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FILED FOR RECORD

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Date: May 12, 2025

MAY 13 2025
AT 11:05 O'CLOCK A.M.
CARLA KERN
County Clerk, Mitchell County, Texas
By *CK*

DEED OF TRUST:

Date: October 10, 2023

Grantor: Byron Byrne, IV, and Brandy Byrne, husband and wife

Trustee: Daniel L. Odom

Substitute Trustee: PLA Services, Inc.

Substitute Trustee's Mailing Address: P.O. Box 9662, Amarillo, Texas 79105-9662

Beneficiary: Western Bank

County Where Property Is Located: Mitchell County, Texas

Recording Information: Document Number 23-1826, in the Official Public Records of Mitchell, County, Texas.

Property Description: The property more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes.

NOTE:

Date: October 10, 2023

Amount: \$2,706,112.60

Debtor: Byron Bruce Byrne IV and Brandy Lee Byrne

Holder: Western Bank

Maturity: October 10, 2025

Date of Sale of Property: Tuesday, June 3, 2025

Time of Sale of Property: The sale will take place between the hours of 10:00 a.m. and 4:00 p.m. local time; the earliest time at which the sale will begin is 10:00 a.m.

Place of Sale of Property: The area designated by the Mitchell County Commissioners Court as the official location for real property foreclosure sales.

Default has occurred in the payment of the Note and in performance of the obligations of the Deed of Trust. Because of that default, the owner and Holder of the Note and Beneficiary under the Deed of Trust has requested Substitute Trustee to sell the Property. This Notice of Substitute Trustee's Sale is authorized by that certain Agreed Order Modifying Stay, dated August 13, 2024, in Case No. 24-10081-RLJ-12 in the United States Bankruptcy Court Northern District of Texas, Abilene Division.

Therefore, notice is given that on and at the Date, Time, and Place of Sale described above, Substitute Trustee will sell the Property "AS IS" by public sale to the highest bidder for cash in accordance with the Deed of Trust.

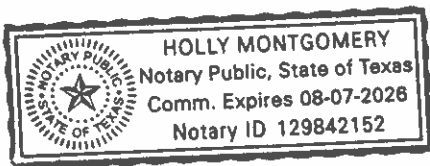
PLA SERVICES, INC., Substitute Trustee

By: 

Taylor K. Kelley, President

STATE OF TEXAS §
 §
COUNTY OF POTTER §

This instrument was acknowledged before me on the 12th day of May, 2025, by Taylor K. Kelley, President of PLA SERVICES, INC., a Texas corporation, as Substitute Trustee, on behalf of the corporation.




Notary Public, State of Texas

Exhibit "A"

Property Description

TRACT ONE:

All of Block or Subdivision Number 9 of the A.W. Crawford Subdivision of the J.P. Smith survey 2, 3, 4, 5, 6, 7, & 8 in Mitchell County, Texas according to the map or plat thereof recorded in Volume 28, Page 404-405, Deed Records of Mitchell County, Texas, until transferred to Volume 2, Page 37, Plat Records of Mitchell County, Texas, as more particularly described in the Warranty Deed with Vendor's Lien from Nathan Wimberly Purvis, and Judith Ann Purvis to Byron Byrne IV and Brandy Byrne, dated January 25, 2019, recorded at volume 847, Page 206 of the Official Public Records of Mitchell County, Texas.

TRACT TWO:

All of the property described in the General Warranty Deed from Datha Byrne Johnson to Byron Bruce Byrne, IV, dated January 25, 2021, recorded as Instrument No. 210140, Official Public Records of Mitchell County, Texas, as more particularly described in two tracts as follows:

Tract A:

Section 59, Block 12, H&TC RR Co. Survey, Mitchell County, Texas

SAVE AND EXCEPT the following tract:

Being an area of 51.409 acres of land out of Section 52, Abstract No. 1322 and Section 59, Abstract No. 190, Block 12, H&TC RR Co., Mitchell County, Texas and said 51.409 acre tract also being out of that certain Tract Three and Tract Five described and recorded in Volume 316, Page 870, Deed Records of Mitchell County, Texas, and Volume 816, Page 342, Official Public Records of Mitchell County, Texas, and said 51.409 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 6" fence corner found for the southeast corner of this tract from which a 3" iron pipe found for the southeast corner of said Section 52 bears S. 34° 49' 42" E. 8587.85 feet;

Thence with the south line of this tract, along and with a fence, S. 88° 45' 57" W. 1113.59 feet to a 6" fence corner found for the southwest corner of this tract;

Thence with the west line of this tract, along and with a fence, N. 02° 10' 11" W. 888.95 feet to a 6" fence corner found for an angle corner of this tract, N. 20° 06' 53" E. 1145.64 feet to a 6" fence corner found for an angle corner of this tract, N. 13° 37' 11" E. 30.87 feet to a 6" fence corner found for the northwest corner of this tract;

Thence with the north line of this tract, along and with a fence, N. 79° 22' 16" E. at 822.49 feet pass the centerline of a 20' Road Easement, in all a total distance of 912.57 feet to a W' iron rod with cap set in fence line;

Thence with the east line of this tract, S. 02° 58' 30" W. 445.03 feet to a 4" fence corner found for angle corner, thence with fence, N. 68° 44' 41" W. 100.0 feet to a railroad tie fence corner found for an angle corner, S. 03° 43' 27" E. 1802.25 feet to a 6" fence corner for angle corner, S. 21° 35' 48" W. 208.11 feet to a 14" mesquite tree fence corner for angle corner, S. 03° 34' 58" W. 487.877 feet to the place of beginning and containing an area of 51.409 acres of land.

Tract B:

Section 60, Block 12, H&TC RR Co. Survey, Mitchell County, Texas.

TRACT THREE:

All of the property included in the Warranty Deed with Vendor's Lien from Byron B. Byrne, III to Byron B. Byrne, IV dated July 20, 2018, recorded at Volume 852 Page 185, Official Public Records of Mitchell County, Texas, as follows:

TRACT A: Being an area of 26.00 acres of land but of Section 53 and Section 58, H. & R. C. R. Co., Block 12, Mitchell County, Texas, together with all improvements situated thereon, said 26.00 acre tract also being out of that Tract One and Tract Two described and recorded in Volume 316, Page 865, Deed Records of said Mitchell County and said 26.00 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod with cap set for the northwest corner of this tract and being 3309.86 feet S. 89° 43' 43" E. and 434.33 feet North of the southwest corner of said Section 58:

Thence with the north line of this tract, East at 841.53 feet pass the centerline of a 20.00 foot wide Road Easement, in all a total distance of 1064.21 feet to a 1/2" iron rod with cap set for the northeast corner of this tract;

Thence with the east line of this tract, South 1064.21 feet to a 1/2" iron rod with cap set for the southeast corner of this tract;

Thence with the south line of this tract, West 1064.21 feet to a 1/2" iron rod with cap set for the southwest corner of this tract;

Thence with the west line of this tract, North at 829.98 feet pass the north line of said Section 53 and south line of said Section 58, in all 1064.21 feet to the place of beginning and containing an area of 26.00 acres of land.

I.) Twenty (20) Foot Road Easement

Being a 20.00 foot wide Road Easement out of and across above said Section 58, said Road Easement being 10.00 feet each side of its centerline and said center line being more particularly described as follows:

Beginning at a point in the north line of above described 26.00 acre tract and being 122.68 feet West of the northeast corner of above said 26.00 acre tract;

Thence with said centerline as follows, North 364.91 feet, N 22° 44' 10" W 862.39 feet, N. 68° 20' 30" W. 579.70 feet, N. 00° 17' 26" E. 2390.45 feet, N. 01° 04' 16" W. 984.36 feet to the end of this centerline and being in the south line of Mitchell County Road 428.

II.) Water Line Easement

Being a Water Line Easement out of and across above said Section 58 and being more particularly described as follows: Beginning at the northeast corner of above described 26.00 acre Tract;

Thence N. 66° 51' 44" E. 108.21 feet to the end of this centerline description at an existing well.

All of the above land, Road Easement and Water Line Easement in Exhibit "A" being the same as those set forth in the September 21, 2004 Field Notes of Russell T. Gully, Registered Professional Land Surveyor No. 5636 which is attached to that certain Gift Deed from Louella D. Byrne Hall to Phyllis A. Byrne and Byron B. Byrne, III which is filed in the Conveyance Records of Mitchell County, Texas at Volume 706, Page 319.

Tract B: The East one-half (E1/2) of Section 48, Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas, Abstract No. 1320, Cert. No. 41/5257, Patent dated December 18, 1946.

Tract C: All of Section 51, Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas, Abstract No. 186, Cert. No. 41/5260, Patent No. 247, Volume 107, dated April 11, 1888.

Tract D: The Southern 134.45 acres out of the East one-half (E1/2) of Section 53, Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas, Abstract No. 187, Cert. No. 41/5260, Patent No.

406, Volume 1067, dated July 18, 1888.

TRACT FOUR:

The North 100 acres of the East one-half (E/2) of section 59, Block 12, H&TC RR. Co. Surveys, Mitchell County, Texas, as described in Gift Deed from Byron Bruce Byrne, III to Byron Bruce Byrne, IV, dated September 13, 2021 recorded as instrument No. 211305, Official Public Records of Mitchell County, Texas.

TRACT FIVE (PLEASE NOTE - THIS IS A DUPLICATE OF TRACT TWO(A) DESCRIBED ABOVE):

All of Section 52, Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas, Abstract No. 1322, Cert. No. 41/5260, Patent No. 239, Volume 51, dated September 6, 1916, LESS AND EXCEPT that portion of the following tract that is located in this section to-wit:

Being an area of 51.409 acres of land out of Section 52, Abstract No. 1322 and Section 59, Abstract No. 190, Block 12, H. & T.C.R.R. Co., Mitchell County, Texas and said 51.409 acre tract also being out of that certain Tract Three and Tract Five described and recorded in Volume 316, Page 870, Deed Records of Mitchell County, Texas and Volume 816 Page 942, Official Public Records of Mitchell County, Texas, and said 51.409 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 6" fence corner found for the southeast corner of this tract from which a 3" iron pipe found for the southeast corner of said Section 52 bears S. 34° 49' 42" E. 5587.85 feet;

Thence with the south line of this tract, along and with a fence, S. 88° 45' 57" W. 1113.59 feet to a 6" fence corner found for the southwest corner of this tract;

Thence with the west line of this tract, along and with a fence, N. 02° 10' 11" W. 888.95 feet to a 6" fence corner found for an angle corner of this tract, N. 20° 08' 53" E. 1145.64 feet to a 6" fence corner found for an angle corner of this tract, N. 13° 37' 11" E. 30.97 feet to a 6" fence corner found for the northwest corner of this tract;

Thence with the north line of this tract, along and with a fence, N. 79° 22' 18" E. at 822.49 feet pass the centerline of a 20' Road Easement, in all a total distance of 912.57 feet to a 1/2" iron rod with cap set in fence line;

Thence with the east line of this tract, S. 02° 58' 30" W. 445.03 feet to a 4" fence corner found for angle corner, thence with fence, N. 68° 44' 41" W. 100.00 feet to a railroad tie fence corner found for angle corner, S. 03° 43' 27" E. 1802.26 feet to a 6" fence corner for angle corner, S. 21° 35' 48" W. 208.11 feet to a 14" mesquite tree fence corner for angle corner, S. 03° 34' 58" W. 457.77 feet to place of beginning and containing an area of 51.409 acres of land.

TRACT SIX:

The Northern 170.55 acres out of the East one-half (E 1/2) of Section 53, Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas, Abstract No. 187, Cert. No. 41/5281, Patent No. 406, Volume 107, dated July 18, 1888

SAVE AND EXCEPT that portion of the following tract that is located in this section, to-wit:

The southern portion of 26.00 acres of land out of Section 53 and Section 58, together with right-of way appurtenant thereto, in Block 12, H&TC Ry. Co. Survey, Mitchell County, Texas previously conveyed by Louella D. Byrne Hall unto Phyllis A. Byrne and Byron B. Byrne, III on October 4, 2004, and recorded in Volume 706 at page 319 of the public records of Mitchell County, Texas.

TRACT SEVEN:

All of the East one-half (E/2) of Section 58, Block 12, H&TC RR. Co. Survey, Mitchell County, Texas, Abstract No. 187, Cert. No. 41/5283, Patent No. 414, Vol. 3, LESS AND EXCEPT that portion of the

following tracts that are located in this section, to-wit:

Tract A: The northern portion of 26.00 acres of land out of Section 53 and Section 58 together with right-of way appurtenant thereto, in Block 12, H&TC Ry. Co. Survey, Mitchell County, Texas previously conveyed by Louella D. Byrne Hall unto Phyllis A. Byrne and Byron B. Byrne, III on October 4, 2004, and recorded in Volume 706 at page 319 of the public records of Mitchell County, Texas; AND,

Tract B: The eastern portion of 40.0 acres of land out of Section 58, in Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas previously conveyed 'by Louella Hall unto Datha Byrne Thorne on November 8, 1989, and recorded in Volume 485 at page 317 of the public records of Mitchell County, Texas; AND,

Tract C: A 16.0 acre tract of land, more or less, out of Section 58, in Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas, described as follows:

Beginning at an iron pin that is S. 90 deg. 00'00" E 728.0' and S. 00 deg. 00'00" W 2241.8' from the NW corner of said Section 58;

THENCE S. 90 deg. 00'00" E - 250.0' to an iron pin;

THENCE S. 00 deg. 00'00" W - 398.2' to an iron pin;

THENCE S. 90 deg. 00'00" E - 2432.6' to an iron pin in fence for POINT OF BEGINNING;

THENCE North 0 deg. - 868 feet;

THENCE West 720 feet;

THENCE South 868 feet;

THENCE East 720 feet to POB.

Tract D: The North 100 acres of the East one-half (E/2) of said Section 58, Block 12 H&TC RR Co. Survey, Mitchell County, Texas, which has been designated as homestead property of Byron Byrne, III.

TRACT EIGHT:

Being 40.0 acres of land out of Sections 58 and 53, in Block 12, H&TC Ry. Co. Surveys, Mitchell County, Texas previously conveyed by Louella Hall unto Byron Bruce Byrne, III on August 22, 1986, and recorded in Volume 368 at page 34 of the public records of Mitchell County, Texas.