

**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: December 7, 2016  
Maker: E & J Agri, Inc.  
Payee: Capital Farm Credit, FLCA  
Original Principal Amount: \$350,000.00  
Capital Farm Credit, FLCA Loan No. 942946

FILED FOR RECORD  
DAY OF Aug YR 2021  
AT 9 HR 36 MIN A M.  
ROBIN DICKERSON, COUNTY CLERK  
BAILEY COUNTY, TEXAS

Deed of Trust:

Date: December 7, 2016  
Grantor: E & J Agri, Inc.  
Trustee: Ben R. Novosad  
Recorded in: Document No. 2016-21596, Vol. 316, Pg. 535, Official Public Records of Bailey 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:

Certain tract of land in Bailey 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:

Capital Farm Credit, FLCA

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

Substitute Trustee: **Ryan J. Bigbee, Cassy McGinnis, Kinzie Johnson, Tammy Mathis, and Nicole Ybarra**

Appointed by written instrument dated August 16, 2021, executed by Capital Farm Credit, FLCA and recorded or to be recorded in the appropriate Official Public Records of Bailey County, Texas.

Date of Sale: September 7, 2021, being the first Tuesday in said month.

Time of Sale: The earliest time at which the sale will occur is 10:00 a.m., Muleshoe, 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 Bailey County, Texas

Capital Farm Credit, 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 Capital Farm Credit, 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.

4/7/21  
By: [Signature], Substitute Trustee

Please return File-Stamped Copy to:

Will C. Griffis  
McCleskey, Harriger, Brazill & Graf, L.L.P.  
311 S. Abe, Suite B  
San Angelo, TX 76903

## EXHIBIT A

A 114.319 Acre Tract of land located in the E/2 of Section 40, Block Y, W.D. and F.W. Johnson's Subdivision No. 2, Bailey County, Texas and being all of Tracts One (1), Two (2), Three (3), Four (4), Five (5), and Six (6), as described in Deed from West Texas Warehouse Company to the Trinity Company dated July 31, 1984 and recorded in Volume 152, Page 407, Deed Records of Bailey County, Texas, said 114.319 acre tract being more particularly described as follows:

BEGINNING at the Northeast corner of the E/2 of the NW/4 of the NE/4 of said Section 40, for the Northeast corner of said Tract Two (2), and for the Northeast corner of this Tract;

THENCE S. 3° 07' 26" W., along the East line of said Tract Two (2), at 25.0 feet pass a found 2" iron pipe, in all 1321.39 feet to a 6" post found at the Southeast corner of said E/2 of NW/4 of NE/4, and for a corner of this tract (all bearings are compared to the Texas coordinate System of 1983, North Central Zone, All Distances are true at an averaged surface elevation);

THENCE N. 86° 42' 30" W., along the South line of said Tract Two (2), a distance of 660.000 feet to a ½" iron pipe found in the East line of said Tract One (1), for the Southwest corner of said E/2 of NW/4 of NE/4, and for a corner of this tract;

THENCE S. 2° 58' 03" W., along the East line of said Tract One (1), a distance of 1322.21 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set in the South line of said NE/4 of Section 40, at the Southeast corner of the West 40 acres of said NE/4, and at the West corner of said Tract Six (6), and for a corner of this Tract;

THENCE S. 86° 42' 30" E., along the North line of the SE/4 of said Section 40, a distance of 231.20 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set at the Northeast corner of said Tract Six (6), for the corner of this Tract;

THENCE S. 3° 08' 19" W., along the East line of said Tract Six (6), a distance of 361.24 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set in the Northeasterly line of said Tract Five (5), for a corner of this Tract;

THENCE S. 29° 26' 13" E., 85.12 feet to a 2" iron pipe found at the common Northeasterly corner to said Tract Four (4), and Five (5), for a corner of this Tract;

THENCE S. 51° 41' 42" E., along the Northeasterly line of said Tract Four (4), a distance of 1498.52 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for the Easterly corner of said Tract Four (4), and for a corner of this Tract;

THENCE S. 38° 15' 45" W., along the Southeast line of Said Tract Four (4), a distance of 1000.00 feet to a 2" iron pipe found in pavement in the Northeasterly right-of-way line of the Burlington Northern and Santa Fe Railroad, for the Southeast corner of this Tract;

THENCE N. 51° 44' 15" W., along said Railroad right-of-way line, at 1500 feet pass the common Southwesterly corner to said Tracts Four (4), and Five (5), in all 1939.95 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set in the West line of said E/2 of Section 40, for the Southwest corner of said Tract Five (5), and for the Southwest corner of this Tract;

THENCE N. 3° 08' 19" E., along the West line of said E/2 at 1000.20 feet pass a ½" iron rod with cap marked "DOUGLAS RPLS4570: found at the center of said Section 40 and at the common West corner to said Tracts Five (5), and One (1), in all 3639.85 feet to a buried metal found under pavement in the North line of said Section 40, at the Northwest corner of said NE/4 of Section 40, for the Northwest corner of said Tract Three (3), and for the Northwest corner of this Tract from which a found ½" iron rod with cap marked "DOUGLAS RPLS4570" at the Northwest corner of said Section 40 bears N. 86° 53' 03" W. 2639.8 feet;

THENCE S. 86° 52' 46" E., along the North line of said Section 40 and along paved County Road 1048, passing the common North corner of said Tracts Three (3), and Two (2), a distance of 1315.70 feet to the PLACE OF BEGINNING.