

[REDACTED]

NOTICE: THIS IS NOT ALIEN. THIS IS ONLY AN AFFIDAVIT CLAIMING ALIEN.

Affidavit Claiming Mechanic's and Materialman's Lien

Affiant, Jerry Wayne Adams, on oath swears that the following statements are true and are within the personal knowledge of Affiant:

My name is Jerry Wayne Adams. I am the President of Excel Aircraft, LLC, doing business as Excel Mulching ("Claimant"). This affidavit is made to perfect a mechanic's and materialman's lien against the real property described below:

1. Claimant has an unpaid claim in the amount of \$56,143.75 ("Claim Amount") for labor furnished on the construction of improvements generally known as the Wadley Regional Medical Center construction project. The Claim Amount is, within my personal knowledge, just and true, the same is due and unpaid, and all just and lawful offsets, payments, and credits have been allowed. The Claim Amount is for labor furnished and described below, on which a systematic record has been kept.

2. The name and last known address of the owner or reputed owner ("Owner") of the real property and improvements on which this claim is made are MPT OF TEXARKANA – STEWARD LLC, 1725 Galleria Oaks Dr., Texarkana, Texas 75503.

3. The Claim Amount represents the unpaid contract price due Claimant, or, in the alternative, is the reasonable value of the unpaid portion of Claimant's labor furnished, which are described below.

4. Claimant's labor furnished for construction of improvements on the real property described below is generally described as land clearing and site preparation. Payment of the Claim Amount is requested for work performed or materials furnished during each of the following months: December 2021, January 2022, February 2022.

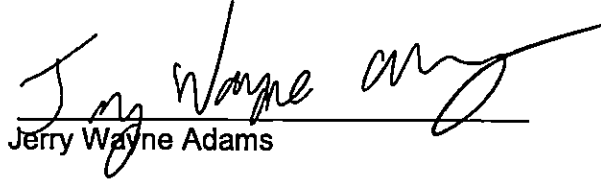
5. Claimant furnished the above-described labor under a Contract with TATUM EXCAVATING COMPANY, INC., whose last known address is 2416 South Lake Drive, Texarkana, Texas 75501.

6. The legal description of the real property improved by Claimant's above-described labor is attached hereto as Exhibit "A". That real property and improvements on it are sought to be charged with Claimant's lien.

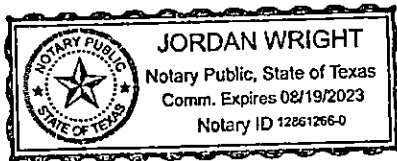
7. Claimant claims a mechanic's and materialman's lien on the above-described real property and improvements thereon to secure payment of its Claim Amount in accordance with the Texas Property Code.

8. Claimant's physical and mailing address is 2228 SE Loop 59, Carthage, Texas 75633.

9. In compliance with the Texas Property Code, Claimant is sending one copy of this affidavit to Owner at its last known address and also one copy to the above-referenced original contractor at its last known address.


Jerry Wayne Adams

SUBSCRIBED AND SWORN TO before me on June 14, 2022 by Jerry Wayne Adams.



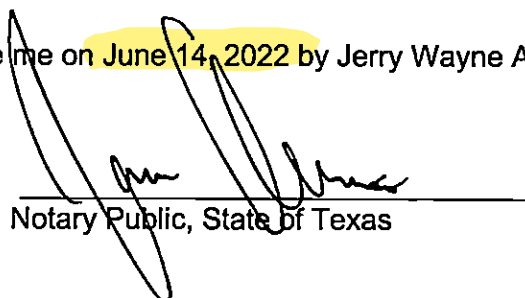

Notary Public, State of Texas

EXHIBIT "A"

**(14) Wadley Gander Mountain Land
Texarkana, Bowie County, Texas**

TRACT THREE:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN THE GEORGE BRINLEE HEADRIGHT SURVEY, ABSTRACT 18, BOWIE COUNTY, TEXAS, BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 81.944 ACRES IN THE DEED FROM WILLIAM R. GIBSON TO RAYFIELD WALSH, JR., DATED SEPTEMBER 29, 1998, RECORDED IN VOLUME 2928, PAGE 191 OF THE REAL PROPERTY RECORDS OF BOWIE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH STEEL ROD, CAPPED TEXAS MG 5760, FOUND FOR A CORNER (CONTROL MONUMENT NO. 1), THE SOUTHWEST CORNER OF THE SAID 81.944 ACRE TRACT, AN INSIDE ELL CORNER OF LOT NO. 1, BLOCK NO. 1 OF THE AMENDMENT TO LOTS NO. 1 AND 3, BLOCK NO. 1 OF WAGGONER CREEK CROSSING TWO, A SUBDIVISION OF A PART OF THE GEORGE BRINLEE HEADRIGHT SURVEY, ABSTRACT 18, BOWIE COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 6646, PAGE 212 OF THE REAL PROPERTY RECORDS OF BOWIE COUNTY, TEXAS;

THENCE NORTH 04 DEGREES 52 MINUTES 13 SECONDS WEST A DISTANCE OF 663.95 FEET ALONG THE WEST LINE OF THE SAID 81.944 ACRE TRACT AND THE EAST LINE OF THE SAID LOT NO. 1 TO A 1/2 INCH STEEL ROD, CAPPED TEXAS MG 5760, FOUND FOR A CORNER, LYING IN THE SOUTH RIGHT-OF-WAY LINE OF GIBSON LANE, THE MOST NORTHERLY NORTHEAST CORNER OF THE SAID LOT NO. 1;

THENCE NORTH 89 DEGREES 20 MINUTES 22 SECONDS EAST A DISTANCE OF 1702.61 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE SAID GIBSON LANE, TO A 1/2 INCH STEEL ROD, CAPPED TEXAS MG 5760, FOUND FOR A CORNER;

THENCE SOUTH 00 DEGREES 38 MINUTES 42 SECONDS EAST A DISTANCE OF 582.35 FEET TO A X-TIE POST FOUND FOR A CORNER, WITH A 1/2 INCH STEEL ROD, CAPPED JHG 1715, FOUND AT ITS NORTHWEST CORNER, AN INSIDE ELL CORNER OF THE SAID 81.944 ACRE TRACT, THE NORTHWEST CORNER OF LOT NO. 1B OF THE REPLAT OF LOTS NO. 1 & 2 OF ARKLATEX REALTY SUBDIVISION, A SUBDIVISION OF A PART OF THE GEORGE BRINLEE HEADRIGHT SURVEY, ABSTRACT 18, BOWIE COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 6148, PAGE 297 OF THE REAL PROPERTY RECORDS OF BOWIE COUNTY, TEXAS;

THENCE SOUTH 01 DEGREES 39 MINUTES 47 SECONDS WEST A DISTANCE OF 39.63 FEET ALONG THE EAST LINE OF THE SAID 81.944 ACRE TRACT, THE WEST LINE OF THE SAID LOT NO. 1B AND GENERALLY ALONG A FENCE TO A 1/2 INCH STEEL ROD, CAPPED TEXAS MG 5760, FOUND FOR A CORNER (CONTROL MONUMENT NO. 2), AN OUTSIDE ELL CORNER OF THE SAID 81.944 ACRE TRACT, THE MOST EASTERLY NORTHEAST CORNER OF THE SAID LOT NO. 1;

THENCE SOUTH 87 DEGREES 56 MINUTES 43 SECONDS WEST (BASIS OF BEARINGS) A DISTANCE OF 1652.60 FEET ALONG THE SOUTH LINE OF THE SAID 81.944 ACRE TRACT, THE NORTH LINE OF THE SAID LOT NO. 1, GENERALLY AND PARTIALLY ALONG A FENCE TO THE POINT OF BEGINNING AND CONTAINING 24.745 ACRES OF LAND, MORE OR LESS.

THE BEARINGS ARE BASED ON THE NORTH LINE OF THE SAID LOT NO. 1, BLOCK NO. 1 OF WAGGONER CREEK CROSSING TWO, WITH A BEARING OF NORTH 87 DEGREES 56 MINUTES 43 SECONDS EAST.

TRACT FOUR

ALL OF LOT NO. 3, BLOCK NO. 1, AS SHOWN ON THAT CERTAIN REPLAT OF LOT NO. 1, BLOCK NO. 1, WAGGONER CREEK CROSSING TWO, A SUBDIVISION OF A PART OF THE GEORGE BRINLEE H.R.S., ABSTRACT 18, BOWIE COUNTY, TEXAS, OF RECORD IN INSTRUMENT NO. 2015-12789, REAL PROPERTY RECORDS OF BOWIE COUNTY, TEXAS.

THE STATE OF TEXAS
COUNTY OF BOWIE

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Bowie County, Texas.

2022-00007286 AFFD
06/15/2022 11:54:00 AM Total Fees: \$38.00

Tina Petty, County Clerk
Bowie County, Texas



**AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN
AND CONSTITUTIONAL LIEN**

THE STATE OF TEXAS §
 §
COUNTY OF BOWIE §

BEFORE ME, the undersigned authority, personally appeared BRIAN COOK who, under oath, stated the following:

1. "I am the Managing Director of Hoar Construction, LLC ("Claimant"). I have personal knowledge of the facts set forth below and I am competent and authorized to make this affidavit on behalf of Claimant.

1. Claimant's address is 3700 W. Sam Houston Parkway South, Suite 220, Houston, Texas 77042.

2. The real property and improvements thereon sought to be charged with a lien by Claimant is the real property and improvements known as Wadley Regional Medical Center Replacement Hospital project, located at two existing parcels bound by Gibson to the north, Medical Park to the south, and University to the west, Parcel ID's 02620011800 and 27286000220, Texarkana, Bowie County, Texas 75503 (the "Project"), being more specifically described in Exhibit A attached hereto and incorporated herein by reference.

3. Claimant entered into a contract with Steward Health Care System LLC under which Claimant provided labor and material, including but not limited to, site clearing and grubbing, installation of fencing, stormwater infrastructure installation, installation of temporary access roads and lay down areas, and installation temporary trailers and facilities for construction, for the construction of the Wadley Regional Medical Center Replacement Hospital project, located at two existing parcels bound by Gibson to the north, Medical Park to the south, University to the west, Parcel ID's 02620011800 and 27286000220, Texarkana, Bowie County, Texas 75503.

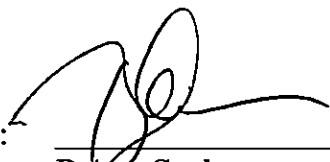
4. The owner(s), or reputed owner(s), of the real property is Steward Health Care System LLC, whose last known address is 1900 North Pearl Street, 23rd Floor, Dallas, Texas 75201 and/or MPT of Texarkana-Steward, LLC, whose last known address is 1000 Urban Center Drive, Suite 501, Birmingham, Alabama 35242.

5. Claimant is the original contractor for the improvements for which a lien is claimed.

6. After allowing all just credits, offsets, and payments, the amount of \$899,080.00 that remains unpaid and is due and owing to Claimant. Claimant claims a statutory mechanic's and materialman's lien on the above-described real property, improvements and removables under the provisions of the TEXAS PROPERTY CODE § 53.001 *et seq.* to secure payment of said amount. Pursuant to TEX. PROP. CODE § 53.123, Claimant seeks to perfect its right to possession of the removable improvements in preference of any other prior lien, encumbrance, or mortgage on the land on which such removable improvements are located.

7. Claimant also claims a constitutional lien on the Project pursuant to the provisions of Article 16, Section 37 of the Texas Constitution."

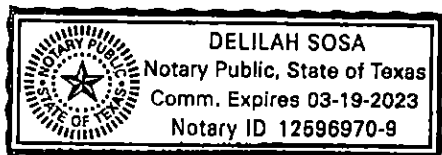
HOAR CONSTRUCTION, LLC

By: 

Brian Cook
Managing Director

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME the undersigned authority on the 20th day of May, 2022 personally appeared Brian Cook, Managing Director of Hoar Construction, LLC, a Delaware limited liability company, and on behalf of said Delaware limited liability company, who stated that he is an authorized representative of Hoar Construction, LLC and that the information contained herein is within his knowledge and is true and correct. This document has been ACKNOWLEDGED, SIGNED AND SWORN TO before me as indicated herein.



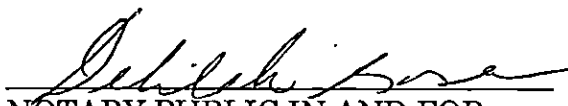

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT "A"**(14) Wadley Gander Mountain Land
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After Recording Return To:

Timothy C. Ross
ANDREWS MYERS, P.C.
1885 Saint James Place, 15th Floor
Houston, Texas 77056

THE STATE OF TEXAS

COUNTY OF BOWIE

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Bowie County, Texas.

2022-00006351 AFFD
05/25/2022 11:24:07 AM Total Fees: \$38.00

Tina Petty, County Clerk
Bowie County, Texas



**AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN
AND CONSTITUTIONAL LIEN**

THE STATE OF TEXAS

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COUNTY OF BOWIE

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HOAR CONSTRUCTION, LLC

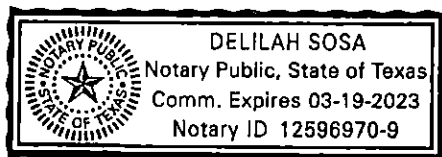


By: _____

Brian Cook
Managing Director

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME the undersigned authority on the 21st day of September, 2022 personally appeared Brian Cook, Managing Director of Hoar Construction, LLC, a Delaware limited liability company, and on behalf of said Delaware limited liability company, who stated that he is an authorized representative of Hoar Construction, LLC and that the information contained herein is within his knowledge and is true and correct. This document has been ACKNOWLEDGED, SIGNED AND SWORN TO before me as indicated herein.





NOTARY PUBLIC IN AND FOR
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1885 Saint James Place, 15th Floor
Houston, Texas 77056

THE STATE OF TEXAS
COUNTY OF BOWIE

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Bowie County, Texas.

2022-00011425 AFFD
09/23/2022 10:40:51 AM Total Fees: \$38.00

Tina Petty, County Clerk
Bowie County, Texas

