

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**NOTICE OF FORECLOSURE SALE**

April 5, 2021

**FILED**  
APR 7 2021

LIZ CHAPMAN  
CLERK COUNTY COURT, PECOS CO., TEXAS

**Deed of Trust:** Deed of Trust, Assignment of Rents, Security Agreement, and Fixture Filing

**Dated:** March 15, 2019

**Grantor:** Puckett Ranches, Ltd., a Texas limited partnership

**Original Trustee:** Chuck Brown, Esq.

**Lender:** AgAmerica Lending LLC, a Florida limited liability company

**Recorded:** Instrument No. 2019-163498 of the Real Property Records of Pecos County, Texas

**Legal Description:** That certain real property described on Exhibit "A" attached hereto and incorporated herein by reference.

**Securing:** Two (2) Promissory Notes (collectively, the "Notes") in the original principal amounts of \$3,895,519.90 and \$890,000.00, respectively, executed by Puckett Ranches, Ltd. ("Borrower") and payable to the order of Lender.

**Assignment:** The Notes and the liens and security interests of the Deed of Trust were transferred and assigned to AgAmerica AV1, LLC, a Delaware limited liability company ("Beneficiary"), by certain assignment instruments dated March 15, 2019, including an Assignment of Deed of Trust, Assignment of Rents, Security Agreement, and Fixture Filing recorded as Instrument No. 2019-163499 of the real property records of Pecos County, Texas.

**Guaranty:** The Notes are guaranteed by a Continuing and Unconditional Guaranty dated March 15, 2019, executed by Perry Louis Curnutt, and a Continuing and Unconditional Guaranty dated March 15, 2019, executed by Leslye Jane Curnutt, both in favor of Lender.

**Substitute Trustee:** Brett F. Gunter, Esq.; Courtney A. Kuykendall, Esq.; James D. Eggleston, Jr., Esq.

**Substitute Trustee's**

**Address:** 102 Houston Avenue, Suite 300, Weatherford, TX, 76086

**Foreclosure Sale:**

**Date:** Tuesday, May 4, 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:** Pecos County Courthouse, 103 W. Callaghan, Fort Stockton, TX 79735, on the steps of the east entrance to the Pecos County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

**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 AgAmerica AV1, LLC's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Notes and in the performance of the obligations of the Deed of Trust, including, without limitation, Borrower's failure to pay the Notes in full upon their maturity on March 1, 2021. Because of that default, Beneficiary, the owner and holder of the Notes, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Beneficiary'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, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Beneficiary 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 Beneficiary. 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 Substitute 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.**

**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.**

*[Remainder of page intentionally left blank. Signature page follows.]*

SUBSTITUTE TRUSTEE:

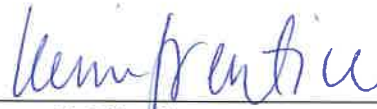


Brett F. Gunter  
Eggleston King, LLP  
102 Houston Avenue, Suite 300  
Weatherford, TX 76086  
Telephone (817) 596-4200  
[brett@ektexas.com](mailto:brett@ektexas.com)

STATE OF TEXAS )  
 )  
COUNTY OF PARKER )

This instrument was acknowledged before me on April 5<sup>th</sup>, 2021, by Brett F. Gunter, acting in his capacity as Substitute Trustee.



  
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Notary Public, State of Texas  
My Commission Expires: 2-19-2022

AFTER RECORDING RETURN TO:  
Eggleston King, LLP  
102 Houston Avenue, Suite 300  
Weatherford, TX 76086

**Exhibit "A"**

**Property Description**

Section 26, Block 101, G.C. S.F. Ry. Co., Pecos County, Texas.

Section 28, Block 101, G.C. S.F. Ry. Co., Pecos County, Texas.

Section 30, Block 101, G.C. S.F. Ry. Co., Pecos County, Texas.

Section 35, Block 101, T.C. Ry Co., Pecos County, Texas.

Section 36, Block 101, T.C. Ry. Co., Pecos County, Texas.

Section 37, Block 101, J. Poitevent, Pecos County, Texas.

Section 38, Block 101, J. Poitevent, Pecos County, Texas.

Section 39, Block 101, J. Poitevent, Pecos County, Texas.

Section 42, Block 101, J. Poitevent, Pecos County, Texas.

Section 43, Block 101, J. Poitevent, Pecos County, Texas.

Section 44, Block 101, J. Poitevent, Pecos County, Texas.

Section 45, Block 101, J. Poitevent, Pecos County, Texas.

Section 46, Block 101, J. Poitevent, Pecos County, Texas.

Section 51, Block 101, A.B.& M, Pecos County, Texas.

Section 52, Block 101, A.B.& M, Pecos County, Texas.

Section 53, Block 101, A.B.& M, Pecos County, Texas.

Section 54, Block 101, A.B.& M, Pecos County, Texas.

Section 55, Block 101, A.B.& M, Pecos County, Texas.

The S/2 of Section 57, Block 101, A.B.& M, Pecos County, Texas.

Section 58, Block 101, A.B.& M, Pecos County, Texas.

Section 59, Block 101, B.B.B. & C., Pecos County, Texas.

Section 60, Block 101, B.B.B. & C., Pecos County, Texas.

Section 61, Block 101, I. & G. N., Pecos County, Texas.

Section 63, Block 101, A.B.& M, Pecos County, Texas.

Section 68, Block 101, A.B.& M, Pecos County, Texas, save and except a 320 acre Tract of land conveyed to OXY USA inc., described in Warranty Deed from Puckett Ranches, Ltd. a Texas limited Partnership to OXY USA inc., recorded in Volume 601, Page 488, Deed Records of Pecos County, Texas.

The N/2 of Section 69, Block 101, I. & G. N, Pecos County, Texas.

Section 70, Block 101, B.B.B.& C., Pecos County, Texas.

Section 71, Block 101, B.B.B.& C., Pecos County, Texas.

The S/2 of Section 72, Block 101, J. Poitevent, Pecos County, Texas.

Survey 2, Sarah Hill, Pecos County, Texas.

The S/2 of Section 5, Block 120, G.C. & S.F., Pecos County, Texas.

Section 6, Block 120, G.C. & S.F., Pecos County, Texas.

Section 7, Block 120, G.C. & S.F., Pecos County, Texas.

Section 8, Block 120, G.C. & S.F., Pecos County, Texas.

Section 9, Block 120, G.C. & S.F., Pecos County, Texas.

Section 10, Block 120, G.C. & S.F., Pecos County, Texas.

The NW/4 of Section 69, Block 101, C.T. & M.C., Pecos County Texas.