

RECEIVED  
10:43am  
AUG 14 2023

SYLVIA GUERRERO  
CLERK COURT  
HEMPHILL COUNTY TEXAS

RML

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**  
**[Commercial Property]**

**WHEREAS**, on January 17, 2019 Spitfire Energy Group LLC, an Oklahoma limited liability company (the "**Grantor**") executed that certain Mortgage, Deed of Trust, Security Agreement, Assignment of Production and Financing Statement for the benefit of International Bank of Commerce, an Oklahoma state banking corporation (the "**Holder**"), such being recorded on January 22, 2019 with the County Clerk of Hemphill County, Texas as Instrument No. 074416, and amended, modified and supplemented by that certain First Supplemental Mortgage, Deed of Trust, Security Agreement, Assignment of Production and Financing Statement dated as of March 15, 2019 and recorded on March 28, 2019 with the County Clerk of Hemphill County, Texas as Instrument No 074633 and then further amended, modified and supplemented by that certain Second Supplemental Mortgage, Deed of Trust, Security Agreement, Assignment of Production and Financing Statement dated as of April 18, 2019 and recorded on April 22, 2019 with the County Clerk of Hemphill County, Texas as Instrument No. 074715 (collectively, the "**Prior Deed of Trust**") to secure payment of all indebtedness owed or to be owing to the Holder including, without limitation, the indebtedness evidenced by that certain Promissory Note dated October 31, 2018 in the original principal amount of \$40,000,000 (the "**Prior Note**");

**WHEREAS**, the Prior Deed of Trust was Amended and Restated by that certain Amended and Restated Mortgage, Deed of Trust, Security Agreement, Assignment of Production and Financing Statement dated as of October 9, 2020, executed by Grantor for the benefit of Holder and recorded as Instrument 076141 of the Real Property Records of Hemphill County, Texas (the "**Deed of Trust**"), conveying to William P. Schonacher, as Trustee, certain real property (the "**Land**") and other property described therein (together, said other property and the Land herein, the "**Property**") to secure payment of all indebtedness owed or to be owing to the Holder (collectively, the "**Indebtedness**"), including, without limitation, the indebtedness evidenced by that certain Amended and Restated Promissory Note dated as of October 9, 2020 in the original principal amount of \$29,841,064.04 (as the same may be amended, modified, supplemented, restated, replaced, renewed, extended and/or increased from time to time, the "**Note**"), which Note amended and restated the Prior Note; and

**WHEREAS**, Holder is the legal and equitable owner and holder of the Indebtedness secured by said Deed of Trust;

**WHEREAS**, Holder has appointed Bonnie C. Barksdale and/or Ted Harrington as Substitute Trustee, pursuant to its power and authority under said Deed of Trust and/or the Texas

OSTED ON 8/14/23 @ 10:43am BY ROSA CORTIHA FOR SYLVIA GUERRERO

Property Code, by instrument dated April 7, 2023, and recorded as instrument number 078568 of the Real Property Records of Hemphill County, Texas.

**WHEREAS**, defaults have occurred in the payment of the Indebtedness, and Holder has requested the undersigned or any other Substitute Trustee under the Deed of Trust to sell the Property, including the Land on Tuesday, the 5th day of September, 2023 (the “**Subject Foreclosure**”);

**NOW, THEREFORE, NOTICE IS HEREBY GIVEN**, that on Tuesday, the 5th day of September, between 1:00 p.m. and 4:00 p.m., I or any other Substitute Trustee under the Deed of Trust will sell the Property secured by the Deed of Trust at the door of the County Courthouse (or such other location) designated by the Hemphill County Commissioner’s Court as the location for such sales in Hemphill County, Texas, to the highest bidder for cash. The earliest time the sale will begin is 1:00 p.m. Pursuant to applicable law, the sale will begin at such time or within three hours thereafter.

The Land is located in the County of Hemphill, State of Texas, as more particularly described on **Exhibit A**, attached hereto and incorporated herein. The Property includes both real and personal property, and formal notice is hereby given of Holder’s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Holder’s rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

The Subject Foreclosure will be made expressly subject to any title matters set forth in the Deed of Trust and all prior matters of record affecting the Property, if any, to the extent they remain in force and effect and have not been subordinated to the Deed of Trust. The Subject Foreclosure will not cover any part of the Property that has been released of public record from the lien or security interest of the Deed of Trust.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in its “AS IS, WHERE IS” condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the Deed of Trust.

Pursuant to Section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the Subject Foreclosure. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by said 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.**

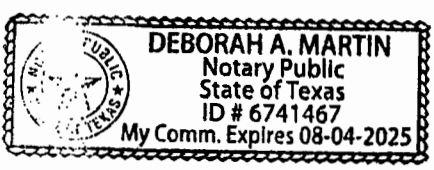
WITNESS MY HAND this 10<sup>th</sup> day of August, 2023.

*Bonnie C Barksdale*

**Bonnie C. Barksdale, Substitute Trustee  
Carrington, Coleman, Sloman &  
Blumenthal, LLP  
901 Main Street, Suite 5500  
Dallas, Texas 75202**

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned authority, on the 10 day of August, 2023, personally appeared Bonnie C. Barksdale, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.



*Deborah A Martin*  
Name: (Print) Deborah A. Martin  
Notary Public, State of Texas  
Commission Expires: 8-4-25

## **EXHIBIT A**

### **PROPERTY**

- A. The salt water injection wells described below on "Exhibit A-1" and defined as the "**SWD Wells**";
- B. The easements, servitudes, rights of way, rights of access or occupancy, special use permits, certificates, orders, leases, surface or subsurface use rights and similar real property rights described below on "Exhibit A-2" and defined as the "**SWD Properties**";
- C. All other real property situated in Hemphill County, Texas being more particularly described on "Exhibit A-1" and, collectively with the SWD Wells, defined as the "**Real Property**";
- D. All other wells, salt water injection wells, water supply wells, well bore, casing, tubing, pumping units, rods, flow lines, pipe lines, poles, lines, compressors, motors, engines, tanks, separators, pumping units, heater treaters, fittings, machinery, tools, tanks, equipment, buildings, structures, supplies, inventories, and all other goods, chattels, business records, documents of title, and all other items of real property, personal property, and fixtures now or hereafter located at, under or upon or used in connection with, the SWD Wells and the Real Property;
- E. All goods that are or are to become fixtures related to the Real Property;
- F. All present and future contracts and agreements relating to the SWD Wells or the Real Property, or any portion of either of them, including without limitation, contracts and agreements pursuant to which Grantor has acquired or may acquire rights in all or any portion of the foregoing;
- G. All existing and future permits, licenses, leases, rights of way, easements and similar rights and privileges that relate to or are appurtenant to all or any portion of the SWD Wells or the Real Property;
- H. All awards, payments and proceeds of conversion, whether voluntary or involuntary, of any of the foregoing, including, without limitation, all insurance, condemnation and tort claims, rent claims, and other obligations dischargeable in cash; and
- I. All proceeds, products, substitutions and exchanges of any of the foregoing.

**EXHIBIT A-1**

**Real Property:**

1. Section 60, Block A-2, H&GN Survey, Hemphill County, Texas
2. Section 7, Block 4, AB&M Survey, Hemphill County, Texas
3. Section 44, Block A-2, H&GN Survey, Hemphill County, Texas
4. Section 52, Block M-1, H&GN, Hemphill County, Texas
5. Section 77, Block A-2, H&GN Survey, Hemphill County, Texas
6. Section 46, Block 41, H&TC Survey, Hemphill County, Texas

**SWD Wells:**

<b><u>SWD WELL NAME</u></b>	<b><u>SECTION</u></b>	<b><u>BLOCK</u></b>	<b><u>SURVEY</u></b>	<b><u>COUNTY</u></b>	<b><u>STATE</u></b>
Locke 360 SWD	60	A-2	H&GN	Hemphill	Texas
Peak-Bourassa 107	7	4	AB&M	Hemphill	Texas
Thomas SWD 1048	44	A-2	H&GN	Hemphill	Texas
Vise SWD 1052	52	M-1	H&GN	Hemphill	Texas
Harden 77 SWD 01	77	A-2	H&GN	Hemphill	Texas
Moore Family Farms SWD 1046	46	41	H&TC	Hemphill	Texas

## EXHIBIT A-2

### SWD Properties:

1. Texas Railroad Commission Permit No. F17306
2. Texas Railroad Commission Permit No. 12571
3. Texas Railroad Commission Permit No. 11936
4. Texas Railroad Commission Permit No. 12543
5. Salt Water Disposal Lease Agreement dated January 1, 2019, between Edward Abraham, lessor, and Le Norman Operating, LLC, lessee, covering the Hardin 77-1 SWD (API No. 42-211-33952) located in the S/2 of Section 77, Block A-2, H&GN Survey, Hemphill County, Texas
6. Texas Railroad Commission Permit No. 12564
7. Salt Water Disposal Lease Agreement dated November 29, 2011, between Moore Family Farms, Inc., lessor, and Le Norman Operating, LLC, successor in interest of Forest Oil Corporation, lessee, as amended by that certain Amendment to Salt Water Disposal Lease dated June 12, 2018, covering the Moore Family Farms 1-46 SWD (API No. 42-211-349400) located in Section 46, Block 41, H&TC Survey, Hemphill County, Texas
8. Texas Railroad Commission Permit No. 13375
9. Salt Water Disposal Lease between Nick Thomas and Shelli Thomas, as Lessor, and Peak Energy Operating, LLC, as Lessee effective June 1, 2004 recorded in Book 575, Page 69 covering the Thomas 01-48 SWD located in that part of Section 48, Block A-2, H&GN Survey lying west of State Highway 83, Hemphill County, Texas, containing 229.9 acres, more or less.
10. Amendment of Salt Water Disposal Lease between Nick Thomas and Shelli Thomas, as Lessor, and Le Norman Operating LLC, as Lessee, effective June 4, 2018 covering the Thomas 01-48 SWD located in that part of Section 48, Block A-2, H&GN Survey lying west of State Highway 83, Hemphill County, Texas, containing 229.9 acres, more or less.
11. Salt Water Disposal Lease Agreement dated March 1, 2007 by and between Wallace Keith Locke and Richard Dare Locke, as Lessor, and Cordillera Texas, L.P., as Lessee covering Section 60, Block A-2, H&GN Survey, Hemphill County, Texas and recorded with the County Clerk of Hemphill County, Texas at Book 619, Page 1.
12. Salt Water Disposal Lease dated May 1, 2007 between Elvin Meadows and Barbara Meadows, as Lessor, and Forest Oil Corporation, as Lessee covering the Peak Bourassa #1-7 well located in Section 7, Block 4, AB&M Survey, Hemphill County, Texas and recorded with the County Clerk of Hemphill County, Texas at Book 623, Page 582.

13. Amendment to Salt Water Disposal Lease dated May 10, 2018 by and between Elvin Mcadows and Barbara Meadows, as Lessor, and Le Norman Operating LLC, as Lessee covering the Peak Bourassa #1-7 well located in Section 7, Block 4, AB&M Survey, Hemphill County, Texas
14. Salt Water Disposal Lease dated June 1, 2004 between John C. Vise and Rosemary Vise, as Lessor, and Peak Energy Operating, LLC, as Lessee, covering the W/2 of Section 52, Block M-1, H&GN Survey, Hemphill County, Texas and recorded with the County Clerk of Hemphill County, Texas at Book 575, Page 77.