

Filed

May 12, 2023

at

12:09

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NOTICE OF FORECLOSURE SALE

Karen E. Page, County Clerk, Kimble County, Texas

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.

1. *Property to Be Sold.* The property ("Property") to be sold is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED FOR ALL PURPOSES

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the deed of trust described more fully as follows:

Deed of Trust dated October 2, 2023, from WOLF'S LAIR RANCH LLC, a Texas limited liability company, as grantor, conveying the Property in trust to LYONS & PLACKEMEIER, PLLC, as Trustee, for the benefit of BUFFALO EQUIPMENT, INC. ("Beneficiary"), under Deed of Trust recorded under Clerk's File Number 00000060059, Real Property Records, Kimble County, Texas ("Deed of Trust").

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: June 3, 2025

Time: The sale will begin no earlier than **1:00 p.m.** or no later than three hours thereafter.

Place: On the steps on the west side of the Kimble County Courthouse and adjacent foyer, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioners Court

The Beneficiary may postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder FOR CASH, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the Property will need to demonstrate their ability to pay their bid

Notice of Foreclosure Sale
WADE D. SCHINDEWOLF, Grantor
BUFFALO EQUIPMENT, INC., Beneficiary
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immediately IN CASH if their bid is accepted.

The sale shall not cover any part of the Property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Substitute Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold in "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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

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

5. *Type of Sale.* The sale is a non-judicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust.

6. *Obligations Secured.* The Deed of Trust secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to that promissory note ("Note") dated October 2, 2023, in the original principal amount of **TWO MILLION THREE HUNDRED FIFTY THOUSAND AND 00/100 (\$2,350,000.00)**, executed by **LAND & SEA INDUSTRIES LLC**, a Texas limited liability company, **WOLF'S LIAR RANCH LLC**, a Texas limited liability company, **WADE D. SCHINDEWOLF** and **HEATHER C. SCHINDEWOLF**, (Collectively referred to as "Borrower") and payable to the order of **BUFFALO EQUIPMENT, INC.**, who is the current owner and holder of the Note and Obligations and are the current Beneficiary under the Deed of Trust.

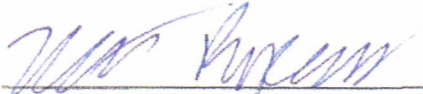
7. Pursuant to the Deed of Trust, Beneficiary made, constituted and appointed in writing, **RONALD A. MURRAY, MATTHEW S. RUPLEY and KYLE L. DICKSON** as substitute trustees (each being a "Substitute Trustee") to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Obligations.

8. *Default and Request to Act.* Default has occurred under the Deed of Trust, and although demand was made upon Borrower, the default was not cured, and the Beneficiary has requested a Substitute Trustee conduct this sale. Notice is given that before the sale the Beneficiary may appoint other substitute trustees to conduct the sale.

Questions concerning the sale may be directed to the attention of Substitute Trustee, Matthew S. Rupley, c/o Murray | Lobb, PLLC, at 2200 Space Park Drive, Suite 350, Houston, Texas 77058, phone number (281) 488-0630.

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.

DATED this the 12th day of May, 2025.



MATTHEW S. RUPLEY, Substitute Trustee

AFTER RECORDING RETURN TO:

Murray | Lobb, PLLC
2200 Space Park Drive, Suite 350
Houston, Texas 77058
(281) 488-0630

Posted: Martha Gossington

EXHIBIT "A"

TRACT ONE: The land situated is in the County of Kimble, Texas, described as follows: 158.32 Acres referred to as the Creek portion of the (Richardson) land also known as "Tract 5 Simon Ranch." Described in Partition Survey of Tract No. 5_2002-03-06.pdf attached hereto as Exhibit A & Field Note Description 158.32 Ac Tract_2022-03-16 as Exhibit B.

All of the remaining 158.32 acre parcel within that certain 161.33 acre (called 161.30 acres) "Tract 5" being approximately 28.83 acres out of the M. R. Braggings Survey No. 56, Abstract No. 1344 and 129.49 acres out of the T.W.N.G. R.R. Co. Survey No. 61, Abstract No. 612 according to the Special Warranty Deed filed in OPR Volume 121, Page 727-739, Official Public Records of Kimble County, Texas; more particularly described by its metes and bounds as follows:

BEGINNING at a twelve (12) inch diameter cedar post found in the south line of the herein described parcel purportedly marking the southwest corner of said M. R. Braggings Survey No. 56, Abstract No. 1344 identical to the southeast corner of said T.W.N.G. R.R. Co. Survey No. 61, Abstract No. 612 said point located at Texas State Plane Coordinates, Central Region, N 10163282.7764 and E2394069.3669;

THENCE northwesterly along a barbed wire fence between the herein described tract and that certain 640 acre tract of the Keller Family LTD being all of the F. Cloudt Survey No. 60, Abstract No. 1463 according to the Warranty Deed filed in Volume OPR56, Page 54, Official Public Records of Kimble County, Texas S89°27'22"W, 2,641.27 feet (N89°55'W, 2,641.56 feet) to a twelve (12) inch diameter cedar post found marking the southeast corner of that certain 320.0 acre tract of said Keller Family LTD according to the said Warranty Deed filed in Volume OPR56, Page 54, Official Public Records of Kimble County, Texas identical to the southwest corner of the herein described tract;

THENCE northerly continuing with and along a barbed wire fence line between said 320.0 acre tract and the herein described tract, N00°36'22"W, 2,659.49 feet (N00°02'31 "E, 2,659.75 feet) to a two (2) inch diameter steel fence post marking the southwest corner of that certain 54.69 acre tract of Mrs. O.L. Richardson according to the Partition Deed filed in Volume 138, Page 582, Official Public Records of Kimble County, Texas identical to the northwesterly most corner of the herein described tract;

THENCE northeasterly along the southeasterly line of said 54.69 acre tract, N76°32'26"E, 809.75 feet (N77°06'00"E, 809.33 feet) to the center of a twenty-four (24) inch diameter Oak tree marking an angle point in the common line with the herein described tract;

THENCE continuing northeasterly between said 54.69 acre tract and the herein described tract, N84°36'31" E, 140.21 feet (N88° 59'W 140.50 feet) to a four (4) inch diameter steel fence post marking the northwest corner of that certain 53.77 acre tract or parcel of H.C. Simon according to the Partition Deed filed in Volume 138, Page 582, Official Public Records of Kimble County, Texas identical to the northeasterly most corner of the herein described tract;

THENCE along and with a barbed wire fence line towards the southeast, S20°50'40"E, 978.22 feet (S20°09'00"E, 979.05 feet) between said 53.77 acre tract and the herein described tract to a two (2) inch diameter steel fence post marking a reentrant corner in the east line of the herein described tract;

THENCE between the herein described tract and said 53.77 acre tract of H.C. Simon and then along the southwesterly line of a 12.83 acre tract of D. and P. Richardson diverging to the southeast from a barbed wire fence line, S67° 19' 19"E, 2,354.34 feet (S66°43'00"E, 2,355.14 feet) to a four (4) inch diameter steel fence post for an angle point in the common boundary line;

THENCE southeasterly along a wire fence at a point crossing Coppas Creek East, S50°02'43"E, 257.20 feet (S49°24'E, 257.18 feet) to a two (2) inch diameter steel fence post for a minor angle point in the northeast boundary of the herein described tract,

THENCE continuing to the southeast along said barbed wire fence line between said 12.83 acre tract and the herein described tract, S 51° 51'47"E, at 152.3 feet more or less pass the centerline of a thirty (30) foot wide road easement as described and filed as Special Warranty Deed recorded in OPR Volume 121, Page 727-739, Official Public Records of Kimble County, Texas, in total 294.80 feet (S51°07'E 293.60 feet) to a 1/2 inch inside diameter iron pipe found marking the northwesterly corner of that certain 106.251 acre tract of K.D. Simon according to the Warranty Deed filed in Volume OPRI, Page 48, Official Public Records of Kimble County, Texas for an angle point in the easterly boundary of the herein described tract;

THENCE continuing southeasterly along said barbed wire fence between said 106.251 acre tract and the herein described tract, S 16°20'45"E, 201.24 feet (S15° 51'E, 202.13 feet) to a found steel or iron rod marking an angle point in said "Tract 5" eastern boundary identical to the northerly most corner of the here within described 3.014 acre for an angle point in the southeastern boundary of the herein described tract;

THENCE along the northwesterly line of said 3.014 acre tract across open wooded pasture, S37°46'55"W at 46.3 feet more or less pass the centerline of said 30 foot wide road easement, in total 291.58 feet to a 5/8 inch diameter steel rod with plastic cap stamped "WES RPLS 5907" set firmly in the ground marking the westerly most corner of said 3.014 acre tract for an angle point in the southeast boundary of the herein described tract;

THENCE traversing across open wooded pasture, S14°20'21"E, 259.04 feet to a 5/8 inch diameter steel rod with plastic cap stamped "WES RPLS 5907" set firmly in the ground at a point of intersection with the south line of said "Tract 5" identical to the said Northerly line of the C and K Simon 638.999 acre tract marking the southwest corner of said 3.014 acre tract identical to the southeasterly most corner of the herein described tract from which a 5/8 inch diameter steel rod with plastic cap stamped "WES RPLS 5907" set firmly in the ground marking the southeast corner of said 3.014 acre tract

identical to the original southeast corner of said "Tract 5" bears S89°36'50"E, (S88°59'E) 421.03 feet;

THENCE westerly between said 638.999 acre tract and the herein described tract, N89°36'50"W, (N88°59'W) 1,149.42 feet to the Point of Beginning the whole of which contains 158.32 acres more or less.

TRACT TWO: A non-exclusive access easement over and across those thirty (30') foot wide roadways, situated in Kimble County, Texas, as referenced in Volume 121, Page 727, Volume 122, Page 68, and Volume 138, Page 582, Deed records, Kimble County, Texas.

TRACT THREE: Being all of that remainder of the T.W.N.G.R.R Co. Block 4, Survey No. 36, Abstract No. 1560 according to the Deed filed in Volume 56, Page 54, Official Public Records of Kimble County, Texas consisting of 411.79 acres more or less, Kimble County, Texas more particularly described by its metes and bounds as follows:

(NOTE: The following courses are based on a RTK/GNSS survey conducted on the ground, N.A.D.83 datum, Texas State Plane Coordinates, Central Zone reduced to horizontal ground distances expressed in U.S. Survey feet. Where record or deed courses differ from the surveyed values, the record value is shown in parenthesis).

BEGINNING at a 1/2 inch diameter steel rod found at the base of a wire fence post on the purported east line of that certain remaining acreage of a 640.0 acre tract with no recording information available marking the southwest corner of that certain 206.13 acre tract which is saved and excepted from said deed filed in Volume 56, Page 54, Official Public Records of Kimble County, Texas said point identical to the northwest corner of the herein described parcel located by Texas State Plane Coordinates, Central Zone at North 10,167,144.246 feet and East 2,404,719.515 feet from which the computed northwest corner of said Survey No. 36 bears N03°28'40"W, 1,586.46 feet;

THENCE southeasterly between said 206.13 acre tract and the herein described tract along and with a barbed wire fence, S86°02'08"E, 5,226.14 feet (S85°30'03"E, 5,225.52 feet) to a eight (8) inch diameter steel fence post found at a point of intersection with the west line of that certain 640.0 acre tract according to the conveyance recorded in File No. 2461, Official Public Records of Kimble County, Texas marking the northeast corner of the herein described parcel from which a 1/2 inch diameter steel rod in a rock mound marking the northeast corner of said Survey No. 36 bears N00°56'20"W, 1,944.56 feet (N00°24'19"W, 1934.40 feet to a cedar post);

THENCE southerly along and with a barbed wire fence line between said 640.0 acre tract and the herein described parcel, S00°52'48"E, 3,073.68 feet (S00°22'00"E, 3,075.91 feet) to an eight (8) inch diameter cedar fence post marking the northeasterly corner of a 317.29 acre parcel identified as "Tract A-I" no deed information available at the time of this writing said point identical to the southeast corner of the herein described parcel from which the unmarked, computed southeast corner of said Survey No. 36 bears S17°01 'S0"W, 270.67 feet;

THENCE southwesterly continuing along a barbed wire fence line between the said 317.29 acre "Tract A-I" and the herein described parcel, S 86°30'02"W, 5,299.38 feet (S87°03'00"W, 5,301.77 feet) to a four (4) inch diameter cedar fence post marking the northwest corner of said 317.29 acre "Tract A-I" identical to the southeast corner of said remaining portion of a 640 acre tract being an angle point in the southeasterly most northeast line of a forty (40) foot access easement recorded in Volume 128, Page 658-669, Official Public Record, Kimble County, Texas, identical to the southwest corner of the herein described tract from which the unmarked, computed southwest corner of said Survey No. 36 bears N45°40'06"W, 91.98 feet;

THENCE northerly between said "Tract B" and the herein described tract with and along a barbed wire fence line and utility pole line, N00°26'13"E, 3,758.22 feet (N00°57'00"E, 3,758.77 feet) adjacent to the easterly, southeasterly most line of said forty (40) foot wide access easement to the Point of Beginning the whole of which contains 411.79 acres more or less.

Based upon a survey conducted on the ground by R. Scott McClintock, Sr., Registered Professional Land Surveyor No. 5907, on June 14, 2022.

TRACT FOUR: Easement as shown in Easement Agreement for Access from Cheryl Simon, Individually and as Executor for the Estate of Charles Simon, to Wade Schindewolf and Heather Schindewolf, dated July 22, 2022, recorded in Volume 128, Page 658, Official Public Records, Kimble County, Texas.

TRACT FIVE: Easement as shown in Easement Agreement for Access from Victoria Richardson and Victoria Hella Richardson Garcia, in their capacity as Co-Trustees of the O. L. Richardson, Jr., Testamentary Trust, by an Order of the 112th District Court of Sutton County, Texas, dated March 6, 2012, in Cause No. 5696, to Wade Schindewolf and Heather Schindewolf, dated August 2, 2022, recorded in Volume 129, Page 291, Official Public Records, Kimble County, Texas.

TRACTS 1-5 altogether with all buildings, improvements and appurtenances, all contents of the property including but not limited to all Furnishing and All Personal Property. Farm and Ranch Improvements: the following permanently installed and built-in terms, if any: windmills, tanks, barns, pens, fences, gates, sheds, outbuildings, and corrals.

Residential Improvements: the house, garage, and all other fixtures and improvements attached to the above-described real property, including without limitation, the following permanently installed and built-in items, if any: all equipment and appliances, valances, screens, shutters, awnings, wall-to-wall carpeting, mirrors, ceiling fans, attic fans, mail boxes television antennas, mounts and brackets for televisions and speakers, heating and air-conditioning units, security and fire detection equipment, wiring, plumbing and lighting fixtures, chandeliers, water softener system, kitchen equipment, garage door openers, cleaning equipment, shrubbery, landscaping, outdoor cooking equipment, and all other property attached to the above described real property.

Farm and Ranch Accessories: the following described related accessories: submersible pumps, pressure tanks, corrals, and gates.

Residential Accessories: The following described related accessories, if any: window air conditioning units, stove, fireplace screens, curtains and rods, blinds, window shades, draperies and rods, door keys, mailbox keys, above ground pool, swimming pool equipment and maintenance accessories, artificial fireplace logs, security systems that are not fixtures and controls for: (i) garage doors, ii) entry gates, and (iii) other improvements and accessories. "Controls" includes Seller's transferable rights to the (i) software and applications used to access and control improvements or accessories, and (ii) hardware used solely to control improvements or accessories.

EXHIBIT "B"

