner of the said Smajstrla Tract Three, the southeast corner of the said Motley tract;

THENCE South 12-27-45 East, 2180.03 feet generally and partially along a fence to a 3/4 inch iron rod set for a corner, the southeast corner of the said Smajstrla Tract Three, the southwest corner of that certain tract of land described as Tract III, in the deed from Oscar E. Fox and wife, Norma Jo Fox to Jamie C. Hudson and husband, James B. Hudson, dated April 26, 1996, recorded in Volume 891, Page 350, of the Official Public Records of Hill County, Texas;

THENCE South 77-32-15 West, 51.21 feet to a 3/4 inch iron rod set for a corner the southwest corner of the said Smajstrla Tract Three, the southeast corner of the said Smajstrla Tract One, the northwest corner of that certain tract of land described as First Tract, in the deed from Curtis G. Cato to Billy Gene Cato and Bobby W. Cato, Co-Trustee Curtis Cato Family Trust, dated September 06, 1996, recorded in Volume 906, Page 730, of the Official Public Records of Hill County, Texas;

THENCE South 22-18-34 West, 1903.96 feet generally along a fence to the POINT OF BEGINNING, and containing 110.63 acres of land, more or less, as surveyed on the ground on October 27, 1998, by Donald B. Szurgot, Registered Professional Land Surveyor No. 1780.

Tract 2:

All that certain 130.15 acres of land being all of that certain called 80 acre tract in the John E. Ross Survey and the Gray B. Francher Survey, Hill County, Texas, as described in a deed dated December 12, 1925 to D. B. Frazier recorded in Volume 224, page 196 of the Hill County Deed Records and all of that certain called 50 acre tract in said John E. Ross Survey, Hill County, Texas, described in a deed dated September 3, 1877 to J. L. Frazier and Isabella Frazier recorded in Volume S, page 204 of the said Deed Records, said 130.15 acre tract being described by metes and bounds as follows:

BEGINNING at a bridge spike in the centerline of a gravel Public Road for the southwest corner of said 80 acre tract, said point being located S 59 deg. 02' 08" W 456.67 feet from the intersection of said centerline and a west line of said Ross Survey, and said point being located S 30 deg. 33' 33" E 20 feet from a bridge spike set for reference, and said Place of Beginning also being the existing southeast corner of the A. Cliett 121.5 acre tract.

THENCE N 30 deg. 33' 33" W, along the common fence line, as extended, of said 80 acre tract and the Cliett tract, a distance of 2909.72 feet to an iron pipe found for the northwest corner of this, the northwest corner of said 80 acre tract and the northeast corner of said Cliett tract.

THENCE N 60 deg. 21' 45" E, along the north line of said 80 acres, a distance of 455.56 feet to an iron pipe at a fence corner of the most northerly corner of said 80 acres.

THENCE S 30 deg. 00' E (base bearing), along the common fence line of said Francher and Ross surveys, a distance of 1094.44 feet to a bridge spike for inside ell corner of said 80 acres.

THENCE N 59 deg. 01' 28" E, along the north fence line, as extended, of said 80 acre and 50 acre tracts, a distance of 2431.18 feet to an iron pipe found in the west line of a gravel Public Road for the northeast corner of said 50 acre tract and the northeast corner of this.

THENCE S 29 deg. 58' 03" E, along the east line of said 50 acre tract, and the said west line of the gravel Public Road, a distance of 1805.56 feet to a bridge spike for the southeast corner of this and the southeast corner of said 50 acres.

THENCE S 59 deg. 02' 08" W, along the aforesaid centerline of the gravel Public Road, and along the south line of said 80 and 50 acre tracts, a distance of 2857.36 feet to the Place of Beginning.