

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS §
 §
COUNTY OF MILAM §

WHEREAS, by that certain Deed of Trust dated January 31, 2011, recorded at Volume 1142, Page 866, Official Records of Milam County, Texas (hereinafter referred to as the "Deed of Trust"), Ricky J. Palasota (referred to hereinafter as "Grantor"), conveyed to Gail Kolle Hoad, as Trustee, the real property therein described located in Milam County, Texas, together with all improvements thereon and all other property described in and conveyed by the Deed of Trust (collectively, the "Property") to secure the payment of that one certain Promissory Note dated January 31, 2011 in the original principal amount of Six Hundred Ten Thousand and 00/100 Dollars (\$610,000.00), executed by Brazos Valley Services, by and through its general partners, Ricky J. Palasota and Ricky J. Palasota, Jr., and payable to First Victoria National Bank; and

AND WHEREAS, the liens evidenced by the Deed of Trust also secure all other indebtedness advanced to Borrowers, including amounts due under: (a) that certain Real Estate Lien Note dated July 3, 2006, executed by Ricky J. Palasota in the original principal amount of \$659,685.00 and payable to First Victoria National Bank; (b) that certain Promissory Note dated January 31, 2011, executed by Ricky J. Palasota and Ricky J. Palasota, Jr., as general partners of Brazos Valley Services, a general partnership, in the original principal amount of \$600,000.00, and payable to First Victoria National Bank; (c) that certain Real Estate Lien Note dated December 14, 2007, executed and Ricky J. Palasota, Elaine Palasota, and Ricky J. Palasota, Jr., in the principal amount of \$327,250.00 and payable to First Victoria National Bank, and (d) that certain Promissory Note dated January 31, 2011, executed by Ricky J. Palasota and Ricky J. Palasota, Jr., as general partners of Brazos Valley Services, a general partnership, in the original principal amount of \$610,000.00, and payable to First Victoria National Bank (collectively referred to as the "Other Indebtedness");

AND WHEREAS, the Note, the Other Indebtedness, and liens evidenced by the Deed of Trust were modified and/or extended by that certain Amended Joint Plan of Reorganization in Bankruptcy Case No. 14-60931-rbk-11 styled *In re: Ricky Joe Palasota*, in the United States Bankruptcy Court, Western District of Texas, Waco Division (the "Palasota Bankruptcy Case"), and the automatic stay in said Palasota Bankruptcy Case was terminated as confirmed by Amended Order Confirming Termination of Automatic Stay Under §362(c), signed June 17, 2019. The Note, the Other Indebtedness, and liens evidenced by the Deed of Trust were also modified and/or extended by that certain Amended Joint Plan of Reorganization in Bankruptcy Case No. 14-60932-rbk-11 styled *In re: BVS Construction, Inc.*, and in Bankruptcy Case No. 19-60004-rbk-11 styled *In re: BVS Construction, Inc.*, in the United State Bankruptcy Court, Western District of Texas, Waco Division (the "BVS Bankruptcy Cases"). The automatic stay in the BVS Bankruptcy Cases was terminated under the terms of a Chapter 11 Plan, as confirmed by that certain Notice of Termination of Stay filed April 17, 2021, in Case No. 19-60004-rbk-11. Furthermore, Bankruptcy Case No. 21-32344 styled *In re: Ricky Joe Palasota*, In the United States Bankruptcy Court, Southern District of Texas (transferred from Bankruptcy Case No. 21-60248 in the United States Bankruptcy Court, Western District of Texas), was dismissed by Order Dismissing Case signed August 24, 2021;

Filed 13 day of Dec
in 2021, At 12 M.
By Jodi Morgan
County Clerk, Milam County, Texas
Deputy

AND WHEREAS, Prosperity Bank is holder and owner of the Indebtedness evidenced by the December 2007 Note and the Other Indebtedness, and liens securing same, and any and all renewals, extensions, modifications, forbearances of same, and is entitled to receive all amounts due thereunder, as successor in interest of First Victoria National Bank;

AND WHEREAS, the undersigned has been appointed Substitute Trustee in place of said Original Trustee, upon the contingency and in the manner authorized by said Deed of Trust;

AND WHEREAS, default has occurred in the payment of the Indebtedness evidenced by the above-referenced Promissory Note and the same is now wholly due, and the owner and holder of said Indebtedness has requested the undersigned to sell said property to satisfy said Indebtedness;

NOW, THEREFORE, Notice is hereby given that on Tuesday, the 4th day of January, 2022, between ten o'clock a.m. and four o'clock p.m. (10 a.m. to 4 p.m.), I will sell to the highest bidder at public auction the Property ("Property") described below, at the East Entrance of the Milam County, Courthouse, 102 S. Fannin, Cameron, Texas 76520, or at such other place as has been designated by the Commissioner's Court of Milam County, Texas for the conducting of foreclosure sales, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. The Substitute Trustee's sale will begin no earlier than 1:00 p.m. and must be concluded within three hours of such starting time. Said sale shall be to the highest bidder for cash.

The property to be sold (hereinafter collectively referred to as the "Property") is all of the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; and all easements, rights of way, and appurtenances; all water and water rights; and all other rights, royalties, and profits relating to the real property, including without limitation such rights as Grantor may have in all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in MILAM County, State of Texas:

BEING 507.56 ACRES, MORE OR LESS, OUT OF THE LEWIS L. CHILES SURVEY, A-9 AND A-136, MILAM COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The Real Property or its address is commonly known as FM 485, Cameron, TX 76520;

together with all improvements thereon and all other property described in and conveyed by the Deed of Trust. Conveyance of the Property at Substitute Trustee's Sale shall be made "AS IS, WHERE IS" without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the property.

Notice Pursuant To Texas Property Code Sec. 51.002(i): 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.**

WITNESS MY HAND this 9th day of December, 2021.



H. CLINTON MILNER
Substitute Trustee
P.O. Box 801031
Dallas, TX 75380
TEL. (214) 342-0700
FAX (214) 463-5339

Shir Lee, Inc.
507.58 Acre Tract
Lewis L. Childs Survey, A-8
Miami County, Texas

Field notes of a 507.58 acre tract or parcel of land, lying and being situated in the Lewis L. Childs Survey, Abstract No. 3, Miami County, Texas, and being all of the called 507.45 acre tract described in the deed from Stanley H. Vestal to Shir Lee, Inc., as recorded in Volume 576, Page 574, of the Official Records of Miami County, Texas, and said 507.58 acre tract being more particularly described as follows:

BEGINNING at the 1/2" iron rod set at the most easterly north corner of the beforementioned 507.45 acre tract in the south right-of-way line of Farm to Market Road No. 485, same being the northwest corner of the Bryan - called 28.97 acre tract described in Volume 536, Page 400, of the Official Records of Miami County, Texas, and being the north corner of a 60' wide access easement described in the above-mentioned Volume 576, Page 574, from which a 4" steel post fence corner bears S 35° 40' 56" W - 1.2 feet;

THENCE S 33° 39' 08" E along the northeast line of the beforementioned 507.45 acre tract, same being the northeast line of the beforementioned 60' wide access easement, same being the southwest line of the beforementioned 28.97 acre tract and the southwest line of the Lecheid - called 18.28 acre tract, Volume 709, Page 289, of the Official Records of Miami County, Texas, at a distance of 1728.0 feet, pass a cross-tie fence corner, continue on, adjacent to a fence, for a total distance of 2825.11 feet to a 1/2" iron rod found marking the east corner of the 507.45 acre tract, from which a 1/2" iron rod found marking the south corner of the 18.28 acre tract bears S 33° 39' 08" E - 99.98 feet;

THENCE along the southeast line of the beforementioned 507.45 acre tract, adjacent to a fence, as follows:

S 57° 04' 04" W for a distance of 2490.82 feet to an 8" cross-tie post fence angle point;
S 58° 53' 55" W for a distance of 2878.50 feet to a 4" steel post fence corner marking the south corner of the 507.45 acre tract in the southerly northeast line of the Cobb - called 188.21 acre - 3" Tract, Volume 487, Page 681, of the Deed Records of Miami County, Texas;

THENCE along the common line between the beforementioned 507.45 acre tract and the beforementioned 188.21 acre tract, adjacent to a fence, as follows:

N 32° 49' 09" W for a distance of 1400.00 feet to a 1/2" iron rod found (with cap) at a 4" steel post fence corner, marking an interior all corner of the 507.45 acre tract,
S 59° 53' 28" W for a distance of 977.57 feet to a 1/2" iron rod found (with cap) at a 4" steel post fence corner marking a south corner of the 507.45 acre tract,
N 82° 46' 52" W for a distance of 2822.52 feet to a 1/2" iron rod found (with cap) at a 4" steel post fence corner marking the north corner of the 188.21 acre tract, same being the west corner of the 507.45 acre tract and being in the southeast line of the Town - called 361.97 acre tract, Volume 571, Page 430, of the Official Records of Miami County, Texas;

EXHIBIT

A

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THENCE N 68° 18' 38" E along the northwest line of the beforementioned 607.45 acre tract, same being along or near the northwest line of the beforementioned Chiles Survey, adjacent to and southeast of a meandering fence (northwest corner - 351.97 acre tract - call to go along fence line) for a distance of 8376.88 feet to a 1/2" iron rod found (here) as a 4" steel post fence corner marking the westerly north corner of the 607.45 acre tract, same being the west corner of the Cobb - called 21.34 acre tract, Volume 467, Page 681, of the Deed Records of Midem County, Texas;

THENCE along the common line between the beforementioned 607.45 acre tract and the 21.34 acre tract, adjacent to a fence, as follows:

S 33° 18' 38" E for a distance of 846.75 feet to a 4" steel post fence corner marking the occupied interior ell corner of the 607.45 acre tract, same being the south corner of the 21.34 acre tract.
N 58° 21' 13" E at a distance of 1353.5 feet, a 4" steel post fence corner at gate entrance bears southeast - 12.1 feet, at a distance of 1400.41 feet, pass a 1/2" iron rod found (with cap) of a 4" steel fence post, continue on for a total distance of 1402.40 feet to a 1/2" iron rod set in the south right-of-way line of F.M. No. 485, same being in a curve, concave to the north, having a radius of 2351.83 feet;

THENCE along the southerly right-of-way line of F.M. No. 485, adjacent to a fence, as follows:

Easterly along said curve for an arc length of 694.07 feet to a 1/2" iron rod set at the end of this curve, the chord bears S 67° 27' 05" E - 852.57 feet.
S 04° 34' 01" E for a distance of 40.00 feet and corner, from which a concrete right-of-way marker found bears N 11° 32' 41" W - 0.69 feet,
N 85° 25' 59" E at a distance of 438.16 feet, pass the west or northwest corner of the beforementioned 60' wide access easement, from which a 1/2" iron rod found near a 4" steel post fence bears S 00° 38' 51" E - 0.92 feet, continue on for a total distance of 838.85 feet to the PLACE OF BEGINNING, containing 607.26 acres of land, more or less, of which 4.05 acres lie within the above-mentioned 60' wide access easement.

Bearings based on grid north, NAD 83, Tx. State Plane, Central Zone, Distances and perches are surfaces.



Surveyed March 2006

[Signature]
B. M. King
R.P.L.S. No. 2003

Prepared 03/2006
2006 edition of the 2007 statute