

FILED FOR RECORD

2025 JUN 10 PM 12:41

CONNIE BECTON
COUNTY CLERK
HARDIN COUNTY, TEXAS
BY Handwritten Signature

[space above this line for recording purposes]

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

DATE: June 10, 2025

NOTE: Promissory Note described as follows:

Date: September 26, 2023

Borrowers: Premier Lumber Company, Inc. and Texstar Lumber, Inc.

Lender: Byline Bank

Original Principal Amount: \$1,335,000.00

(Note).

DEED OF TRUST: Construction Deed of Trust, Security Agreement, Assignment of Leases and Rents, and Fixture Financing Statement described as follows:

Date: September 26, 2023

Grantor: Premier Lumber Company, Inc.

Trustee: Kristopher L. Gotzmer

Beneficiary: Byline Bank

Recorded: In the Official Public Records of Hardin County, Texas on September 28, 2023 as document 2023-139150.

(Deed of Trust).

LENDER/MORTGAGEE: Byline Bank ("Lender/Mortgagee").

BORROWER/MORTGAGOR: Byline Bank and Texstar Lumber, Inc.
("Borrower/Mortgagor").

PROPERTY: The real property more particularly described on **Exhibit A**, attached hereto, together with and any and all personal property and fixtures described in the Deed of Trust (**Property**).

SUBSTITUTE TRUSTEE(S), ADDRESSES, AND PHONE NUMBERS: Lender/Mortgagee hereby authorizes its undersigned attorney to appoint the following substitute trustees to succeed to all title, powers, and duties of the original trustee appointed in the Deed of Trust pursuant to Texas Property Code section 51.0075. A notice of designation of substitute trustee was filed in the Hardin County Real Property Records on May 15, 2025 at file number 2025-152850:

Stephanie Laird Tolson
Hinshaw & Culbertson LLP
5151 San Felipe, Suite 1380
Houston, Texas 77056
346-344-4501

Matthew A. Knox
Hinshaw & Culbertson LLP
5151 San Felipe, Suite 1380
Houston, Texas 77056
346-344-4505

(Substitute Trustee(s)).

DATE, TIME, AND PLACE OF SUBSTITUTE TRUSTEE'S SALE: A non-judicial foreclosure sale will take place at the following date, time, and place pursuant to Texas Property Code section 51.002 and the Deed of Trust:

Date: July 1, 2025

Time: The sale of the Property will take place between 12:00 p.m. and 4:00 p.m.
The earliest the sale will take place will be 12:00 p.m.

Place: Hardin County Courthouse, 300 Monroe, Kountze, Texas 77625 or as designed by the County Commissioner's Office or in the area designated by the Commissioner's Court pursuant to Section 51.002 of the Texas Property Code.

(Substitute Trustee's Sale)

A default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust securing the Note. Because of such default, Lender/Mortgagee has requested each and any of the Substitute Trustee(s) to sell the Property at the Substitute Trustee's Sale in accordance with the Deed of Trust and applicable law.

The Deed of Trust encumbers both real and personal property and fixtures. Formal notice is hereby given of the Lender/Mortgagee's election to proceed against and sell the real property and any and all personal property and fixtures described in the Deed of Trust, in accordance with the Lender/Mortgagee's rights and remedies under the Deed of Trust, Texas Property Code chapter 51 and Texas Business and Commerce Code (Texas UCC) section 9.604(a).

Notice is hereby given that on the date and time and at the place of Substitute Trustee's Sale identified above, any of the Substitute Trustee(s) herein appointed, or such other substitute trustee as the Lender/Mortgagee may subsequently appoint, will sell the Property by public sale to the highest bidder for cash or acceptable certified funds, in accordance with the Deed of Trust and applicable law.

The Substitute Trustee's Sale will be conducted as a public auction, and the Property secured by the Deed of Trust, including, without limitation, all right, title, interest, and privilege of Borrower/Mortgagor to any real property described in **Exhibit A** attached hereto. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust and to the permitted exceptions to title, if any, described in the Deed of Trust. Substitute Trustee(s) has not made and will not make any covenants, representations, or warranties concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust and applicable law.

Pursuant to Texas Property Code section 51.009, the Property will be sold "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY SUBSTITUTE TRUSTEE(S), EXPRESS, IMPLIED, STATUTORY, QUASI STATUTORY, OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER LENDER/MORTGAGEE NOR THE SUBSTITUTE TRUSTEE(S) MAKE ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS, OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY THE PURCHASER AT THE FORECLOSURE SALE. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to Texas Property Code section 51.0075(a), Substitute Trustee(s) reserves the right to set further reasonable conditions for conducting the Substitute Trustee's Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee(s).

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 LENDER/MORTGAGEE.

Dated: June 10, 2025

Substitute trustee:



Stephanie Laird Tolson
Hinshaw & Culbertson, LLP
5151 San Felipe, Suite 1380
Houston, Texas 77056
346-344-4501

PREPARED BY AND RETURN
TO AFTER RECORDING:

Stephanie Laird Tolson
Hinshaw & Culbertson
5151 San Felipe, Suite 1380
Houston, Texas 77056

EXHIBIT A

EXHIBIT A

LEGAL DESCRIPTION OF LAND

Being a tract or parcel containing 33.55 acres of land out of and a part of the J.B. Hooks Survey, Abstract Number 780, Hardin County, Texas, and being all of a called 6.50 acre tract recorded in Volume 796, Page 387, Deed Records of Hardin County, Texas, all of a called 18.08 acre tract recorded in Volume 837, Page 791, Deed Records of Hardin County, Texas, all of a called 1.22 acre tract recorded in Volume 922, Page 583, Official Public Records of Hardin County, Texas, and all of a called 7.50 acre tract recorded in Volume 803, Page 608, Deed Records of Hardin County, Texas, said 33.55 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found in the East right-of-way line of a public road known as F. M. Highway 1003 South and being the Northwest corner of a 7.50 acre tract recorded in Volume 1044, Page 808, Official Public Records of Hardin County, Texas;

THENCE, North 20 deg. 35 min. 54 sec. West, along the East right-of-way line of said F. M. Highway 1003 South for a distance of 736.07 feet to a 1/4-inch iron rod set at the Southwest corner of a 6.92 acre tract recorded in Volume 1569, Page 828, Official Public Records of Hardin County, Texas;

THENCE, South 89 deg. 58 min. 16 sec. East, along the South line of said 6.92 acre tract for a distance of 531.78 feet (deed = South 89 deg. 56 min. 16 sec. East) to a 5/8-inch iron rod found at the Southeast corner of said 6.92 acre tract;

THENCE, North 23 deg. 42 min. 22 sec. West, along the East line of said 6.92 acre tract for a distance of 653.19 feet (deed = North 23 deg. 41 min. 23 sec. West, 654.46 feet) to a 5/8-inch iron rod found at the Northeast corner of said 6.92 acre tract;

THENCE, South 89 deg. 04 min. 26 sec. West, along the North line of said 6.92 acre tract for a distance of 490.23 feet (deed = South 89 deg. 13 min. 00 sec. West) to a 1/4-inch iron pipe found in the East right-of-way line of said F. M. Highway 1003 South;

THENCE, North 20 deg. 12 min. 44 sec. West, along the East right-of-way line of said F. M. Highway 1003 South for a distance of 112.56 feet to a 1/4-inch iron rod set at the Southwest corner of a 6.54 acre tract recorded in Volume 791, Page 642, Deed Records of Hardin County, Texas;

THENCE, North 75 deg. 33 min. 24 sec. East, along the South line of said 6.54 acre tract for a distance of 1,115.69 feet (deed = North 75 deg. 35 min. 13 sec. East) to a 1/4-inch iron rod set at the Southeast corner of said 6.54 acre tract and being in the West line of a 31.96 acre tract recorded in Volume 1651, Pages 1-156, Official Public Records of Hardin County, Texas;

THENCE, South 28 deg. 47 min. 12 sec. East, along the West line of said 31.96 acre tract for a distance of 415.52 feet (deed = South 28 deg. 36 min. 00 sec. East, 414.00 feet) to a 1/4-inch iron pipe found for corner;

THENCE, South 28 deg. 33 min. 03 sec. East, (reference bearing) along the West line of said 31.96 acre tract for a distance of 351.32 feet to a T-Bar stamped BTP&P C-262 found in the West line of a 171.07 acre tract recorded in Volume 1651, Pages 1-156, Official Public Records of Hardin County, Texas and being in the East line of said J.B. Hooks Survey and the West line of the A. Hawthorne Survey, Abstract Number 661;

THENCE, South 00 deg. 51 min. 19 sec. West, along the West line of said 171.07 acre tract, the West line of said A. Hawthorne Survey and the East line of said J.B. Hooks Survey for a distance of 983.16 feet to a ½-inch iron rod set at the Northeast corner of said 7.50 acre tract.

THENCE, South 89 deg. 33 min. 47 sec. West, along the North line of said 7.50 acre tract for a distance of 914.94 feet (deed = South 89 deg. 42 min. 00 sec. West, 914.15 feet) to the POINT OF BEGINNING and containing 33.55 acres of land.

Property Address: 5925 FM 1003 S., Kountze, TX 77625