

## Notice of Foreclosure Sale

AUGUST 24, 2021

### Deed of Trust ("Deed of Trust"):

Dated: December 6, 2018  
Grantor: Armagh Dairy, LLC  
Trustee: Stephen McKethan  
115 N. Graham St., Ste 201  
Stephenville, TX 76401  
Lender: Aztex Dairy, Inc.  
Recorded in: Document Number 2018-06931 of the Real Property Records of  
Erath County, Texas.

POSTED  
\_\_\_\_\_ A.M. 1:05 P.M.  
AUG 24 2021  
GWINDA JONES, COUNTY CLERK  
ERATH COUNTY, TEXAS  
By \_\_\_\_\_ CW Deputy

### Legal Description or Property:

Of a 228.66 acres tract of land out of the D.V.P. Ackerman Survey, Abstract No. 22 and the William Thomas Survey, Abstract No. 753, Erath County, Texas; being all of a certain 119.17 acres tract, all of a 76.21 acres tract, part of a 50.26 acres tract and part of a 12.19 acres tract deeded to Aztex Dairy, Inc. in Volume 752, Page 277 of the Deed Records of Erath County, Texas; and being further described by metes and bounds as follows:

Beginning at a set 1/2" iron rod with cap (PRICE SURVEYING) at the northeast corner of said 76.21 acres tract, at the northwest corner of a certain 94.05 acres tract deeded to Edward K. Gaylord, II in Volume 793, Page 116 of said Deed Records and at the intersection of the east line of said Ackerman Survey and the south right of way line of F.M. Highway No. 2156, for the northeast and beginning corner of this tract. Whence the easterly southeast corner of said Ackerman Survey is called to bear S. 18 deg. 29 min. 52 sec. W. 1492.28 feet.

Thence leaving said Highway, S. 18 deg. 29 min. 52 sec. W. 2139.94 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) at the northeast corner of a certain 28.15 acres tract, surveyed this same day, in the east line of said 12.19 acres tract and in the west line of said 94.05 acres tract, for the southeast corner of this tract.

Thence N. 71 deg. 46 min. 52 sec. W. at 2184.49 feet pass a 3" steel post on the east side of Erath County Road No. 347, continuing in all 2225.38 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) in said County Road, at the northwest corner of said 28.15 acres tract, in the west line of said 50.26 acres tract and in the east line of said 119.17 acres tract, for a corner of this tract.

Thence with said County Road, S. 17 deg. 58 min. 17 sec. W. 515.19 feet to a set 60D Nail in the west line of said 50.26 acres tract, in the west line of said 28.15 acres tract and at the southeast corner of said 119.17 acres tract, for a corner of this tract.

Thence leaving said County Road, N. 71 deg. 32 min. 15 sec. W. at 11.22 feet pass a found 3/8" iron rod, continuing in all 1614.18 feet to a found 3/8" iron rod at a corner of a certain 450.71 acres tract deeded to the Tyson Clay Click Trust in Document No. 2014-02369 of the Official Public Records of Erath County, Texas, for the most southerly southwest corner of this and said 119.17 acres tract.

Thence N. 18 deg. 33 min. 45 sec. E. 670.20 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) and N. 71 deg. 45 min. 15 sec. W. 460.70 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) at a corner in the north line of said 450.71 acres tract and at the southeast corner of a certain 166.81 acres tract deeded to Vander Horst Enterprises, LLC in Document No. 2010-06553 of said Official Public Records, for the most westerly southwest corner of this and said 119.17 acres tract.

Thence N. 18 deg. 38 min. 56 sec. E. 1992.43 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) in the south right of way line of said Highway and at the northeast corner of said 166.81 acres tract, for the northwest corner of this and said 119.17 acres tract.

Thence with the south right of way line of said Highway, S. 71 deg. 32 min. 51 sec. E. 4138.67 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) and southeasterly around the arc of a curve to the left with a radius of 3859.72 feet, a central angle of 02 deg. 14 min. 22 sec., a chord of S. 72 deg. 40 min. 02 sec. E. 150.85 feet and an arc length of 150.86 feet to the place of beginning.

Secures: Real Estate Lien Note in the original principal amount of \$1,800,000.00, executed by Armagh Dairy, LLC.

Modifications: None.

### Foreclosure Sale:

Date: October 5, 2021

Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; **the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.**

Place: The South outside steps of the Erath County Courthouse, or as otherwise designated by the County Commissioners pursuant to Section 51.002 of the Texas Property Code where foreclosures are to take place in Erath County, Texas.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber 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.

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

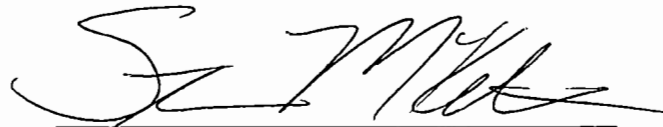
If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 necessarily 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 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 from the lien and/or security interest of the Deed of Trust by Lender. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold **"AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, [Substitute] Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

**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.**



STEPHEN MCKETHAN, Trustee  
115 N. Graham St., Ste. 201  
Stephenville, TX 76401  
254-965-5855