

FILED July 27 A.D. 2024
LIVE OAK COUNTY, TEXAS
DONNA M. VANWAY CLERK, COUNTY CO
BY Rebecca Munoz DEP
AT 3:10 O'CLOCK pm

**NOTICE OF FORECLOSURE SALE AND
APPOINTMENT OF SUBSTITUTE TRUSTEES**

1. Recitals

A. The Lender named below is the current mortgagee of the Deed of Trust and the current owner and holder of the Loan Agreement and the Promissory Note described below.

B. The Loan Agreement and Promissory Note are secured by the Deed of Trust described below.

C. The Debtor named below is in default in the payment of the Loan Agreement and the Promissory Note and in the performance of the obligations of the Deed of Trust, and the default has not been cured after receiving notice of default and opportunity to cure.

D. The Lender has accelerated the indebtedness evidenced by the Loan Agreement and the Promissory Note.

E. Notice is hereby given that the property described below shall be sold at public auction on the date, at the time, and in accordance with the terms contained in this Notice of Foreclosure Sale and the applicable laws of the State of Texas.

2. Property to Be Sold:

The property to be sold is described as follows:

Address: 2624 SH 72, Three Rivers, Texas 78071.

Legal Description:

A 9.06 acre tract of land, more or less, being comprised of all a called 5.83 acre tract conveyed to Eagle Ford Shale Office Park, LLC, by General Warranty Deed dated April 5, 2012, recorded in Volume 213, Page 583 of the Official Public Records of Live Oak County, Texas, and a portion of a called 6.438 acre tract conveyed to Eagle Ford Shale Office Park, LLC by General Warranty Deed dated May 18, 2011, recorded in Volume 184, Page 225 of said Official Public Records.

3. Date, Time, and Place of Sale:

Date: The sale shall be held on Tuesday, September 3, 2024.

Time: The earliest time at which the sale will begin is 1:00 p.m. CT, and the sale will be conducted within three hours thereafter.

Place: The sale shall be held on the front steps of the Live Oak County Courthouse, located at 301 Houston Street, George West, TX 78022, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioners Court, pursuant to section 51.002 of the Texas Property Code.

4. Terms of Sale:

Because of the default in performance of the obligations secured by the Deed of Trust, the Substitute Trustee will sell the property "As Is" by public auction to the highest bidder. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.

5. Instrument to be Foreclosed:

The Security Instrument to be foreclosed is the Deed of Trust dated February 13, 2019, signed by El Dorado Gas & Oil, Inc. a/k/a El Dorado Oil & Gas, Inc. ("Debtor") as grantor, to Live Oak Title as trustee, for the benefit of First Service Bank, Dermott, as beneficiary, and recorded under Document Number 227081 in the official public records of Live Oak County, Texas.

6. Obligations Secured:

The indebtedness is evidenced by a Business Loan Agreement dated February 13, 2019 ("the Loan Agreement") and a Commercial Promissory Note dated February 13, 2019 (the "Promissory Note") in the original principal amount of Eight Hundred Sixty Two Thousand Five Hundred Dollars (U.S. \$862,500.00), including all accrued and unpaid interest and all other amounts payable by Debtor as described in the Loan Agreement, the Promissory Note, any other related documents, and all modifications, renewals, and extensions thereof ("the Indebtedness"). First Service Bank, Dermott, is the current mortgagee of the Deed of Trust and the current owner and holder of the Loan Agreement and the Promissory Note.

7. Name and Address of Substitute Trustees:

In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, the mortgagee's attorney appoints the Substitute Trustees listed below.

The names of the Substitute Trustees are:

Butler Snow LLP
Marshall A. Bowen
Victoria A. Giese
Jordan Jarreau
Megan Donaldson

The address of the Substitute Trustees is:

Butler Snow LLP, 1400 Lavaca St., Suite 1000, Austin, TX 78701

8. Additional Provisions:

Default has occurred in the payment of the Loan Agreement and the Promissory Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Loan Agreement and Promissory Note, has requested that a Substitute Trustee sell the Property. In compliance with Texas Property Code section 51.002(d), Lender sent notice of default, suspension, and acceleration to Debtor by Certified United States Mail, Return Receipt Requested, and by Federal Express on April 5, 2024. The Notice of Default provided a ten-day cure period to cure the default.

The Deed of Trust may encumber both real and personal property. Formal notice is 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.

Notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, a Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been released or subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record by Lender from the security interest of the Deed of Trust. Prospective bidders are urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES 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 MORTGAGE SERVICER.

This Notice of Foreclosure Sale is executed this 23rd day of July, 2024.

First Service Bank, Dermott

114 E. Peddicord Street
Dermott, Arkansas 71638

By: Marion

Marshall A. Bowen
BUTLER SNOW LLP
1400 Lavaca St., Suite 1000
Austin, TX 78701

Attorney for Lender First Service Bank, Dermott