

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

DATE: April 10 2023
PROMISSORY NOTE: First Amended and Restated Secured Promissory Note, described as follows:

Original Date: September 10, 2021
Maker: James R. Barley Estate, Deceased, and Rick Barley, Individually
Payee: TCT Financial III, LLC, a Texas limited liability company
Amount: \$25,325.90

DEED OF TRUST: Deed of Trust, Mortgage, Assignment, Security Agreement and Financing Statement

Original Date: June 25, 2021
Grantor: James R. Barley Estate, Deceased, and Rick Barley, Individually
Original Trustee: Lauren Allen
Beneficiary: TCT Financial III, LLC, a Texas limited liability company
Recorded in: Document Number 2021-00005523, at Volume 2003, Page 447 et. seq. of the Official Public Records of Howard County, Texas.

LENDER: TCT Financial III, LLC, a Texas limited liability company

BORROWER: James R. Barley Estate, Deceased, and Rick Barley, Individually

PROPERTY: The "Mortgaged Property" as described in the Deed of Trust and as described on Exhibit A attached hereto.

SUBSTITUTE TRUSTEE: Johnie Eads, Shellie Nail, Donna Trout, or Zane Nail.

SUBSTITUTE TRUSTEE'S MAILING ADDRESS:

c/o Michael B. Franklin
Munsch Hart Kopf & Harr, PC
500 N. Akard Street, Suite 3800
Dallas, Texas 75201

DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

May 2, 2023, being the first Tuesday of the month, to commence at 10:00 a.m., or within three hours thereafter.

PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

At the north door of the Howard County Courthouse, located at 300 S. Main St., Big Spring, Texas 79720, or if the preceding area is no longer the designated area, then in the area designated by the Commissioners Court of Howard County, Texas for real property foreclosures under Section 51.002 of the Texas Property Code pursuant to instrument(s) recorded in the real property records of Howard County, Texas.

Default has occurred in the payment of the Promissory Note and in the performance of the obligations of the Deed of Trust, which secures the Promissory Note. Because of such default, Lender, the owner of the Promissory Note, and the holder of the Promissory Note and the Deed of Trust lien for purposes of Section 51.002 of the Texas Property Code, has requested Substitute Trustee to sell the Property in accordance with the terms of the Deed of Trust and applicable law.

The Deed of Trust encumbers both real and personal property. Formal notice is hereby 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 (Texas UCC).

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, Substitute Trustee or such other Substitute Trustee as Lender may subsequently appoint, will sell the Property by public sale to the highest bidder for cash, in accordance with the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust and to the permitted exceptions to title, if any, described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property includes only Borrower's right, title, and interest in and to oil, gas and other minerals interests (including royalty interests) and is sold and conveyed "AS IS, WHERE IS", and WITH ALL FAULTS.

Assert and protect your rights as a member of the armed forces of the United States. If you 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 State, please send written notice of the active duty military service to the sender of this notice immediately.

ALTHOUGH SUBSTITUTE TRUSTEE(S) WAS PREVIOUSLY APPOINTED PURSUANT TO THE DEED OF TRUST AND THE TEXAS PROPERTY CODE, FOR AVOIDANCE OF DOUBT, THIS INSTRUMENT REAFFIRMS THAT APPOINTMENT AS FOLLOWS: THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) 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 MORTGAGEE SERVICER.

Printed Name: _____
Title: Substitute Trustee

EXHIBIT "A"
Mortgaged Property

All of Borrower's right, title, and interest in and to the Minerals (hereinafter defined), and any current or future royalties, overriding royalties, bonuses, rents or other monies paid, due, or held in suspense as a result of the extraction, sale, lease, extension, or use of the following, or any proceeds therefrom:

1. The land described on Exhibit "A-1" attached hereto (the "Lands").
2. All natural resources or other substance of value which may be extracted or produced from the Lands (the "Minerals"). The Minerals include, but are not limited to oil, gas, carbons metals and water.
3. Any substances or materials that result from the extraction of Minerals from the Lands (the "Products"). The Products include, but are not limited to the extracted Minerals and any materials or substances created from the extracted Minerals.
4. Any existing leases that cover any part of the Lands (the "Lease").

The Mortgaged Property additionally includes all of Borrower's right, title, interest and estate in and to the Minerals and Proceeds and all other claims or causes of action held by or accruing to the Borrower under the Lease and any lease covering interests under the Lands or held by Borrower by virtue of ownership of the Lands, Minerals or Products, including, but not limited to revenues, incomes, and payments from royalties, overriding royalties, lease bonuses, lease extensions, and purchases.

EXHIBIT "A-1"

HOWARD COUNTY, TEXAS:

<u>Lease</u>	<u>Abstract</u>	<u>Survey</u>	<u>Section/Block</u>
ICEMAN	1207	T&P RR CO/SHUMAKE, W L	Blk: 33 T1N, Sec: 2
MCCRARY 10	1206	T&P RR CO/SHUMAKE, W L	Blk: 33 T1N, Sec: 10
SCATTER 15-10	270	T&P RR CO	Blk: 32 T2N, Sec: 15

DESCRIPTION:

All of the right, title and interest of Mortgagor, of every nature whatsoever in oil, gas and other minerals, in and under lands located in Howard County, Texas, including, without limitation, all rights, titles and interests in the above Leases, Abstracts and Surveys, whether or not properly described herein, and including, but not limited to, those lands described herein below, to wit:

TRACT 1:

487.35 acres, more or less, being the Southwest Quarter (SW/4) of Section 2 and the West Half (W/2) of Section 10, Block 33, T-1-N, T&P Ry. Co. Survey, Abstract Nos. 1207, 1643 and 1206,

TRACT 2:

The NW/4 of Section 10, Block 32, T-2-S, T&P Ry. Co. Survey, Howard County, Texas