

**ADDENDUM FOR RESERVATION OF OIL, GAS, AND OTHER MINERALS**

11-18-14

ADDENDUM TO CONTRACT CONCERNING THE PROPERTY AT**0000 N County Rd 1150****Midland**

(Street Address and City)

NOTICE: For use ONLY if Seller reserves all or a portion of the Mineral Estate.

- A. "Mineral Estate" means all oil, gas, and other minerals in and under and that may be produced from the Property, any royalty under any existing or future mineral lease covering any part of the Property, executive rights (including the right to sign a mineral lease covering any part of the Property), implied rights of ingress and egress, exploration and development rights, production and drilling rights, mineral lease payments, and all related rights and benefits. The Mineral Estate does NOT include water, sand, gravel, limestone, building stone, caliche, surface shale, near-surface lignite, and iron, but DOES include the reasonable use of these surface materials for mining, drilling, exploring, operating, developing, or removing the oil, gas, and other minerals from the Property.
- B. *Subject to Section C below*, the Mineral Estate owned by Seller, if any, will be conveyed unless reserved as follows (check one box only):
☒ (1) Seller reserves all of the Mineral Estate owned by Seller.
☐ (2) Seller reserves an undivided _____ interest in the Mineral Estate owned by Seller. **NOTE: If Seller does not own all of the Mineral Estate, Seller reserves only this percentage or fraction of Seller's interest.**
- C. Seller ☐ does ☒ does not reserve and retain implied rights of ingress and egress and of reasonable use of the Property (including surface materials) for mining, drilling, exploring, operating, developing, or removing the oil, gas, and other minerals. **NOTE: Surface rights that may be held by other owners of the Mineral Estate who are not parties to this transaction (including existing mineral lessees) will NOT be affected by Seller's election. Seller's failure to complete Section C will be deemed an election to convey all surface rights described herein.**
- D. If Seller does not reserve all of Seller's interest in the Mineral Estate, Seller shall, within 7 days after the Effective Date, provide Buyer with the contact information of any existing mineral lessee known to Seller.

IMPORTANT NOTICE: The Mineral Estate affects important rights, the full extent of which may be unknown to Seller. A full examination of the title to the Property completed by an attorney with expertise in this area is the only proper means for determining title to the Mineral Estate with certainty. In addition, attempts to convey or reserve certain interest out of the Mineral Estate separately from other rights and benefits owned by Seller may have unintended consequences. Precise contract language is essential to preventing disagreements between present and future owners of the Mineral Estate. If Seller or Buyer has any questions about their respective rights and interests in the Mineral Estate and how such rights and interests may be affected by this contract, they are strongly encouraged to consult an attorney with expertise in this area.

CONSULT AN ATTORNEY BEFORE SIGNING: TREC rules prohibit real estate licensees from giving legal advice. READ THIS FORM CAREFULLY.

Buyer _____

Seller  **CHARLES NOLL**

Buyer _____

Seller _____

The form of this addendum has been approved by the Texas Real Estate Commission for use only with similarly approved or promulgated forms of contracts. Such approval relates to this contract form only. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not intended for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 512-936-3000 (<http://www.trec.texas.gov>) TREC No. 44-2. This form replaces TREC No. 44-1.

TAR 1905

The Victoria Printz Team Real Estate, 4400 N. Big Spring Ste. 124 Midland, TX 79705
Sula McKee Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

Phone: (432) 683-1000
Fax: (432) 683-1000

TREC NO. 44-2

0000 N County Rd

Charles Nohle

EXHIBIT "B"

RESTRICTIVE COVENANTS:

BLUE HERON
BEING A 565.31 ACRE TRACT OF LAND OUT OF THE SOUTHERN
PART OF SECTION 8 & 9 BLOCK 38 T-1-S T&P RR COMPANY SURVEY
MARTIN & MIDLAND COUNTIES

1. The property herein described shall be used for residential and agricultural and shall be maintained in a neat and orderly condition. No pipe storage yards, auto storage or wrecking yards, shall be permitted or conducted on the premises which shall cause an unsightly appearance or produce offensive sounds, vibrations, glare or heat, or which shall produce noxious or offensive odors or wastes.
2. No homes are allowed for temporary or permanent residence with land inside city limits of Midland on this property unless the home meets City Code.
3. The Owner of five (5) acres or more of land may operate a business from a office on his property so long as it meets Restrictive Covenants No. 1 and 2 above.
4. With the exception of hogs, domestic animals, livestock and poultry may be kept and raised on the property except that the keeping and raising of any animals, livestock and poultry shall be so done as to not constitute a nuisance in the neighborhood; and such keeping and raising of animals, livestock and poultry shall be subject to the requirements and restrictions imposed by the County and State Health Authorities.
5. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until April 1, 2009, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of a majority of the then owners of said property it is agreed to change said covenants in whole or in part.

FILED FOR RECORD THE 22 DAY OF October AD 1999 AT 10:12 O'CLOCK A. M
DULY RECORDED ON THE 22 DAY OF October AD 1999 AT 4:30 O'CLOCK P. M

INSTRUMENT NO 1291

SUSIE HULL, COUNTY CLERK
MARTIN COUNTY, TEXAS
BY Susie Hull deputy