

OWNER'S POLICY OF TITLE INSURANCE

Issued by

First American Title Insurance Company

SCHEDULE A

Name and Address of Title Insurance Company:
FIRST AMERICAN TITLE INSURANCE COMPANY
1 First American Way,
Santa Ana, California 92707

File No.: **MI2-08-196**

Address for Reference only: **N/A**

Policy No.: **159067 O**
Issued with Policy No. **586250 M**

Amount of Insurance:

Premium:

Date of Policy: **January 23, 2009**

1. Name of Insured: **Steve Everage and Lori Everage**
2. The estate or interest in the Land that is insured by this policy is:
Fee Simple - Tract 1
Easement Estate Only - Tract 2

3. Title is insured as vested in: **Steve Everage and wife, Lori Everage**

4. The Land referred to in this policy is described as follows:

Tract 1: See Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Tract 2: NON-EXCLUSIVE 40' ACCESS EASEMENT ONLY:

Being the same easement contained in Deed dated March 19, 1985, executed by Richard Kubiak and wife, Linda K. Kubiak to Frank C. Korenek and Beatrice O. Korenek, recorded in Volume 531, Page 373, Deed Records of Milam County, Texas.

NOTE: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

OWNER'S POLICY OF TITLE INSURANCE

Issued by

First American Title Insurance Company

SCHEDULE B

File No.: **MI2-08-196**

Policy No.: **159067 O**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of the terms and conditions of leases and easements, if any, shown in Schedule A, and the following matters:

1. ~~The following restrictive covenants of record itemized below (the Company must either insert specific recording data or delete this exception):~~ **AS**
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any, of any spouse of any Insured.
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the right of access to that area or easement along and across that area.
5. Standby fees, taxes and assessments by any taxing authority for the year **2009**, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, *Texas Tax Code*, or because of improvements not assessed for a previous tax year.
6. The following matters and all terms of the documents creating or offering evidence of the matters (The Company must insert matters or delete this exception.):
 - a. **Vendor's Lien retained in Deed dated January 23, 2009, filed for record on January 23, 2009, executed by Frank C. Korenek and Beatrice Korenek, Individually and as Trustees of the Frank & Beatrice Korenek Living Trust, under provisions of a trust agreement dated 3rd day of March 1998 to Steve Everage and wife, Lori Everage, securing the payment of one note of even date therewith in the principal sum of \$422,400.00, payable to Texas Land Bank, FLCA, and additionally secured by a Deed of Trust of even date therewith, executed by Steve Everage A/K/A Steve R. Everage and spouse, Lori Everage to Charles P. Gant, Trustee, and being subject to all the terms, conditions, and stipulations contained in said note and Deed of Trust. Said deed recorded in Volume 1091, Page 592, Official Records of Milam County, Texas, and said Deed of Trust recorded in Volume 1091, Page 603, Official Records of Milam County, Texas.**

- b. Rights of Parties in possession.
- c. Such presently valid and subsisting easements, if any, to which the above property is subject, as may be actually located upon the ground, which are not of record.
- d. Any portion of the property herein described, if any, which falls within the boundaries of any road or roadway.
- e. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
- f. The tax certificate furnished by the taxing authorities is issued on real property only. It does not include taxes on the mineral estate and/or personal property, therefore, no liability is assumed hereunder for the payment of said taxes on the mineral estate and/or personal property.
- g. Easement dated August 25, 1931, executed by Ada F. Sanders to Southwestern Bell Telephone Co., recorded in Volume 201, Page 342, Deed Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- h. Easement dated March 16, 1933, executed by Ada F. Sanders to Milam County and State Highway Commission, recorded in Volume 206, Page 182, Deed Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- i. Easement dated September 21, 1944, executed by Ada F. Sanders to Texas Power and Light Company, recorded in Volume 246, Page 233, Deed Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- j. Easement dated October 8, 1951, executed by Ada F. Sanders and Imogene Sanders to Texas Power & Light Company, recorded in Volume 275, Page 253, Deed Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- k. Easement and Right of Way dated March 20, 1981, executed by Richard Kubiak and wife, Linda K. Kubiak to Texas Power and Light Company, recorded in Volume 470, Page 919, Deed Records of Milam County, Texas, and as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- l. Reservation of the right to use the use of the waterline and the right to tap onto said waterline as reserved in Deed executed by M. R. Curry and R. L. Allen to Richard Kubiak and wife, Linda K. Kubiak, recorded in Volume 446, Page 913, Deed Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- m. Easement and Right of Way dated May 7, 1986, executed by Richard Kubiak and wife, Linda Kubiak to Texas Power and Light Company, recorded in Volume 565, Page 759, Official Records of Milam County, Texas, and as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- n. Mineral and/or Royalty Reservation(s) appearing in Deed dated February 18, 1987, executed by Richard Kubiak and wife, Linda K. Kubiak to Frank C. Korenek and wife, Beatrice O. Korenek, recorded in Volume 573, Page 325, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.

- o. Subject to the free and uninterrupted use of a sixty foot (60') road easement and a forty foot (40') foot road easement as recorded in Volume 573, Page 325, Official Records of Milam County, Texas.
- p. Oil, Gas and Mineral Lease dated August 2, 1978, executed by Richard Kubiak and Linda Kubiak to John R. Taylor, recorded in Volume 110, Page 234, Oil and Gas Lease Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- q. Oil, Gas and Mineral Lease dated September 24, 1979, executed by Richard Kubiak and Linda Kubiak to Ben L. Taylor, recorded in Volume 112, Page 531, Oil and Gas Lease Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- r. Oil, Gas and Mineral Lease dated March 20, 1981, executed by Richard Kubiak and wife, Linda K. Kubiak to Burlex Petroleum, Inc., recorded in Volume 119, Page 43, Oil and Gas Lease Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- s. Mineral and/or Royalty Reservation(s) appearing in Deed dated March 19, 1985, executed by Richard Kubiak and wife, Linda K. Kubiak, recorded in Volume 531, Page 369, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- t. Mineral and/or Royalty Reservation(s) appearing in Deed dated March 19, 1985, executed by Richard Kubiak and wife, Linda K. Kubiak, recorded in Volume 531, Page 373, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- u. Right of Way Easement dated May 6, 1986, executed by Frank C. Korenek and wife, Beatrice O. Korenek to Texas Utilities Electric Company, recorded in Volume 565, Page 757, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- v. Oil, Gas and Mineral Lease dated March 24, 1982, executed by Emory C. Ledbetter and wife, Imie M. Ledbetter to R. L. Allen and M. R. Currey, recorded in Volume 123, Page 699, Oil and Gas Lease Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- w. Mineral and/or Royalty Reservation(s) appearing in Deed dated July 22, 1997, executed by Roy Leonard Allen, Jr. and Waylon Leslie Allen to Imie M. Ledbetter, recorded in Volume 755, Page 101, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- x. Terms and Conditions of Memorandum of Agreement dated February 15, 2008, executed by Frank C. Korenek and Beatrice Korenek, Trustees of the Frank & Beatrice Korenek Living Trust to Cimarron Land Services, recorded in Volume 1078, Page 124, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- y. Rights of third parties as to easements set forth in Memorandum of Agreement dated February 15, 2008, executed by Frank C. Korenek and Beatrice Korenek, Trustees of the Frank & Beatrice Korenek Living Trust to Cimarron Land Services, recorded in Volume 1078, Page 124, Official Records of Milam County, Texas, and as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.

- z. Twenty foot (20') wide electric easement as set forth in Memorandum of Agreement dated February 15, 2008, executed by Frank C. Korenek and Beatrice Korenek, Trustees of the Frank & Beatrice Korenek Living Trust to Cimarron Land Services, recorded in Volume 1078, Page 124, Official Records of Milam County, Texas, and as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- aa. Sixty foot (60') wide utility easement as set forth in Memorandum of Agreement dated February 15, 2008, executed by Frank C. Korenek and Beatrice Korenek, Trustees of the Frank & Beatrice Korenek Living Trust to Cimarron Land Services, recorded in Volume 1078, Page 124, Official Records of Milam County, Texas, and as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- bb. Mineral and/or Royalty Reservation(s) appearing in Deed dated June 16, 1978, executed by R. L. Allen, M. R. Currey to Emory C. Ledbetter and wife, Imie M. Ledbetter, recorded in Volume 446, Page 381, Deed Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- cc. Affidavit as to Minerals dated August 5, 1997, executed by M. R. Currey, recorded in Volume 755, Page 107, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- dd. Rights of Third parties as to access easements as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952.
- ee. Any claim, right or assertion, including rights of ingress and egress, in and to the overhead power line as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952.
- ff. Any rights, claims or other matters which may exist or arise by virtue of the discrepancy between the fence line and actual property line as shown on survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952.
- gg. Easement as set forth in Deed dated January 12, 1990, executed by Ronald C. Binion and wife Audrey Denise Binion to Ryan C. Cone and wife, Emma H. Cone as recorded in Volume 623, Page 152, Official Records of Milam County, Texas and as shown survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952.
- hh. Easement as set forth in Deed dated February 10, 2003, executed by Walter Raymond Lawson and wife, Dorothy Lawson to Bill Foster and wife, Diana Foster, as recorded in Volume 891, Page 417, Official Records of Milam County, Texas; and as shown on shown survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952.
- ii. Easement as set forth in Deed dated March 19, 1985, executed by Richard Kubiak and wife, Linda K. Kubiak to Billy Howard Headrick and wife, Betty Louis Headrick, as recorded in Volume 531, Page 467, Official Records of Milam County, Texas; and as shown on shown survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952.
- jj. Easement as set forth in Deed dated June 15, 1978, executed by M.R Currey and R.L. Allen to Richard Kubiak and wife, Linda K. Kubiak, as recorded in Volume 446, Page 913, Official Records of Milam County, Texas; and as shown on shown survey plat dated January 7, 2009, prepared by Bradley L. Lipscomb, R.P.L.S. No. 5952.

- kk. Easement dated January 7, 2009, executed by Frank C. Korenek and wife, Beatrice O. Korenek to Southwestern Bell Telephone, L.P., d/b/a AT&T Texas, recorded in Volume 1091, Page 225, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- ll. Forty (40) foot wide Access Easement reserved in the Deed dated January 23, 2009, executed by Frank C. Korenek and Beatrice Korenek, Individually and as Trustees of the Frank & Beatrice Korenek Living Trust, under provisions of a trust agreement dated March 3, 1998 to Steve Everage and wife, Lori Everage, recorded in Volume 1091, Page 592, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- mm. Fifty (50) foot wide Right-of-Way and Access Easement reserved in the Deed dated January 23, 2009, executed by Frank C. Korenek and Beatrice Korenek, Individually and as Trustees of the Frank & Beatrice Korenek Living Trust, under provisions of a trust agreement dated March 3, 1998 to Steve Everage and wife, Lori Everage, recorded in Volume 1091, Page 592, Official Records of Milam County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.

Countersigned
Botts Title Company - Milam County

By Aimee Schobel
Aimee Schobel, Escrow Officer

Exhibit A

In Re: 176.974 Acres



All of a called 10.000 Acre tract
All of a called 19.790 Acre tract
All of a called 9.967 Acre tract
All of a called 11.496 Acre tract
All of a called 3.192 Acre tract
All of a called 30.400 Acre tract
All of a called 49.25 Acre tract
All of a called 8 Acre tract
All of a called 22.01 Acre tract
A part of a called 17.15 Acre tract
Jose Leal Survey
Abstract No. 29
Milam County, Texas

All that certain tract or parcel of land situated in Milam County, Texas, being out of the Jose Leal Survey, Abstract No. 29, being all of a called 10.000 Acre tract (Tract One), all of a called 19.790 Acre tract (Tract Two), all of a called 9.967 Acre tract (Tract Three) and all of a called 11.496 Acre tract (Tract Four) conveyed from Richard Kubiak, et ux to Frank C. Korenek, et ux by deed dated February 18, 1987 recorded in Volume 573, Page 325 of the Deed Records of Milam County, being all of a called 3.192 Acre tract (Tract II) and all of a called 30.400 Acre tract (Tract III) conveyed from Richard Kubiak, et ux to Frank C. Korenek and Beatrice O. Korenek by deed dated March 19, 1895 recorded in Volume 531, Page 373 of the Deed Records of Milam County, being all of a called 49.25 Acre tract conveyed from Richard Kubiak, et ux to Frank C. Korenek and Beatrice O. Korenek by deed dated March 19, 1985 recorded in Volume 531, Page 369 of the said Deed Records of Milam County, being all of a called 8 Acre tract (Tract One) and all of a called 22.01 Acre tract (Tract Two) conveyed from Rick J. Leser, et ux to Frank C. Korenek, et ux by deed dated January 29, 1993 recorded in Volume 669, Page 681 of the Official Records of Milam County and a part of a called 17.15 Acre tract conveyed from Imie M. Ledbetter to Frank C. Korenek, et ux by deed dated August 7, 1997 recorded in Volume 755, Page 104 of the Official Records of Milam County, Texas and being more particularly described by metes and bounds as follows to wit:

BEGINNING at a found fence corner post on the common line between the said Leal Survey and the A.F. Burchard Survey, A-87, the east line of a called 203.379 Acre tract conveyed to Stephen E. McFaul in Volume 671, Page 125, at an exterior ell in the north line of a called 82 ½ Acre tract (Second Tract) conveyed to Kirby Dan Jenkins in Volume 645, Page 405, for the common southwest corner of the said 22.01 Acre tract and of this tract;

THENCE along the common line between the said Leal Survey and the said Burchard Survey, the common line between the said 203.379 Acre tract and the said 22.01 Acre tract, the said 49.25 Acre tract, and the said 19.790 Acre tract respectively for the following courses and distances:

N 21°40'10" W - 816.82 feet to a found ½" iron pipe at the northwest corner of the said 22.01 Acre tract, the southwest corner of the said 49.25 Acre tract, for an exterior ell corner of this tract;

N 21°38'58" W - 1297.39 feet to a found ½" iron pipe at the northwest corner of the said 49.25 Acre tract, the southwest corner of the said 19.790 Acre tract, for an exterior ell corner of this tract;

N 21°05'41" W - 1831.98 feet to a found ½" iron rod at the southwest corner of a called 9.63 Acre tract conveyed to Hubert L. Caywood, et ux in Volume 670, Page 209, for the common northwest corner of the said 19.790 Acre tract and of this tract;

THENCE N 68°29'30" E - 559.66 feet along the common line between the said 19.790 Acre tract and the said 9.63 Acre tract and a called 18.49 Acre tract conveyed to Hubert L. Caywood in Volume 565, Page 149 respectively to a found ½" iron rod at the northeast corner of the said 19.790 Acre tract, at the northwest corner of the said 10.000 Acre tract, for an exterior ell corner of this tract;

THENCE N 68°46'48" E - 565.40 feet along the common line between the said 10.000 Acre tract and the said 18.49 Acre tract to a found ½" iron rod at the northwest corner of a called 9.978 Acre

Exhibit A

tract conveyed to George Daniel Lay, et al in Volume 749, Page 624, at the northeast corner of the said 10.000 Acre tract, for the most westerly northeast corner of this tract;

THENCE S 21°19'41" E - 768.81 feet along the common line between the said 9.978 Acre tract and the said 10.000 Acre tract to a found ½" iron rod in the centerline of a 60' Wide Access Easement, on the north line of the said 11.496 Acre tract, at the southwest corner of the said 9.978 Acre tract, at the southeast corner of the said 10.000 Acre tract, for an interior ell corner of this tract;

THENCE N 68°36'59" E - 840.75 feet along the said centerline of the 60' Wide Access Easement, the common line between the said 11.496 Acre tract and the said 30.400 Acre tract respectively and the said 9.978 Acre tract and a called 5.530 Acre tract conveyed to Ryan C. Cone, et ux in Volume 623, Page 152 respectively to a point at the northwest corner of the residue of a called 128.51 Acre tract conveyed to Richard Kubiak, et ux in Volume 446, Page 913, the same being the northwest corner of another 60' Wide Access Easement, at the northeast corner of the said 30.400 Acre tract, for the most easterly northeast corner of this tract from which a found ½" iron rod bears: S 25°06'47" E - 29.70 feet;

THENCE along the common line between the said 30.400 Acre tract and the said residue of the 128.51 Acre tract, the west line of the said 60' Wide Access Easement for the following courses and distances:

S 25°06'47" E - 461.04 feet to a point for an interior ell corner of this tract from which a found 4" treated fence corner post bears: N 29°15'39" W - 14.27 feet;

S 33°16'53" E - 622.03 feet to a point for an exterior ell corner of this tract from which a found ½" iron pipe near the northeast corner of the said 3.192 Acre tract, the southwest corner of the said residue of the 128.51 Acre tract, the most northerly northwest corner of the residue of a 248 Acre tract conveyed to M.R. Currey, et al in Volume 435, Page 557 bears: S 31°06'53" E - 8.43 feet;

THENCE along the common line between the said 30.400 Acre tract, the said 3.192 Acre tract, the said 49.25 Acre tract, and the said 8 Acre tract respectively and the said residue of the 128.51 Acre tract and the said residue of the 248 Acre tract respectively, the west and north Right-of-Way lines of a called 40' Wide Roadway Easement (made reference to in multiple deeds, but does not appear to be described or granted to anyone by any instrument of record) for the following courses and distances:

S 22°06'13" E - 545.76 feet to a point for an interior ell corner of this tract from which a found ½" iron pipe for reference bears: S 69°25'10" E - 12.57 feet;

S 69°25'10" E - 224.24 feet to a found 1" iron pipe for an exterior ell corner of this tract;

S 07°13'46" E - 603.80 feet to a set 5/8" iron rod at the southeast corner of the said 49.25 Acre tract, for an exterior ell corner of this tract;

S 68°38'26" W - 542.72 feet to a set 5/8" iron rod at the northeast corner of the said 8 Acre tract, at the most southerly northwest corner of the said residue of the 248 Acre tract (the said 40' Wide Access Easement), for an interior ell corner of this tract;

S 21°55'28" E - 40.00 feet to a set 5/8" iron rod at the northwest corner of the said 17.15 Acre tract, at the southwest corner of the said residue of the 248 Acre tract (the said 40' Wide Access Easement), for an interior ell corner of this tract;

THENCE N 68°38'26" E - 1056.90 feet along the common line between the said 17.15 Acre tract and the said residue of the 248 Acre tract (the said 40' Wide Access Easement) an a called 6.190 Acre tract conveyed to Walter Dean in Volume 495, Page 786 respectively to a point on the west line of a called 3.68 Acre tract conveyed to David J. Stanley, et ux in Volume 656, Page 032, at the southeast corner of the said 6.190 Acre tract, the northeast corner of the said 17.15 Acre tract, for an exterior ell corner of this tract from which a found ½" iron pipe bears: S 68°38'26" W - 1.18 feet;

THENCE S 05°05'03" E - 809.72 feet along the common line between the said 17.15 Acre tract and the said 3.68 Acre tract and a called 6.64 Acre tract conveyed to Hubert Lee Caywood, et ux in Volume 606, Page 696 respectively to a point at the northeast corner of the said 82 ½ Acre tract (Second Tract) conveyed to Kirby Dan Jenkins in Volume 645, Page 405, for the common

Exhibit A

southeast corner of the said 17.15 Acre tract and of this tract from which a found $\frac{1}{2}$ " iron pipe bears: S 68°23'18" W - 2.19 feet;

THENCE S 68°23'18" W - 2435.70 feet along the common line between the said 82 $\frac{1}{4}$ Acre tract and the said 17.15 Acre tract, the said 8 Acre tract and the said 22.01 Acre tract respectively to the POINT OF BEGINNING containing within these metes and bounds 181.359 Acres of land Save and Except a 4.385 Acre tract surveyed from the said 17.15 Acre tract by me this day more particularly described by metes and bounds as follows to wit:

COMMENCING at a point on the west line of the above said 6.64 Acre tract, at the northeast corner of the above said 82 $\frac{1}{4}$ Acre tract, at the common southeast corner of the said 17.15 Acre tract and the above described 181.359 Acre tract from which a found $\frac{1}{2}$ " iron pipe bears: S 68°23'18" W - 2.19 feet;

THENCE N 44°39'06" W - 315.35 feet entering the said 17.15 Acre tract to a found $\frac{5}{8}$ " iron rod for the POINT OF BEGINNING and the southeast corner of this tract;

THENCE continuing within the said 17.15 Acre tract for division for the following courses and distances:

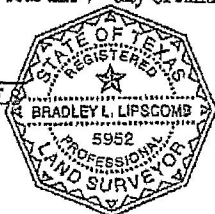
S 69°04'37" W - 466.11 feet to a found $\frac{5}{8}$ " iron rod for the southwest corner of this tract;
N 20°53'09" W - 409.90 feet to a found $\frac{5}{8}$ " iron rod for the northwest corner of this tract;
N 69°04'39" E - 465.98 feet to a found $\frac{5}{8}$ " iron rod for the northeast corner of this tract;
S 20°54'17" E - 409.89 feet to the POINT OF BEGINNING containing within these metes and bounds 4.385 Acres of land leaving a net acreage of 176.974 Acres of land.

Bearings are based on the Texas State Plane Coordinate system of 1983, Texas Central Zone.

I, Bradley L. Lipscomb, Registered Professional Land Surveyor No. 5952 in the State of Texas, do hereby certify that this survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 7th day of January, 2009.

Bradley L. Lipscomb, RPLS



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of

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Project No. S03167