

But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described notes and all interest thereon are fully paid according to their face and tenor, effect and reading, when this deed shall become absolute.

Witness our hands at Texarkana, Texas, this 14 day of September, A.D. 19 53.

Witnesses at Request of Grantor:

THE STATE OF TEXAS,

COUNTY OF Bowie

BEFORE ME

a Notary Public

Bowie

County, Texas, on this day personally appeared

Sidney M. Metcalf

and

Elizabeth B. Metcalf

his wife, both known to me to be

the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Elizabeth B. Metcalf

wife of the said

Sidney M. Metcalf

having been examined by me privily and apart from her

husband, and having the same fully explained to her, she, the said

Elizabeth B. Metcalf

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

EVEN UNDER MY HAND AND SEAL OF OFFICE, This 14 day of September, A.D. 19 53.

TERESA FUMAGALLI

Notary Public Bowie County, Texas

My Comm. Expires June 1st, 1955

Notary Public, Bowie County, Texas.

Filed for Record on the 16 day of Sept. A.D. 1953 at 10 o'clock A.M.

Duly Recorded this the 19 day of Sept. A.D. 1953, at 10 o'clock A.M.

Instrument No. 5200

C. COOPER County Clerk

Bowie County Texas

B. Dwight Curtis Deputy

Filed 8-13-53

#5201

\$6.60

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

UNITED STATES OF AMERICA

Petitioner

vs.

CIVIL ACTION NO. 402

2,449.04 ACRES OF LAND,
MORE OR LESS, SITUATE IN
BOWIE COUNTY, STATE OF
TEXAS, AND S. E. FAGAN
ET UX ET AL UNKNOWN
OWNERS

Defendants

JUDGMENT ON DECLARATION OF TAKING

D/R Vol. 305

A TRUE COPY I CERTIFY
JAMES R. DORSEY, CLERK
U. S. DISTRICT COURT
EASTERN DISTRICT, TEXAS
BY [Signature]

THIS DAY came the Petitioner, United States of America, by William H. Steger, United States Attorney for the Eastern District of Texas, and moved the Court to enter a judgment vesting such title and estate in the United States of America, as set out in the Declaration of Taking filed herein on the 12th day of August, 1953, in and to the property hereinabove mentioned, and for an order fixing the date when possession of such property is to be surrendered to the United States of America.

Whereupon the court proceeded to hear and pass upon said Motion, Declaration of Taking and petition for condemnation, and finds:

I.

That each and all of the allegations in said complaint and Declaration of Taking are true, and the United States of America is entitled to acquire property by eminent domain for the purposes set forth in said petition.

II.

In said complaint and Declaration of Taking a statement of authority under which said lands and easements were taken for said public use is set forth.

III.

The Petition for condemnation and the Declaration of Taking were filed at the request of Robert T. Stevens, Secretary of the Army,

of the United States, the person duly authorized by law to acquire the lands described in said documents for the purposes set forth; and at the direction of the Attorney General of the United States the person authorized by law to direct the institution of such proceedings.

IV.

A proper description of the land sought to be taken sufficient for the identification thereof is set out in Schedule "A" attached to said Declaration of Taking on file herein and hereto.

V.

A statement of the estate and interest in said lands and easements for said public use is set out in said Declaration of Taking.

VI.

A plan showing the land in and to which titles and easements are taken is annexed and attached to said Schedule "A" and Declaration of Taking.

VII.

A statement is contained therein of the sum of money estimated by the acquiring agency to be the estimated compensation for the lands and easements taken in the amount of \$41,875.00, and said sum was deposited in the Registry of the Court upon and at the time

of the filing of the Declaration of Taking for the use and benefit of the persons entitled thereto.

VIII.

There was deposited in the Registry of the Court the sum of:

\$6,200.00 as estimated compensation for Tract No. C-320-1

\$9,200.00 as estimated compensation for Tract No. C-320-2E

\$5,200.00 as estimated compensation for Tract No. C-341-1

\$12,525.00 as estimated compensation for Tract No. C-341-2E

\$5,200.00 as estimated compensation for Tract No. I-917-1

\$1,800.00 as estimated compensation for Tract No. I-917-2E

No. I-917-3E

No. I-917-4E

\$625.00 as estimated compensation for Tract No. J-1004-1

\$1,025.00 as estimated compensation for Tract No. J-1004-2E.

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A statement is contained in said Declaration of Taking that the estimated amount of compensation as set forth in Schedule "A" attached hereto for said lands and easements, including any and all interests taken by petitioner, is deposited in the Registry of the Court for the use and benefit of the persons entitled thereto, and that in the opinion of Robert T. Stevens, Secretary of the Army of the United States, the ultimate award for said lands and easements will be within any limit prescribed by law as the price to be paid therefor.

2.

The public use for which said lands and easements are taken is as follows:

(a) The said lands or the said easements are necessary adequately to provide for the construction and operation of a flood control project and for other uses incident thereto. The said lands and said easements have been selected by Robert T. Stevens, Secretary of the Army of the United States for acquisition by the United States for use in connection with the establishment of the Texarkana Dam and Reservoir, Bowie County, Texas, and for such other uses as may be authorized by Congress or by executive order.

XI.

And the Court having further considered the complaint, the Declaration of Taking and the authority under which said lands and easements were taken, is of the opinion that the United States of America was and is entitled to take said property and have title thereto vested in it:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED: (a) That a fee simple title in and to Tracts Nos. G-920-1, G-341-1, I-917-1, and J-1004-1, subject, however, to all existing agreements for pub-

lio roads and highways, canals, utilities, railroads and/or pipe-lines traversing the said lands as described in Schedule "A" and subject further to the rights of next of kin in and to the bodies interred in any burial site or sites and the rights of third persons in and to the burial site or sites located thereon, reserving, however, to the owner or owners of the subsurface estate, or any interest therein, his or their heirs, successors and assigns, all of the

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oil, gas and other minerals in and under said lands described in Schedule "A, with all rights of ingress and egress, for the purpose of exploring, development, production and transportation of oil, gas and other minerals which may be produced from said land, provided, however, that the oil, gas and minerals and rights so reserved are subordinated to the prior rights of the United States of America to flood and submerge said lands permanently or intermittently in the construction, operation and maintenance of the Texarkana Dam and Reservoir Project; be and the same is hereby vested in the United States of America upon the filing of the Declaration of Taking and depositing in the Registry of the court the amount of money herein recited.

(b) That a perpetual flowage easement with the perpetual right, power, privilege and easement to intermittently overflow, flood and submerge the said lands as described in Schedule "A and designated as Tracts Nos. C-320-2E, C-341-2E, I-917-2E, 3E and 4E, and J-1004-2E, with waters of the Sulphur River and its tributaries and impound said waters thereon at any time or for any length of time, in the construction, operation and maintenance of the Texarkana Dam and Reservoir Project, and the perpetual right, power, privilege and easement to enter upon said land; to inspect and improve water flow conditions; to remove any obstructions, underbrush and debris as may be necessary from time to time; and to clear, improve and maintain existing water courses, streams and drainage channels, together with the perpetual right of ingress and egress to and from said lands on over and across adjacent lands of the owners, subject to all existing easements for public roads and highways, canals, public utilities, railroads and/or pipe lines traversing said lands and further subject to the rights of next of kin in and to the bodies interred in any burial site or sites located thereon, including the rights of third persons in and to such burial site or sites, reserving, however, to the owner or owners of said land, his or their heirs, successors and assigns, and to the owner or owners of the subsurface estate, or any interest therein, his or their heirs, successors and assigns, all such rights and privileges therein as may be used and enjoyed without

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interfering with or abridging the rights and easements herein described, provided, however, that no dwelling or residence for present or future human occupancy, will be permitted on the lands in which said easements are hereby taken.

(c) That the said lands and the said easements or deemed to have been condemned and taken for the use of the United States of America and the title to such respective interests so taken now vest in Petitioner, United States of America, and the right to just compensation for the taking thereof upon the filing of the Declaration of Taking vested in the persons entitled thereto and the amount of just compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

(d) That any and all persons now in possession of or claiming any rights whatsoever to the possession of Tracts Nos. C-320-1 and C-320-2E, and all and singular the rights, privileges and appurtenances thereto belonging, are hereby directed and ordered to deliver up and surrender forthwith full and complete possession to the United States of America, and the United States of America is hereby granted leave to take immediate and full possession of the above-numbered tracts.

(e) That if any of the owners, claimants and parties and persons in possession of the tracts set out in Paragraph (d) above fail and refuse to deliver up possession of the estate taken in said tracts to the United States of America, then the United States Marshal for the Eastern District of Texas is hereby ordered and directed to deliver to each of said parties a certified copy of this Order and Judgment which shall be notice from this court to deliver possession of said land, as above set out, and that upon the failure of any party or person to deliver possession of said land or any tract, interest or parcel thereof to the United States of America within five (5) days after said order and judgment is delivered to them, then the United States Marshal for this district is ordered and directed to remove such person or persons from said land and to place petitioner, United States of America, in possession thereof.

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(f) That any and all persons now in possession of or claiming any right whatsoever to the possession of the lands described as Tracts Nos. C-341-1, C-341-2E, I-917-1, I-917-2E, 3E and 4E, J-1004-1 and J-1004-2E, and all and singular the rights, privileges and appurtenances thereunto, are hereby directed and ordered to deliver up and surrender full and complete possession to the United States of America on December 1, 1953, and the United States of America is hereby granted leave to take full possession of the interest taken in said

tracts as of said date, December 1, 1953.

(g) That if any of the owners and claimants and parties and persons in possession of said tracts in Paragraph (f) above, or any parcel thereof, fail and refuse to deliver possession of the estate taken in said land to the United States of America on said date, December 1, 1953, then the United States Marshal for the Eastern District of Texas is hereby ordered and directed to deliver to each of said parties a certified copy of this order and judgment which shall be notice from this court to deliver possession of said land as herein set forth, and that upon the failure of any person or party to deliver possession of said land, or any tract, interest or parcel thereof to the United States of America within five (5) days after said order and judgment is delivered to them, then the United States Marshal for this district is ordered and directed to remove such person or persons from said land, and to place the petitioner the United States of America, in possession thereof.

Jurisdiction is retained for such other and further orders, judgments and decrees as may be necessary.

THIS THE 13th day of August, 1953.

Eos W. Sheehy, Judge

UNITED STATES DISTRICT JUDGE

SCHEDULE "A"

TRACT NO. C-320-1

DESCRIPTION:

A certain tract of land lying and being in the County of Bowie, Texas, and in the Daniel Morris Survey (No. 331) and Wm. R. Smith Survey (No. 551), and more particularly described as follows:

Being all of the Wm. R. Smith Survey (No. 551) containing 160.00 acres and all that part of the Daniel Morris Survey described as follows:

Beginning at the SW corner of the survey; run thence north along the west line of same 1089.5 acres to the NE corner of the J. M. Shrimshire Survey (No. 560) on the south line of Texarkana Reservoir Tract No. C-334-E; thence east along the south line of same, passing the SE corner at 86 acres and in all 365 acres to the NW corner of Texarkana Reservoir Tract No. C-321; thence south along the west line of same 792.5 acres to the SW corner; thence east along the south line 459 acres to the SE corner; thence north along the east line 792.5 acres to the NE corner; thence east 325 acres to a corner on the west line of the original Caroline Freeman 500 acre tract; thence south along said line 1089.5 acres to the SW corner on the south line of the survey; thence west along said line 1149 acres to the point of beginning, containing an area of 157.30 acres, and a gross tract area of 517.30 acres, more or less.

Name of Purported Owner:

S. E. Fagan et ux

Address of Purported Owner:

Redwater, Texas

Estimated Compensation:

\$6,200.00

SCHEDULE "A"

TRACT NO. C-320-2E

DESCRIPTION:

A certain tract of land lying and being in the County of Bowie, Texas, and in the Daniel Morris Survey (No. 381), M.E.P. & P. R.R. Co. Survey (No. 420) and the Jno. McClure Survey (No. 392) and more particularly described as follows:

Beginning at the SE corner of the Texarkana Reservoir Tract No. C-334-E, 1089.5 acres north and 86 acres east of the SW corner of the Daniel Morris Survey; run thence north along the east line of Tract No. C-334-E, 1311.5 acres to the south line of the St. Louis-Southwestern R.R.; thence northeasterly along said line, through the M.E.P. & P. R.R. Co. and Jno. McClure Surveys approximately 640 acres to the east line of the Jno. McClure Survey; thence south along said line 160 acres to the SE corner of same and an ell corner of the Daniel Morris Survey; thence east 528.5 acres to the northerly NW corner of the R. L. Hester tract; thence south along a west line of same 847 acres to an ell corner; thence west 35 acres to an ell corner on the west line of the original Caroline Freeman 500 acre tract; thence south along said line 566.5 acres to the NE corner of Texarkana Reservoir Tract No. C-320-1 in the Daniel Morris Survey; thence west 1060 acres to the point of beginning, containing an area of 277.20 acres, more or less.

Name of Purported Owner: S. E. Pagan et ux.

Address of Purported Owner: Redwater, Texas

Estimated Compensation: \$9,200.00

SCHEDULE "A"

TRACT NO. C-341-1

DESCRIPTION:

A certain tract of land lying and being in the County of Bowie, Texas, and in the Edmond T. Jackson Survey (No. 300) and the N. Powell Survey (No. 992), and more particularly described as follows:

Beginning at the northerly SE corner of the Edmond T. Jackson Survey and SW corner of the G. W. B. Shrimshire Survey; run thence west along the survey line 1127 acres to a corner; thence north 1610 acres to a corner on the south boundary of the M.E.P. & P. R.R. Co. Reservation line; thence S 73° E along said line 1150 acres to the NE corner of the N. Powell Survey; thence south passing the SE corner of same, in all 1400 acres to the point of beginning, containing an area of 300.44 acres, more or less.

Names of Purported Owners:

Mrs. Helen A. Hughes, a widow, &
Joseph L. Jones, et ux,
Beatrice Jones, and
Louie F. Jones, et ux,
Dale Elizabeth Jones
(Hattie Jones Heirs)

Address of Purported Owners:

Mrs. Helen A. Hughes, et al.,
c/o Fred N. Ogden
2201 American Bank Bldg.
New Orleans, La.

Estimated Compensation:

\$5,200.00.

SCHEDULE "A"

TRACT NO. C-341-2E

DESCRIPTION:

A certain tract of land lying and being in the County of Bowie, Texas, and in the M.E.P. & P.R.R. Co. Surveys (Nos. 420 and 424), and more particularly described as follows:

Beginning at the SW corner of Toxarkana Reservoir Tract No. C-343-E on the east line of the Daniel Morris Survey (No. 392) 280 varas south of the NE corner of same; run thence east 448 varas to a corner on the line common to the M.E.P. & P. R.R. Co. Survey (No. 420) and Jno. McClure Survey (No. 392); thence S 56° E along said line 217 varas to a new corner; thence south on a new line 440 varas to a new corner; thence S 58° E on a new line 930 varas to a new corner on the east line of original tract; thence south along said line 866 varas to the S' corner of Toxarkana Reservoir Tract No. C-333-E on north line of Tract C-339-E; thence west 660.6 varas to the NW corner of said tract, being NW corner of the G. Less Survey (No. 1002); thence south along the west line of same and H. & M. Taylor Survey (No. 942) 1824 varas to the SW corner of the Taylor Survey on the south boundary of the M.E.P. & P. R.R. Co. Reservation; thence N 79° W along said line 3397.5 varas to the SW corner of the M.E.P. & P. R.R. Co. Survey (No. 424); thence north along the west line of same 885 varas to the NW corner; thence east along the north line of the survey 1889 varas to an inner corner of Toxarkana Reservoir Tract No. C-340-E; thence south along the east line of same 432 varas to the north line of U. S. Highway No. 67 on north side of St. Louis-Southwestern R.R.; thence northeasterly along said road 740 varas to the SE corner of Tract No. C-340-E; thence north along the east line of same, passing the SE corner of the Daniel Morris Survey at 205 varas, thence along the east line of same, passing corner common to the M.E.P. & P. R.R. Co. Surveys (Nos. 420 and 424) at 633.5 varas, and in all 2547.3 varas to the point of beginning; containing an area of 1067.00 acres, more or less, subject to the right-of-way of the St. Louis-Southwestern R.R. and the Old and New U. S. Highways No. 67.

Names of Purported Owners:

Mrs. Helen A. Hughes, a widow, &
Joseph L. Jones, et ux,
Beatrice Jones, and
Louie T. Jones, et ux,
Dele Elizabeth Jones
(Hattie Jones Heirs)
Mrs. Helen A. Hughes, et al
c/o Fred N. Ogden
2201 American Bank Bldg.
New Orleans, La.

Address of Purported Owner::

Estimated Compensation:

\$12,625.00.

SCHEDULE "A"

TRACT NO. I-917-1

DESCRIPTION:

A certain tract of land lying and being in the County of Bowie, Texas, and more particularly described as follows:

Being in the John Bassett Survey (No. 64) and Jno. Arner Survey (No. 8), beginning at the southeast corner of the Jno. Arner Survey; run thence west along the south line of same 950 varas to the southwest corner; thence north 158 varas to a point; thence west into the Jno. Bassett Survey, 475 varas along the north line of the Lester Persons property to the northwest corner thereof; thence south along the west line of the Lester Persons property 237.5 varas to the southwest corner thereof and the northwest corner of property of B. M. Sweet, and continuing south along the west line of B. M. Sweet property 237.5 varas to the southwest corner thereof on the south line of the John Bassett Survey; thence west along said line 279 varas to a corner; thence north 430 varas to Bassett Creek; thence up said creek to a point being the intersection of Bassett Creek and the south right-of-way line of the St. Louis-Southwestern R.R.; thence in an easterly direction with said right-of-way line to the northwest corner of Toxarkana Reservoir Tract No. J-1004-1, being property of Irene Bullard; thence south 325 varas along the west line of said property to the southwest corner thereof; thence east 475 varas along the south line of the Irene Bullard property to the line common to the John Bassett and the John Arner Surveys; thence north along said line 297 varas to the south right-of-way of the St. Louis-Southwestern R.R.; thence southeasterly along said right-of-way 1025 varas to the east line of the Jno. Arner Survey; thence south along said line 494 varas to the point of beginning and containing an area of 289.5 acres, more or less.

Name of Purported Owner: Hugh M. Frye

Address of Purported Owner: c/o Frye, Gregory & Linstead
Accountants-Auditors
Dallas National Bank Bldg.
Dallas 1, Texas

Estimated Compensation: \$5,200.00.

SCHEDULE "A"

TRACTS NOS. I-917-2E, I-917-3E AND I-917-4E

DESCRIPTION:

A certain tract of land, designated as Tract No. I-917-2E, lying and being in the County of Bowie, Texas, and more particularly described as follows:

Being in the A. B. Robbins (No. 504) and Texas & Pacific R. R. Co. (No. 617) Surveys beginning at the SE corner of the A. B. Robbins Survey; run thence west along the south line of same 186 varas to a corner; thence south 10.8 varas to the NE corner of Texarkana Reservoir Tract No. I-918-1E; thence west along the north line of same 500 varas to the NW corner of said tract; thence north 10.8 varas to the south line of the A. B. Robbins Survey and north line of the T&P R.R. Co. Survey; thence east along said line 307 varas to the SW corner of the original tract in the A. B. Robbins Survey; thence north along the west line of same 575 varas to a new corner; thence N 46° 20' E on a new line, 54.3 varas to a corner on the east line of the Survey; thence south along said line 950 varas to the point of beginning, containing an area of 54.04 acres, more or less.

A certain tract of land, designated as Tract No. I-917-3E, lying and being in the County of Bowie, Texas, and more particularly described as follows:

Being in the W. W. Roberts Survey (No. 515) beginning at the SE corner of Texarkana Reservoir Tract No. I-920-E, 460.4 varas south of the NE corner of the Survey; run thence south along the survey line 150 varas to a point; thence west 490.5 varas to a point; thence north 150 varas to a point; thence east 490.5 varas to the point of beginning, containing an area of 13.03 acres, more or less.

A certain tract of land, designated as Tract No. I-917-4E, lying and being in the County of Bowie, Texas, and more particularly described as follows:

Being in the John Arner (No. 8) and Texas & Pacific R. R. Co. (No. 617) Surveys and beginning at the NW corner of the Jno. Arner Survey; run thence east along the north line of same 700 varas to the point where the old Simmes-Bassett Road crosses said line; thence north-easterly along the center of said road 260 varas to a new corner; thence east on a new line 375 varas to a new corner; thence S 40° W on a new line, 470 varas to a new corner on the east line of the Arner Survey; thence south along said line 275 varas to the north right-of-way limits of the St. Louis Southwestern R. R.; thence northwesterly along said right-of-way 1025 varas (R. R. Stationing) to the west line of the Arner Survey; thence north along said line 100 varas to the point of beginning, containing an area of 62.53 acres, more or less.

Name of Purported Owner: Hugh M. Frye

Address of Purported Owner: c/o Frye, Gregory & Linstead
Accountants-Auditors
Dallas National Bank Bldg.
Dallas 1, Texas

Estimated Compensation: \$1,800.00

SCHEDULE "A"

TRACT NO. J-1004-1

DESCRIPTION:

A certain tract of land lying and being in the County of Bowie, Texas, and being in the John Bassett Survey (No. 64), and more particularly described as follows:

Beginning at a point 873 varas north of the southeast corner of the Survey; run thence west 475 varas to a point; thence north 325 varas to the south right-of-way line of the St. Louis-Southwestern Railway Co.; thence in a southeasterly direction with said right-of-way line to a point in the east line of the Survey; thence south 297 varas to the point of beginning, containing an area of 25.00 acres, more or less.

Name of Purported Owner: Irene Bullard, et vir
Herman Bullard

Address of Purported Owner: #1805 Montrose Drive
Fort Worth, Texas

Estimated Compensation: \$625.00.

SCHEDULE "A"

TRACT NO. J-1004-2E

DESCRIPTION:

A certain tract of land lying and being in the County of Bowie, Texas and in the John Bassett Survey (No. 60) and more particularly described as follows:

Beginning at the SE corner of land of Effie Francis Wooten on the east line of the Survey 514 feet south of its NE corner, run thence south along the survey line approximately 1360 feet to the north line of the existing St. Louis-Southwestern Railroad; thence westerly along said railroad approximately 2400 feet to the SW corner of original tract; thence N 9° W approximately 170 feet to the southwest corner of Texarkana Reservoir Tract J-1000-E being a portion of Shew Cemetery (No. DC-1), thence east along the south line of same 37.7 feet to its SE corner; thence north 80 feet to its NE corner; thence west 50.40 feet to its NW corner on west line of original tract; thence N 9° W, along said line 541 feet to the south line of Texarkana Reservoir Tract No. J-1007-5E being land of H. A. Macom Estate; thence N 83° E 250 feet to the southerly SE corner of same, thence N 8° W, 168.6 feet to an inner south corner; thence N 83° E, 222.2 feet to the easterly SE corner; thence N 8° W, 175 feet to a new corner, thence N 40° E, on a new line 380 feet to the south line of U. S. Highway No. 67; thence easterly along said line 100 feet to a new corner; thence along new lines S 34° E, 600 feet, south 640 feet, east 750 feet; N 51° E, 525 feet; north 720 feet to the south line of land of Effie Francis Wooten; thence east along said line 225 feet to the point of beginning containing an area of 43.00 acres, more or less.

Name of Purported Owner: Irene Bullard, et vir
Herman Bullard

Address of Purported Owner: #1805 Montrose Drive
Fort Worth, Texas

Estimated Compensation: \$1025.00

Filed for Record on the 16 day of Sept
Duly Recorded this the 19 day of Sept
Instrument No. 5201

A. D. 1953, at 10 o'clock A. M.

A. D. 1953, at 10 o'clock A. M.

O. E. COOPER, County Clerk
Bowie County, Texas

By *D. Wright Curtis* Deputy