

DISTRIBUTION AND PARTITION  
WARRANTY DEED

STATE OF TEXAS  
COUNTY OF BELL

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

That We, RICHARD L. MEWHINNEY, INDIVIDUALLY AND AS ATTORNEY IN FACT FOR CORNELIA Y. MEWHINNEY AND AS CO-TRUSTEE OF THE TESTAMENTARY TRUST CREATED UNDER THE LAST WILL AND TESTAMENT OF GENE B. MEWHINNEY, DECEASED, and GENE B. MEWHINNEY, JR., INDIVIDUALLY AND AS ATTORNEY IN FACT FOR CORNELIA Y. MEWHINNEY AND AS CO-TRUSTEE OF THE TESTAMENTARY TRUST CREATED UNDER THE LAST WILL AND TESTAMENT OF GENE B. MEWHINNEY, DECEASED, not being joined herein by our spouses for the reasons that our respective interests in the property being hereby conveyed are the separate property of each of us and comprises no portion of the homestead of either of us, and MARY ELLEN MEWHINNEY, a single woman, and SALLY ANN MEWHINNEY, a single woman, and LEN E. MEWHINNEY and CONNIE LOUISE MEWHINNEY SIMMONS, not being joined herein by our spouses for the reasons that our respective interests herein conveyed are the separate property of each of us and comprise no portion of the homestead of either of us, for and in consideration of the covenants herein contained and the conveyances herein made and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby: (i) consent to the distribution of a 328 acre tract of land described in a deed recorded in Volume 455, page 637 of the Deed Records of Bell County, Texas and placed in

Trust pursuant to the Last Will and Testament of Gene B. Mewhinney, Deceased, duly admitted to probate in Bell County, Texas under cause number 11,702 from said Trust, and (ii) partition and convey said 328 acre tract as described below.

Each party hereto has GRANTED, SOLD, RELEASED, CONFIRMED and CONVEYED, and by these presents does GRANT, SELL, RELEASE, CONFIRM and CONVEY as follows:

1. unto LEN E. MEWHINNEY and CONNIE LOUISE MEWHINNEY SIMMONS, all of our right, title and interest in and to the following described real property, to-wit:

The 154.75 acre tract of land described on Exhibit "A", attached hereto, incorporated herein and made a part hereof for all purposes together with all permanent improvements situated thereon;

and,

2. unto RICHARD L. MEWHINNEY, a life estate, and unto MARY ELLEN MEWHINNEY and SALLY ANN MEWHINNEY, the remainder interest, in all of our right, title and interest in and to the following described real property, to-wit:

The 157.94 acre tract of land described on Exhibit "B" attached hereto, incorporated herein and made a part hereof for all purposes together with all permanent improvements situated thereon.

The conveyances herein are made and accepted subject to all easements, restrictions, reservations, liens and/or valid encumbrances, filed of record in Bell County, Texas affecting the subject property.

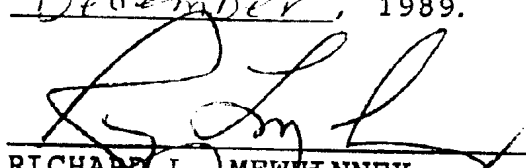
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TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto grantees, their heirs and assigns forever; and we do hereby bind ourselves, our heirs and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

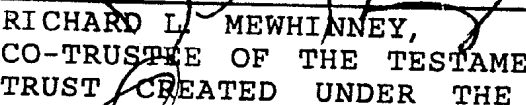
The undersigned represent and warrant that they, collectively, constitute all of the trustees and beneficiaries of the testamentary trust created under the Last Will and Testament of Gene B. Mewhinney.

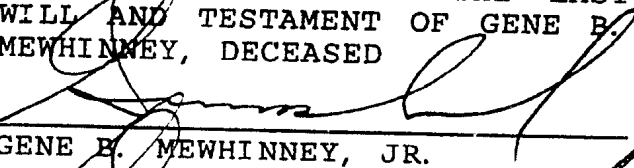
In consideration of the partition and distribution effected hereby, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each of the undersigned and all persons natural or corporate in privity with them, hereby waive and release any and all claims or causes of action of any kind whatsoever, at common law, statutory or otherwise which any of the undersigned have or may have, known or unknown, compulsory or permissive, now existing or that may arise hereafter against any of the undersigned and all persons natural or corporate in privity with them or any of them, directly or indirectly attributable to or connected with the partition and distribution effected by this Deed.

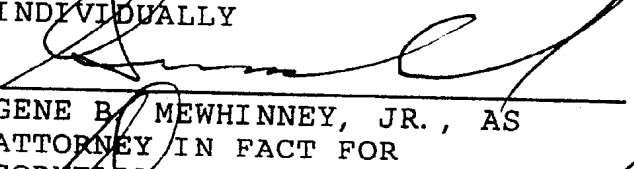
EXECUTED this the 29 day of December, 1989.

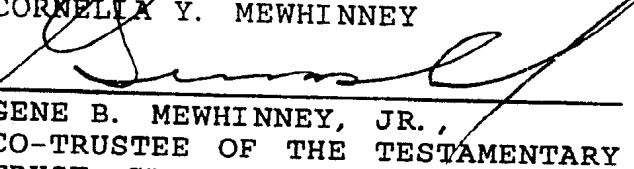
  
RICHARD L. MEWHINNEY,  
INDIVIDUALLY

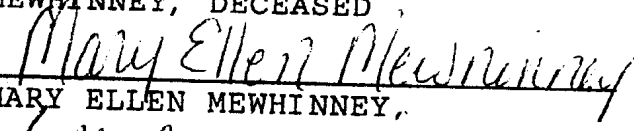
  
RICHARD L. MEWHINNEY, AS  
ATTORNEY IN FACT FOR  
CORNELIA Y. MEWHINNEY

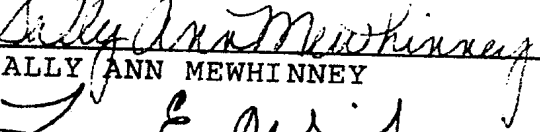
  
RICHARD L. MEWHINNEY,  
CO-TRUSTEE OF THE TESTAMENTARY  
TRUST CREATED UNDER THE LAST  
WILL AND TESTAMENT OF GENE B.  
MEWHINNEY, DECEASED

  
GENE B. MEWHINNEY, JR.  
INDIVIDUALLY

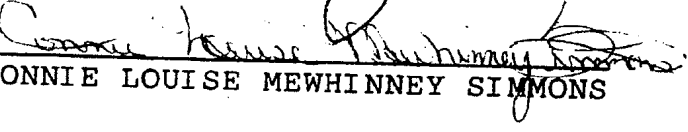
  
GENE B. MEWHINNEY, JR., AS  
ATTORNEY IN FACT FOR  
CORNELIA Y. MEWHINNEY

  
GENE B. MEWHINNEY, JR.,  
CO-TRUSTEE OF THE TESTAMENTARY  
TRUST CREATED UNDER THE LAST  
WILL AND TESTAMENT OF GENE B.  
MEWHINNEY, DECEASED

  
MARY ELLEN MEWHINNEY

  
SALLY ANN MEWHINNEY

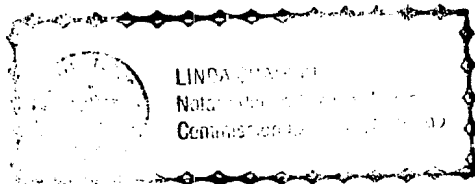
  
LEN E. MEWHINNEY

  
CONNIE LOUISE MEWHINNEY SIMMONS

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THE STATE OF TEXAS §  
COUNTY OF BELL §

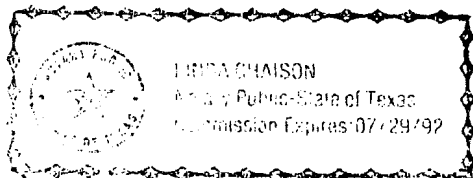
This instrument was sworn to, subscribed and acknowledged before me this the 29<sup>th</sup> day of December, 1989, by RICHARD L. MEWHINNEY, INDIVIDUALLY.



✓ Linda Chaison  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS §  
COUNTY OF BELL §

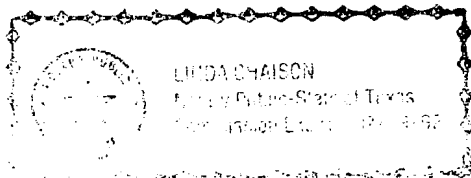
This instrument was sworn to, subscribed and acknowledged before me this the 29<sup>th</sup> day of December, 1989, by RICHARD L. MEWHINNEY, AS ATTORNEY IN FACT FOR CORNELIA Y. MEWHINNEY.



✓ Linda Chaison  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS §  
COUNTY OF BELL §

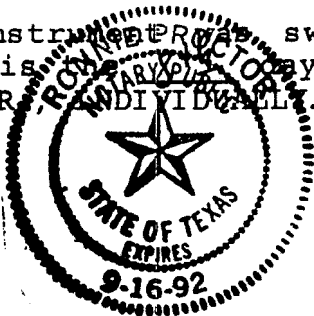
This instrument was sworn to, subscribed and acknowledged before me this the 29<sup>th</sup> day of December, 1989, by RICHARD L. MEWHINNEY, CO-TRUSTEE OF THE TESTAMENTARY TRUST CREATED UNDER THE LAST WILL AND TESTAMENT OF GENE B. MEWHINNEY, DECEASED.



✓ Linda Chaison  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF BELL       §

This instrument was sworn to, subscribed and acknowledged before me this 8th day of Feb, 1989, by GENE B. MEWHINNEY, JR. INDIVIDUALLY.

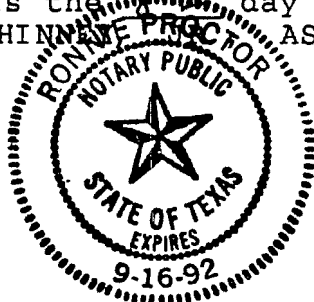


R. Proctor

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF BELL       §

This instrument was sworn to, subscribed and acknowledged before me this the 8th day of Feb., 1989, by GENE B. MEWHINNEY, JR. AS ATTORNEY IN FACT FOR CORNELIA Y. MEWHINNEY.

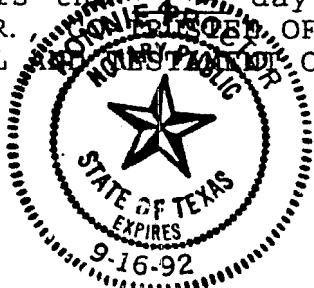


R. Proctor

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF BELL       §

This instrument was sworn to, subscribed and acknowledged before me this the 8th day of Feb, 1989, by GENE B. MEWHINNEY, JR. AS ATTORNEY IN FACT OF THE TESTAMENTARY TRUST CREATED UNDER THE LAST WILL AND TESTAMENT OF GENE B. MEWHINNEY, DECEASED.

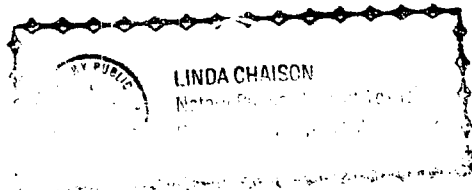


R. Proctor

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS §  
COUNTY OF Bell §

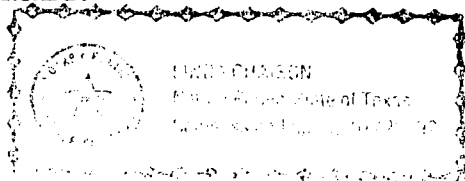
This instrument was sworn to, subscribed and acknowledged before me this the 29<sup>th</sup> day of December, 1989, by MARY ELLEN MEWHINNEY.



✓ Linda Chaison  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS §  
COUNTY OF Bell §

This instrument was sworn to, subscribed and acknowledged before me this the 29<sup>th</sup> day of December, 1989, by SALLY ANN MEWHINNEY.



✓ Linda Chaison  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS §  
COUNTY OF TARRANT §

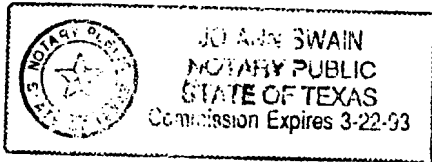
This instrument was sworn to, subscribed and acknowledged before me this the 12<sup>th</sup> day of February, 1990 by LEN E. MEWHINNEY.



Bess L. Knepley  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

THE STATE OF TEXAS     §  
                                   §  
COUNTY OF Stephenville     §

This instrument was sworn to, subscribed and acknowledged before me this the 10 day of January, 1989, by CONNIE LOUISE MEWHINNEY SIMMONS.



Jo Ann Swain  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

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# FRANK MARTIN ENGINEERS, INC.

CONSULTING ENGINEERS - SURVEYORS - PLANNERS

P. O. BOX 2031 • TEMPLE, TEXAS 76503

(817) 778-8235

Field note description of a 154.75 acre tract of land out of the Wiley Carter Survey, Abstract No. 4, and the William C. Sparks Survey, Abstract No. 19, both in Bell County, Texas, and being out of those certain tracts of land described as the FIRST TRACT (79.53 Acres), SECOND TRACT (170.9 Acres), and the THIRD TRACT (77.97 Acres), in a deed to GENE MEWHINNEY, of record in volume 455, page 637 of the Deed Records of Bell County, Texas.

Beginning at a 1/2" iron pin set in the west right of way line of the M. K. & T. Railway, being the southeast corner of said Third Tract, same being the northeast corner of that certain 105.63 acre tract described in a deed GENE MEWHINNEY, JR., of record in volume 1154, page 346 of the deed records of Bell County, Texas, and being the southeast corner of this tract;

Thence with the south line of said Third Tract, also being the north line of said 105.63 acre tract, N 71 deg 00 min 00 sec W, at a distance of 2380.56 feet pass a 24" Oak Tree, being the southwest corner of said Third Tract, also being the southeast corner of said Second Tract, continuing in all a distance of 2547.23 feet to a 1/2" iron pin set, being a corner of said Second Tract and said 105.63 acre tract, and being a corner of this tract;

Thence continuing with the south line of said Second Tract, also being the north line of said 105.63 acre tract, N 89 deg 26 min 32 sec W, a distance of 1029.02 feet to a 1" iron pipe found in the east line of that certain tract of land described in a deed to CHARLES WILSON HACKETT, JR., of record in volume 2143, page 125 of the Deed Records of Bell County, Texas, being the northwest corner of said 105.63 acre tract, and the southwest corner of said Second Tract, and being the southwest corner of this tract;

Thence with the west line of said Second Tract, same being the east line of said Hackett Tract, N 19 deg 43 min 46 sec E, a distance of 2884.25 feet to a 1/2" iron pin set on the south bank of Little River, being the northwest corner of this tract;

Thence with the south bank of said river, N 78 deg 27 min 12 sec E, a distance of 1623.30 feet to a 1/2" iron pin set, being the most northerly northeast corner of this tract;

Thence S 20 deg 25 min 51 sec W, a distance of 2190.94 feet to a fence post found, being a corner of this tract;

Thence along an existing fence line, S 69 deg 47 min 39 sec E, a distance of 2150.23 feet to a 1/2" iron pin set in the west right of way line of said railway, same being the east line of said Third Tract, and being the most easterly northeast corner of this tract;

EXHIBIT "A"

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Thence with said west right of way line of the M. K. & T. Railway, same being the east line of said Third Tract, around a curve to the left, a distance of 195.75 feet, thru a central angle of 00 deg 56 min 40 sec, and with a radius of 11,874.00 feet to a 1/2" iron pin set and S 19 deg 14 min 46 sec W, a distance of 952.39 feet to the plat of beginning, containing in all 154.75 acres of land.

State of Texas     )  
                          ) Know all men by these presents,  
County of Bell     )

That I, Frank G. Martin Jr., a Registered Public Surveyor in the State of Texas, do hereby certify that I did cause to be surveyed on the ground the tract described above and the description is true and correct. There are no discrepancies, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way with regards to said survey, except as shown hereon. This property has access to a public road.

July 21, 1989



Frank G. Martin Jr.  
R. P. S. No. 2856

EXHIBIT "A"

# FRANK MARTIN ENGINEERS, INC.

CONSULTING ENGINEERS - SURVEYORS - PLANNERS

P. O. BOX 2031 • TEMPLE, TEXAS 76503

(817) 778-8235

Field note description of a 157.94 acre tract of land out of the Wiley Carter Survey, Abstract No. 4, and the William C. Sparks Survey, Abstract No. 19, both in Bell County, Texas, and being out of those certain tracts of land described as the FIRST TRACT (79.53 Acres), SECOND TRACT (170.9 Acres), and the THIRD TRACT (77.97 Acres), in a deed to GENE MEWHINNEY, of record in volume 455, page 637 of the Deed Records of Bell County, Texas.

Beginning at a 1/2" iron pin set in the west right of way line of the M. K. & T. Railway, same being the east line of said Third Tract, and being the southeast corner of this tract, from which a 1/2" iron pin set, being the southeast corner of said Third Tract bears, with said west right of way line of the M. K. & T. Railway, same being the east line of said Third Tract, around a curve to the left, a distance of 193.75 feet, thru a central angle of 00 deg 56 min 40 sec, and with a radius of 11,874.00 feet, and S 19 deg 14 min 46 sec W, a distance of 952.39 feet;

Thence along an existing fence line, N 69 deg 47 min 39 sec W, a distance of 2150.23 feet to a fence post found, being the southwest corner of this tract;

Thence along an existing fence line, N 20 deg 25 min 51 sec E, a distance of 2190.94 feet to a 1/2" iron pin set on the south bank of Little River, being the northwest corner of this tract;

Thence with the south bank of said river, as follows, N 72 deg 43 min 08 sec E, a distance of 552.90 feet, N 62 deg 08 min 03 sec E, a distance of 385.15 feet, N 40 deg 36 min 39 sec E, a distance of 303.20 feet, N 23 deg 18 min 12 sec E, a distance of 340.35 feet, N 12 deg 52 min 26 sec W, a distance of 75.86 feet, N 20 deg 12 min 40 sec W, a distance of 77.23 feet, N 45 deg 20 min 18 sec W, a distance of 59.27 feet, N 52 deg 26 min 06 sec W, a distance of 111.34 feet, N 63 deg 52 min 51 sec W, a distance of 100.29 feet, N 52 deg 03 min 25 sec W, a distance of 240.28 feet, N 43 deg 29 min 29 sec W, a distance of 221.82 feet, N 10 deg 26 min 48 sec W, a distance of 90.44 feet, N 23 deg 17 min 52 sec E, a distance of 118.89 feet, N 47 deg 34 min 02 sec E, a distance of 127.74 feet, S 55 deg 25 min 36 sec E, a distance of 146.38 feet, S 23 deg 42 min 35 sec E, a distance of 252.95 feet, S 31 deg 03 min 51 sec E, a distance of 194.60 feet, S 13 deg 18 min 11 sec E, a distance of 156.44 feet, S 37 deg 30 min 41 sec E, a distance of 128.74 feet, S 26 deg 46 min 28 sec E, a distance of 31.85 feet, S 31 deg 55 min 08 sec E, a distance of 53.28 feet, S 43 deg 14 min 13 sec E, a distance of 95.04 feet, S 58 deg 12 min 30 sec E, a distance of 646.88 feet and N 59 deg 49 min 05 sec E, a distance of 187.80 feet to a 1/2" iron pin set in the west right of way line of said railway, being the northeast corner of said Second Tract, and being the northeast corner of this tract;

Thence with said west right of way line of the M. K. & T. Railway, same being the east line of said Second Tract, S 33 deg 24 min 28 sec E, a distance of 126.18 feet to a 1/2" iron pin set, being a point of curvature;

EXHIBIT "B"

Thence continuing with said west right of way line of the M. K. & T. Railway, same being the east line of said Second Tract, around said curve to the right, a distance of 1364.35 feet, thru a central angle of 57 deg 54 min 18 sec, and with a radius of 1350.00 feet, to a 1/2" iron pin set, being a point of tangency;

Thence continuing with said west right of way line of the M. K. & T. Railway, same being the east line of said First Tract, S 24 deg 29 min 50 sec W, a distance of 1337.71 feet to a 1/2" iron pin set, being a point of curvature;

Thence continuing with said west right of way line of the M. K. & T. Railway, same being the east line of said First Tract, around said curve to the left, a distance of 892.46 feet, thru a central angle of 04 deg 18 min 23 sec, and with a radius of 11,874.00 feet, to the place of beginning, containing in all 157.94 acres of land.

State of Texas     )  
                              ) Know all men by these presents,  
County of Bell     )

That I, Frank G. Martin Jr., a Registered Public Surveyor in the State of Texas, do hereby certify that I did cause to be surveyed on the ground the tract described above and the description is true and correct. There are no discrepancies, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way with regards to said survey, except as shown hereon. This property has access to a public road.

July 21, 1989

*Frank G. Martin Jr.*

Frank G. Martin Jr.  
R. P. S. No. 2856



90 MAR 23 AM 8 20  
VADA SUTTON  
COUNTY CLERK, BELL COUNTY TX.  
DEPUTY

FILED FOR RECORD

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EXHIBIT "B"