

NOTICE OF PROPOSED SALE OF REAL PROPERTY

Deborah D. Williamson, in her capacity as the Court-appointed Receiver (the “Receiver”) in the above-captioned case (the “Case”), hereby files and publishes this *Notice of Proposed Sale of Real Property* (the “Notice”) of her intention to sell the real property (the “Property”) identified on **Exhibit A** hereto pursuant to the procedures authorized by the Court’s July 15, 2022 *Order* [ECF No. 240] (the “Order”).¹

In accordance with the Order, the Receiver retained Western Appraisal, LLC and Bierschwale Land Company, LLC as non-residential appraisers. She also engaged a broker in connection with the listing and sale of the Property. On October 17, 2022, the Receiver accepted an offer for the Property at a proposed sale price of \$3,200,000.00, which is higher than any of the appraised values for the Property.

Pursuant to the Order, any third party may make a subsequent offer of at least ten (10%) percent more than the proposed sale price of \$3,200,000.00 (the “Cash Offer”) under similar terms and conditions of sale. In addition to the Cash Offer, the current purchaser has agreed to pay all costs related to any title policy and survey. The Cash Offer is not subject to financing or other third party approval. The Receiver has confirmed the ability of the Cash Offer to timely close. Any competing offer must be submitted in writing to counsel for the Receiver at drushing@dykema.com by no later than October 31, 2022, which is ten (10) business days from the filing of this Notice (a “Higher Offer”).

If one or more Higher Offers are received, the Receiver will provide a limited opportunity for additional offers to be submitted.

¹ Capitalized terms used but not otherwise defined herein shall have the meaning ascribed in the Order.

To contact the Receiver's counsel for additional information related to this Notice, please contact Danielle N. Rushing at (210) 554-5528 or drushing@dykema.com.

Dated: October 17, 2022

Respectfully submitted,

By: /s/ Danielle N. Rushing

Danielle N. Rushing

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COUNSEL TO RECEIVER

EXHIBIT A
Legal Description

A called 972.976 acres, more or less, in Section 50, Block 2, T&P R.R. CO. SURVEY, ABSTRACT NO. 1945 and in Section 59, Block 2, T&P R.R. CO. SURVEY, ABSTRACT NO. 728, Palo Pinto County, Texas, and being the same two tracts in the called Tract D described in Special Warranty Deed to Joe Weidner, recorded in Volume 1976, Page 19, Official Public Records, Palo Pinto County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod with cap stamped "Price Surveying" found marking the Southeast corner of said Section 59, and being the Southeast corner of the herein described tract;

THENCE, South 81 degrees 46 minutes 55 seconds West, East, 3,708.56 feet to a 3/8 inch iron rod found;

THENCE South 85 degrees 45 minutes 29 seconds West, passing a 1/2 inch iron rod found on the South line of said Section 59, 1,003.00 feet and continuing in all 1,126.97 feet to a 1/2 inch iron rod with plastic cap stamped "Rocking CT" set in the East right of way line of F.M. Highway 919 (80 feet wide), being the Southwest corner of the herein described tract;

THENCE, with the East right of way line of F.M. Highway 919, the following seven (7) courses:

North 53 degrees 25 minutes 09 seconds East, 183.45 feet, to a 1/2 inch iron rod with plastic cap stamped "Rockin CT" set marking the beginning of a curve to the left;

Along said curve having a radius of 855.20 feet, a delta angle of 70 degrees 08 minutes 53 seconds, and a chord that bears North 15 degrees 08 minutes 09 seconds East, 982.85 feet to a 1/2 inch iron rod with plastic cap stamped "Rockin CT" set marking the end of said curve;

North 19 degrees 44 minutes 43 seconds West, 2,341.36 feet, to a 1/2 inch iron rod with plastic cap stamped "Rockin CT" set;

North 19 degrees 55 minutes 32 seconds West, 1,486.46 feet to a 1/2 inch iron rod with plastic cap stamped "Rocking CT" set marking the beginning of curve to the right;

Along said curve having a radius of 1,731.98 feet, a delta angle of 11 degrees 41 minutes 21 seconds East, and a chord that bears North 13 degrees 21 minutes 59 seconds West, 352.73 feet to a 1/2 inch iron rod with plastic cap stamped "Rockin CT" set marking the end of said curve;

North 06 degrees 20 minutes 46 seconds West, 173.63 feet, to a 1/2 inch iron rod with plastic cap stamped "Rockin CT" set;

North 05 degrees 44 minutes 11 seconds West, 3,334.30 feet, to a 1/2 inch iron rod with plastic cap stamped "Rockin CT" set marking the Northwest corner of the herein described tract;

THENCE North 84 degrees 17 minutes 10 seconds East, 5,269.57 feet, to a 1/2 inch iron rod with plastic cap stamped "Rockin CT" set in the East line of the aforementioned Section 50, marking the Northeast corner of the herein described tract;

THENCE South 05 degrees 58 minutes 07 seconds East, passing an iron rod with cap stamped "Price Surveying" found in the said East line, at 655.08 feet and continuing in all 8,449.57 feet to the POINT OF BEGINNING and containing 972.976 acres (42,382,846 square feet) of land, more or less.

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2022, the foregoing document was served via CM/ECF on all parties appearing in this case, including counsel for Plaintiff Securities and Exchange Commission and Defendant Rustin Brunson; served via email as detailed below; and posted on the Receivership website at www.heartlandreceivership.com/notices. Other parties submitting offers for the purchase of the Property were emailed a copy of the foregoing document and are not included herein for privacy reasons. The Property broker has also provided a copy of the foregoing document to other potentially interested parties.

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/s/ Danielle N. Rushing
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