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IN THE COMMISSIONERS COURT  
OF  
WISE COUNTY, TEXAS

**ORDER TO REMOVE BLOCKAGE FROM SANDY CREEK ON APPROXIMATELY  
297 ACRES OF REAL PROPERTY OWNED BY THOMAS SPAIN JR. ON/NEAR  
COUNTY ROAD 1590  
PURSUANT TO TEXAS TRANSPORTATION CODE §254.008**

On this 12th day of October, 2015, the Commissioners Court of Wise County, Texas, upon the motion of Commissioner *Burns*, seconded by Commissioner *White*, duly passed and carried the following Order to Remove Blockage from a watercourse (namely Sandy Creek) on approximately 297 acres of real property owned by Thomas Spain Jr. on/near CR 1590 in Precinct 2 recorded in the Wise County Records at Volume 2248, Page 101 (attached):

WHEREAS, there is a County Road, identified as County Road 1590 and the ditch or waterway on the aforesaid road connects to a watercourse, namely Sandy Creek, on the real property mentioned above; and

WHEREAS, during the heavy rains, it becomes apparent a blockage of the watercourse has occurred on the real property causing the county road and adjoining landowners to have flood waters on their lands for several weeks.

WHEREAS, this blockage restricts the county's ability to maintain the road and interferes with the public right of travel over and upon County Road 1590. In addition, has caused a public safety hazard by threatening the continued integrity of the road; and

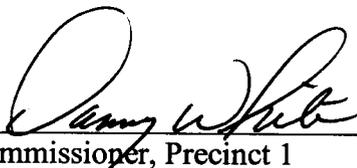
WHEREAS, the Commissioners Court is vested with general control over county roads by §§251.003, 251.008, 254.008 and 251.016 of the Texas Transportation Code. This authority includes the authority to remove blockage in private ditches; and

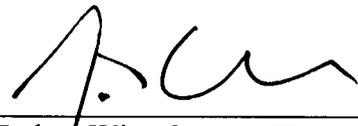
WHEREAS, prior to the entry upon this land, the Commissioners Court will provide a twenty (20) day notice to the landowner of the necessity of removing this blockage from the ditch or watercourse on their real property,

FURTHERMORE, The Landowner, Thomas Spain Jr., has agreed to allow the county to enter and remove the blockage.

IT IS THEREFORE ORDERED, pursuant to the authority cited herein, that the Commissioners Court of Wise County ORDERS the removal of the blockage from the Sandy Creek on the real property of the owner mentioned above, and authorizes the Commissioner for Precinct Two, Commissioner Burns, whose precinct includes the geographic area in which the Real Property is located, to enter upon the real property and to remove this blockage that is connected to drainage on County Road 1590 at the earliest opportunity.

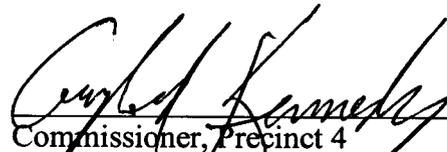
Signed this 12th day of October, 2015.

  
\_\_\_\_\_  
Commissioner, Precinct 1

  
\_\_\_\_\_  
County Judge, Wise County, Texas

  
\_\_\_\_\_  
Commissioner, Precinct 2

  
\_\_\_\_\_  
Commissioner, Precinct 3

  
\_\_\_\_\_  
Commissioner, Precinct 4

Attest:  
  
\_\_\_\_\_  
County Clerk

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**WARRANTY DEED**

Date: May 5, 2011

Grantor: PRIEST CATTLE COMPANY, LTD.

Grantor's Mailing Address: 899 Rosenthal Rd., Lorena, McLennan Co., TX 76655

Grantee: THOMAS LYNN SPAIN, JR., a married man

Grantee's Mailing Address: 940 Fall Creek, Grapevine, Tarrant Co., TX 76051

Consideration:

Ten and more dollars and other good and valuable consideration paid to the undersigned Grantor by the Grantee herein named, the receipt and sufficiency of which is hereby acknowledged and confessed.

Property (including any improvements):

**Being a 297.04 acre tract of land in WISE COUNTY, TEXAS, more particularly described by metes and bounds in EXHIBIT "A" hereto attached and made a part hereof for all purposes.**

There is expressly included in this grant and conveyance all of Grantor's interest in and to all of the oil, gas and other minerals in and under the above described Property.

Reservations from and Exceptions to Conveyance and Warranty:

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO title to all of the oil, gas and other minerals in and under the herein described Property, together with right of ingress and egress, mining and oil drilling

privileges appurtenant thereof, heretofore reserved by GARY FRED PARSONS in Deed to GORDY C. LYNCH and wife, IRIS D. LYNCH, and JEFF R. ALKER and wife, KELLIE T. ALKER, dated September 10, 2001, and recorded in Volume 1085, Page 661, Official Records, Wise County, Texas.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO terms, conditions and stipulations of the mineral/royalty Deeds recorded in Volume 526, Page 564 and Volume 555, Page 712, Real Records, Wise County, Texas

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO terms, conditions and stipulations of the mineral/royalty Deeds recorded in Volume 1090, Page 300, Official Records, Wise County, Texas.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO title to all of Grantors undivided interest in and to all of the oil, gas and other minerals in and under the herein described Property, together with right of ingress and egress, mining and oil drilling privileges appurtenant thereof, heretofore conveyed to THE FORSYTHE COMPANY by DONNA NELL STONESTREET, ET AL, in Mineral Deed dated February 16, 1999, and recorded in Volume 862, Page 35, Official Records, Wise County, Texas.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO title to an undivided interest in all of the oil, gas and other minerals in and under the herein described Property, together with right of ingress and egress, mining and oil drilling privileges appurtenant thereof, heretofore reserved by RALPH N. STONESTREET, ET AL, in Partition Deed to MARY F. STONESTREET, ETAL, dated February 16, 1999, and recorded in Volume 862, Page 42, Official Records, Wise County, Texas.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO title to all of the oil, gas and other minerals in and under the herein described Property, together with right of ingress and egress, mining and oil drilling privileges appurtenant thereof, heretofore reserved by WILLIAM MARK STALLINGS, ET AL, in Deed to RONALD HOLLEY and JAN COOK, dated November 8, 2004, and recorded in Volume 1498, Page 625, Official Records, Wise County, Texas.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO title to all of the oil, gas and other minerals in and under the herein Property, together with right of ingress and egress, mining and oil drilling privileges appurtenant thereof, heretofore reserved by RONALD HOLLEY and JAN COOK, in Deed to PRIEST CATTLE COMPANY, LTD., dated November 30, 2006, and recorded in Volume 1756, Page 91, Official Records, Wise County, Texas.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO all easements, restrictive covenants, zoning ordinances, leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records of Wise County, Texas; and SUBJECT TO Taxes for 2011, the payment of which Grantee assumes; and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

PRIEST CATTLE COMPANY, LTD.

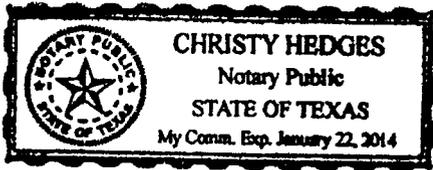
By; PRIEST CATTLE & LAND, INC.  
- GENERAL PARTNER

✓ By:   
Name: CORY D. PRIEST  
Title: Vice President

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF WISE \_\_\_\_\_

This instrument was acknowledged before me on the 4 day of May, 2011, by CORY D. PRIEST, as VICE PRESIDENT of PRIEST CATTLE & LAND, INC., a Texas corporation, on behalf of said corporation, as GENERAL PARTNER of PRIEST CATTLE COMPANY, LTD., a Texas Limited Partnership, on behalf of said Limited Partnership.



✓ Christy Hedges  
Notary Public, State of Texas  
Notary's name(printed): Christy Hedges  
Notary's commission expires: 1-22-14

PREPARED IN THE LAW OFFICE OF:

The Berry White Law Firm, P.L.L.C.  
P. O. Box 1927  
Decatur, TX 76234

AFTER RECORDING RETURN TO:

THOMAS LYNN SPAIN, JR.  
940 Fall Creek  
Grapevine, TX 76051

FIELD NOTES FOR A 297.04 ACRE TRACT OF LAND OUT OF THE R.D. PRICE SURVEY, ABSTRACT 675, INCLUDING 4.65 ACRES OUT OF THE NORTHWEST PART OF THE A BLOUNT SURVEY, ABSTRACT 30, WISE COUNTY, TEXAS, BEING THE COMBINED SURVEY AND DESCRIPTION OF 2 TRACTS EACH BEING 148.52 ACRES, PERFORMED UNDER THE SUPERVISION OF ROGER STEADHAM, RPLS 4281, DATED 8/19/1997, UPDATED ON 8/8/2001, HOWEVER BEARING BASIS, WHICH WILL BE CALLED THE WEST LINE OF SAID PRICE SURVEY, HAS BEEN UPDATED FROM N2°11'37"E, TO N01°43'09"E, WHICH WAS BASED ON NAD 83, GRID ZONE 4202, TXNC, USING GPS METHODS, SAID TRACT DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF BEGINNING, being a 60 D nail found in a tree, @ the southwest corner of the RD Price Survey, an ell corner of Cook County School Land Survey, A-156, Wise County, Texas;

THENCE N01°43'09"E, along the east line of said Cooke County School Land, west line of said Price Survey, a distance of 1490.4 feet, to a 60 D nail found in a pile of rocks, marking the northwest corner of this tract;

THENCE S88°16'51"E, a distance of 771.1 feet, to a point in the middle of Big Sandy Creek, marking angle corner of this tract;

THENCE N35°04'26"E, along the center of said Creek, 98.3 feet, to a point for corner;

THENCE N45°32'42"E, along center of said Creek, 229.3 feet, to a point for corner;

THENCE N28°38'41"E, along center of said Creek, pass the west corner the most northerly of the 2 148.52 acre tracts at 358.9, continue for total distance of 518 feet, to a point in said creek, marking angle corner of this tract;

THENCE N44°09'46"E, leave creek and join a fence line continue generally along said fence, for a total distance of 2282.7 feet, to a ½" iron rod found a fence corner and gate, marking the north corner of said northerly 148.52 acres and this tract and being at the end of a gravel road and on the southwest side of said road;

THENCE S50°40'22"E, generally along fence line and west margin of said road, a distance of 3375.5 feet, to a ½" iron rod found at a pipe fence corner, marking the east corner of this tract and being on the northerly right of way line of 80 foot FM 1655;

THENCE S43°53'01"W, along said right of way line, generally along fence line, a distance of 530.7 feet, to a concrete right of way marking for angle corner of this tract;

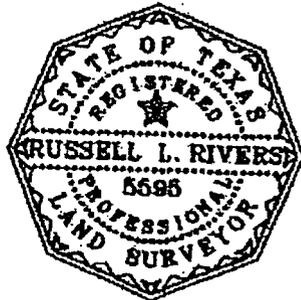
THENCE S45°23'03"W, along said right of way line, pass at a distance of 875 feet, a ½" iron rod found marking the common corner of both tracts mentioned above, continue and pass the north line of above said Blount Survey, at 1976 feet, continue for total distance of 2278.8 feet, to a ½" iron rod found marking the southeast corner of this tract;

THENCE N88°07'54"W, parallel with the north line of said Blount Survey, a distance of 872.4 feet, to a ½" iron rod found on the east line of said Cooke County School Land Survey, marking an ell corner of this tract;

THENCE N01°52'06"E, along the west line of said Blount, East line of said School Survey, a distance of 208.3 feet, to a ½" iron rod found at the northwest corner of said Blount Survey, on the south line of said Price Survey, marking an ell corner of this tract;

THENCE N88°07'54"W, along the south line of said Price Survey, a distance of 2631.7 feet, to the POINT OF BEGINNING, containing a total of 297.04 acres of land more or less.

Date of Survey: 4/19/2011, RUSSELL L. RIVERS, RPLS



-36622-DRB

SELLER: PRIEST CATTLE COMPANY, LTD. by PRIEST CATTLE & LAND, INC., General Partner  
BUYER: THOMAS LYNN SPAIN, JR.  
PROPERTY: 297.04 Acres, In R. D. Price Svy Ab#675 & A. Blount Svy Ab#30, Alvord, TX 76225

**NOTICE TO PURCHASERS OF REAL PROPERTY**

The real property, described below, which you are about to purchase is located in the WISE COUNTY WATER CONTROL IMPROVEMENT District #1 OR #2. The district has taxing authority separate from any other taxing authority, and may subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date the most recent rate of taxes levied by the district on real property located in the district is \$.01 OR .03 on each \$100.00 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or say, at this date, be issued is \$N/A, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the district and payable in whole or in part from property taxes is \$N/A.

The district has the authority to adopt and impose a standby fee on property in the district that has district-financed water or sewer facilities and services available but not connected. The district may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$N/A. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of unpaid standby fees on a tract of property in the district.

The purpose of this district is to provide water, sewer, drainage and flood control facilities and services within the district through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the district. The legal description of the property which you are acquiring is briefly described above.

PRIEST CATTLE COMPANY, LTD. by PRIEST CATTLE & LAND, INC., General Partner

By: Cory D. Priest, Vice President

**SIGNATURE OF SELLERS**

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to execution of a binding contract for the purchase of the real property described in such notice or at closing or purchase of the real property.

*Thomas Lynn Spain, Jr.*  
THOMAS LYNN SPAIN, JR.

**SIGNATURE OF PURCHASERS**

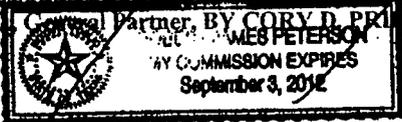
(Note: Correct district name, tax rate, bond amounts, and legal description are to be placed in the appropriate space by seller. Except for notices included as part of a purchase contract, the notice shall be executed by the seller and purchaser, as indicated, and the correct acknowledgments shall be provided for both seller and purchaser below. If the district does not propose to provide one or more of the specified facilities and services, the appropriate purpose may be eliminated. If the district has not yet levied taxes, a statement to such effect together with the district's projected rate, if any, of debt service tax estimated at the time of the creation of the district shall be substituted.)

**PROPERTY DESCRIPTION: (AS DESCRIBED ABOVE)**

(ACKNOWLEDGMENT)

THE STATE OF TEXAS  
COUNTY OF WISE

This instrument was acknowledged before me on this 16 day of MAY, 2011, by PRIEST CATTLE COMPANY, LTD. by PRIEST CATTLE & LAND, INC., General Partner, BY CORY D. PRIEST, VICE PRESIDENT.

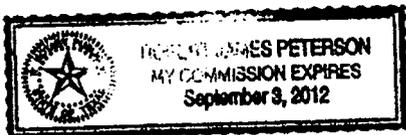


*James Peterson*  
Notary Public, State of Texas

(ACKNOWLEDGMENT)

THE STATE OF TEXAS  
COUNTY OF WISE

This instrument was acknowledged before me on this 16 day of MAY, 2011, by THOMAS LYNN SPAIN, JR.



*James Peterson*  
Notary Public, State of Texas

GF# 11-36622-DRB

SELLER: PRIEST CATTLE COMPANY, LTD. by PRIEST CATTLE & LAND, INC., General Partner

BUYER: THOMAS LYNN SPAIN, JR.

PROPERTY: 297.04 Acres, In R. D. Price Svy Ab#675 & A. Blount Svy Ab#30, Alford, TX 76225

**NOTICE TO PURCHASERS OF REAL PROPERTY**

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The district has the authority to adopt and impose a standby fee on property in the district that has district-financed water or sewer facilities and services available but not connected. The district may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$N/A. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of unpaid standby fees on a tract of property in the district.

The purpose of this district is to provide water, sewer, drainage and flood control facilities and services within the district through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the district. The legal description of the property which you are acquiring is briefly described above.

PRIEST CATTLE COMPANY, LTD. by PRIEST CATTLE & LAND, INC. General Partner

*[Signature]*  
By: Cory D. Priest, Vice President

**SIGNATURE OF SELLERS**

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to execution of a binding contract for the purchase of the real property described in such notice or at closing or purchase of the real property.

THOMAS LYNN SPAIN, JR.

**SIGNATURE OF PURCHASERS**

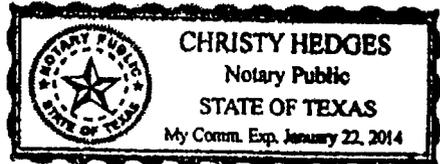
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**PROPERTY DESCRIPTION: (AS DESCRIBED ABOVE)**

THE STATE OF TEXAS }  
COUNTY OF WISE }

(ACKNOWLEDGMENT)

This instrument was acknowledged before me on this 4 day of MAY, 2011, by PRIEST CATTLE COMPANY, LTD. by PRIEST CATTLE & LAND, INC., General Partner, BY CORY D. PRIEST, VICE PRESIDENT.



*[Signature]*  
Notary Public, State of Texas

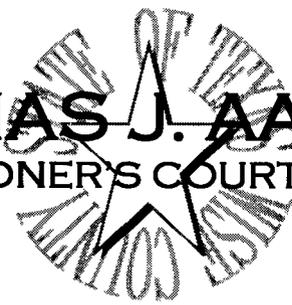
(ACKNOWLEDGMENT)

THE STATE OF TEXAS }  
COUNTY OF WISE }

This instrument was acknowledged before me on this \_\_\_\_\_ day of MAY, 2011, by THOMAS LYNN SPAIN, JR.

\_\_\_\_\_  
Notary Public, State of Texas

12



**THOMAS J. AABERG**  
**COMMISSIONER'S COURT ATTORNEY**

October 12, 2015

Thomas L. Spain Jr., M.D.  
940 Fall Creek  
Grapevine, Texas 76051

**Delivery via Certified Mail# 70072680000163788605**  
**Return Receipt Requested**

**Re: NOTICE OF OBSTRUCTION OF SANDY CREEK ON YOUR REAL PROPERTY AND WISE COUNTY COMMISSIONER ORDER TO REMOVE THE OBSTRUCTION WITHIN TWENTY DAYS OF THE DATE OF THIS LETTER**

**TO: LANDOWNER (THOMAS SPAIN JR.) OF LAND SITUATED ON COUNTY ROAD 1590 IN PRECINCT TWO WISE COUNTY, TEXAS RECORDED IN WISE COUNTY CLERK DEED RECORDS AT VOLUME 2248, Page 101**

Pursuant to §254.008 of the Texas Transportation Code, Wise County requests to enter and remove a blockage of a watercourse, namely Sandy Creek, located upon approximately 297 acres of real property owned by Thomas Lynn Spain, Jr. (Description attached). An order (attached) was approved on October 12, 2015 to this effect by the Wise County Commissioner's Court.

This blocked watercourse is connected to a drainage ditch within Wise County's right of way along a certain part of County Road 1590, in Wise County, Texas. The blockage upon your property has caused County Road 1590 to be flooded for several weeks at a time; making the road impassable during this time to all local traffic including emergency vehicles.

On behalf of Wise County, Kevin Burns Commissioner Precinct Two and his road hands will enter the land at a point designated by you and remove the blockage in a professional and safe manner. Commissioner Burns will only use county employees to accomplish this task. Commissioner Burns should be contacting you about entering the property. In no manner will either party be considered an agent of the other. Any harm caused by either party's negligence will be the sole responsibility of that party.

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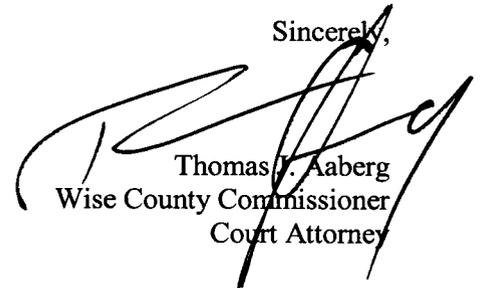
20 day notice of entry and removal of ditch blockage

Unless an earlier date is agreed upon by the parties, Wise County will not start this process until twenty (20) days after the date of this letter.

If you have any questions, or require additional information in this matter, please do not hesitate to contact me at my office number (940) 393-1507 or my email address: thomas.aaberg@co.wise.tx.us or Commissioner Kevin Burns at (940) 393-9820.

Thank you for your time and consideration. It is very much welcome and appreciated.

Sincerely,



Thomas J. Aaberg  
Wise County Commissioner  
Court Attorney



Kevin Burns  
Wise County Commissioner  
Precinct #2