

**NOTICE OF SUBSTITUTE TRUSTEE’S SALE**

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MILAM

§

§

WHEREAS, Madison Park Investors, LLC, a New York limited liability company (the “Lender”), is the owner and holder of that certain Promissory Note dated June 7, 2019, in the original principal amount of \$1,800,000.00 (the “Note”), the Note being payable to the order of the Lender and executed by 1909 WEST BROADWAY STREET LLC, a Texas limited liability company, 1525 WEST CAMERON AVENUE LLC, a Texas limited liability company, 1312 CHURCH STREET LLC, a Texas limited liability company, and 604 SOUTH MAIN STREET LLC, a Texas limited liability company (collectively, the “Debtor”);

WHEREAS, the Note is secured by that certain Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing (together with any amendments or supplements thereto, the “Deed of Trust”) executed by the Debtor dated as of June 7, 2019, to Ronald D. Addison, Trustee, for the benefit of the Lender, and recorded in (i) the Official Public Real Property Records of Hopkins County, Texas under Clerk’s File No. 20192820, (ii) the Official Public Real Property Records of Milam County, Texas under Clerk’s File No. 2019-2217, (iii) the Official Public Real Property Records of Red River County, Texas under Volume 759, Page 203, Clerk’s File No. 066199, and (iv) the Official Public Real Property Records of Wood County, Texas under Clerk’s File No. 2019-00005744;

WHEREAS, the Deed of Trust covers all those certain tracts of land and the real property described in Exhibit “A” attached hereto and incorporated herein by this reference (hereinafter referred to as the “Land”) together with (i) all buildings and improvements erected on the Land; (ii) all fixtures attached to the Land or any buildings or improvements situated thereon; and (iii)

Filed 3<sup>rd</sup> day of Feb.  
in 2020, At 2:30 P.M.  
By JODI MORGAN  
County Clerk, Milam County, Texas  
Deputy

all estates, rights, tenements, hereditaments, privileges, rents, issues, profits easements, and appurtenances of any kind benefiting the Land; all means of access to and from the Land, whether public or private; and all water and mineral rights. All collateral described above is hereinafter referred to as the "Mortgaged Property";

WHEREAS, default has occurred under the Note and the indebtedness evidenced thereby has matured or has been duly accelerated and is now fully due and payable, as evidenced by that certain Notice of Default and Acceleration dated December 6, 2019, authored by Seyfarth Shaw LLP and transmitted to Debtor via Fedex and E-mail delivery;

WHEREAS, the sale provided for in the Deed of Trust should be made;

WHEREAS, the Lender, as owner and holder of the Note and the beneficiary under the Deed of Trust, has appointed the undersigned as Substitute Trustee by instrument in writing and acknowledged;

WHEREAS, the Lender has requested the undersigned to sell the Mortgaged Property to satisfy, at least in part, the indebtedness of the Debtor evidenced by the Note; and

WHEREAS, the above-described Mortgaged Property will be sold subject to all matters which are prior to the Deed of Trust, which affect title thereto, and which are a superior interest therein, and in its WHERE IS and AS IS condition, with no representations or warranties of any kind.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the third (3rd) day of March, 2020, not earlier than the hour of 10:00 a.m. nor later than 1:00 p.m., I will sell the Mortgaged Property to the highest bidder for cash or certified funds, pursuant to the terms of the Deed of Trust, at the east entrance of the Milam County Courthouse located at 102 S. Fannin Avenue, Cameron, Texas 76520, or as designated by the County Commissioners. Furthermore,

in accordance with Texas Property Code Section 51.0075, the undersigned gives notice that the purchase price is payable in cash or certified funds immediately upon acceptance of a bid. The Lender reserves the right to bid (via a cash bid and/or a credit bid) at said foreclosure sale and credit against any sums owing under the Note the amount of its highest bid if it is the successful bidder.

The Deed of Trust encumbers both real property and personal property related to and connected with the Land (which includes fixtures and personal property as defined in the Texas Business and Commerce Code) as described above. Notice is hereby given of the Lender's election to proceed against and sell all of the Mortgaged Property described in the Deed of Trust, in accordance with its rights and remedies under the Deed of Trust and the Texas Business and Commerce Code.

[remainder of page intentionally left blank; signature to follow]

EXECUTED this 3 day of Feb., 2020.

*Hollis Lewis*

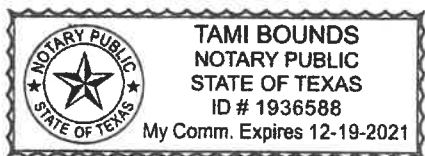
Hollis Lewis, Substitute Trustee

Dated: 2/3, 2020

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS MILAM   §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared Hollis Lewis, Substitute Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3<sup>rd</sup> day of February, 2020.



*Tami Bounds*

Notary Public in and for the State of Texas

My Commission Expires: 12-19-2021

**AFTER FILING RETURN TO:**

**Paul LeBlanc**  
**SEYFARTH SHAW LLP**  
**700 Milam Street, Suite 1400**  
**Houston, Texas 77002**

## EXHIBIT "A"

### DESCRIPTION OF REAL PROPERTY

Hopkins County Property (1312 Church Street, Sulphur Springs, Texas)

#### Parcel 1: (Fee Simple)

ALL that certain tract or parcel of land situated in the Elizabeth Melton Survey, Abstract No. 583, located about 1.37 miles N. 9 degrees E. from the Public Square of the City of Sulphur Springs, Hopkins County, Texas; being a part of that certain 1.68 acre tract (a/k/a Lot 1, Block 408, in the City of Sulphur Springs) described as Tract One in a Deed from Claude E. Reynolds & Max Latham to Joe Weaver and Doug Moore, dated November 16, 2000, recorded in Volume 347, Page 243, Real Property Records of Hopkins County, Texas; and being more particularly described as follows:

BEGINNING at a ½ inch rebar found on the North West corner of said 1.68 acre tract being on the East boundary line of State Highway No. 154 (a/k/a Church Street) and being on the South West corner of a 0.3590 acre tract described in a Deed to Clyde L. Viers, dated May 24, 2012, recorded in Volume 808, Page 238, Official Public Records, Hopkins County, Texas;

THENCE S. 83 degrees 13 minutes 36 seconds E. along the North boundary line of said 1.68 acre tract and the South boundary line of said 0.3590 acre tract a distance of 116.84 feet to a ½ inch rebar set on the North East corner of said 1.68 acre tract, being on the South East corner of said 0.3590 acre tract, and being on the West boundary line of Jackson Street (a/k/a Old State Highway 154);

THENCE S. 6 degrees 25 minutes 51 seconds W. along the East boundary line of said 1.68 acre tract and the West boundary line of said Jackson Street a distance of 142.24 feet to a ½ inch rebar set for a corner;

THENCE N. 83 degrees 09 minutes 37 seconds W. a distance of 111.88 feet to a ½ inch rebar set for a corner on the West boundary line of said 1.68 acre tract, and being on the East boundary line of a 0.222 acre tract described in a Deed to Medicine Chest North, L.C., dated January 20, 2000, recorded in Volume 322, Page 737, Real Property Records;

THENCE N. 7 degrees 54 minutes 14 seconds E. along the East boundary line of said 0.222 acre tract a distance of 24.43 feet to a ½ inch rebar found on an internal angle corner of said 1.68 acre tract, and being on the North East corner of said 0.222 acre tract;

THENCE N. 75 degrees 14 minutes 14 seconds W. along the North boundary line of said 0.222 acre tract a distance of 47.40 feet to a ½ inch rebar found on the North West corner of said 0.222

acre tract, being on an external angle corner of said 1.68 acre tract, and being on the East boundary line of said State Highway No. 154;

THENCE N. 26 degrees 52 minutes 00 seconds E. (bearing basis) along the East boundary line of said State Highway No. 154, and the West boundary line of said 1.68 acre tract a distance of 118.30 feet to the PLACE OF BEGINNING and containing 0.434 acres of land, more or less.

#### Parcel 2: (Easement Estate)

Together with Easement Agreement for Access granted from Medicine Chest North, L.C. to A. Douglas Moore and Joe Kenneth Weaver, in instrument dated August 28, 2013, and recorded in Volume 860, Page 470 of the Official Public Records of Hopkins County, Texas.

Milam County Property (1525 West Cameron Avenue, Rockdale, Texas)

All that certain tract or parcel of land lying and being situated in Milam County, Texas, a part of the William Allen Survey, A-72, and embracing that certain tract described as 0.251 acres in a Deed from Michael L. Allen and Wayne Brinkley to Ben Milam Savings and Loan dated March 2, 1979, and of record in Vol. 452, page 461 of the Deed Records of Milam County, and embracing that certain tract described as 2.454 acres in a Deed from Michael L. Allen and Wayne Brinkley to Ben Milam Savings and Loan dated March 2, 1979 and of record in Vol. 452, page 463 of the Deed Records of Milam County, and being more fully described by metes and bounds as follows:

**BEGINNING** at a ½ inch steel pin found at a power pole in the South Right of Way line of State Highway #79 for the Northeast corner of the said 2.454 acre tract and the Northeast corner of the herein described tract;

**THENCE** with the East line of the said 2.454 acre tract South 22 deg. 16' East at 262.98 feet pass the Southeast corner of the said 2.454 acre tract common with the Northeast corner of the said 0.251 acre tract and continuing a total distance of 289.36 feet to a ½ inch steel pin found for the Southeast corner of the said 0.251 acre tract in the North line of the Missouri Pacific Railroad property for the Southeast corner hereof;

**THENCE** with the South line of the said 0.251 acre tract South 64 deg. 34' West 417.14 feet to a ½ inch steel pin found at a corner post for the Southwest corner of the said 0.251 acre tract in the North line of the aforesaid railroad property for the Southwest corner of the herein described tract;

**THENCE** with the West line of the said 0.251 acre tract North 19 deg. 40' West at 26.26 feet pass the Northwest corner of the said 0.251 acre tract common with the Southwest corner of the said 2.454 acre tract and continuing a total distance of 286.37 feet to a ½ inch steel pin at a power pole in the South R.O.W. of the aforesaid Highway #79 for the Northwest corner of the said 2.454 acre tract and the Northwest corner hereof;

**THENCE** with the North line of the said 2.454 acre tract and the South R.O.W. of said highway North 64 deg. 00' East at 137.53 feet pass a concrete monument and continuing a total distance of 404.37 feet to the **POINT OF BEGINNING** and found to contain 2.70 acres upon resurvey.

**SAVE AND EXCEPT** Three parcels of land, more particularly described by metes and bounds, as follows:

**Parcel 1:**

**BEING** all that certain tract or parcel of land lying and being situated in Milam County, Texas, a part of the William Allen Survey, A-72, Milam County, and being a part of that certain tract described as 2.454 acres in a Deed from Michael L. Allen and Wayne Brinkley to Ben Milam Savings and Loan dated March 1, 1979, and of record in Vol. 452, page 463 of the Deed Records of Milam County, and being more fully described by metes and bounds as follows:

**BEGINNING** at a ½ inch steel pin found at a power pole in the south right of way line of U.S. Highway No. 79 for the Northeast corner of the said 2.454 acre tract and the Northeast corner of the herein described tract;

**THENCE** with the East line of the said 2.454 acre tract South 22 deg. 16' East a distance of 262.97 feet to the Southeast corner of same, said point also being the Northeast corner of a 0.251 acre tract as described in deed from Michael L. Allen and Wayne Brinkley to Ben Milam Savings and Loan dated March 2, 1979, and of record in Vol. 452, Page 461 of the Deed Records of Milam County, Texas;

**THENCE** South 64 deg. 32' 10" West along the common line of said 2.454 acre tract and the 0.251 acre tract a distance of 189.69 feet to a point for corner;

**THENCE** North 22 deg. 16' West a distance of 261.19 feet to an iron rod for corner in the South line of U.S. Highway No. 79;

**THENCE** North 64 deg. 00' East with the North line of said 2.454 acre tract and the South line of U.S. Highway No. 79 a distance of 190.00 feet to the **PLACE OF BEGINNING** and containing 1.1408 acres of land, more or less.

**Parcel 2:**

**BEING** all that certain tract or parcel of land lying and being situated in Milam County, Texas, a part of the William Allen Survey, A-72, and being a part of that certain tract described as 0.251 acres in the Deed from Michael L. Allen and Wayne Brinkley to Ben Milam Savings and Loan dated March 2, 1979, and of record in Vol. 452, Page 461 of the Deed Records of Milam County, and described by metes and bounds as follows:

**BEGINNING** at the Northeast corner of said 0.251 acre tract, same being the Southeast corner of a 2.454 acres in a Deed from Michael L. Allen and Wayne Brinkley to Ben Milam Savings and Loan dated March 2, 1979, and of record in Vol. 452, Page 463 of the Deed Records of Milam County, Texas;

**THENCE** South 22 deg. 16' East along the East line of said 0.251 acre tract, a distance of 26.39 feet to the Southeast corner of said 0.251 acre tract and the North line of the Missouri Pacific Railroad property;

**THENCE** with the South line of said 0.251 acre tract South 64 deg. 34' West, a distance of 189.89 feet to an iron rod for corner;

**THENCE** North 22 deg. 16' West, a distance of 26.29 feet to a point for corner in the North line of said 0.251 acre tract and the South line of said 2.454 acre tract;

**THENCE** North 64 deg. 32' 10" East along the common line of said 0.251 acre tract and the 2.454 acre tract, a distance of 189.69 feet to the PLACE OF BEGINNING and containing 0.1146 acres of land, more or less.

**Parcel 3:**

**BEING** 0.0493 acre of land, more or less, out of and a part of that certain 1.4446 acre tract of land lying and being in the William Allen Survey, A-72 in Milam County, Texas, said 1.4446 acre tract being the residus of a 2.70 acre tract of land described in a deed from Judith H. Matula & Vaughn Ellett (PUD) Owens to Rockdale Works Federal Credit Union dated 26 Jan. 1990, recorded in Vol. 623, Page 342, Deed Records of Milam County, Texas; said 0.0493 acre parcel of land being more particularly described by metes and bounds as follows:

**COMMENCING** at the Southwest corner of the Rockdale Works Federal Credit Union 1.4446 acre residus tract, same being the southeast corner of the AFL-CIO Union Hall 1.89 acre tract, thence along the common line of these tracts North 18 deg. 19' 59" South ROW line of 276.26 feet to a point being on the proposed South ROW line of US Highway 79, said point being the PLACE OF BEGINNING;

**THENCE** along property lines, proposed and existing ROW lines, the following calls:

(1) **THENCE** continuing along the common line of these tracts, North 18 deg. 19' 59" West, a distance of 10.20 feet to a point being on the existing South ROW line of US Highway 79, said point being the Northwest corner of said Rockdale Works Federal Credit Union tract, same being the Northeast corner of said Union Hall tract;

(2) **THENCE** along said existing South ROW line, North 60 deg. 21' 25" East, a distance of 214.37 feet to a point being the Northeast corner of said Rockdale Works Federal Credit Union tract, same being the Northwest corner of the McDonald's Corporation 1.2554 acre tract;

(3) **THENCE** along the common line of these tracts, South 22 deg. 53' 06" East, a distance of 10.07 feet to a point on said proposed South ROW line of US Highway 79;

(4) **THENCE** along said proposed South ROW line, South 60 deg. 21' 25" West, a distance of 215.19 feet to the PLACE OF BEGINNING, and containing 0.0493 acre of land, more or less.

Red River County Property (1909 West Broadway, Clarksville, Texas)

**Parcel 1:**

All that certain tract or parcel of land situated in the JOHN M. RITCHEY SURVEY, A-708, located about 1.17 miles S 85° W from the City of Clarksville, Red River County, Texas; being all of that certain called 0.40 acre tract described in a Deed from Ruth Andrews to Ernest Witmer and wife, Linda Kay Witmer, dated February 27, 1997, recorded in Vol. 451, Page 530, Real Property Records of Red River County, Texas; and being more particularly described as follows:

**BEGINNING** at a 1/2" rebar set on the South West corner of said called 0.40 acre tract, being on the East boundary line of the Fairground Cemetery, and being on the North boundary line of State Hwy 82 (being 50 feet from the center);

**THENCE** N 39° 40' 14" E along the West boundary line of said 0.40 acre tract and the East boundary line of said Cemetery a distance of 267.41 feet to a 1/2" rebar set on the most Northerly corner of said 0.40 acre tract, and being on the North West corner of a 43/100 acre tract described in a Deed to Jimmy Williams, dated January 25, 2005, recorded in Vol. 561, Page 649, Real property Records;

**THENCE** S 5° 27' 56" W along the East boundary line of said 0.40 acre tract and the West boundary line of said 43/100 acre tract a distance of 237.93 feet to a "PK" nail set on the South East corner of said 0.40 acre tract, being on the South West corner of said 43/100 acre tract, and being on the North boundary line of State Hwy 5;

**THENCE** N 81° 07' 38" W along the South boundary line of said 0.40 acre tract and the North boundary line of said SH 5 a distance of 92.92 feet to a 1/2" rebar set on the intersection of the North boundary line of SH 5 with the North boundary line of SH 82;

**THENCE** in a Westerly direction along the South boundary line of said 0.40 acre tract and the North boundary line of said SH 82 as follows: Along a curve to the left (long chord bears N 72° 46' 49" W a distance of 22.67 feet) whose Radius is 1482.39 feet and whose Central Angle for this part is 0° 52' 35" an Arc Distance of 22.67 feet to a "PK" nail set on Sta. No. 22+88.7 (being 50 feet from the center), and N 73° 54' 51" W a distance of 35.99 feet to the place of beginning and containing 0.419 acres of land, more or less.

**Parcel 2:**

All that certain tract or parcel of land situated in the JOHN M. RITCHEY SURVEY, A-708 located about 1.17 miles S 85° from the City of Clarksville, Red River County, Texas; being all of that certain CALLED 43/100 acre tract described in a Deed from Sharon K. House to Jimmy Williams, dated January 25, 2005, recorded in Vol. 561, Page 649, Real Property Records of Red River County, Texas; and being more particularly described as follows:



**BEGINNING** at a 1/2" rebar set on the North East corner of said 43/100 acre tract, being on the East boundary line of the Fairground Cemetery, and being on the North West corner of a 1.70 acre tract described in a Deed to Charles S. Smith and wife, Brenda Gail Smith, dated August 7, 1996, recorded in Vol. 446, Page 600, Deed Records;

**THENCE S 5° 08' 30" W** along the East boundary line of 43/100 acre tract a distance of 342.05 feet to a "PK" nail set on the set on the South East corner of said 43/100 acre tract, being on the South West corner of a tract of land described in a Deed to Charles S. Smith and wife, Brenda Gail Smith, dated February 2, 1994, recorded in Vol. 428, Page 614, Deed Records, and being on the North boundary line of State Hwy 5;

**THENCE N 81 ° 07' 38" W** along the South boundary line of said 43/100 acre tract and the North boundary line of said SH 5 a distance of 70.00 feet to a "PK" nail set on the South West corner of said 43/100 acre tract, and being on the South East corner of a 0.40 acre described in a Deed to Ernest Witmer and wife, Linda Kay Witmer, dated February 27, 1997, recorded in Vol. 451, Page 530, Real Property Records;

**THENCE N 5° 27' 56" E** along the West boundary line of said 43/100 acre tract and the East boundary line of said 0.40 acre tract a distance of 237.93 feet to a 1/2" rebar set on the North West corner of said 43/100 acre tract, being on the most Northerly corner of said 0.40 acre tract, and being on the East boundary line of said Cemetery;

**THENCE N 39° 40' 14" E** along the West boundary line of said 43/100 acre tract and the East boundary line of said Cemetery a distance of 120.86 feet to the **PLACE OF BEGINNING** and containing 0.460 acres of land, more or less.

Wood County Property (604 South Main Street, Winnsboro, Texas)

All that certain tract or parcel of land situated in the City of Winnsboro, Wood County, Texas, being in the Gray B. King Survey, Abstract No. 3 and being a portion of Lot No. 8 of Block L-2 of said city and being all of those two lots conveyed from True Pharmacy, Inc. to Richard K. Key, et ux, Kristi R Key and recorded in Volume 1817, Page 356 of the Real Property Records of said county and bounded as follows:

Beginning at a 1/2 inch steel rod set in the west right-of-way line of South Main Street and being the SEC of a lot conveyed to Robert Michael Crouch and recorded in Volume 2069, page 167 of the Real Property Records of said county, same being the NEC of a lot conveyed from Darwin Edge to True Pharmacy, Inc. and recorded in Volume 683, Page 178 of the Deed Records of said county;

Thence South 21 deg. 30 min. 13 sec. West, with the west right-of-way line of South Main Street, 145.80 feet to a steel spike set at the NEC of a lot conveyed from True Pharmacy, Inc. to James E. Hanson and recorded in Volume 722, Page 658 of the Deed Records of said county;

Thence North 86 deg. 09 min. 45 sec. West, 90.60 feet to a steel spike set at the NWC of the abovementioned Hanson lot;

Thence South 27 deg. 51 min. 46 min. West, at 11.10 feet passing the SWC of said Hanson lot, same being the NWC of a 0.147 acre lot described in Affidavit of Heirship and recorded in Volume 2082, page 760 of the Real Property Records of said county and continuing in all 89.50 feet to a steel spike set in the north right-of-way line of Bexley Street, same being the SWC of the abovementioned 0.147 acre lot, also being the SEC of a 0.101 acre lot conveyed from James E. Hanson, et ux, to True Pharmacy, Inc. and recorded in Volume 722, Page 661 of the Deed Records of said county;

Thence North 87 deg. 27 min. 34 sec. West, with the north right-of-way line of Bexley Street, 53.50 feet to a 1/2 inch steel rod set at the SWC of the abovementioned 0.101 acre lot, same being the SEC of a lot conveyed to Russell Boyd and recorded in Volume 1042, page 261 of the Real Property Records of said county;

Thence North 11 deg. 11 min. 00 sec. East, at 68 feet passing the NWC of the 0.101 acre lot and continuing in all, 218.60 feet to a chain link fence corner post at the NWC of the abovementioned Darwin Edge to True Pharmacy, Inc. lot;

Thence South 87 deg. 38 min. 18 sec. East, 196.90 feet to the place of beginning and containing 0.697 of an acre of land.