

## NOTICE OF TRUSTEE'S SALE

Pursuant to authority conferred upon me by that certain Deed of Trust, Security Agreement – Financing Statement executed by BIBI GROUP, INC., A Texas Corporation, dated October 31, 2019, and duly recorded as Instrument # 1906787 of the Official Public Records of Brown County, Texas, I will sell, under said Deed of Trust, Security Agreement – Financing Statement, in order to satisfy the indebtedness secured thereby and at the request of the holder of said indebtedness, default having been made in the payment thereof, sell on:

Tuesday, the 5<sup>th</sup> day of January, 2021

(that being the first Tuesday of said month), at public auction to the highest bidder for cash before the courthouse door at 200 South Broadway, Brownwood, Brown County, Texas, between the hours of ten o'clock a.m. and one o'clock p.m. of that day, the following described property, to-wit:

**PART ONE:** All membership interests of Bibian Obinwanne and Hyginus Obinwanne in and to EARLY EAST 40, LLC.

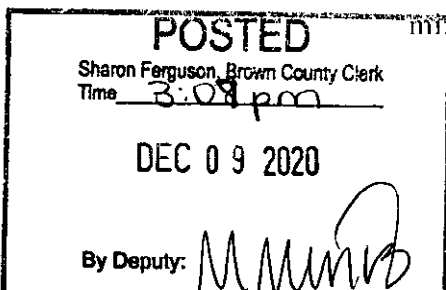
**PART TWO:** A Note dated of even date herewith, executed by BIBI GROUP, INC. payable to the order of THOMAS CHRISTOPHER HALL and DOROTHY HALL, in the original principal sum of \$1,110,000.00, and additionally secured by a Security Agreement of even date therewith, from BIBI GROUP, INC. to THOMAS CHRISTOPHER HALL and DOROTHY HALL, pledging a security agreement in and to said membership interests of Bibian Obinwanne and Hyginus Obinwanne in and to EARLY EAST 40, LLC. and all assets thereof plus any and all after-acquired assets thereof.

**PART THREE:** The following described real estate:

### TRACT ONE

All that certain tract, or parcel of land lying and being situated in Brown County, Texas, in the Patrick Sullivan Survey No. 17, Abstract No. 827, and being in a 249.618 acre tract of land conveyed by Brooke F. Early et al to Ben D. Sudderth by deed dated June 13, 1973, recorded in Volume 654, Page 11 of the Deed Records of Brown County, Texas, and being the same tract designated as Tract One recorded in Volume 855, Page 154 of the Deed Records from Jerry Ellis to Barclay and Ellis Enterprises, Inc., dated May 14, 1984, also known locally as Early East 40 Apartments and described by metes and bounds as follows:

BEGINNING at a steel rod found in the ground South 64 degrees 10 minutes 49 seconds West a distance of 626.40 feet from the North corner



of said 249.618 acre tract of land on the Southerly right-of-way of US Highway 67 and 377 for the Northerly corner of this tract;

THENCE, South 25 degrees 14 minutes 01 seconds East 140.00 feet along the Northeast side of a paved road to a 50d nail found in the asphalt pavement for an inside corner of this tract;

THENCE, North 64 degrees 10 minutes 39 seconds East 186.36 feet to a steel rod found in the ground for a Northeasterly corner of this tract;

THENCE, South 28 degrees 18 minutes 41 seconds East 278.10 feet to a steel rod found in the ground for the East corner of this tract;

THENCE, South 64 degrees 02 minutes 03 seconds West 432.71 feet along the edge of asphalt pavement to a steel rod set in the ground for the South corner of this tract;

THENCE, North 26 degrees 16 minutes 11 seconds West 278.85 feet to a steel rod found in the ground for the West corner of this tract;

THENCE, North 64 degrees 09 minutes 09 seconds East 186.45 feet to a 50d nail found in the asphalt pavement for an inside corner;

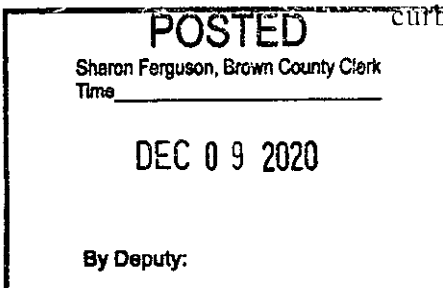
THENCE, North 25 degrees 14 minutes 01 seconds West 140.00 feet along the Southwest side of the pavement to a steel rod found in the ground for the Northwest corner of this tract;

THENCE, North 64 degrees 10 minutes 49 seconds East 50.00 feet along the Southeast line of US Highway 67 and 377 to the point of beginning and calculated to be 2.894 acres, more or less.

## TRACT TWO

All of that certain 0.599 acres of land, a part of the Patrick Sullivan Survey No. 17, Abstract No. 827, in Brown County, Texas, and being in the City of Early and being part of that certain 249.618 acres conveyed by Early to Sudderth by deed of record in Volume 654, Page 11 of the Deed Records of Brown County, Texas;

BEGINNING at the Northwest corner of a tract conveyed to the Methodist Church by deed dated May 11, 1979, and of record in Volume 752, Page 807 of the Deed Records of Brown County, Texas, which is 440.8 feet South 64 degrees 10 minutes 49 seconds West of the Northeast corner of said 249.618 acre tract, a mark on a 0.5 feet concrete curb which is 0.1 feet South 26 degrees East of an iron rod set on the North side of said curb and 1.2 feet North 64 degrees 10 minutes 49 seconds East from the



West edge of said curb, for the Northeast corner of this, on the South line of US Highway No. 377 and North line of said 249.618 acre tract for the Northeast corner of this:

THENCE, South 64 degrees 10 minutes 49 seconds West 186.36 feet with the North line of said 249.618 acre tract and South line of said Highway to an iron rod set for the Northwest corner of this:

THENCE, South 26 degrees 12 minutes 36 seconds East 140.00 feet to an iron rod driven in the asphalt pavement about 1 foot from the edge of said pavement for the Southwest corner of this;

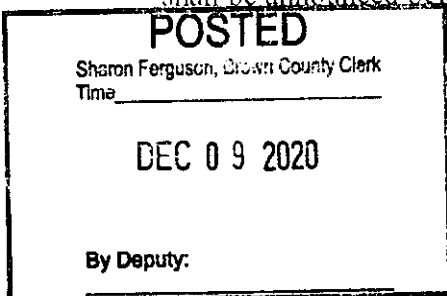
THENCE, North 64 degrees 10 minutes 49 seconds East 186.36 feet to an iron rod driven 2.4 feet South 64 degrees West from the West edge of said curb for the Southeast corner of this;

THENCE, North 26 degrees 12 minutes 36 seconds West 140.00 feet to the place of beginning.

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 the original lender or the assigned current lender. 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, 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 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.

EXECUTED this 9<sup>th</sup> day of December, 2020.



E. RAY WEST, III, Trustee

