

NOTICE OF TRUSTEE'S SALE
(including personal property)

NO. _____ TIME 11:45 AM

FEB 13 2023

DONECE GREGORY, COUNTY CLERK
TYLER COUNTY, TEXAS
By AKW

Date: February 9th, 2023

Trustee/Sender: Mark A. Padon

Trustee/Sender's Address: 3737 Buffalo Speedway, Suite 1500
Houston, Harris County, Texas 77098

Mortgagee: KRM Investments, Inc.

Note: \$1,720,000.00 plus ad valorem taxes paid by the Mortgagee against the
Property in the amount of \$179,107.3

Deed of Trust

Date: June 28, 2011

Grantor: Bailey Four Canyon Ranch Properties, Ltd.

Mortgagee: KRM Investments, Inc. (originally Tim Carey but assigned by him to
KRM Investments, Inc.)

Recording information: Deed of Trust and Security Agreement dated June 28,
2011 recorded on July 6, 2011 in the Official Public
Records of Tyler County, Texas under County Clerk's
File No. 11-2779 in Volume 1024, Page 093 et seq.,
executed by Bailey Four Canyon Ranch Properties,
Ltd. to Mark A. Padon, Trustee, securing the payment
of one Note dated June 28, 2011 in the principal
amount of \$1,720,000.00, originally payable to the
order of Tim Carey and transferred and assigned to
KRM Investments, Inc.

Property: 449.45 acres out of various surveys, abstracts and lots and blocks
in Tyler County, Texas, more particularly described on **Exhibit "A"**
attached hereto.

County: Tyler County, Texas

Date of Sale: March 7, 2023

Time of Sale: 1:00 P.M. or not later than three hours after that time

Place of Sale: Under the stairs of the North Entrance to the Tyler County Courthouse located at 100 West Bluff, Woodville, Tyler County, Texas or if the preceding area is no longer the designated area, at the area most recently designated by the Tyler County Commissioner's Court

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.

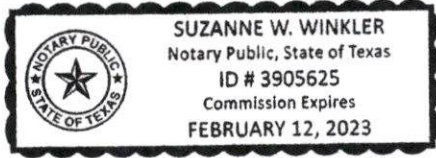
Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS." Provided however that the Mortgagee may bid as a credit or the Note. THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION. The sale will begin at the Time of Sale or not later than three hours thereafter. The sale may be postponed by the Owner and holder of the Note. The Deed of Trust provides that the Mortgagor will pay all ad valorem taxes when due. The Mortgagor did not pay the ad valorem taxes when due and the Mortgagee was required to pay the sum of \$179,107.33 to Linebarger, Goggan & Blair as the attorneys for the Tyler County Tax Collector on or about July 15, 2022. This payment was expressly authorized by the Deed of Trust executed by Bailey Four Canyon Ranch Ltd. It was necessary to protect the Mortgagee lien position and its collateral. The Mortgagee now asserts the right to be equitably subrogated to all rights and priorities of the taxing authority as a result of paying the ad valorem taxes, as it was contractually authorized by the Mortgagor to do. The Mortgagee does not intend to merge its equitable subrogation lien rights with the lien of the Deed of Trust and it expressly reserves all of its rights to assert the equitable subrogation lien.



Mark A. Padon, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 9th day of February, 2023,
by **MARK A. PADON**, Trustee for **KRM INVESTMENTS, INC.**



Suzanne W. Winkler
Notary Public in and for
The State of Texas

Exhibit "A"

Property Description

Exhibit A

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Exhibit "A"

Tract One: Being the South 46.17 acre tract, and being 46.17 acres of land, more or less, out of a called 105.2 acre tract (found by resurvey to contain 111.42 acres) in the L. Gaunt Survey, Abstract No. 297, Tyler County, Texas. The said 46.17 acres of land, more or less, being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract Two: Being the North 46.17 acre tract, and being 46.17 acres of land, more or less, out of a called 105.2 acre tract (found by resurvey to contain 111.42 acres) in the L. Gaunt Survey, Abstract No. 297, Tyler County, Texas. The said 46.17 acres of land, more or less, being more particularly described by metes and bounds in Exhibit "B" attached hereto and incorporated herein for all purposes.

Tract Three: Being notes of a 276.22 acre tract of land in the L. Gaunt Survey, Abstract No. 297, and the T. C. Holt Survey, Abstract No. 349, Tyler County, Texas, and being all of a called 1.62, 17.46 and a called 54.8 acre tract, and all of a called 191.4 acre tract. Said 276.22 acres of land, more or less, being more particularly described by metes and bounds in Exhibit "C" attached hereto and incorporated herein for all purposes.

Tract Four: Being two (2) tracts of land, as follows: Tract 1, being 69 acres of land, more or less, out of and a part of the T. C. Holt Survey, Abstract 349, Tyler County, Texas, and Tract 2, being 11.891 acres of land, more or less, out of and a part of the C. G. Crenshaw Survey, Abstract No. 187, Tyler County, Texas. The said 69 acres of land, more or less, and the said 11.891 acres of land, more or less, being more particularly described by metes and bounds in Exhibit "D" attached hereto and incorporated herein for all purposes.

Exhibit "A"

TRACT L1 (46.17 Acres South Texas)

BEING a 46.17 acre tract of land, out of a called 105.2 acre tract, (found by re-survey to contain 111.42 acres) in the 1. Grant Survey, Abstract No. 297, Tyler County, Texas, the said 46.17 acre tract, being described as follows:

BEGINNING at a 2" Iron Pipe at the Southwest corner of the Grant Survey, from which a Pine stump bears N. 41 deg. 00 min; E 13.50 feet.

THENCE N 02 deg. 16 min. 43 sec. E along and with the West line of the Grant Survey, 1370.38 feet to a concrete monument, for corner in the center of the beginning of a 50.00 feet wide Road Easement, from which a 10" Pine bears N 75 deg. 00 min; E 1.30 feet, and a 11" Black Jack Oak bears S 40 deg. 00 min, E 31.90 feet.

THENCE S 87 deg. 21 min. 00 Sec. E along and with the center of said Easement, 1461.52 feet to a concrete monument, for corner at the end of same. In the West line of a 17.46 acre tract, from which a 15" Pin Oak bears South 27.20 feet, and a 8" Red Oak bears N 35 deg. 00 min. E 27.00 feet.

THENCE S 02 deg. 16 min. 43 sec. W along and with the West line of the 17.46 acre tract, 1381.30 feet to a concrete monument, at the Southwest corner of same, in the South line of the Grant Survey, from which a 13" Pine bears N 03 deg. 10 min. W 36.50 feet, and a 15" Pine bears N 46 deg. 50 min. E 30.00 feet.

THENCE N 86 deg. 55 min. 18 sec. W along and with the said South line, 1461.73 feet to the place of BEGINNING containing 46.17 acres of land, of which 0.84 of a acre is in the above mentioned Road Easement.

TOGETHER with that certain 50' roadway easement described in Exhibit "D" of the Agreed Judgment to Partition Real Property filed for record in the office of the District Clerk of Tyler County, Texas, under Cause No. 10,085 and such cause being styled: SIDNEY JACK HARTINDALE, JR., ET AL. VS. GILBERT WRIGHT, TOGETHER with any and all other easements of record which grant access to and from a public roadway in regard to the subject property.

Exhibit "B"

TRACT II: (46.17 Acres North Tract)

BEING a 46.17 acre tract of Land out of a called 105.2 acre tract (found by re-survey to contain 111.42 acres) in the I. Gaunt Survey, Abstract No. 297, Tyler County Texas, the said 46.17 acre tract, being described as follows:

BEGINNING at a 2" Iron Nip at the Northwest corner of the Gaunt Survey, from which a Pine Stump bears S 60 deg. 30 min. E 23.00 feet.

THENCE S 02 deg. 16 min. 43 sec. W along and with the West line of the said Gaunt Survey, 1370.38 feet, to a concrete monument for corner, in the center of the beginning of a 50.00 foot wide Road Easement, from which a 10" Pine bears N 75 deg. 00 min. E 1.30 feet, and a 11" Black Jack Oak bears S 40 deg. 00 min. E 31.90 feet.

THENCE S 57 deg. 21 min. 00 sec. E along and with the center of said Easement, 1461.62 feet to a concrete monument, for corner at the End of same, in the West line of a 17.46 acre tract; from which a 16" Pin Oak bears South 17.20 feet and a 8" Red Oak bears N 35 deg. 00 min. E 27.00 feet.

THENCE N 02 deg. 16 min. 43 sec. E along and with the West line of the 17.46 acre tract, 1381.38 feet to a concrete monument, at the Northwest corner of same, in the North line of the Gaunt Survey, from which a 11" Hickory bears S 53 deg. 30 min. W 10.10 feet, and a 11" White Oak bears S 03 deg. 00 min. W 12.60 feet.

THENCE N 57 deg. 46 min 41 sec. W along and with the said North Line, 1461.59 feet, the place of BEGINNING containing 46.17 acres of Land of which 0.84 of a acre is in the above mentioned Road Easement.

TOGETHER WITH A 50' ROAD AND DRIVEWAY EASEMENT ACROSS THE FOLLOWING DESCRIBED TRACT III FOR ACCESS TO TRACTS I AND II ABOVE.

Exhibit "C"

TRACT III:

FIELD NOTES of a 276.22 acre tract, of land in the I. Gaunt Survey Abstract No. 287, and the T. C. Holt Survey, Abstract No. 349, Tyler County Texas, said 276.22 acre tract being all of a 1.62, 17.46, and a called 54.8 acre tract, in the I. Gaunt Survey, and being all of a called 191.4 acre tract, more or less in the T. C. Holt Survey, being the same tracts conveyed to Lennie Bee Grissom, by Deeds Recorded in Volume 445, Page 98 et seq, Volume 456, Page 634 et seq, and Volume 457, Page 432, et seq, of the Tyler County Deed Records, and being described as one tract, containing 276.22 acres of land, as follows to-wit:

BEGINNING at a Iron Axle at the Southwest corner of the above mentioned 191.4 acre tract, same being the most Westerly Southwest corner of the T. C. Holt Survey, the Northwest corner of the L. G. McCoughey Survey, Abstract No. 461, and in the East line of the T. C. Mann Survey, Abstract No. 1042:

THENCE N 01°26'00"E along and with the most Southerly West line of the said 191.4 acre tract, and the most Westerly West line of the said Holt Survey, and the East line of the said Mann Survey, 645.56 feet to a Concrete Monument, at a Northwest and Northeast corner of same, in the South line of the said Gaunt Survey, at the Southwest corner of the above mentioned 1.62 acre tract and the Southwest corner of the said 54.8 acre tract from which a 15" Hickory bears S 73°00'E 13.89 feet.

THENCE N 88°55'18"W with the South line of the said Gaunt Survey, and the North line of the said Mann Survey, and the South line of the said 1.62 acre tract, at 19.97 feet pass the Southwest corner of the said 1.62 acre tract, and the Southeast corner of the said 17.46 acre tract, and at a total distance of 294.72 feet to a Concrete Monument, at the Southwest corner of the said 17.46 acre tract from which a 13" Pine bears N 01°10'W 36.50 feet, and a 15" Pine bears N 45°50'E 30.00 feet.

THENCE N 00°16'43"E along and with the West line of the said 17.46 acre tract, 2762.60 feet to a Concrete Monument, at the Northwest corner of same, in the most Northerly North line of the said Gaunt Survey, from which a 11" Hickory bears S 53°30'W 10.10 feet, and a 11" White Oak bears S 03°00'W 12.60 feet.

THENCE S 89°45'41"E along and with the North line of the said 17.46 acre tract, and the most Northerly North line of the said Gaunt Survey, 299.49 feet to a Iron Pipe at the Northeast and most Northerly Northeast corner of same in the West line of the C. G. Cranshaw Survey, Abstract No. 157, from which a 14" White Oak bears N 11°27'W 33.50 feet, and a 7" Sweet Gum bears N 54°42'W 14.76 feet.

THENCE S $02^{\circ}11'16''$ along and with the East line of the said 17.45 acre tract, and the most Northerly East line of the said Gaunt Survey, and the West line of the said Crenshaw Survey, 255.75 feet to a Concrete Monument, at a Angle corner, a "ELL" corner and Southwest corner of same, and the Northwest corner of the said 54.8 acre tract, from which a 7" Sweet Gum bears S $41^{\circ}30'W$ 13.90 feet, a 16" Pine bears N $67^{\circ}30'E$ 28.70 feet, a 15" Sweet Gum bears S $33^{\circ}30'E$ 21.20 feet, and a 14" Sweet Gum bears N $46^{\circ}45'W$ 8.85 feet.

THENCE S $89^{\circ}12'45''E$ along and with the North line of the said 54.8 acre tract, same being the most Southerly North line of the said Gaunt Survey, and the South line of the said Crenshaw Survey at 959.44 feet pass the Northeast corner of the said 54.8 acre tract, same being Northwest corner of the said 191.4 acre tract, and the most Southerly Northeast corner of the said Gaunt Survey, and a Northwest corner of the said Holt Survey, and at a total distance of 2652.56 feet to a Concrete Monument, at the Southeast corner of the said Crenshaw Survey, and a "ELL" corner of the said Holt Survey, and the Southwest corner of the F. W. Boykin 62 acre tract.

THENCE N $85^{\circ}15'37''E$ along and with a South line of the said 69 acre tract, and continuing with the North line of the said 191.4 acre tract, 951.32 feet to a Iron Rod at a "ELL" corner and the Northeast corner of same.

THENCE E $02^{\circ}05'20''E$ along and with a East line of the said 191.4 acre tract, and a West line of the said 69 acre tract, at 1191.67 feet cross the center of a County Maintained Graded Road and at a total distance of 1411.89 feet to a Iron Rod at a Southeast corner of the said 191.4 acre tract, same being a "ELL" corner of the F. W. Boykin 595.4 acre tract.

THENCE N $89^{\circ}54'25''W$ along and with a South line of the said 191.4 acre tract and a North line of the said 595.4 acre tract, at 141 feet cross the center of the said Graded Road, and at a total distance of 241.26 feet to a Iron Rod at a "ELL" corner and a Northwest corner of same, from which a 24" Red Oak bears North 5.56 feet.

THENCE S $00^{\circ}13'39''E$ along and with a East line of the said 191.4 acre tract, and a West line of the said 595.4 acre tract, at 1232 feet cross the center of a Gulf States Utilitiles Co. Power Line Right of Way, and at a total distance of 1870.07 feet to a Iron Rod at the Southeast corner of the said 191.4 acre tract, and a Southwest corner of the said 595.4 acre tract, in the most Northerly South line of the said Holt Survey.

THENCE N $87^{\circ}42'00''W$ along and with the South line of the said 191.4 acre tract, same being the most Northerly South line of the said Holt Survey, at 985 feet cross the center of the said Power Line, Right of Way, and at a total distance of 2464.13 feet to the place of BEGINNING containing 276.32 acres of land, of which 74.32 acres lie within the said Gaunt Survey, and 201.90 acres lie within the said Holt Survey.

Exhibit "D"

TRACT IV:TRACT #1:

Being a part of the T. C. Holt Survey, Abstract 349 in Tyler County, Texas and being 89 acres, more or less, described as follows:

BEGINNING at a corner of the West side of Twin Lake Road on the South side of J. M. Anderson Survey and 234 yrs West of the Southeast corner of said survey;

THENCE in a southwesterly direction with said Twin Lake Road to a stake on the East line of the E. A. Fletcher tract;

THENCE North 2° W with the East line of the said Fletcher tract 489 yrs to a stake for corner;

THENCE West at 191 yrs to the East edge of pond in all 393 yrs to corner;

THENCE North 557 yrs to a stake at the original Northwest corner of said Holt Survey;

THENCE East at 114 yrs to Mill Creek at 742 yrs to the PLACE OF BEGINNING, containing 89 acres, more or less.

TRACT #2:

Being a part of the C. G. Crenshaw Survey, Abstract No 187, Tyler County, Texas; described as follows:

BEGINNING at a concrete monument for the SE corner of said C. G. Crenshaw Survey, said monument has a metal disk in top stamped "S.E. Cor C G Crenshaw - Kirby" from which a 7" white bay brs N 20° 45' W 5.73 yrs, a 5" lupelo gum brs N 23° 00' W 5.73 yrs, an 11" lupelo gum brs S 67° 25' W 8.2 yrs, and a 3" lupelo gum brs S 5° 12' W 8.0 yrs;

THENCE N 89° 45' 02" W along and with S line of said C. G. Crenshaw Survey 212.92 yrs to a corner monument with metal disk in top stamped "C G Crenshaw - Kirby" from which a 14" beech brs S 74° 10' W 1.7 yrs and a 20" red oak brs N 44° 10' E 10.8 yrs;

THENCE along and with meanders of a fence as follows:

1. N 14° 04' E 82.0 yrs to a concrete monument with metal disk in top stamped "C G Crenshaw - Kirby" from which a 22" red oak brs S 47° 28' W 7.65 yrs and a 21" white oak brs N 40° 07' E 3.8 yrs.
2. N 17° 05' E 124.0 yrs to a concrete monument with metal disk in top stamped "C G Crenshaw - Kirby" from which a 15" white oak brs S 69° 45' W 7.78 yrs and a pin oak brs N 14° 08' E 15.5 yrs.
3. N 19° 00' E 143.0 yrs to a concrete monument with metal disk in top stamped "C G Crenshaw - Kirby" from which an 11" pine brs S 74° 23' W 4.8 yrs and a 6" pin oak brs N 33° 30' W 10.1 yrs.
4. N 22° 00' E 87.0 yrs to a concrete monument with metal disk in top stamped "C G Crenshaw - Kirby" from which a 20" black gum brs S 87° 48' W 5.55 yrs and a 10" pine brs N 55° 33' W 8.32 yrs.
5. N 25° 00' E 81.0 yrs to a concrete monument with metal disk in top stamped "C G Crenshaw - Kirby" from which a 20" white oak brs N 38° 30' W 4.75 yrs and a 18" white oak brs S 72° 38' W 3.8 yrs.
6. N 21° 05' E 141.50 yrs to a concrete monument with metal disk in top stamped "C G Crenshaw - Kirby" from which an 11" pin oak brs N 20° 35' W 2.8 yrs and a 4" white oak brs S 71° 00' W 8.9 yrs.
7. N 18° 32' E 42.25 yrs to a concrete monument at the point of intersection of said fence with E line of said C. G. Crenshaw Survey, said monument has metal disk in top stamped "C G Crenshaw - Kirby" from which a concrete monument for the SW corner of J. M. Anderson Survey brs N 00° 11' 23" W 11.8 yrs, (from said concrete monument for the SW corner of said J. M. Anderson Survey, a 19" beech brs N 28° 00' W 2.0 yrs, a 7" pine brs S 15° 45' E 14.34 yrs, a 15" pine brs S 64° 55' W 17.8 yrs, an 8" pine brs N 81° 30' E 4.83 yrs and an 11" white oak brs N 18° 50' W 11.54 yrs).

THENCE S 00° 11' 23" East along and with said E line of said C. G. Crenshaw Survey 548.79 yrs to PLACE OF BEGINNING, containing 11.891 acres of land, more or less.