

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

Filed 10<sup>th</sup> day of May  
in 2021, At 1:32 P.M.  
JODI MORGAN  
County Clerk, Milam County, Texas  
By [Signature]  
Deputy

STATE OF TEXAS §  
  §  
COUNTY OF MILAM §

WHEREAS, by that certain Deed of Trust dated July 3, 2006, recorded at Volume 1014, Page 751, Official Public Records of Milam County, Texas (hereinafter referred to as the "Deed of Trust"), Ricky J. Palasota (referred to hereinafter as "Grantor"), conveyed to Timothy C. Jones, 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 Real Estate Lien Note dated July 3, 2006 in the original principal amount of \$659,685.00, executed by Ricky J. Palasota, and payable to First Victoria National Bank (hereinafter referred to as the "Note");

AND WHEREAS, the liens evidenced by the Deed of Trust also secure all other indebtedness advanced to Borrowers, including amounts due under: (a) Real Estate Lien Note dated January 17, 2008 in the original principal amount of \$159,800.00, executed by Ricky J. Palasota, Elaine Palasota and Ricky J. Palasota, Jr., and payable to First Victoria National Bank; (b) 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) 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) 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.

AND WHEREAS, Prosperity Bank is holder and owner of the Indebtedness evidenced by the 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 to 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 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 1<sup>st</sup> day of June, 2021, 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 10:00 a.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") situated in Milam County, Texas (including any improvements), is described as follows, to wit:

A. Land. The Real Estate and all interest therein described as:

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.

B. Improvements: Any and all buildings, structures, open parking areas and other improvements, and any and all accessions, additions, replacements, substitutions, or alterations thereof or appurtenances thereto, nor at any time hereafter situated, placed or constructed upon the Land or any part thereof; and

C. Appurtenances: All rights, privileges, tenements, hereditaments, rights-of-way, easements, rights of ingress and egress, appendages and appurtenances, in anywise appertaining, and all right, title and interest of Grantors to the Land in and to any streets, ways, alleys, strips, or gores of land adjoining the Land or any part therein; and

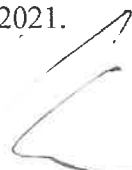
D. Fixtures: All materials, supplies, equipment, apparatus, and other items now or hereafter attached to, installed on or in the Land or the improvements, or which in some fashion are deemed to be fixtures to the Land or improvements under the laws of the State of Texas, including the Texas Business and Commerce Code, other than those owned by tenants under any lease. The term "Fixture" shall include, without limitations, all items of personal property to the extent that the same may be deemed Fixtures under applicable law; and

- E. Leases: Any and all leases, subleases, licenses, concessions, or other agreements and all rents and profits therefrom (written or verbal, nor hereafter in effect) which grant a possessory interest in and to, or the right to extract, mine, oil, gas or other minerals, or reside in, sell or use the Land and Improvements;
- F. Minerals and Water: All oil, gas and other minerals, water, water rights and water stock now owned by Grantors or hereafter acquired in, on, under or that may be produced from the Land as well as all rents, delayed rentals, bonuses, royalties, rights and profits derived, owing, received and/or relating thereto;

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 the Note.

**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 21 day of May, 2021.

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

Shir Lee, Inc.  
507.68 Acre Tract  
Lewis L. Chiles Survey, A-9  
Miami County, Texas

Field notes of a 507.68 acre tract or parcel of land, lying and being situated in the Lewis L. Chiles Survey, Abstract No. 9, Miami County, Texas, and being all of the called 507.45 acre tract described in the deed from Stanley H. Voskel to Shir Lee, Inc., as recorded in Volume 976, Page 574, of the Official Records of Miami County, Texas, and said 507.68 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. 486, same being the northwest corner of the Bryan - called 26.97 acre tract described in Volume 835, Page 400, of the Official Records of Miami County, Texas, and being the north corner of a 60' wide access easement described in the abovementioned Volume 976, Page 574, from which a 4" steel post fence corner bears S 36° 40' 58" 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 26.97 acre tract and the southwest line of the Lehoski - called 19.25 acre tract, Volume 709, Page 288, 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 19.25 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 2490.52 feet to an 8" cross-tie post fence angle point;  
S 68° 53' 58" W for a distance of 2878.60 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 156.21 acre - 3<sup>rd</sup> Tract, Volume 457, 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 156.21 acre tract, adjacent to a fence, as follows:

N 32° 48' 08" W for a distance of 1408.88 feet to a 1/2" iron rod found (with cap) at a 4" steel post fence corner, marking an interior ell corner of the 507.45 acre tract;  
S 56° 53' 26" W for a distance of 977.97 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 32° 48' 52" W for a distance of 2822.62 feet 1/2" iron rod found (with cap) at a 4" steel post fence corner marking the north corner of the 156.21 acre tract, same being the west corner of the 507.45 acre tract and being in the southeast line of the Town - called 381.97 acre tract, Volume 871, Page 430, of the Official Records of Miami County, Texas;

EXHIBIT

A

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THENCE N 68° 16' 35" E along the northwest line of the beforementioned 507.45 acre tract, same being along or near the northwest line of the beforementioned Chiles Survey, adjacent to and southeast of a meandering fence (northwest adjoiner - 351.97 acre tract - calls to go along fence line) for a distance of 3376.88 feet to a 1/4" iron rod found (bent) at a 4" steel post fence corner marking the westerly north corner of the 507.45 acre tract, same being the west corner of the Cobb - called 21.34 acre tract, Volume 457, Page 681, of the Deed Records of Milam County, Texas;

THENCE along the common line between the beforementioned 507.45 acre tract and the 21.34 acre tract, adjacent to a fence, as follows:

S 33° 16' 35" E for a distance of 845.75 feet to a 4" steel post fence corner marking the occupied interior ell corner of the 507.45 acre tract, same being the south corner of the 21.34 acre tract,  
N 56° 21' 13" E at a distance of 1383.6 feet, a 4" steel post fence corner at gate entrance bears southeast - 12.1 feet, at a distance of 1400.41 feet, pass a 1/4" iron rod found (with cap) at a 4" steel fence post, continue on for a total distance of 1408.40 feet to a 1/2" iron rod set in the south right-of-way line of F.M. No. 495, same being in a curve, concave to the north, having a radius of 2351.63 feet;

THENCE along the southerly right-of-way line of F.M. No. 495, adjacent to a fence, as follows:

Easterly along said curve for an arc length of 684.07 feet to a 1/4" iron rod set at the end of this curve, the chord bears S 67° 27' 09" E - 662.67 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 436.19 feet, pass the west or northwest corner of the beforementioned 60' wide access easement, from which a 1/4" iron rod found near a 4" steel post fence bears S 00° 38' 51" E - 0.82 feet, continue on for a total distance of 506.65 feet to the PLACE OF BEGINNING, containing 507.55 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 acreage are surface.



Surveyed March 2008

*S. M. King*  
S. M. King  
R.P.L.S. No. 2003

Prepared 03/26/08  
by S. M. King and Son, Inc. - 0377-00000000

EXHIBIT A  
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