

Filed for Record

This, the 13th day of December 2021
at 1:00 o'clock P M

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

NATALIE CARSON, COUNTY CLERK OF
DeWitt County, Texas

[Signature]
DEPUTY

DATE: December 13, 2021

PROMISSORY NOTE: First Amended and Restated Secured Promissory Note, described as follows:

Original Date: December 11, 2019

Maker: Harold R. Butler

Payee: TCT Financial II, LLC, a Texas limited liability company

Amount: \$41,201.94

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

Original Date: December 1, 2018

Grantor: Harold R. Butler

Original Trustee: Catherine Hines

Beneficiary: TCT Financial II, LLC, a Texas limited liability company

Recorded in: Instrument Number 124280 of the Official Public Records of DeWitt County, Texas.

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

BORROWER: Harold R. Butler

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

SUBSTITUTE TRUSTEE: Jo Woolsey, Bob Frisch, Janice Stoner, or Jodi Steen.

SUBSTITUTE TRUSTEE'S MAILING ADDRESS:

c/o Hallett & Perrin, P.C.
1445 Ross Avenue, Suite 2400
Dallas, Texas 75202
Attn: Michael B. Franklin

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

January 4, 2022, being the first Tuesday of the month, to commence at 12:00 p.m., or within three hours thereafter.

PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

Patio area in front of the West door to the DeWitt County Courthouse, located at 307 N. Gonzales, Cuero, DeWitt County, Texas 77954, or if the preceding area is no longer the designated area, then in the area designated by the Commissioners Court of DeWitt 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 DeWitt 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 Nation 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: Bob Frisch
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"
Lands

DEWITT COUNTY, TEXAS:

<u>Lease</u>	<u>Abstract</u>	<u>Survey</u>
E. BUTLER A	256, 478	WRIGHT, R
E. BUTLER A	723	BUTLER, E
E. BUTLER A	303	LYTTE, W L

DESCRIPTION:

Including but not limited to All of Grantor's oil, gas and minerals in the above Leases, Abstracts and Surveys and also in DeWitt County, Texas more particularly described as follows:

All of the following lands located in DeWitt County, Texas:

Being all that certain parcel or tract of land, containing 32.73 acres, located in DeWitt County, Texas, a part of the I.R.R. Survey, A-256, is a part of that 100.00-acre, more or less, tract styled "Tract No. One", described in deed to Mataline Butler, recorded in Volume 241, Page 286 of the Deed Records in DeWitt County; said parcel or tract is more particularly described by metes and bounds as follows:

Beginning at a 5/8" diameter iron rod set in the southwest line of said "Tract No. One", in northeast line of that 19.65-acre, more or less, tract styled "Tract No. Two", described in deed to Mataline Butler, recorded in Volume 241, Page 286 of the Deed Records in said County, being S. 48 deg. 45 min. 00 sec. E., a distance of 1,453.47 feet from the northwest corner of said "Tract No. One", as the west corner of tract herein described;

THENCE N. 69 deg. 52 min. 12 sec. E., a distance of 1,282.36 feet to a 5/8" diameter iron rod set, in the west right-of-way line of Vashinder Road, at a turn in the road, as the north corner of tract herein described;

THENCE with the southwest right-of-way line of said road, S. 59 deg. 11 min. 30 sec. E., a distance of 845.23 feet to a 5/8" diameter iron rod set in said line, as the east corner of tract herein described;

THENCE S. 35 deg. 37 min. 30 sec. W., a distance of 1,285.04 feet to a 5/8" diameter iron rod set in the southwest line of said "Tract No. One", same being the northeast line of that 100.00-acre, more or less, tract styled "Tract No. Three", described in deed to Mataline Butler, recorded in Volume 241, Page 286 of the Deed Records of said County, as the south corner of tract herein described;

THENCE with said line, N. 48 deg. 45 min. 00 sec. W., a distance of 1,571.44 feet to the place of BEGINNING and CONTAINING between the above metes and bounds 32.73 acres of land; and being the same property conveyed by Mataline C. Butler to Harold L. Butler by deed dated May 11, 1995 and recorded in Volume 375, Page 216 of the Deed Records of DeWitt County, Texas.