

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
2022 AUG - 2 PM 1:32
MANDY SWANER
COUNTY CLERK
RAINS COUNTY, TEXAS

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

All property (real, personal or otherwise) described in the Deed of Trust (as hereinafter defined), together with the rights, appurtenances and improvements thereto, including, but not limited to, the real property described on **Exhibit A** attached hereto and made a part hereof. In the event any property encumbered by the Deed of Trust has been released by Lender (or its predecessor in interest, as applicable), then said released property shall be excluded from the property sold at foreclosure.

2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: Tuesday, September 6, 2022.

Time: The sale shall begin no earlier than **10:00 a.m.** or no later than three hours thereafter. The sale shall be completed by no later than **1:00 p.m.**

Place: The sale will take place at the Rains County Courthouse at the place designated by the Rains County Commissioner's Court.

The Deed of Trust permits the Lender (as hereinafter defined) to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code and/or Texas Business and Commerce Code. Such reposting or refiled may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Lender to have the bid credited to the note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The 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 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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 (Texas UCC).

4. Type of Sale. The sale is a nonjudicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by that certain Deed of Trust (as amended, the "Deed of Trust") recorded under Instrument Nos. 2018 1496 and 2018 1497, in the Real Property Records of Rains County, Texas, and executed by ZR Holdings, Inc., a Texas corporation (whether one or more, the "Grantor"), for the benefit of Regions Bank ("Lender"), covering the property described above.

5. Obligations Secured. The Deed of Trust provides that they secure the payment of the indebtedness and obligations therein described (collectively the "Indebtedness") including but not limited to the unpaid principal and interest owing on: that certain Promissory Note (as amended, the "Note") dated on or about June 22, 2018, in the maximum principal amount of \$4,178,100.00, executed by the Grantor and payable to the order of Lender, and all renewals, modifications and extensions of the Note. Lender is the current owner and holder of the Note and the Indebtedness and is the beneficiary under the Deed of Trust.

Questions concerning the sale may be directed to the undersigned or to the Lender:

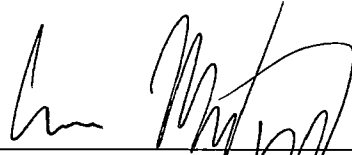
Regions Bank
3017 West Seventh Street, #410
Fort Worth, Texas 76107
Attn: Tom Bacarella
Phone: 602-459-6149
Fax: _____

6. Default and Request To Act. Default has occurred under the Deed of Trust, and Lender has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale Lender may appoint another person as substitute trustee to conduct the sale.

7. Armed Forces Notice. **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.**

8. **SECTION 51.0076. 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 MORTGAGE SERVICER.**

DATED: August 2, 2022.



Cameron Montgomery, Substitute Trustee
Higier Allen & Lautin, P.C.
2711 North Haskell Avenue, Suite 2400
Dallas, Texas 75204
Telephone: (972) 716-1888
Fax: (972) 716-1899

*****PLEASE FAX ALL COMMUNICATIONS REGARDING THIS MATTER TO THE SUBSTITUTE TRUSTEE AT 972-716-1899 (FAX), NOTE THE SUBSTITUTE TRUSTEE'S NAME ON YOUR COVER SHEET AND CONTACT THE SUBSTITUTE TRUSTEE AT 972-716-1888 (PHONE) TO CONFIRM RECEIPT. PLEASE ASSUME YOUR FAX HAS NOT BEEN RECEIVED UNTIL YOU VERBALLY CONFIRM RECEIPT THEREOF WITH OUR OFFICE. THANKS IN ADVANCE FOR YOUR COOPERATION.*****

EXHIBIT A

PROPERTY DESCRIPTION

[FOLLOWS THIS COVER PAGE]

EXHIBIT "A"

TRACT ONE

BEING a lot, tract, or parcel of land situated in the John Vochery Survey, Abstract No. 253, Rains County, Texas, and being all of that certain called 1.022 acre tract of land conveyed from Emory Industrial Foundation to James Pitre, Sr., by Warranty Deed, as recorded in Volume 315, Page 308, Real Records, Rains County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod found at the Northeast corner of a called 3.000 acre tract conveyed to TXI Operations, Inc., by Warranty Deed, as recorded in Volume 354, Page 607, Real Records, Rains County, Texas, said point being in the West line of Industrial Park Road, (60' R.O.W.):

THENCE, North 54 degrees 41 minutes 24 Seconds West, with the North line of said 3.000 acre tract, a distance of 415.79 feet to a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) at the northwest corner of said 3.000 acre tract, said point being in the East line of a called 35.65 acre tract conveyed to Douglas, by Warranty Deed, as recorded in Volume 334, Page 407, Real Records, Rains County Texas;

THENCE, North 01 Degrees 57 Minutes 36 Seconds East, with the East line of said 35.65 acre tract, a distance of 119.71 feet to a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Southwest corner of the remainder of a called 6.049 acre tract, called Tract One, conveyed to the City of Emory Development Corporation, by Warranty Deed, as recorded in Volume 398, Page 301, Real Records, Rains County, Texas;

THENCE South 54 Degrees 41 Minutes 24 Seconds East, with the South line of the remainder of said 6.049 acre tract, a distance of 481.75 feet to a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Southeast corner of the remainder of said 6.049 acre tract, said point being in the West line of said Industrial Park Road;

THENCE South 35 Degrees 23 Minutes 36 Seconds West, with the West line of said Industrial Park Road, a distance of 100.00 feet to the POINT OF BEGINNING and CONTAINING 44,877 Square Feet or 1.03 acres of land.

TRACT NO. 2

BEING a lot, tract, or parcel of land situated in the John Vochery Survey, Abstract No. 253, Rains County, Texas, and being all of the remainder of that certain tract of land conveyed from The Ivan Alexander, Jr. Limited Family Partnership No. I to James Pitre, Sr., by Warranty Deed, as recorded in

Volume 380, Page 636, Real Records, Rains County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) in place of a disturbed 3/8 inch iron rod found at the Northwest corner of a tract of land conveyed to James Pitre, Sr., by Warranty Deed, as recorded in Volume 308, Page 282, Real Records, Rains County, Texas, said point being in the East line of Industrial Park Road, (60' R.O.W.);

THENCE, North 35 Degrees 23 Minutes 36 Seconds East, with the East line of said Industrial Park Road, a distance of 171.81 feet to a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) at or near the back of a concrete curb at the intersection of the East line of said Industrial Park Road, with the South line of Prosperity Parkway, (40' R.O.W.);

THENCE, South 55 Degrees 16 Minutes 37 Seconds East, with the South line of said Prosperity Parkway, a distance of 220.02 feet to a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Northwest corner of a called 0.1133 acre tract conveyed to James Pitre, Sr., by Warranty Deed, as recorded in Volume 473, Page 184, Real Records, Rains County, Texas;

THENCE, South 35 Degrees 23 Minutes 36 Seconds West, with the West line of said 0.1133 acre tract, a distance of 174.39 feet to a 3/8 inch iron rod found at the Northeast corner of said 380/282);

THENCE, North 54 Degrees 36 Minutes 24 Seconds West, with the North line of said (380/282), a distance of 220.00 feet to the POINT OF BEGINNING and CONTAINING 38,802 SQUARE FEET OR 0.87 ACRES OF LAND.

TRACT NO. 3

BEING a lot, tract, or parcel of land situated in the John Vochery Survey, Abstract No. 253, Rains County, Texas, and being all of that certain tract of land conveyed to James Pitre, Sr., by Warranty Deed, as recorded in Volume 308, Page 282, Real Records, Rains County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) in place of a disturbed 3/8 inch iron rod found at the Southwest corner of the remainder of a tract of land conveyed to James Pitre, Sr., by Warranty Deed, as recorded in Volume 380, Page 636, Real Records, Rains County, Texas, said point being in the East line of Industrial Park Road (60' R.O.W.);

THENCE, South 54 Degrees 36 Minutes 24 Seconds East, with the South line of the remainder of said (380/636), a distance of 220.00 feet to a 3/8 inch iron rod found at the Southeast corner of the remainder of said (380/636), said point being in the West line of a called 0.1133 acre tract conveyed to James Pitre, Sr., by Warranty Deed, as recorded in Volume 473, Page 184, Real Records, Rains County, Texas;

THENCE South 35 Degrees 23 Minutes 36 Seconds West, with the West line of said 0.1133 acre tract, a distance of 198.00 feet to a 3/8 inch iron rod found at the Northeast corner of the remainder of a 22.0 acre tract as described in Volume 167, Page 625, Deed Records, Rains County, Texas, from said point, a 3/8 inch iron rod found, bears South 35 Degrees 23 Minutes 36 Seconds West, a distance of 458.75 feet;

THENCE North 54 Degrees 36 Minutes 24 Seconds West, with the North line of the remainder of said 22.0 acre tract, a distance of 220.00 feet to a ½ inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Northwest corner of the remainder of said 22.0 acre tract, said point being in the East line of said Industrial Park Road;

THENCE, North 35 Degrees 23 Minutes 36 Seconds East, with the East line of said Industrial Park Road, a distance of 198.00 feet to the Point of Beginning and containing 43,560 square feet or 1.00 acre of land.

CONTINUED EXHIBIT "A"

TRACT NO. 4

BEING a lot, tract, or parcel of land situated in the John Vochery Survey, Abstract No. 253, Rains County, Texas, and being all of that certain called 0.1133 acre tract of land conveyed from the City of Emory Development Corporation to James Pitre, Sr., by General Warranty Deed, as recorded in Volume 473, Page 184, Real Records, Rains County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found with an orange plastic cap at the Southeast corner of said 0.1133 acre tract;

THENCE, North 56 Degrees 06 Minutes 57 Seconds West, with the South line of said 0.1133 acre tract, a distance of 11.56 feet to a point for corner in the West line of the remainder of a called 22.059 acre tract conveyed to the City of Emory Development Corporation, by Warranty Deed, as recorded in Volume 394, Page 661, Real Records, Rains County, Texas, from said point, a 3/8 inch iron rod found at the Southwest corner of the remainder of said 22.059 acre tract, bears South 35 Degrees 23 Minutes 36 Seconds West, a distance of 425.79 feet, and a 1/2 inch iron rod found with a yellow plastic cap stamped (BEASLEY), bears North 56 Degrees 06 Minutes 57 Seconds West, a distance of 0.30 feet;

THENCE, North 35 Degrees 23 Minutes 36 Seconds East, with the West line of said 0.1133 acre tract, and passing at a distance of 32.96 feet, a 3/8 inch iron rod found at the Southeast corner of a tract of land conveyed to James Pitre, Sr., by Warranty Deed, as recorded in Volume 308, Page 282, Real Records, Rains County, Texas, and continuing on and passing at a distance of 230.96 feet, a 3/8 inch iron rod found at the Northeast corner of said (308/282), and the Southeast corner of the remainder of a tract of land conveyed to James Pitre, Sr., by Warranty Deed, as recorded in Volume 380, Page 636, Real Records, Rains County, Texas, and continuing on for a total distance of 405.35 feet to a 1/2 inch iron rod for a total distance of 405.35 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Northeast corner of the remainder of said (380/636), and the Northwest corner of said 0.1133 acre tract, said point being in the South line of Prosperity Parkway, (40' R.O.W.);

THENCE, South 55 Degrees 16 Minutes 37 Seconds East, with the North line of said 0.1133 acre tract, and the South Line of said Prosperity Parkway, a distance of 11.56 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Northeast corner of said 0.1133 acre tract;

THENCE, South 35 Degrees 16 Minutes 37 Seconds East, with the North line of said 0.1133 acre tract, and the South line of said Prosperity Parkway, a distance of 11.56 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Northeast corner of said 0.1133 acre tract;

THENCE, South 35 Degrees 23 Minutes 36 Seconds West, (Reference Bearing), with the East line of said 0.1133 acre tract, a distance of 405.18 feet to the POINT OF BEGINNING and CONTAINING 4,685 square feet or 0.11 acres of land.