

RESIDENTIAL OWNER POLICY OF TITLE INSURANCE

SCHEDULE A

Policy Number: OR 1393-32837

File Number: 9735-11 TPS

Policy Date: February 19, 1997 at 3:45 p.m.

Policy Amount: \$275,000.00

Premium: \$2,433.00

1. Name of Insured:
Greg A. Weber and wife, Deborah J. Weber
2. We insure your interest in the land covered by this Policy is:
Fee simple
3. Legal Description of the land:
Ten (10.00) acres of land out of the John Scott Survey, Abstract 63, in
Refugio County, Texas, being more particularly described as Tracts 1, 2 and 3
on EXHIBIT "A" attached hereto.

This policy is not valid unless
Schedule B is attached hereto.

Refugio County Abstract Company Fidelity National Title Insurance Company

EXHIBIT "A"

TRACT 1

Being 1.299 acres of land out of the Northeast corner of Tract One of 48.794 acres of the partition of the Holmes Heard Estate 195.15 acre tract in the John Scott Survey, Abstract 63, in Refugio County, Texas, as recorded in Volume 3, Page 53, of the Map and Plat Records of Refugio County, Texas, and also Volume 154, Page 51, of the Deed Records of Refugio County, Texas, and is more particularly described by metes and bounds as follows, to-wit:

Beginning at a 3/4" iron pipe found in a fence corner in the West right-of-way line of the old Goliad road for the Northeast corner of Tract One of said Holmes Heard Estate partition the Southeast corner of Tract Two of said partition and also the Southeast corner of one acre conveyed by W. D. Haynes and wife, Alice H. Haynes, to Ronnie D. Henning and wife, Janet C. Henning by deed dated April 7, 1983, as recorded in Volume 276, Page 46, of the Deed Records of Refugio County, Texas, and the Northeast corner of this survey;

Thence, S. 11 deg. 30' E., with the West right-of-way line of the old Goliad road and the East line of said Tract One, 218.5 feet to a 3/4" iron pipe set in a fence corner for the Southeast corner of this survey;

Thence, S. 75 deg. 09' W., with a fence, 263.5 feet to a 3/4" iron pipe set in a fence corner for the Southwest corner of this survey;

Thence, N. 10 deg. 54' W., with a fence 213.8 feet to a 3/4" iron pipe set in a fence corner in the North line of said Tract One and South line of said Tract Two for the Northwest corner of this survey;

Thence, N. 74 deg. 04' 37" E., with a fence, at 11.7 feet pass a 3/4" iron pipe found at the Southwest corner of said Henning's one acre tract, at 261.5 feet in all to the Place of Beginning, Containing 1.299 acres of land, more or less.

EXHIBIT "A"

TRACT 2

THE SURFACE ESTATE ONLY in one acre of land out of Tract Two of 48.787 acres of the partition of the Holmes Heard Estate 195.15 acre tract in the John Scott Survey, Abstract 63, in Refugio County, Texas, as recorded in Volume 3, Page 53, of the Map Records and also in Volume 154, Page 51, of the Deed Records of Refugio County, Texas, which is part of the same 48.787 acres conveyed by Norman Heard, et al, to W. D. Haynes and wife, Alice H. Haynes by Deed dated July 9, 1969, as recorded in Volume 159, Page 133, of the Deed Records of Refugio County, Texas, and is more particularly described by metes and bounds as follows, to-wit:

Beginning at a 3/4" iron pipe found in a fence corner in the West right-of-way line of the Old Goliad Road, 60 feet wide for the Southeast corner of Haynes 48.787 acre tract and the Southeast corner of this survey;

Thence, N. 11° 30' W., with the West right-of-way line of Old Goliad Road and East line of said 48.787 acre tract, 175 feet to a 3/4" iron pipe set for the Northeast corner of this survey;

Thence, S. 74° 04' 37" W., parallel to Haynes South line, 249.8 feet to a 3/4" iron pipe set for the Northwest corner of this survey;

Thence, S. 11° 30' E., parallel to the Old Goliad Road, 175 feet to a 3/4" iron pipe set in a fence on the South line of Haynes 48.787 acre tract for the Southwest corner of this survey;

Thence, N. 74° 04' 37" E., with fence on Haynes South line 249.8 feet to the PLACE OF BEGINNING, containing one acre of land, more or less.

EXHIBIT "A"

TRACT 3:

7.701 acres of land out of Tract One of 48.794 acres of the Partition of the Holmes Heard Estate 195.15-acre tract in the John Scott Survey, Abstract 63, in Refugio County, Texas, as shown on the plat recorded in Volume 3, Page 53 of the Map and Plat Records of Refugio County, Texas, and also in Volume 154, Page 51 of the Deed Records of Refugio County, Texas, and is more particularly described by metes and bounds as follows, to-wit:

Beginning at a $\frac{3}{4}$ inch iron pipe found in the West right-of-way line of Old Goliad Road and the East line of said Tract One, from whence the Northeast corner of said Tract One bears N 11 deg. 30 min. W, 218.5 ft.;

Thence S 11 deg. 30 min. E with the East line of said Tract One and the West right-of-way-line of Old Goliad Road, 277.61 ft. to a $\frac{5}{8}$ inch iron rod set for the Southeast corner of this tract;

Thence S 74 deg. 04 min. 37 sec. W a distance of 792.59 ft. to a $\frac{5}{8}$ inch iron rod set for the southwest corner of this tract;

Thence N 11 deg. 30 min. W a distance of 496.11 ft. to a $\frac{5}{8}$ inch iron set for the Northwest corner of this tract, in the north line of said Tract One;

Thence N 74 deg. 04 min. 37 sec. E, with the north line of said Tract One, a distance of 531.09 ft. to a $\frac{3}{4}$ inch iron pipe found for a northwest corner of this tract;

Thence S 10 deg. 54 min. E, with an existing fence, a distance of 213.8 ft. to an interior southwest corner of this tract;

Thence N 75 deg. 09 min. E, with an existing fence, a distance of 263.5 ft. to the **Place of Beginning**, containing 7.701 acres, more or less.

SCHEDULE B

Policy No. OR 1393-32837

File No.: 9735-11 TPS

EXCEPTIONS FROM COVERAGE

We do not cover losses, costs, attorney's fees and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):
*** See Below for Restrictive Covenants
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 the 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 1997 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
6. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
7. Rights of parties in possession.
8. Visible and apparent easements on or across the property herein described.
9. Any portion of the property herein described which falls within the boundaries of any road or roadway.

(Continued on Attached Page)

Refugio County Abstract Company Fidelity National Title Insurance Company

SCHEDULE B
(Continued)

Residential Owner Policy No.: 1393-32837

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10. Reservation of one-half (1/2) of the oil, gas and minerals in that certain Deed from Jewell Heard Whitlow, et vir, to W. D. Haynes, et ux, dated February 7, 1969, recorded in Volume 156, Page 98 of the Deed Records of Refugio County, Texas, AS TO TRACTS 1 AND 3 ONLY.
11. Pipeline Right-of-Way conveyed in that certain instrument from Holmes Heard to Moody and Seagraves, dated February 28, 1929, recorded in Volume 13, Page 73, of the Deed Records of Refugio County, Texas. This Easement is not described by metes and bounds and does not contain a centerline description. AS TO TRACTS 1 AND 2, ONLY.
12. Pipeline Right-of-Way conveyed in that certain instrument from Holmes Heard to Houston Pipeline Company, dated June 18, 1930, recorded in Volume 19, Page 325 of the Deed Records of Refugio County, Texas. This Easement is not described by metes and bounds and does not contain a centerline description. The instrument grants multiple line rights, but also provides for termination upon certain conditions set forth in said instrument. AS TO TRACTS 1 AND 2 ONLY.
13. Right-of-Way granted by W. D. Haynes, et ux, to Houston Pipe Line Company, dated November 9, 1972, recorded in Volume 180, Page 362, of the Deed Records of Refugio County, Texas, AS TO TRACT 2 ONLY.
14. Unreleased Oil, Gas and Mineral Lease granted by Jack Heard, et al, to Prairie Producing Company, dated July 1, 1974, recorded in Volume 192, Page 284, of the Deed Records of Refugio County, Texas. AS TO TRACT 3 ONLY.
15. Reservation of all the oil, gas and other minerals not previously reserved or conveyed, reserved unto the Grantors in that certain Deed dated November 18, 1992, from Jack Heard and J. Norman Heard to Thomas Earl Henning, et ux, recorded in Volume 13, Page 100 of the Official Public Records of Refugio County, Texas, AS TO TRACT 3 ONLY.

*** Restrictive Covenants:

Restrictive Covenants dated February 19, 1997, recorded under County Clerk's File No. 7716 in Volume 68, Page 228, of the Official Public Records of Refugio County, Texas. NOTE: To the extent that these restrictions violate 42USC3604(c) by indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, such restrictions are hereby omitted.

*** End of Restrictive Covenants

Refugio County Abstract Company

Todd P. Steele

Authorized Countersignature

Todd P. Steele, Escrow Officer

Refugio County Abstract Company Fidelity National Title Insurance Company