

73278

WARRANTY DEED

Date: APRIL 11, 2003

Grantor: HENRY HORACE DARDEN, Independent Executor of the Estate of Ivy Ismay Darden, Deceased

HENRY HORACE DARDEN, Independent Executor of the Estate of George Henry Darden, Deceased

HENRY HORACE DARDEN, Trustee of the George Henry Darden Testamentary Trust established under the Last Will and Testament of George Henry Darden, Deceased

HENRY HORACE DARDEN, Individually, and wife, TOMMIE FAY DARDEN.

RAYMOND HUGO DARDEN, and wife, MARJORIE ANN DARDEN.

I, VA. AGNES DARDEN MEIER, dealing in her sole and separate property, not joined herein by her spouse as this property constitutes no part of their respective residential or business homesteads under Texas laws, by and through her Attorney-in-Fact, HENRY HORACE DARDEN.

Grantor's Mailing Address (including county):

1522 4th Ave. N, Texas City, Galveston County, Texas 77590-7336

Grantee: WILLIAM C. DEWEES

Grantee's Mailing Address (including County):

327 Oak Park 3, Rockdale, Milam County, Texas 76567

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration.

Property (including any improvements):

TRACT 1:

All that certain 43.06 acre tract or parcel of land lying and being situated in Milam County, Texas, a part of the Jose Leal Grant, A-29 and being a part of a 23.7 acre tract described as First Tract and a part of a 120 acre tract described as Second Tract in a deed from Bertha N.

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G.F.# MI-03-064

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McGeorge, et al to Mrs. Henry Darden dated August 2, 1938, recorded in Volume 224, Page 258, Deed Records of Milam County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

TRACT 2:

All that certain 43.06 acre tract or parcel of land lying and being situated in Milam County, Texas, a part of the Jose Leal Grant, A-29 and being a part of a 23.7 acre tract described as First Tract and a part of a 120 acre tract described as Second Tract in a deed from Bertha N. McGeorge, et al to Mrs. Henry Darden dated August 2, 1938, recorded in Volume 224, Page 258, Deed Records of Milam County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

TRACT 3:

All that certain 43.06 acre tract or parcel of land lying and being situated in Milam County, Texas, a part of the Jose Leal Grant, A-29 and being a part of a 23.7 acre tract described as First Tract and a part of a 120 acre tract described as Second Tract in a deed from Bertha N. McGeorge, et al to Mrs. Henry Darden dated August 2, 1938, recorded in Volume 224, Page 258, Deed Records of Milam County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Reservations From and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following exception(s) from conveyance and warranty, but only to the extent the same are valid and subsisting and relate to the property:

1. 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.
2. Any portion of the property herein described, if any, which falls within the boundaries of any road or roadway.
3. Right of Way Easement dated May 8, 1946, executed by G. Henry Darden and Ivy I. Darden to Texas Power and Light Company, recorded in Volume 255, Page 499, Deed Records of Milam County, Texas, together with all rights incident thereto.
4. Right of Way Easement dated February 24, 1948, executed by Henry Darden and wife, G. H. Darden to Texas Power and Light Company, recorded in Volume 263, Page 299, Deed Records of Milam County, Texas, together with all rights incident thereto.
5. Oil and Gas Lease dated March 26, 1923, executed by H. B. Miller to H. B. Elliott,

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recorded in Volume 10, Page 8, Oil and Gas Lease Records of Milam County, Texas, together with all rights incident thereto.

6. Mineral and/or Royalty Reservation appearing in Deed dated August 2, 1938, executed by Mrs. Bertha N. McGeorge and William McGeorge to Mrs. Henry Darden, recorded in Volume 224, Page 258, Deed Records of Milam County, Texas, together with all rights incident thereto.
7. Coal Lease dated December 16, 1974, executed by Henry Darden and wife, Ivy Darden to Shell Oil Company, recorded in Volume 418, Page 624, Deed Records of Milam County, Texas, together with all rights incident thereto.
8. Contract of Lease dated January 10, 1966, executed by and between Mrs. Ivy Darden and husband Henry Darden and Tom Betchan, recorded in Volume 339, Page 57, Deed Records of Milam County, Texas, together with all rights incident thereto.

This conveyance is made by Grantor and accepted by Grantee subject to the following reservation(s) from conveyance and warranty:

1. **SAVE AND EXCEPT** Grantor reserves and retains for Grantor and Grantor's heirs, successors, and assigns, as a non-participating royalty interest, an undivided three-fourths (3/4) of the royalty under any mineral lease now or hereafter covering the oil, gas, and other minerals that are in and under the Property, or any portion of it, and that may be produced therefrom; and the right to receive as a free royalty and undivided three-fourths (3/4) of all oil, gas, and other minerals now or hereafter produced from the Property, or any portion of it, without a mineral lease.
2. **SAVE AND EXCEPT** Grantor reserves and retains for Grantor and Grantor's heirs, successors, and assigns, as a non-participating royalty interest, an undivided three-fourths (3/4) of the royalty under any lease of the water rights now or hereafter covering any water that may be located in and under the Property, or any portion of it, and that may be produced therefrom; and the right to receive as a free royalty and undivided three-fourths (3/4) of all water now or hereafter produced from the Property, or any portion of it, for commercial re-sale purposes without a lease. Nothing in this reservation is intended to reserve any rights of Grantor or Grantor's heirs, successors, or assigns in and to any water which is produced from the property solely for the use and benefit of the Property (by way of illustration and not limitation - i.e. single family water well, well for use in connection with agricultural development of Property) and this reservation shall apply only to those uses involving commercial production and/or re-sale of the produced water.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the

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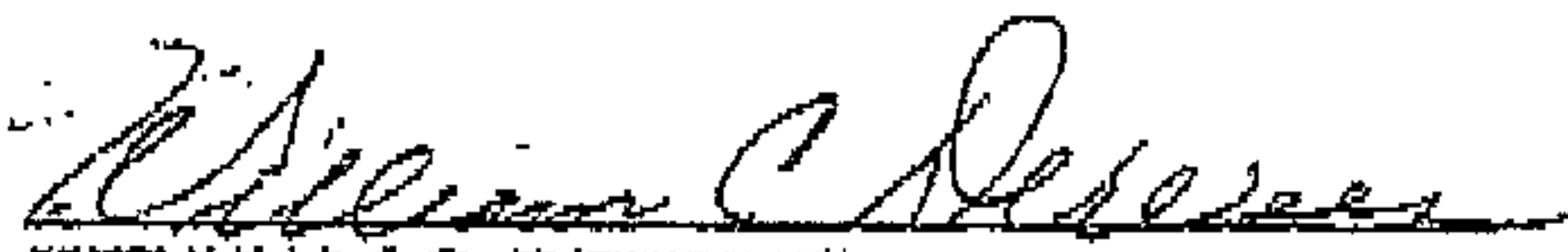
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reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Current ad valorem taxes on the property having been prorated, the payment thereof is assumed by Grantee.

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

ACCEPTED BY GRANTEE:


WILLIAM C. DEWEES

EXECUTED BY GRANTOR:


HENRY HORACE DARDEN, Independent
Executor of the Estate of Ivy Ismay Darden,
Deceased


HENRY HORACE DARDEN, Independent
Executor of the Estate of George Henry
Darden, Deceased


HENRY HORACE DARDEN, Trustee of the
George Henry Darden Testamentary Trust
established under the Last Will and Testament
of George Henry Darden, Deceased

Henry Horace Darden
HENRY HORACE DARDEN, Individually

Tommie Fay Darden
TOMMIE FAY DARDEN

Raymond Hugo Darden
RAYMOND HUGO DARDEN

Marjorie Ann Darden
MARJORIE ANN DARDEN

IVA AGNES DARDEN MEIER

BY: Henry Horace Darden
HENRY HORACE DARDEN, Attorney-in-Fact

ACKNOWLEDGMENT

STATE OF TEXAS

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COUNTY OF MILAM

This instrument was acknowledged before me on the 11 day of April, 2003, by HENRY HORACE DARDEN, Individually, as Independent Executor of the Estate of Ivy Ismay Darden, Deceased, as Independent Executor of the Estate of George Henry Darden, Deceased, and as Trustee of the George Henry Darden Testamentary Trust established under the Last Will and Testament of George Henry Darden, Deceased.



Dorothy Zavodny
NOTARY PUBLIC, STATE OF TEXAS

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ACKNOWLEDGMENT

STATE OF TEXAS

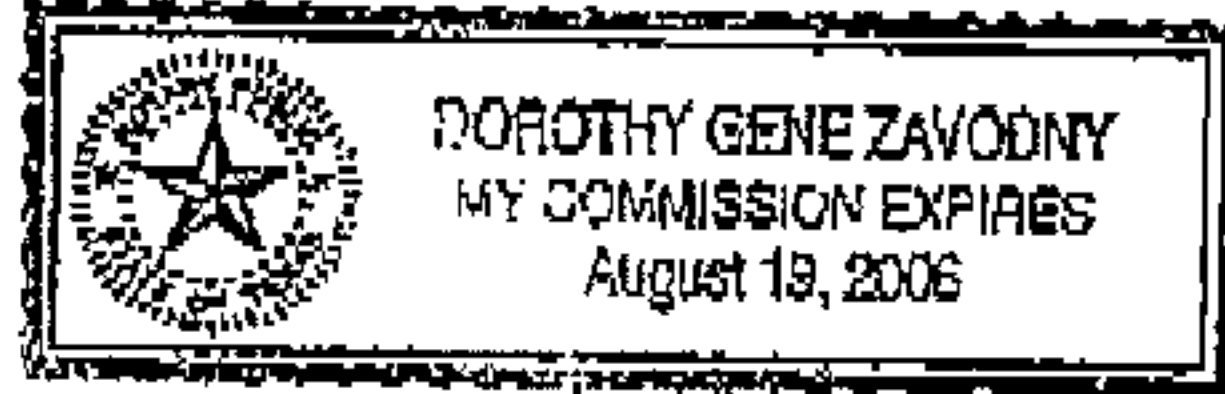
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COUNTY OF MILAM

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This instrument was acknowledged before me on the 11 day of April, 2003, by TOMMIE FAY DARDEN.



Dorothy Zavodny
NOTARY PUBLIC, STATE OF TEXAS

ACKNOWLEDGMENT

STATE OF TEXAS

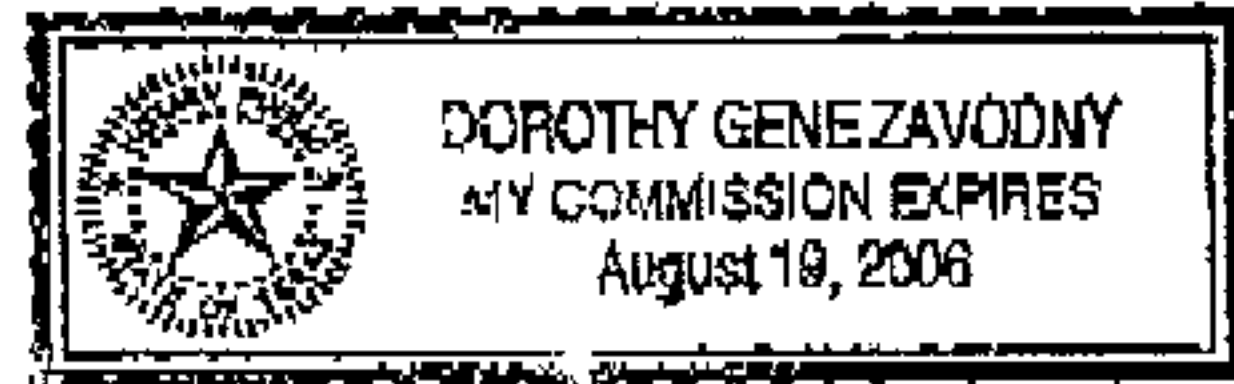
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COUNTY OF MILAM

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This instrument was acknowledged before me on the 11 day of April, 2003, by RAYMOND HUGO DARDEN and wife, MARJORIE ANN DARDEN.



Dorothy Zavodny
NOTARY PUBLIC, STATE OF TEXAS

ACKNOWLEDGMENT

STATE OF TEXAS

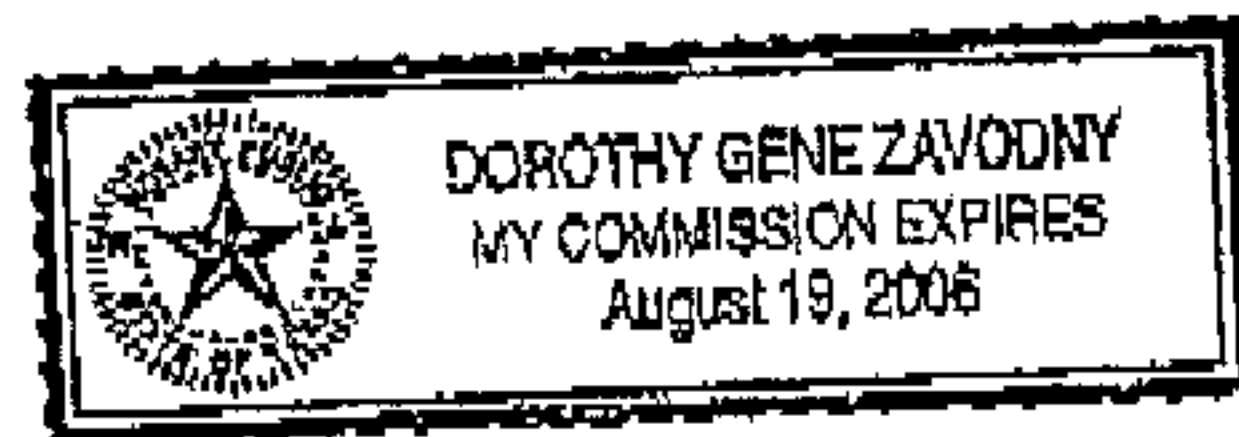
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COUNTY OF MILAM

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This instrument was acknowledged before me on the 11 day of April, 2003, by HENRY HORACE DARDEN, Attorney-in-Fact for IVA AGNES DARDEN MEIER.



Dorothy Zavodny
NOTARY PUBLIC, STATE OF TEXAS

ACKNOWLEDGMENT

STATE OF TEXAS

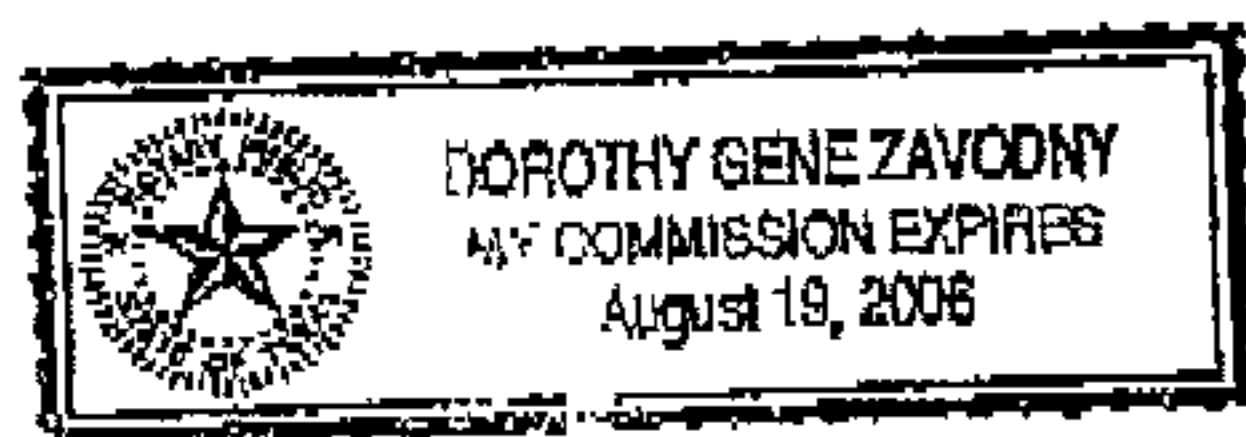
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COUNTY OF MILAM

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This instrument was acknowledged before me on the 11 day of April, 2003, by WILLIAM C. DEWEES.



Dorothy Zavodny

NOTARY PUBLIC, STATE OF TEXAS

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EXHIBIT A
Page 3 of 3 Pages

H. H. P.
J. J. D.
R. H. D.
M. L. D.

STATE OF TEXAS 1
COUNTY OF MILAM 1

TRACT 3
43.06 ACRES

ALL THAT CERTAIN tract or parcel of land lying and being situated in Milam County, Texas, a part of the Jose Leal Grant, A-29, and being a part of a 23.7 acre tract described as FIRST TRACT and a part of a 120 acre tract described as SECOND TRACT in a deed from Bertha N. McGeorge, et al, to Mrs. Henry Darden dated August 02, 1938 and of record in Volume 224, Page 258 of the Deed Records of Milam County, and being more fully described by metes and bounds as follows:

BEGINNING at a $\frac{1}{4}$ inch steel pin found at a corner point at the Northeast corner of the said 120 acre tract for the Northeast corner of the herein described tract;

THENCE with the East line of the 120 acre tract South 16° 49' East 1852.87 feet to a $\frac{1}{4}$ inch steel pin found for the North corner of a 0.95 acre tract heretofore conveyed to Wayne Buchanan for an angle point in the East line of the herein described tract;

THENCE with the West line of the said 0.95 acre tract South 09° 25' East 631.82 feet to an angle point at a 60d nail in a 30 inch oak and South 16° 17' West 266.90 feet to the Southwest corner of the said 0.95 acre tract in the North Right of Way line of Highway #79 for the Southeast corner hereof;

THENCE with the said R. O. W. South 62° 23' West 162.76 feet to the beginning of a curve to the right;

THENCE along the said curve with a radius of 1095.92 feet, an angle of 22° 10', the chord of which bears South 73° 28' West 421.35 feet, a length of 423.99 feet to the point of tangency;

THENCE continuing with the said R. O. W. South 84° 33' West 62.58 feet to a point for the Southwest corner hereof from which a $\frac{1}{4}$ inch steel pin set in a fence bears North 10° 10' West 20.00 feet;

THENCE North 10° 10' West 2715.39 feet to a $\frac{1}{4}$ inch steel pin set in the North line of the said 120 acre tract for the Northwest corner hereof;

THENCE with the North line of the said 120 acre tract North 70° 55' East 535.70 feet to the POINT OF BEGINNING and containing 43.06 acres.

Prepared from a survey completed under my supervision in March, 1968 and certified to be true and correct.

Wayne Wolfel
WAYNE WOLFEL
REGISTERED PUBLIC SURVEYOR #1930
ROCKDALE, TEXAS W. O. #810

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EXHIBIT APage 1 of 3 PagesSTATE OF TEXAS §
COUNTY OF MILAM §TRACT 1
43.06 ACRES4. H. P.
S. F. B.
RHD
M. A. A.

ALL THAT CERTAIN tract or parcel of land lying and being situated in Milam County, Texas, a part of the Jose Leal Grant, A-29, and being a part of a 23.7 acre tract described as FIRST TRACT and a part of a 120 acre tract described as SECOND TRACT in a deed from Bertha N. McGeorge, et al, to Mrs. Henry Darden dated August 02, 1938 and of record in Volume 224, Page 258 of the Deed Records of Milam County, and being more fully described by metes and bounds as follows:

BEGINNING at the Northwest corner of the said 120 acre tract for the Northwest corner of the herein described tract from which a 60d nail in a 24 inch oak bears South 19° 00' East 15.06 feet and a 60 d nail in an 8 inch oak bears North 70° 55' East 28.52 feet;

THENCE with the North line of the said 120 acre tract North 70° 55' East 890.15 feet to a ½ inch steel pin set for the Northeast corner hereof;

THENCE South 13° 09' East 2543.23 feet to a ½ inch steel pin set in the North Right of Way line of Highway #79 for the Southeast corner hereof;

THENCE with the said R. O. W. South 84° 33' West 649.00 feet to a point at the intersection of the West line of the said 120 acre tract with the North R. O. W. of Highway #79 for the Southwest corner hereof from which a 60d nail in a 12 inch oak bears South 19° 00' East 0.80 feet;

THENCE with the West line of the said 120 acre tract North 19° 00' West 2376.63 feet to the POINT OF BEGINNING and containing 43.06 acres.

Prepared from a survey completed under my supervision in March, 1988 and certified to be true and correct.

Wayne Woelfel
WAYNE WOELFEL
REGISTERED PUBLIC SURVEYOR #1930
ROCKDALE, TEXAS W. O. #810

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H. H. P.
22.15.
RHD
TRACT 2 M.D.N.

STATE OF TEXAS
COUNTY OF MILAM

TRACT 2
43.06 ACRES

ALL THAT CERTAIN tract or parcel of land lying and being situated in Milam County, Texas, a part of the Jose Leal Grant, A-29, and being a part of a 23.7 acre tract described as FIRST TRACT and a part of a 120 acre tract described as SECOND TRACT in a deed from Bertha N. McGeorge, et al, to Mrs. Henry Darden dated August 02, 1938 and of record in Volume 224, Page 258 of the Deed Records of Milam County, and being more fully described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ inch steel pin set in the North line of the said 120 acre tract for the Northwest corner of the herein described tract from which the Northwest corner of the said 120 acre tract bears South 70° 55' West 890.15 feet;

THENCE with the North line of the 120 acre tract North 70° 55' East 788.70 feet to a $\frac{1}{2}$ inch steel pin set for the Northeast corner hereof;

THENCE South 10° 10' East 2715.39 feet to a point in the North Right of Way line of Highway #79 for the Southeast corner hereof from which a $\frac{1}{2}$ inch steel pin set in a fence bears North 10° 10' West 20.00 feet;

THENCE with the said R. O. W. South 84° 33' West 649.00 feet to a $\frac{1}{2}$ inch steel pin set for the Southwest corner hereof;

THENCE North 13° 09' West 2543.23 feet to the POINT OF BEGINNING and containing 43.06 acres.

Prepared from a survey completed under my supervision in March, 1988 and certified to be true and correct.

Wayne Woelfel
WAYNE WOELFEL
REGISTERED PUBLIC SURVEYOR #1930
ROCKDALE, TEXAS W. O. #810

CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED
AT 11:05 O'CLOCK A M
ON THE 14 DAY OF April
A.D. 2023

STATE OF TEXAS
COUNTY OF MILAM
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Records of Milam County, Texas.

La Verne Soefje
COUNTY CLERK, MILAM COUNTY, TEXAS
BY Joan Pratt DEPUTY


County Clerk, Milam County, Texas
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RECORDED 4-14-03 05:00 PM
BY Joan Pratt DEPUTY

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MILAM COUNTY, TEXAS

JOAN PRATT

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2700 A

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COUNTY OF MILAM 1TRACT 3
43.06 ACRES

ALL THAT CERTAIN tract or parcel of land lying and being situated in Milam County, Texas, a part of the Jose Leal Grant, A-29, and being a part of a 23.7 acre tract described as FIRST TRACT and a part of a 120 acre tract described as SECOND TRACT in a deed from Bertha N. McGeorge, et al, to Mrs. Henry Darden dated August 02, 1936 and of record in Volume 224, Page 258 of the Deed Records of Milam County, and being more fully described by metes and bounds as follows;

BEGINNING at a $\frac{1}{4}$ inch steel pin found at a corner point at the Northeast corner of the said 120 acre tract for the Northeast corner of the herein described tract;

THENCE with the East line of the 120 acre tract South $16^{\circ} 49'$ East 1852.87 feet to a $\frac{1}{4}$ inch steel pin found for the North corner of a 0.95 acre tract heretofore conveyed to Wayne D. Wolfel for an angle point in the East line of the herein described tract;

THENCE with the West line of the said 0.95 acre tract South $09^{\circ} 25'$ East 831.82 feet to an angle point at a 60d nail in a 10 inch oak and South $16^{\circ} 17'$ West 266.90 feet to the Southwest corner of the said 0.95 acre tract in the North Right of Way line of Highway #79 for the Southeast corner hereof;

THENCE with the said R. O. W. South $62^{\circ} 23'$ West 162.75 feet to the beginning of a curve to the right;

THENCE along the said curve with a radius of 1095.92 feet, an angle of $22^{\circ} 10'$, the chord of which bears South $73^{\circ} 28'$ West 421.35 feet, a length of 429.99 feet to the point of tangency;

THENCE continuing with the said R. O. W. South $84^{\circ} 33'$ West 62.38 feet to a point for the Southwest corner hereof from which a $\frac{1}{4}$ inch steel pin set in a fence bears North $10^{\circ} 10'$ West 20.00 feet;

THENCE North $10^{\circ} 10'$ West 2715.39 feet to a $\frac{1}{4}$ inch steel pin set in the North line of the said 120 acre tract for the Northwest corner hereof;

THENCE with the North line of the said 120 acre tract North $70^{\circ} 55'$ East 535.70 feet to the POINT OF BEGINNING and containing 43.06 acres.

Prepared from a survey completed under my supervision in March, 1988 and certified to be true and correct.

Wayne Wolfel
WAYNE WOLFEL
REGISTERED PUBLIC SURVEYOR #1930
HOCKDALE, TEXAS W. O. #810