

PARTITION DEED

This Partition Deed is made this 6th day of June, 2016, between MAIDA SMITH, 901 CR 3925, Wolfe City, Texas 75496 and DURWOOD SMITH, 921 CR 3925, Wolfe City, Texas 75496.

RECITALS

1. The parties own, as tenants-in-common, fee simple title to real property situated in Fannin County, Texas, more particularly described as follows:

All that certain tract or parcel of land, being 110.41 acres of land, more or less, out of the E. C. VICKS SURVEY, Abst. No. 1143 and the G. NELSON SURVEY, Abst. No. 841, lying and situated in Fannin County, Texas about one mile southwest of Ladonia, and being described in two deeds (first, a called 100-acre tract conveyed to ELI ROBERT COX, JR. from MARY ELIZABETH COX by deed dated April 23, 1997 of record in Vol. 850, p. 834, Land Records Fannin County, Texas, and, second, 56 acres conveyed to ELI ROBERT COX, JR. from MARY ELIZABETH COX by deed dated April 23, 1997 of record in Vol. 850, p. 888, Land Records, Fannin County, Texas), and further being the same 110.411 acres of land described in a Deed dated November 6, 2001 from ELI ROBERT COX, JR., et ux, to DURWOOD SMITH and wife, CANDICE SMITH, and MAIDA SMITH of record in Vol. 964, pg 195, Deed Records, Fannin County, Texas.

2. The parties desire to partition the property between themselves as follows:

CONVEYANCES

TRACT ONE: 45 acres to DURWOOD SMITH

In consideration of the grant and herein-described conveyance to her by DURWOOD SMITH, receipt of which is hereby acknowledged, MAIDA SMITH grants and conveys to DURWOOD SMITH and his heirs and assigns, all right, title and interest in and to the following described real estate:

All that certain tract or parcel of land, being 45 acres of land, more or less, and being the westernmost portion of the above-referenced 110.411 acres of land more particularly described as follows:

STANDING at the SWC of the VICKS SURVEY, the SWC of the above-referenced 56-acre tract, a point in CR #3925, for a point of beginning, and the SWC of this tract;

THENCE N 00 degrees 04' 43" E along said road a distance of 1053.12 feet to a point for the NWC of this tract at its intersection with the S ROW of the old G.C. & F.S. Railroad ROW;

THENCE N 62 degrees 58' 47" E along said S row a distance of 1,530 feet to a point for the NEC of this tract; in the E line of the above-referenced 100-acre tract;

THENCE S 1789 feet to a fence in the S line of the VICKS SURVEY, a "set iron rod" at the SEC of this tract;

THENCE S 89 degrees 17' 37" W along the fence line 1399.38 feet to the point of beginning.

EASEMENTS: This conveyance is subject to and there is hereby retained a Road Easement and Water Line Easement over and across the above-referenced land as follows:

1. A water meter and 5-foot-wide water line easement along the western boundary of this tract described as follows:

From a point 50' E of the SWC of this tract for a POINT OF BEGINNING,

THENCE N 00 degrees 04' 43" E a distance of 1003.12 feet to a point 50 feet from the N line of this tract and 50 feet from the W line of this tract and S of the S ROW of the old G.C. & F.S. Railroad ROW;

THENCE N 62 degrees 58' 47" E 5 feet for the NEC of this 5-foot-wide water line easement;

THENCE S 1003.12 feet to the South line of this tract;

THENCE W 5 feet to the POINT OF BEGINNING.

2. A 25-foot-wide road and water line easement over and across the northern boundary of this tract as follows:

BEGINNING at a point 50 feet S of the NWC of this tract;

THENCE N 62 degrees 58' 47" E a distance of 1,530 feet more or less to a point in the E line of this tract; and in the W line of the herein-below-referenced 65.411-acre tract;

THENCE S along said E line 25 feet to the SEC of this easement;

THENCE S 89 degrees 17' 37" W 1530 feet to the W line of this tract;

THENCE N 25 feet to the POINT OF BEGINNING (this easement being 25 feet wide and allowing for a road 20 feet wide and a water line easement 5 feet wide).

TRACT TWO: 65.411 acres to MAIDA SMITH

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In consideration of the herein-described grant and conveyance to him by MAIDA SMITH, receipt of which is hereby acknowledged, DURWOOD SMITH grants and conveys to MAIDA SMITH and her heirs and assigns, all right, title and interest in and to the following described real estate:

All that certain tract or parcel of land, being 65.411 acres of land, more or less, and being the easternmost portion of the 110.411 acres of land and being more particularly described as follows:

BEGINNING at a set iron rod in a fence along the S line of E. C. VICKS and G. NELSON Surveys, the SEC of the DURWOOD SMITH 45-acre tract and the SWC of this tract;

THENCE N 1789 feet along the E line of the DURWOOD SMITH 45-acre tract to a NWC of this tract in the S row of the old G.C. & S.F. railroad ROW and in the N. line of the referenced 110.41 acre tract;

THENCE N. 62 degrees 58' 47" E along said S ROW 1567.67 feet to a point for the NEC of this tract in the E line of the referenced 100-acre tract and at the NWC of a called 20-acre tract conveyed to MIKE McDONALD by Deed of Record in Vol. 748, p. 699, Fannin County Deed Records,

THENCE S 00 degrees 00' 19" W, passing a half-inch found iron rod at a fence corner post at 0.95 feet and continuing near a fence line a distance of 692.42 feet to a half-inch found iron rod at the NWC of a called 439.4956-acre tract conveyed to ROSEWELL's LADONIA RANCH, INC. in Volume 833, page 913 (deed call South);

THENCE continuing S 00 degrees 27' 41" W, near the fence line a distance of 1764.00 feet for a total distance of 2,456.42 feet to a half-inch found iron rod at a fence corner post, for the Southeast corner of this tract, at the Southeast corner of the referenced 100-acre tract, at the Northernmost Southwest corner of the said 439.4967-acre tract and in the North line of the land willed to LORENA ARNOLD referenced in Vol. 832, page 643 (Deed Records, Fannin County, Texas), and being the SEC of this tract;

THENCE N 89 degrees 26' 19" W near a fence line a distance of 1347.50 feet to the POINT OF BEGINNING.

And further conveys the easements hereinabove-described and retained in the conveyance of the 45-acre tract from MAIDA SMITH.

IN WITNESS WHEREOF, the Parties have executed this Partition Deed to be effective as of the day and year first above written.