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VOL 1202 PAGE 377

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Revised 10-85.

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SPECIAL

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## WARRANTY DEED WITH VENDOR'S LIEN

13791

Date: December 21, 1987

Grantor: First Republic Bank Fort Worth, N.A., Trustee for the MacEachin Family Trusts

Grantor's Mailing Address (including county): P. O. Box 2260, Fort Worth, Texas 76113-997  
(Tarrant County)

Grantee: Johnny F. Martin, William L. Lowe, and Jack Cummins

Grantee's Mailing Address (including county):  
1134 Circo, DCBE, Granbury, Texas 76048 (Hood County)

### Consideration:

TEN AND NO/100 DOLLARS and other good and valuable consideration and a note of even date that is in the principal amount of Three Hundred Fifty Six Thousand Six Hundred Twenty and No/100 Dollars (\$356,620.00) and is executed by Grantee, payable to the order of First National Bank of Granbury. The note is secured by a vendor's lien retained in favor of First National Bank of Granbury in this deed and by a Deed of Trust of even date from Grantee to J. Henry Luton, Trustee.

### Property (including any improvements):

135.55 acres and 2 acres in the William H. Cathey Survey A-98, 78.31 acres in the M. Harris Survey A-238, 2 acres in the William Blair Survey A-45 and the M. Harris Survey A-238, and 11.73 acres in the William Blair Survey A-45, Hood County, Texas, all being described by metes and bounds in the attached Exhibit "A".

SAVE AND EXCEPT, and there is hereby reserved unto Grantor, its successors and assigns, three-quarters (3/4) of the oil, gas and other minerals in and under and that may be produced from the above described property, subject to the agreement regarding surface use and drill sites, contained in the attached Exhibit "B".

### Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made subject to any and all restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in Hood County, Texas, and to all zoning laws, regulations or ordinances of municipal and other governmental authorities, if any, but only to the extent they are still in effect, relating to the hereinabove described property.

Grantor, for the consideration and subject to the 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, executors, administrators, successors, or assigns forever. Grantor hereby 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 warranty, when the claim is by, through, or under Grantor but not otherwise.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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

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First National Bank of Granbury, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of First National Bank of Granbury and are transferred to that party without recourse on Grantor.

Attest:

First Republic Bank Fort Worth N.A.,  
Trustee for the MacEachin Family Trusts

By: Kenneth J. ...  
Notary Public

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name (print)  
Notary's commission expires \_\_\_\_\_

(Corporate Acknowledgment)

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
by \_\_\_\_\_  
of First Republic Bank Fort Worth N.A., Trustee for the MacEachin Family Trusts  
a \_\_\_\_\_ corporation, on behalf of said corporation



\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name (print)  
Notary's commission expires \_\_\_\_\_

AFTER RECORDING RETURN TO

Bill Lowe  
1134 Circo DCB

17<sup>23</sup>

PREPARED BY THE LAW OFFICE OF

Law Office of  
BROWN & ...

## EXHIBIT A

## TRACT ONE

135.55 ACRES:

All that certain lot, tract or parcel of land lying and being situated in the William H. Cathey Survey, Abstract No. 98, Hood County, Texas and being a portion of that certain tract of land conveyed to Graham C. MacEachin by deed as filed of record in Volume 97, Page 624 Deed Records of Hood County, Texas and being described more particularly by metes and bounds as follows:

BEGINNING at an iron rod found at the southeast corner of said Cathey Survey near a 12 inch fence corner post for the southeast corner of this tract;

THENCE N 29-53-03 W, along or near a fence and along the East line of said Cathey Survey, 2203.31 feet to an iron rod set for the southeast corner of a 2.00 acre tract;

THENCE S 59-44-07 W, along the South line of said 2.00 acre tract, a distance of 220.00 feet to an iron rod set for an ell corner of this tract;

THENCE N 29-53-03 W, along the West line of said 2.00 acre tract, a distance of 396.00 feet to an iron rod set in the South line of County Road No. 303 for an ell corner of this tract;

THENCE N 59-44-07 E, along the South line of said county road, a distance of 220.00 feet to an iron rod set in the East line of said Cathey Survey for a corner;

THENCE N 29-53-03 W, along the East line of said survey, a distance of 40.69 feet to an iron rod set for the northeast corner of said survey;

THENCE S 59-25-09 W, along the North line of said county road, a distance of 1738.03 feet to a 3/8 inch iron rod found at a fence corner post for a corner;

THENCE N 85-31-04 E, along a fence and along the northeasterly line of a 3.68 acre tract conveyed by Graham C. MacEachin, Trustee of the MacEachin Family Trust to Tom D. Hamilton by deed as filed of record in Volume 335, Page 88, Deed Records of Hood County, Texas, a distance of 40.99 feet to a 3/8 inch iron rod found for corner;

THENCE S 69-16-09 E, along a fence and along a northeasterly line of said Hamilton tract, a distance of 21.08 feet to a 3/8 inch iron rod found for corner;

THENCE S 16-14-09 W, along an easterly line of said Hamilton tract and along the westerly line of said County Road No. 303, a distance of 154.76 feet to a 3/8 inch iron rod found, said point being the most southerly southeast corner of said Hamilton tract for corner, said point also being the northeast corner of a 10 acre tract conveyed by Graham C. MacEachin as Trustee of the MacEachin Family Trust to Bobby J. Whaley and wife, Jonell Whaley by deed as filed of record in Volume 325, Page 266, Deed Records of Hood County, Texas;

THENCE S 14-44-14 W, along the westerly line of said county road and along the easterly line of said Whaley tract, a distance of 552.73 feet to a 3/8 inch iron rod found at the base of a 14 inch post oak tree for corner;

THENCE S 0-41-18 W, along the westerly line of said county road and the easterly line of the said Whaley tract, a distance of 634.71 feet to an iron rod found for the southeast corner of said Whaley tract, said point also being the northeast corner of a tract of land conveyed by Andrew Tower Rental, Inc. to Bobby J. Whaley and wife, Jonell Whaley by deed as filed of record in Volume 1069, Page 840, Deed Records of Hood County, Texas;

THENCE S 0-20-01 W along the easterly line of said Whaley tract, a distance of 205.85 feet to the East line of said William H. Cathey Survey for corner;

THENCE S 29-14-16 E, along the West line of said survey and crossing said county road, a distance of 128.80 feet to an iron rod found at a fence intersection for corner;

THENCE N 00-48-36 E, along or near a fence and along the easterly line of said county road, a distance of 56.21 feet to an iron rod found for corner, said point being the southwest corner of PARCEL TWO conveyed by Graham C. MacEachin, Trustee of the MacEachin Family Trust to Acton Municipal Utility District by deed as filed of record in Volume 1000, Page 805, Deed Records of

Hood County, Texas;

THENCE N 4-34-43 W, along the easterly line of said county road and the westerly line of said AMUD tract, a distance of 163.71 feet to an iron rod found, the northwest corner of said AMUD tract;

THENCE N 86-44-09 E, along the North line of said AMUD tract, a distance of 210.76 feet to an iron rod found for corner;

THENCE S 3-44-03 E, along the East line of said AMUD tract, a distance of 164.31 feet to an iron rod found for corner;

THENCE N 86-55-17 E, a distance of 121.79 feet to an iron rod found for corner;

THENCE along the meanders of a creek as follows:

S 25-25-43 E, a distance of 170.00 feet,

S 03-12-33 W, a distance of 72.99 feet,

S 15-34-12 W, a distance of 237.30 feet,

S 62-54-43 E, a distance of 149.00 feet,

S 7-21-43 E, a distance of 180.00 feet,

S 16-44-16 W, a distance of 85.65 feet,

S 25-46-25 E, a distance of 165.64 feet,

S 18-55-39 W, a distance of 68.12 feet,

to the West line of said Cathey Survey;

THENCE S 29-14-16 E, along the West line of said survey, a distance of 185.63 feet to an iron rod found;

THENCE N 59-36-44 E, along or near a fence and along the northerly line of De Cordova Bend Estates, Unit XX, Hood County, Texas, according to the plat filed of recorded in Volume 1, Page 71, Plat Records of Hood County, Texas, a distance of 1323.43 feet to an iron rod found at a 12 inch creosote fence post, said point being the northeast corner of said addition, for corner;

THENCE N 60-06-18 E, along the South line of said Cathey survey and along or near a fence and along the northerly line of De Cordova Bend Estates, Unit XIX, Hood County, Texas, according to the plat filed of record in Volume 1, Page 67, Plat Records of Hood County, Texas, a distance of 1305.84 feet to the PLACE OF BEGINNING, and containing 138.88 acres of land, of which 3.33 acres is encompassed within County Road No. 303, leaving a net area of 135.55 acres of land more or less.

TRACT TWO2.00 ACRES:

All that certain lot, tract or parcel of land lying and being situated in the William H. Cathey Survey, Abstract No. 98, Hood County, Texas and being a portion of that certain tract of and conveyed to Graham E. MacEachin by deed as filed of record in Volume 97, Page 624, Deed Records of Hood County, Texas, and being described more particularly by metes and bounds as follows:

BEGINNING at an iron rod set in the South line of County Road No. 303 and in the East line of said Cathey Survey, and being S 29-53-03 E, 40.69 feet from an iron rod, the northeast corner of said Cathey Survey;

THENCE S 29-53-03 E, along the East line of said survey and along or near a fence, a distance of 396.00 feet to an iron rod set for the southeast corner of this tract;

THENCE S 59-44-07 W, a distance of 220.00 feet to an iron rod set for the southwest corner of this tract;

THENCE N 29-53-03 W, a distance of 396.00 feet to an iron rod set in the South line of said County Road No. 303 for the northwest corner of this tract;

THENCE N 59-44-07 E, along the South line of said county road and along or near a fence, a distance of 220.00 feet to the PLACE OF BEGINNING, and containing 2.00 acres of land more or less.

TRACT THREE78.31 ACRES:

All that certain lot, tract or parcel of land lying and being situated in the M. Harris Survey, Abstract No. 238, Hood County, Texas and being a portion of that certain 80 acre tract conveyed to Graham C. MacEachin by deed as filed of record in Volume 154, Page 224, Deed Records of Hood County, Texas;

BEGINNING at a set stone at which an iron rod has been placed, said point being the northeast corner of said 80 acre tract;

THENCE S 30-27-27 E, along the East line of said Harris Survey and the east line of said 80 acre tract, a distance of 1046.85 feet to an iron rod set for corner;

THENCE S 59-31-40 W, a distance of 261.61 feet to an iron rod set for corner;

THENCE S 30-27-27 E, a distance of 261.61 feet to an iron rod set for corner and being in the North line of the Trees Subdivision (an unrecorded plat);

THENCE S 59-31-40 W, along the North line of said subdivision a distance of 233.09 feet to an iron rod found for corner;

THENCE S 30-23-03 E, 9.35 feet to an iron rod set in the West line of Lot 5 of said subdivision and being in the South line of said 80 acre tract;

THENCE S 59-46-35 W, along the South line of said 80 acre tract a distance of 2154.04 feet to an iron rod set for the southwest corner of this tract and the southwest corner of said M. Harris tract;

THENCE N 29-41-50 W, along the West line of said 80 acre tract and said Harris Survey a distance of 1320.00 feet to an iron rod set for the northwest corner of this tract;

THENCE N 59-46-35 E, along the North line of said 80 acre tract and along or near a fence a distance of 2631.24 feet to the PLACE OF BEGINNING and containing 78.31 acres of land, more or less.

TRACT FOUR2.00 ACRES:

All that certain lot, tract or parce of land lying in the William Blair Survey, Abstract No. 45 and the M. Harris Survey, Abstract No. 238, and being a portion of a 35 acre tract of land conveyed to Graham c. MacEachin, said 35 acre tract being known as Parcel 2, first tract according to the deed filed of record in Volume 212, Page 224, Deed Records of Hood County, Texas and also being a portion of that certain 80 acre tract conveyed to Graham C. MacEachin according to the deed filed of record in Volume 154, Page 224, Deed Records of Hood County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod set in the westerly line of a 60 foot county road right-of-way, said point being S 30-27-27 E, 1046.85 feet and N 59-31-40 E, 140.56 feet from a set stone, the northeast corner of said 80 acre tract, said iron rod being the beginning of a curve to the left;

THENCE along said curve whose radius is 690.00 feet, an arc distance of 446.92 feet to an iron rod found in the West line of said 35 acre tract for corner;

THENCE N 30-27-27 W, along the West line of said 35 acre tract a distance of 154.40 feet to an iron rod set for corner;

THENCE S 59-31-40 W, along or near a fence, and along the North line of The Trees (an unrecorded subdivision), a distance of 261.61 feet to an iron rod set for the southwest corner of this tract;

THENCE N 30-27-27 W, a distance of 261.61 feet to an iron rod set for the northwest corner of this tract;

THENCE N 59-31-40 E, at 261.61 feet pass the West line of said 35 acre tract, in all 402.17 feet to the PLACE OF BEGINNING, and containing 2.00 acres of land, more or less.

TRACT FIVE11.73 ACRES:

All that certain lot, tract or parcel of land lying and being situated in the William Blair Survey, Abstract No. 45, Hood County, Texas and being a portion of that certain tract of land conveyed to Graham C. MacEachin and being known as Parcel II, first tract as filed of record in Volume 212, Page 24, Deed Records of Hood County, Texas, and being more particularly described in metes and bounds as follows:

BEGINNING at an iron rod set for the northwest corner of said 35 acre tract for the northwest corner of this tract;

THENCE N 61-23-36 E, along the North line of said 35 acre tract and along or near a fence, a distance of 846.79 feet to an iron rod set for corner, said point being in the westerly line of a 2.231 acre Road, Right-Of-Way, deeded to Hood County, Texas, November 27, 1985;

THENCE S 29-48-56 E, along the westerly line of said county road, a distance of 7.96 feet to an iron rod found, said point being the beginning of a curve to the right;

THENCE along the westerly line of said county road and along said curve whose central angle is 67-53-03 and whose radius is 644.55 feet and arc distance of 763.66 feet to an iron rod found for corner, said point being the beginning of a curve to the left;

THENCE along the westerly line of said county road, right-of-way and along said curve whose radius is 690.00 feet and whose central angle is 31-19-48 an arc distance of 377.30 feet to an iron rod set for corner;

THENCE S 59-31-40 W, a distance of 140.56 feet to an iron rod set in the West line of said 35 acre tract for the southwest corner of this tract;

THENCE N 30-27-27 W, along the westerly line of said 35 acre tract and along or near a fence, a distance of 852.75 feet to the PLACE OF BEGINNING and containing 11.73 acres of land, more or less.

Signed for Identification:

First Republic Bank, Fort Worth, N.A.  
Trustee for the MacEachin Family Trusts

Attest: .....

By: *[Signature]*  
Trustee

EXHIBIT "B" to Special Warranty Deed From First Republic Bank Fort Worth, N.A. Trustees of the MacEachin Family Trusts

The Grantor does hereby reserve unto itself, its successors and assigns easements upon two drill sites consisting of two (2) acres each (hereinafter called the "Drill Site Easement"). The drill site easements are described as Tract Two (2) and Tract Four (4) in the Exhibit "A" attached to the Special Warranty Deed from First Republic Bank Fort Worth, N.A., Trustee of the MacEachin Family Trusts to Johnny F. Martin, William L. Lowe and Jack Cummins. Such drill site easements are reserved by the Grantor in this conveyance to the Grantees in accordance with the following terms and conditions:

(1) The Grantor does hereby expressly release and waive on behalf of itself and its successors and assigns all rights to use the surface of the subject property (described in the said Exhibit "A") or any part thereof (except for the above designated drill site easements) including without limitation the right to enter upon the surface of the subject property for the purpose of exploring for, developing, drilling, producing, transporting, treating, storing, or any other purposes incident to the development or production of the oil, gas and other minerals in and under the subject property. It is expressly agreed, however, that nothing herein shall be construed as waiving the Grantor's right to use the surface of the drill site easements for the purpose of exploring for developing, drilling or producing the oil, gas and other minerals in and under the property conveyed to the Grantees provided that the Grantor's right to develop and produce oil, gas and other minerals from the surface of the drill site easements shall be limited solely to reasonable and necessary development and production through the bores of wells drilled on the drill site easements, and in no event shall the Grantor, its successors or assigns ever have the right to develop and produce said oil, gas or other minerals from the surface of the drill sites in any other manner, expressly those minerals which may require the destruction of the surface or strip mining in order to mine said minerals. The Grantor may from the drill site easements or at surface locations outside the property ("property" herein shall consist of Tracts 1, 2, 3, 4, and 5 in the Exhibit "A" attached to the Special Warranty Deed from First Republic Bank Fort Worth, N.A., Trustee of the MacEachin Family Trusts to Johnny F. Martin, William L. Lowe and Jack Cummins) drill wells directionally under the property or bottomed beneath the said property and Grantor reserves the subsurface right of way and easements to drill directionally for oil, gas and other minerals under and through the property at depths of not less than two hundred (200) feet from the surface regardless of where said directionally drilled wells may be bottomed and regardless of the surface locations of said directionally drilled wells except that such surface location shall not be on any of the property outside the drill site easement.

2. The Grantees agree that the right, title and interest of the Grantor in and to the drill site easements is a dominant estate in favor of the Grantor so that the Grantees shall not have any right to interfere with the Grantor reasonable drilling activities. Grantees expressly agree not to place or permit any house or building or other similar structure or body of water to be placed upon any part of the drill site easements. The Grantees however reserve the right to landscape and to plant trees and shrubs as they deem necessary and to maintain said tract, subject however to the dominant rights of the Seller to carry on its reasonably necessary drilling activities.

3. The mineral owners agree that any oil, gas or mineral lease hereafter executed by the Grantor in favor of any person, firm or corporation covering or effecting any part of the subject property shall be expressly made subject to the terms and provisions of this instrument.

It is expressly understood and agreed that this agreement does not affect any rights, titles or interests in or to the mineral estate which are not specifically mentioned or restricted herein, nor does it affect any rights, titles or interests incident to Grantor's mineral ownership in or to the same nor does it affect lands other than the property being sold to Grantees nor does it affect any rights, titles or interests held by Grantor in lands other than the property being sold to Grantees.

FIRST REPUBLIC BANK, HOOD RIVER, TEXAS,  
TRUSTEE of the MARRIAGE FAMILY  
Trusts

By: Harold K. Kuebler  
Trustee, Officer, etc.

Johnny F. Martin  
Johnny F. Martin

William D. Lowe  
William D. Lowe

Jack C. Collins  
Jack C. Collins

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.

STATE OF TEXAS  
COUNTY OF HOOD  
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 OFFICIAL PUBLIC RECORDS OF HOOD COUNTY, TEXAS, in the Volume and Page as shown hereon.

Anjanette Ables  
ANJANETTE ABLES, County Clerk  
Hood County, Texas



FILED FOR RECORD  
AT 4:45 P.M.

DEC 21 1987

Anjanette Ables  
Clerk County Court, Hood County, TX.