

**NOTICE OF SUBSTITUTE TRUSTEE SALE**

**Deed of Trust Date:**  
7/29/2016

**Grantor(s)/Mortgagor(s):**  
MATTHEW JAMES HALLIBURTON, A  
SINGLE MAN

**Original Beneficiary/Mortgagee:**  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. ("MERS") SOLELY AS A  
NOMINEE FOR GARDNER FINANCIAL  
SERVICES LTD, DBA LEGACY MUTUAL  
MORTGAGE, ITS SUCCESSORS AND ASSIGNS

**Current Beneficiary/Mortgagee:**  
Caliber Home Loans, Inc.

**Recorded in:**  
Volume: N/A  
Page: N/A  
Instrument No: 163159

**Property County:**  
AUSTIN

**Mortgage Servicer:**  
Caliber Home Loans, Inc. is representing the  
Current Beneficiary/Mortgagee under a servicing  
agreement with the Current Beneficiary/Mortgagee.

**Mortgage Servicer's Address:**  
13801 Wireless Way, Oklahoma City, OK 73134

**Legal Description:** 1.52 ACRES OF LAND, MORE OR LESS, OUT OF THE JOHN P. BORDEN SURVEY IN  
AUSTIN COUNTY, TEXAS, DESCRIBED IN A DEED FROM LESTER H. RUTHSTROM AND WIFE,  
DOROTHA P. RUTHSTROM TO HENRY DIRBA, DATED SEPTEMBER 27, 1979, RECORDED IN VOLUME  
420, PAGES 5-7, OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS.

**Date of Sale:** 9/5/2017

**Earliest Time Sale Will Begin:** 1PM

**Place of Sale of Property:** Austin County Courthouse, One East Main, Bellville, TX 77418 OR IN THE  
AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF  
THE TEXAS PROPERTY CODE.

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place  
and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that  
time.

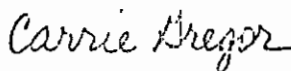
**Notice Pursuant to Tex. Prop. Code § 51.002(i):**  
Assert and protect your rights as a member of  
the armed forces of the United States. If you  
are or your spouse is serving on active military  
duty, including active military duty as a  
member of the Texas National Guard or the  
National Guard of another state or as a  
member of a reserve component of the armed  
forces of the United States, please send  
written notice of the active duty military  
service to the sender of this notice  
immediately.



Megan Randle-Bender, Aarti Patel, Maryna  
Danielian, Patricia Sanders, Frederiek Britton, Jack  
Burns-H, Kristopher Holub, Patrick Zwiers, Doug  
Woodard, Kristie Alvarez, Julian Perrine, Dan Hart,  
Megan Randle, Rebecca Bolton  
or Cole D. Patton  
or Denny Tedrow  
MCCARTHY & HOLTHUS, LLP  
ATTN: SALES  
1255 West 15th Street, Suite 1060  
Plano, TX 75075

FILED

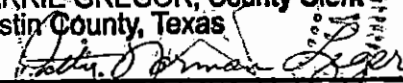
17 JUN 26 AM 9:46



COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-33

MH File Number: TX-17-33011-POS  
Loan Type: FHA

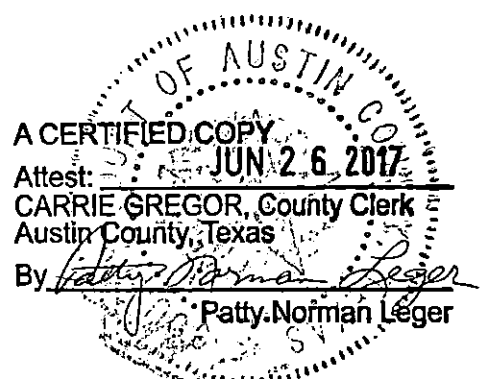
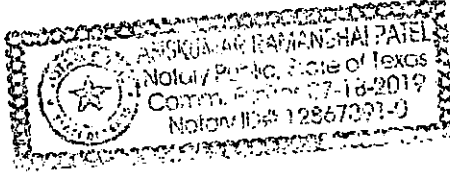
A CERTIFIED COPY  
JUN 26 2017  
Attest: CARRIE GREGOR, County Clerk  
Austin County, Texas  
By:   
Patty Norman Leger

STATE OF TEXAS §  
COUNTY OF FORT BEND §

Before me, the undersigned Notary Public, on this day personally appeared Megan C Randle as Substitute Trustee, known to me or proved to me through a valid State driver's license or other official identification described as \_\_\_\_\_ to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 16<sup>th</sup> day of June, 2017.

[Signature]  
Notary Public  
Signature




## NOTICE OF FORECLOSURE SALE

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OR ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

- 1. Property to Be Sold.** The property to be sold is described as follows: TRACT ONE IN WHISPERING OAKS, A SUBDIVISION IN THE THOMAS HILL LEAGUE (A-48), AUSTIN COUNTY, TEXAS, ACCORDING TO MAP AND PLAT FILED APRIL 7, 1998, RECORDED IN VOLUME 1, PAGES 161-162, PLAT RECORDS OF AUSTIN COUNTY, TEXAS.
- 2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 05/25/2006 and recorded in Document 063463 real property records of Austin County, Texas.
- 3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:  
Date: 09/05/2017  
Time: 01:00 PM  
Place: Austin County Courthouse, Texas at the following location: INSIDE THE FOYER OF THE AUSTIN COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.
- 4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust.
- 5. Obligations Secured.** The Deed of Trust executed by PATRICK O. BRYAN, provides that it secures the payment of the indebtedness in the original principal amount of \$71,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Deutsche Bank National Trust Company, as Trustee on behalf of the Certificateholders of Natixis Real Estate Capital Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2 is the current mortgagee of the note and deed of trust and SELECT PORTFOLIO SERVICING, INC. is mortgage servicer. A servicing agreement between the mortgagee, whose address is Deutsche Bank National Trust Company, as Trustee on behalf of the Certificateholders of Natixis Real Estate Capital Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2 c/o SELECT PORTFOLIO SERVICING, INC., 3217 S. Decker Lake Dr., Salt Lake City, UT 84119 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- 6. Order to Foreclose.** Deutsche Bank National Trust Company, as Trustee on behalf of the Certificateholders of Natixis Real Estate Capital Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2 obtained a Order from the 155th District Court of Austin County on 06/27/2017 under Cause No. 2017V-0068 . The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.
- 7. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint MEGAN L. RANDLE AKA MEGAN L. RANDLE-BENDER OR EBBIE MURPHY , Substitute Trustee to act under and by virtue of said Deed of Trust.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

  
Mackie Wolf Zientz & Mann, P.C.  
Brandon Wolf, Attorney at Law  
✓ L. Keller Mackie, Attorney at Law  
Lori Liane Long, Attorney at Law  
Tracey Midkiff, Attorney at Law  
Marissa Sibal, Attorney at Law  
Parkway Office Center, Suite 900  
14160 North Dallas Parkway  
Dallas, TX 75254

  
MEGAN L. RANDLE AKA MEGAN L. RANDLE-BENDER OR EBBIE MURPHY

c/o AVT Title Services, LLC  
1101 Ridge Rd. Suite 222  
Rockwall, TX 75087

Certificate of Posting

I am \_\_\_\_\_ whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Austin County Clerk and caused it to be posted at the location directed by the Austin County Commissioners Court.

FILED  
17 AUG -3 PM 2:47  
Carrie Bregor  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-39



NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

1. **Date, Time, and Place of Sale.**

Date: September 05, 2017

Time: The sale will begin at 1:00PM or not later than three hours after that time.

Place: FOYER OF THE AUSTIN COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale.** Cash.

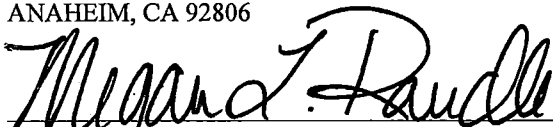
3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated July 13, 2006 and recorded in Document CLERK'S FILE NO. 064877 real property records of AUSTIN County, Texas, with FRANCES M. FRISCH, grantor(s) and HOME123 CORPORATION, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by FRANCES M. FRISCH, securing the payment of the indebtednesses in the original principal amount of \$93,200.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK N.A., AS TRUSTEE, FOR CARRINGTON MORTGAGE LOAN TRUST, SERIES 2006-NC4 ASSET-BACKED PASS-THROUGH CERTIFICATES is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

6. **Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the current mortgagee, whose address is:

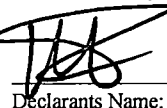
c/o CARRINGTON MORTGAGE SERVICES, LLC  
1600 SOUTH DOUGLASS ROAD SUITE 200-A  
ANAHEIM, CA 92806

  
\_\_\_\_\_  
MEGAN L. RANDLE, REBECCA BOLTON, OR AMY JURASEK  
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001

Certificate of Posting

My name is Megan L. Randle, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001. I declare under penalty of perjury that on 08/14/17 I filed at the office of the AUSTIN County Clerk and caused to be posted at the AUSTIN County courthouse this notice of sale.

  
Declarants Name: 08/14/17, Megan L. Randle  
Date: \_\_\_\_\_

FILED  
17 AUG 14 AM 9:35  
Carrie Gregor  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-40



NOS00000006308985

**EXHIBIT "A"**

LOT TWO (2), IN BRANDYWILDE SUBDIVISION, A SUBDIVISION TO THE CITY OF SEALY, AUSTIN COUNTY, TEXAS, OF 5.6189 ACRES OUT OF LOT SEVEN (7), BLOCK THIRTY-SIX (36) SEALY SUBDIVISION, SAN FELIPE DE AUSTIN TOWN TRACT, AUSTIN COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 1, PAGE(S) 77-78, PLAT RECORDS OF AUSTIN COUNTY, TEXAS.

FILED  
17 AUG 14 AM 9:34  
*Carrie Regier*  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS



NOS0000006308985

TRUSTEE'S NOTICE OF SALE

THE STATE OF TEXAS  
COUNTY OF AUSTIN

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, On March 14, 2017, Edwin H. Malinowski, II Trustee and Sheryl Ann Malinowski, Trustee, executed and delivered a certain Deed of Trust (hereinafter "Deed of Trust") conveying to Michael G. Tapp, Trustee, the real estate hereinafter described to secure II C.B., L.P. in the payment of the debt described in said Deed of Trust and filed for record in the Real Property Records of Austin County, Texas, under Instrument No. 171180; and


WHEREAS, there has been a default in the payment of the note described in said Deed of Trust; and II C.B., L.P. the beneficiary and owner of the aforesaid note, has accelerated the note and has requested Michael G. Tapp, Trustee to enforce the sale provisions of the Deed of Trust;

NOW, THEREFORE, I, Michael G. Tapp, Trustee, whose address is 12611 Jones Road Suite 101, Houston, Texas, 77070, (281) 890-82772, hereby give notice that I will, after due posting and filing of this notice as required by such Deed of Trust and the law, sell at the public venue to the highest bidder or bidders, for cash, in the area designated in the Austin County Courthouse by the Austin County Commissioners as the place in which to hold real property foreclosures sales in Austin County, the county in which said property is located, between 10:00 a.m. and 4:00 p.m. and no earlier than 1:00 o'clock p.m., on Tuesday, September 5, 2017, the real property so described in and covered by the aforesaid Deed of Trust and more particularly described as follows, to-wit:

Fifteen tracts of land in Austin County, Texas, more particularly described in Exhibits "A" through "N" attached hereto and incorporated herein for all purposes

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

EXECUTED this 10<sup>th</sup> day of August, 2017.

  
\_\_\_\_\_  
Michael G. Tapp, Trustee

FILED

17 AUG 14 PM 3: 17

Carrie Gregor  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-41

## Exhibit A

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, a part of the S. F. Austin 4 League Grant and part of the George Grimes League, also being part of the 92.4 acres of land, more or less, which was conveyed to Olivia Huff by Gilbert Huff, et al, by Deed dated April 26, 1948, as recorded in Volume 195, Pages 115-119, #2595, of the Austin County Deed Records, and being more fully described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin in the most Eastern or NE corner of this tract, being in the South R.O.W. line of State Highway #159, being in the most Northern or NE line of the said 92.4 acres of which this tract is a part thereof, said beginning point being N 71° 05' W. 745.50' (268.38 vrs.) from the most Eastern corner of the said original 92.4 acres of land;

THENCE leaving said Highway line and along the most Eastern line of this tract S 16° 44' W. 407.72' (146.78 vrs.) to an iron pin in the most Southern or SE corner of this tract, being the most Western corner of the Richard Platte tract;

THENCE along the South line of this tract N 71° 15' W. 285.15' (102.65 vrs.) to an iron pin in the most Western or SW corner of this tract;

THENCE along the most Western line of this tract N 14° 53' E. 409.30' (147.35 vrs.) to an iron pin in the most Northern or NW corner of this tract, being in said Highway line and S. 71° 05' E. 65 feet (23.4 vrs.) from an iron pin found in said line for the most Eastern corner of the Connie L. Huff tract;

THENCE along said Highway line S. 71° 05' E. 298.40' (107.42 vrs.) to the point or place of beginning, and containing 2.732 acres of land.

And being the same land described in a Deed from Olivia Huff to Reuben J. Grebe, et ux, dated June 20, 1963, and recorded in Volume 269, Pages 416-417 of the Deed Records of Austin County, Texas.

The above property is SUBJECT TO the following:

1. Right of Way from Reuben J. Grebe to San Bernard Electric Cooperative, Inc., dated January 14, 1964, recorded in Volume 274, Page 14, Deed Records of Austin County, Texas.
2. Right of Way from Vlasta F. Grebe to San Bernard Electric Cooperative, Inc., dated April 19, 1985, recorded in Volume 542, Page 801, Official Records of Austin County, Texas.

## Exhibit B

### 1.265 ACRES

All that certain tract or parcel of land situated in Austin County, Texas in the S.F. Austin 4 League Grant A-4, and being part of a 5.059 acre tract conveyed by Erwin Huff to Lawrence Schramm et ux by deed recorded in Volume 244 at Page 313 of the Austin County Deed Records and being more particularly described as follows:

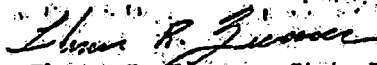
Beginning at a found iron rod in the Northwest line of Tiemann Road, same being the East corner of the 5.059 acre tract;

Thence South  $43^{\circ} 00'$  West with the Northwest line of Tiemann Road, for a distance of 104.355 feet to a set iron rod;

Thence North  $45^{\circ} 11' 06''$  West for a distance of 521.99 feet to a set iron rod in a fence line;

Thence North  $42^{\circ} 59' 40''$  East with a fence, for a distance of 106.83 feet to a found iron rod in a fence corner, same being the North corner of the said 5.059 acre tract;

Thence South  $44^{\circ} 54' 49''$  East with a fence, for a distance of 521.74 feet to the PLACE OF BEGINNING, and containing 1.265 acres of land.

  
Thomas R. Eisner - State Reg. No. 1990



**Exhibit C**

All that certain tract or parcel of land lying and being situated in Austin County, Texas, part of the Stephen F. Austin 4 League Grant, Abstract No. 4, being part of the same land called 92.4 acres, more or less, and described as First Tract in the deed from Gilbert Huff, et al, to Olivia Huff dated April 26, 1948, and recorded in Volume 195, Page 115, of the Deed Records of Austin County, Texas, to which said deed and the record thereof reference is here made for all intents, purposes and descriptions, said land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 3/8" iron rod set on the fenced West line of the Erwin Huff tract called 59.2 acres described in deed recorded in Volume 156, Page 618, of the Deed Records of Austin County, Texas, for the most Southern corner of the tract described herein, being the most Eastern corner of a 11.5176-acre tract surveyed out of said original tract and set aside for Erwin Huff, said beginning point being N 13° 21' 14" E 587.48 feet from a 3/8" iron rod set at the base of an old dead cedar tree fence corner found for the most Southern corner of said original tract described in deed recorded in Volume 195, Page 115, of the Deed Records of Austin County, Texas;

**THENCE** leaving said beginning point and along the Northeast line of said 11.5176-acre tract for the upper Southwest line of the tract described herein, N 48° 12' 38" W 1147.32 feet to a 3/8" iron rod set for the North corner of said 11.5176-acre tract, being an interior ell corner of the tract described herein;

**THENCE** along the Northwest line of said 11.5176-acre tract for a Southeast line of the tract described herein, S 39° 04' W 293.17 feet to a 3/8" iron rod set on the fenced Northeast line of the same land known as the Fritz H. Zettel tract called 100.66 acres, being on the Southwest line of said original tract, being the most West corner of said 11.5176-acre tract and being an exterior corner of the tract described herein;

**THENCE** along a portion of the fenced Northeast line of said Zettel tract for the lower Southwest line of the tract described herein, being along the Southwest line of said original tract, N 39° 22' 07" W at 563.98 feet passing a 3/8" iron rod set for reference at the base of a cedar fence post on this line, and at a total distance of 635.98 feet to a point in the center of a creek, being on the Northeast line of said Zettel tract;

**THENCE** along the center of said creek with its meanders as follows: N 9° 31' 53" W 25.20 feet, N 50° 16' 53" W 43.27 feet, N 86° 11' 13" W 35.42 feet, N 33° 41' 59" W 28.89 feet, N 65° 16' 21" W 39.33 feet, N 30° 10' 11" W 74.66 feet, N 14° 36' E 64.24 feet, N 24° 47' 02" E 19.84 feet, N 50° 46' 19" E 21.15 feet, N 8° 00' E 143.35 feet, N 22° 11' 56" E 55.11 feet, N 2° 25' 37" E 106.40 feet, N 41° 25' 47" W 81.90 feet and N 27° 22' 47" E 93.99 feet to a point in the center of said creek, being an exterior angle point of the tract described herein, being the Southwest corner of a 2.4114-acre tract surveyed out of said original tract called 92 acres and set aside for Connie Huff, and being on the East side of the same land known as the Frank Schovajan tract called 55 acres;

**THENCE** leaving said creek and along the South line of said 2.4114-acre tract for a North line of the tract described herein, N 82° 47' 07" E at 88.34 feet passing a 3/8" iron rod set for reference at the base of a railroad tie fence post on this line, and at a total distance of 1113.97 feet to a 1" iron pipe found for the most Eastern point or corner of said 2.4114-acre tract, being an interior corner of the tract described herein and being the South or Southeast corner of the Connie Huff homestead tract;

**THENCE** along the East line of said Connie Huff homestead tract for a West line of the tract described herein, N 14° 53' E 509.23 feet to a 3/8" iron rod set on the South right-of-way line of State Highway No. 159 for the most Northern corner of the tract described herein, being the East corner of said Huff homestead tract;

**THENCE** along the South right-of-way line of said highway S 76° 56' 17" E 12.55 feet to a concrete highway monument found for an angle point in said right-of-way line;

**THENCE** continuing along said right-of-way line S 68° 49' 41" E 53.13 feet to a 1/2" iron rod found at the base of a cedar fence corner post on said right-of-way line for the North or Northwest corner of the Rueben J. Grebe tract called 2.732

acres which was also part of said original tract called 92 acres, being an exterior all corner of the tract described herein;

THENCE leaving said highway and along the West line of said Grabe tract, S 14° 53' W 409.30 feet to a 1/2" iron rod found at the base of a cedar fence corner post for the West or Southwest corner of said Grabe tract, being an interior all corner of the tract described herein;

THENCE along the South line of said Grabe tract, being fenced, S 71° 15' E 285.15 feet to a 1/2" iron rod found for the South or Southeast corner of said Grabe tract, being the most Southern point or corner of a 0.4884-acre tract surveyed out of said original tract called 92 acres and set aside for Richard Platte;

THENCE along the fenced South line of the Richard Platte property S 71° 04' E 213.35 feet to a 1/2" iron rod found for the South or Southeast corner of said Platte tract, being the West or Southwest corner of the Gilbert Krause tract called 2.013 acres;

THENCE along the fenced South line of said Krause tract S 71° 10' E 213.74 feet to the South or Southeast corner of said Krause tract, being the West or Southwest corner of the same land known as the Jesse Macat tract called 2.00 acres, being on a North line of the tract described herein;

THENCE along the fenced South line of said Macat tract S 71° 01' 13" E 214.64 feet to a 3/8" iron rod set at the intersection of a fence line and with old fence line remains for the most Eastern corner of the tract described herein, being the South or Southeast corner of said Macat tract called 2.00 acres and being on the Northwest line of said original 59.2-acre tract owned by Erwin Huff and being the West or Southwest corner of a 1.024-acre tract owned by Jesse Macat which is part of said original 59.2-acre tract;

THENCE along the fenced West or Northwest line of said Huff tract called 59.2 acres for the East or Southeast line of the tract described herein and of said original tract, S 31° 53' 50" W 457.91 feet to an angle point and S 13° 21' 14" W 1286.98 feet to the place of beginning, containing 54.5245 acres of land, as surveyed by A. A. Hodde, Registered Public Surveyor, License No. 1492, on July 30, 1975.

**Exhibit D**

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Stephen F. Austin 4 League Grant, A-4, being part of the same 2,411.4 acres as described in the deed from Willie Huff, et al, to Connie Huff, dated August 29, 1978, as recorded in Vol. 411, Page 710, in the Deed Records of Austin County, Texas, and being part of the same land described as Second Tract and called 12.4 acres in the deed from Olivea Huff to Connie Huff, dated February 15, 1951, as recorded in Vol. 196, Page 194, in the Deed Records of Austin County, Texas, and being more fully described by metas and bounds as follows, To-Wit:

**BEGINNING** at a 1/2 inch iron rod set at the base of a 12 inch treated fence corner post for the most Eastern corner of said original 2,411.4 acre tract, being the Southeast corner of said original tract called 12.4 acres, also being an interior ell corner of the Edwin Henry Malinowski, Jr., 54,5245 acres as described in the deed recorded in Vol. 412, Page 654, in said Deed Records, being the Southeast corner of the tract described herein;

**THENCE** along a portion of the fenced division line of said Malinowski tract and said original 2,411.4 acre tract for the South line of the tract described herein, S 82°47'07" W (deed call of original 2,411.4 acres equal S 82°47'07" W) 43.17 feet to a 1/2 inch iron rod set for the Southwest corner of the tract described herein, being on a lower fenced North line of said Malinowski tract;

**THENCE** along the West line of the tract described herein, being 40 feet at right angle and parallel to the fenced East line of the tract described herein, N 14°53'00" E 324.20 feet to a 1/2 inch iron rod set on the South right of way line of State Highway No. 159 for the Northwest corner of the tract described herein;

**THENCE** along a portion of the South right of way line of said highway for the North line of the tract described herein, S 76°56'17" E 40.02 feet to a 1/2 inch iron rod set on said right of way line for the Northeast corner of the tract described herein, being an exterior ell corner of said Malinowski tract;

**THENCE** along a fenced division line of this tract and said Malinowski tract for the East line of the tract described herein, S 14°53'00" W 509.20 feet to the place of beginning and containing 0.475 acres of land.

# Exhibit E

ALL THAT CERTAIN TRACT OR PARCEL OF LAND situate in Austin County, Texas, out of the Stephen F. Austin 4 League Grant, A-4, and being a portion of a called 3.099 Acre tract described in a deed from Joe D. Moudry, et ux to Willie F. Moudry as recorded in Volume 271, Page 583 of the Austin County Deed Records, more particularly described as follows;

BEGINNING at an iron pin found at a fence corner, said point being in the North line of State Highway 159 and the Westmost corner of the original tract, and being the Southmost corner of a called 79.338 Acre tract now or formerly owned by Jerry Haedge;

THENCE departing from said highway with the Northwest line of the original tract N 41° 52' E, 416.13 ft. to an iron pin found at the Northmost corner of the original tract, said point being the Westmost corner of a called 36.215 Acre tract now or formerly owned by Erwin Huff;

THENCE with the Northeast line of the original tract and the Southwest line of the Huff tract S 57° 59' 49" E, 110.24 ft. to an iron pin set for Eastmost corner of this tract;

THENCE departing from said line and severing the original tract S 41° 52' W, 386.00 ft. to an iron pin set in the North line of State Highway 159 for Southmost corner;

THENCE with said highway N 72° 25' 22" W, 119.16 ft. to the PLACE OF BEGINNING and containing 1.000 Acres of Land.

March 17, 1983  
W. O. #0285

*John E. Pledger*  
John E. Pledger, III  
Registered Public Surveyor #2183



## Exhibit F



A. A. HODDE & ASSOCIATES, INC.  
 Registered Public Surveyors  
 615 EAST DIXIE STREET  
 AUSTIN, TEXAS 78701

OFFICE PHONE 828-8881  
 RESIDENCE PHONE 841-5778  
 OFFICIAL RECORD

THE STATE OF TEXAS  
 COUNTY OF AUSTIN

ERWIN J. HUFF  
 TO  
 EDWIN H. MALINOWSKI JR.

SURVEYOR'S LEGAL DESCRIPTION  
 2.914 ACRES

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Geo. Grimes League, A-44, and part of the B. F. Austin 4 League Grant, A-4, being part of the same land described as Second Tract and called 39.2 acres in the deed from R. Huff to Erwin Huff, dated September 4, 1946, as recorded in Vol. 156, Page 618, in the Deed Records of Austin County, Texas, and being more fully described by notes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch iron rod found for the lower North corner of the tract described herein, being the West corner of a 2.081 acre tract previously conveyed from Erwin Huff to Edwin H. Malinowski, Jr., also being on the Southeast line of another tract owned by Edwin H. Malinowski, Jr., said beginning point being S 31°36'00" W 416.63 feet, and S 31°48'02" W 140.00 feet from the existing North corner of said original tract;

THENCE leaving said beginning point and along the South line of said Malinowski 2.081 acre tract for the lower North line of the tract described herein, S 71°06'32" E 247.57 feet to a 1/2 inch iron rod found for an interior all corner of the tract described herein, being the South corner of said Malinowski 2.081 acre tract;

THENCE along the Southeast line of said Malinowski tract for a Northwest line of the tract described herein, N 32°02'00" E 557.58 feet to a 1/2 inch iron rod found on the South right of way line of State Highway No. 199 for the North corner of the tract described herein, being the East corner of said Malinowski tract;

THENCE along a portion of the South right of way line of said highway for a portion of the North line of the tract described herein, S 71°16'16" E 125.01 to a point on said right of way line at the beginning of a curve of same;

THENCE along said curved portion of said South right of way line of said highway for the remainder of the North line of the tract described herein, having a chord of S 71°23'57" E 25.85 feet, for an arc distance of 25.85 feet, having a radius of 5779.58 feet, to the East corner of the tract described herein, being the North corner of the same land known as the Frank Janovsky property;

THENCE leaving said highway and along the Northwest line of said Frank Janovsky tract for the Southeast line of the tract described herein, S 43°52'31" W 471.54 feet to a 6 inch Cedar fence corner post for an angle point of the tract described herein, being on or near the division line of said Austin 4 League Grant and said Grimes Survey;

01111 PLUMB SQUARE  
RESIDENCE PHONE 214-357



**A. A. HODDE & ASSOCIATES, INC.**  
Registered Public Surveyors  
619 EAST JUNCTION STREET  
GRANDPRAIRIE, TEXAS 77533

THENCE along an existing fence being used for the remainder of the Southeast line of the tract described herein, S 31°13'00" W 412.81 feet to a 1/2 inch iron rod set at the base of a 6 inch Cedar fence corner post for the South corner of the tract described herein;

THENCE along the Southwest line of the tract described herein, N 63°46'21" W 283.72 feet to a 1/2 inch iron rod set at the base of a 3 inch Cedar fence post for the West corner of the tract described herein, being on the Southeast line of said tract of land owned by Malinowski;

THENCE along a portion of the Southeast line of said tract of land owned by Malinowski for a Northwest line of the tract described herein, N 31°57'32" E 254.28 feet to the place of beginning and containing 2.914 acres of land.

I, A. A. Hodde, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing description describing 2.914 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this 17th day of November, 1989, A. D. A. A. Hodde  
A. A. Hodde  
Registered Professional  
Land Surveyor No. 1432

Sheet No. 2 of 2

FILED FOR RECORD  
AT 3:30 O'CLOCK P.M.  
DEC 12 1989  
DOROTHY HIMLY,  
CLERK COUNTY COURT, AUSTIN CO., TX  
BY Cathie Noviskie Deputy  
CATHIE NOVISKIE

Recorded DEC 28 1989  
at 2:44 P.M.  
Dorothy Himly, County Clerk,  
Austin County, Texas.  
BY: Jamie Willingham, Deputy  
Jamie Willingham

OFFICIAL REPORT



Exhibit G



**ALEXANDER SURVEYING**  
**LAND SURVEYORS**

**NAME: JANSKY (JERRY JANSKY HEATSE)**

**18.947 ACRES**

ALL THAT TRACT OR PARCEL OF LAND consisting of 18.947 Acres located in the George Grimes Survey, A-44 and the Stephen F. Austin Four (4) League Grant, A-4, Austin County, Texas. Subject tract being a portion of the called 63.88 Acre tract that is described in a Deed to Jerry Jansky as recorded in Volume 174, Page 53 of the Deed Records of Austin County, Texas and being that portion of the called 63.88 Acres that lies South of Highway 189 and said tract thought to contain 14.4 Acres. Said tract consisting of a total of 18.947 Acres and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found at a fence corner post and being the West corner of various tracts belonging to T.M. Kamas as recorded in Volume 61, Page 182 O.R.A.C.T. and being the extreme South corner of the called 63.88 Acre tract mentioned above and the South corner of the herein described tract;

THENCE N 44d 18' 19" W, with the common line with the called 1.265 Acre tract described in a Deed to Oza Dlu Rgother, et vir as recorded in Volume 537, Page 32 O.R.A.C.T. and generally with a barbed wire fence, a distance of 783.13 ft. (no call) to a 1/2" iron rod found at a fence corner post and being the Northwest corner of the called 1.768 Acre adjoining tract, the same having the Northeast or East corner of the called 10.099 Acre tract described in a Deed to Edwin H. Malinowski, Jr., et ux, as recorded in Volume 708, Page 347 O.R.A.C.T. and being an angle point in the herein described tract;

THENCE N 43d 43' 18" W, with the common line with the Malinowski Tract and generally with a barbed wire fence, a distance of 776.31 ft. (no call) to a 1/2" iron rod found at a fence corner post and being the North corner of the called 10.099 Acre tract mentioned above and being an angle point in the East line of the called 2.914 Acre tract described in a Deed to Edwin H. Malinowski, Jr. as recorded in Volume 513, Page 64 O.R.A.C.T. and being the Southwest or West corner of the parent tract and the herein described tract;

THENCE N 43d 37' 23" E, with the common line with the Malinowski Tract, a distance of 471.48 ft. to a 1/2" iron rod found in the South line of State Highway 159 (100' R.O.W.) and being the Northeast corner of the Malinowski Tract for the Northwest corner of the herein described tract;

THENCE with the South Right-of-Way of State Highway 159 and with a curve to the left which has Central Angle of 12d 14' 51", Radius of 5779.58 ft., Arc Length of 1235.44 ft. and Chord Brs. N 77d 46' 08" E, 1233.09 ft. (no call) to a 1/2" iron rod set for the North corner of the Kamas Tract and being the Northeast corner of the herein described tract. From said rod a found broken concrete monument, b.s. N 63d 15' 03" W, 1.38 ft.

March 20, 1996  
 W.D. 42963  
 Page 1 of 2



OFFICIAL RECORD  
ALEXANDER SURVEYING  
LAND SURVEYORS

MARK JANCZEK (JERRY JANCZEK ESTATE)

18.947 ACRES, (continued)

THENCE S 44d 19' 20" W, with the common line with the Ramus Tract, a distance of 1160.38 Ft. (called bearing S 43d W) to the PLACE OF BEGINNING and containing 18.947 Acres;

NOTES: Bearings shown hereon are referenced to the called bearing of S 00d 41' E called for in the description used in Deed to Melvin Lee Flentge recorded in Volume 377, Page 981 D.R.A.C.T.

Reference is hereby made to plat, of the subject tract, prepared this day.

March 20, 1996  
W.O.#2963

Glen S. Alexander  
Registered Professional Land Surveyor, #4194



Page 2 of 2



Exhibit #



A. A. HODDE & ASSOCIATES, INC.  
Registered Public Surveyor  
619 EAST HORTON STREET  
BRENHAM, TEXAS 77833

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. HOFF  
15,000 ACRES

SURVEYOR'S LEGAL DESCRIPTION

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the George Grimes League, A-41, being part of same land described as First Tract and called 39.2 acres in the deed from R. Huff to Erwin J. Huff, dated September 4, 1946, as recorded in Vol. 156, Page 618, in the Deed Records of Austin County, Texas, or being part of the same 36,820 acres to be conveyed from Erwin J. Huff to Edwin H. Malinowski, Jr., et ux, and being more fully described by metes and bounds as follows: To-wit:

BEGINNING a 1/2 inch iron rod set near the base of a 6 inch Bois D'Arc fence corner post on the North right of way line of State Highway No. 159 for the South corner of said original tract, being the South corner of the tract described herein, being the existing West corner of the Jerry Janosky property, also being the South corner of said 36,820 acre tract to be conveyed to Malinowski;

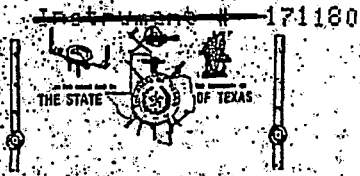
THENCE along a portion of said North right of way line of said Highway for the South line of the tract described herein, N 71° 44' 45" W 20.83 feet to a 1/2 inch iron rod found on said right of way line of last said highway for a lower West corner of the tract described herein, being the existing South corner of the Willie Moudry tract called 3 acres, also being a West corner of said 36,820 acres tract;

THENCE along the Southeast line of said Moudry tract for a Northwest line of the tract described herein, N 44° 09' 52" E 150.96 feet to a 3/4 inch iron rod found for an interior corner of the tract described herein, being an interior corner of said original tract, also being the existing East corner of said Moudry tract, also being an interior corner of said 36,820 acre tract;

THENCE along a portion of the Southwest line of said original tract, being along the Northeast line of said Moudry tract and along the Northeast line of the Willie Moudry residue tract for the Southwest line of the tract described herein, N 56° 07' 42" W 848.96 feet to a 1/2 inch iron rod set for the West corner of the tract described herein, being the North corner of said Willie Moudry tract, also being on the Southwest line of said 36,820 acre tract;

THENCE along the Northwest line of the tract described herein, N 43° 37' 59" E 836.98 feet to a 1/2 inch iron rod set for the North corner of the tract described herein;

THENCE along the Northeast line of the tract described herein, S 46° 22' 01" E 853.67 feet to a 1/2 inch iron rod set for the East corner of the tract described herein, being on the Northwest line of said Janosky property, being on the Southeast line of said 36,820 acres tract;



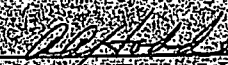
**A. A. HODDE & ASSOCIATES, INC.**  
Registered Public Surveyor  
615 EAST HORTON STREET  
BRENHAM, TEXAS 77833

THENCE along a portion of the Northwest line of said Janosky property for the Southeast line of the tract described herein, being along a portion of the Southeast line of said 36.820 acres tract, S 43° 27' 59" W 832.53 feet to the place of beginning and containing 15.000 acres of land.

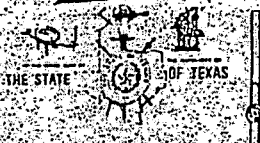
TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE GUARANTY COMPANIES:

I, A. A. Hodde, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing described survey was made on the ground and completed this the 1st day of March, 1984, A. D., and that the foregoing description legally describing 15.000 acres of land is described true and correct, and that there are no apparent discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way, except as stated hereon, and that said property has access to and from a dedicated roadway, except as stated hereon.

Dated this the 1st day of March, 1984, A. D.

  
A. A. Hodde  
Registered Public Surveyor  
No. 21492





THE STATE OF TEXAS  
COUNTY OF AUSTIN

A. A. HODDE & ASSOCIATES, INC.

Registered Public Surveyor  
615 EAST HORTON STREET  
DRENNHAM, TEXAS 77833

ERWIN J. HUFF  
TO  
EDWIN H. MALINOWSKI, JR., ET ALX

Exhibit I

SURVEYOR'S LEGAL DESCRIPTION

2.081 ACRES

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the S. F. Austin 4 Leagues Grant, A-4, being part of the George Grimes League, A-44, in accordance with the description of the Erwin Huff land as described in Vol. 156, Page 618, in the Deed Records of Austin County, Texas, or being part of the same land described as Second Tract and called 59.2 acres in the deed from R. Huff to Erwin Huff, dated September 4, 1946, as recorded in said Vol. 156, Page 618, in the Deed Records of Austin County, Texas, and being more fully described by metes and bounds as follows:  
To-Wit:

BEGINNING at a 1/2 inch iron rod set near the base of a 6 inch fence corner post on the South right of way line of State Highway No. 159 for the Northwest corner of the tract described herein, being the Northeast corner of a 1.024 acre tract previously conveyed to Jesse Macat, said beginning point being S 71°00' E 111.20 feet from the most Northern or Northwest corner of said original tract;

THENCE leaving said beginning point and along a portion of the South right of way line of said highway for the North line of this tract, S 71°16'16" E 139.98 feet to a 1/2 inch iron rod set on said right of way line for the most Eastern corner of this tract;

THENCE leaving said highway and along the Southeast line of this tract, S 32°02' W 557.58 feet to a 1/2 inch iron rod set for the South corner of this tract;

THENCE along the Southwest line of the tract described herein, N 71°06'32" W 247.57 feet to a 1/2 inch iron rod set for the West corner of the tract described herein, being on the Southeast line of the Edwin H. Malinowski, Jr., land as evidenced by old fence line remains;

THENCE along a portion of said Southeast line of said Malinowski land for a Northwest line of this tract, N 31°48'02" E 140.00 feet to a 3/8 inch iron rod found for the lower North corner of this tract, being the West corner of said Macat 1.024 acre tract, also being the South corner of the Jesse Macat 2.00 acre tract;

THENCE along the fenced South line of said Macat 1.024 acre tract for a North line of this tract, S 70°49'39" E 108.15 feet to a 1/2 inch iron rod set at the base of a 6 inch fence corner post for an interior ell corner of this tract, being the South corner of said Macat 1.024 acre tract;

THENCE along the fenced Southeast line of said Macat 1.024 acre tract for the Northwest line of this tract, N 32°02' E 417.58 feet to the place of beginning and containing 2.081 acres of land.

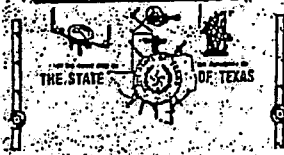
I, Michael R. Hatcher, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing description is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 21st day of August, 1984, A. D.

Michael R. Hatcher  
Registered Public Surveyor  
No. 4259



Exhibit J



A. A. HODDE & ASSOCIATES, INC.  
Registered Public Surveyor  
619 EAST HORTON STREET  
BRENNHAM, TEXAS 77833

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. HUFF  
TO  
EDWIN H. MALINOWSKI, JR., ET UX

SURVEYOR'S LEGAL DESCRIPTION

21.820 ACRES

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the George Grimes League, A-44, being part of the same land described as First Tract and called 39.27 acres in the deed from R. Huff to Erwin J. Huff, dated September 14, 1946, as recorded in Vol. 156, Page 618, in the Deeds Records for Austin County, Texas, and being more fully described by meter and bounds as follows, To-Wit:

BEGINNING at a 3/8 inch iron rod found for the most western corner of said original tract, being the most western corner of the tract described herein, being the North corner of the Edwin H. Malinowski, Jr., tract called League, also being on the Southeast line of the same land known as the J. D. Hedge property;

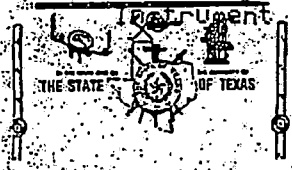
THENCE along the Southeast line of said Hedge property for the Northwest line of the tract described herein, being along the Northwest line of said original tract, N 43°28'16" E 1754.65 feet to an iron marker found for a North corner of the tract described herein, being the West corner of the Ed Slovak tract called 1.5 acres, being on the Southeast line of said Hedge tract;

THENCE along the Southwest line of said Slovak tract for a Northeast line of the tract described herein, as fenced, S 45°24'06" E 208.28 feet to an anchor bolt found for the South corner of said Slovak tract, being an interior all corner of the tract described herein;

THENCE along the fenced Southeast line of said Slovak tract for a fenced Northwest line of the tract described herein, N 43°31'07" E 312.35 feet to a 1/2 inch iron rod found at the base of railroad tie fence corner post on the Southwest right of way line of F. M. Highway No. 2502 for the East corner of said Slovak tract, being an exterior all corner of the tract described herein;

THENCE along a portion of said Southwest right of way line of said highway for the Northeast line of the tract described herein, S 45°55'08" E 146.41 feet to a 1/2 inch iron rod set on said right of way line for the most Eastern corner of the tract described herein, being the most Northern corner of a 1.485 acre tract previously conveyed from Erwin J. Huff to Jerry Janosky;

THENCE leaving said highway and along the fenced Northwest line of said Janosky 1.485 acre tract for the fenced East line of the tract described herein, S 8°24'06" W 1079.53 feet to a 1/2 inch iron rod set for an exterior corner of the tract described herein, being the most Western corner of said Janosky 1.485 acre tract, also being on Northwest line of another tract owned by Jerry Janosky;



A. A. HODDE & ASSOCIATES, INC.  
Registered Public Surveyor  
615 EAST HORTON STREET  
BRENNHAM, TEXAS 77833

THENCE along a portion of the Northwest line of last said tract owned by said Janosky for a lower Southeast line of the tract described herein, being along a portion of the Southeast line of said original tract, S 43°37'59" W 336.02 feet to a 1/2 inch iron rod set for the most Southern corner of the tract described herein, being the East corner of a 15,000 acre tract surveyed for Erwin J. Huff;

THENCE along the Northeast line of said 15,000 acre tract for a Southwest line of the tract described herein, N 46°22'01" W 853.67 feet to a 1/2 inch iron rod set for an interior well corner of the tract described herein, being the North corner of said 15,000 acre tract;

THENCE along the Northwest line of said 15,000 acre tract for an upper Southeast line of the tract described herein, S 43°37'59" W 836.98 feet to a 1/2 inch iron rod set for the West corner of said 15,000 acre tract, being an exterior corner of the tract described herein, being on a Southwest line of said original tract;

THENCE along a portion of the Southwest line of said original tract for the Southwest line of the tract described herein, N 56°17'43" W 120.00 feet to the place of beginning and containing 21,320 acres of land.

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE GUARANTY COMPANIES;

I, A. A. Hodde, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing described survey was made on the ground and completed this the 8th day of March, 1984, A. D., and that the foregoing description legally describing 21,320 acres of land is described true and correct, and that there are no apparent discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way, except as stated herein and that said property has access to and from a dedicated roadway, except as stated herein.

Dated this the 8th day of March, 1984, A. D.

*A. A. Hodde*  
A. A. Hodde  
Registered Public Surveyor  
No. 1492



Exhibit K

OFFICIAL RECORD

A. A. HODDE & ASSOCIATES

REGISTERED PUBLIC SURVEYOR  
517 E. HORTON STREET  
DRENNHAM, TEXAS 77023

OFFICE PHONE 238-2881  
RESIDENCE PHONE 289-2079



THE STATE OF TEXAS  
COUNTY OF AUSTIN

SURVEYOR'S DESCRIPTION  
11.5176 ACRES

OLIVIA HUFF ESTATE  
TO  
ERWIN HUFF

All that certain tract or parcel of land, lying and being situated in Austin County, Texas part of the Stephen F. Austin 4 League Grant, A-4, being part of the same land called 92.4 acres, more or less, described as First Tract in the deed from Gilbert Huff, et al, to Olivia Huff, dated April 26, 1948, as recorded in Vol. 199, Page 115, in the Deed Records of Austin County, Texas, and being more fully described by notes and bounds as follows, To-Wit:

BEGINNING at a 3/8 inch iron rod set at the base of an old dead cedar tree fence corner found for the most Southern corner of said original tract, recorded in Vol. 199, Page 115, being the most Southern corner of the tract described herein, also being on the fenced Northeast line of the same land known as the Fritz H. Zehel tract called 100.66 acres, and being the most Western corner of the Erwin Huff tract called 59.2 acres, recorded in Vol. 156, Page 618;

THENCE along a portion of the fenced Northeast line of said Zehel tract for the Southwest line of the tract described herein, being along the Southwest line of said original tract, N 39°12'46" W 1130.74 feet to a 3/8 inch iron rod set on the fenced Southwest line of said original tract, being on the fenced Northeast line of said Zehel tract and being the most Western corner of the tract described herein, being an exterior corner of the Olivia Huff Estate Residue tract surveyed to contain 54.5245 acres;

THENCE along the Northwest line of the tract described herein, N 59°04' E 293.17 feet to a 3/8 inch iron rod set for the North corner of the tract described herein, being an interior ell corner of said 54.5245 acres tract;

THENCE along the Northeast line of the tract described herein, being along an upper Southwest line of said 54.5245 acres tract, S 48°12'38" E 1147.32 feet to a 3/8 inch iron rod set on the fenced West line of said Erwin Huff tract, recorded in Vol. 156, Page 618, for the most Eastern corner of the tract described herein, being the most Southern corner of said Olivia Huff Estate Residue tract, and being on the fenced East line of said original tract;

THENCE along a portion of the West line of said Huff tract called 59.2 acres for the East line of the tract described herein, being fenced, being along a portion of the East line of said original tract, S 13°21'14" W 587.48 feet to the place of beginning and containing 11.5176 acres of land.

I, A. A. Hodde, a Registered Public Surveyor, do hereby certify that the foregoing description describing 11.5176 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 30th day of July, 1975, A. D.


  
A. A. Hodde  
Registered Public Surveyor  
No. 1492



Exhibit L OFFICIAL RECORD

OFFICE PHONE 512-461-1111  
RESIDENTIAL PHONE 512-331-1111



A. A. HODDE & ASSOCIATES, INC.  
Registered Professional Land Surveyor  
613 EAST HURSTON STREET  
DRENTON, TEXAS 77533

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. HUFF  
TO  
EDWIN H. MALINOWSKI, Jr.

SURVEYOR'S LEGAL DESCRIPTION

4.538 ACRES

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Stephen F. Austin 4 League Grant, A-4, being part of the same land described as Second Tract and called 59.2 acres in the deed from R. Huff to Erwin Huff, dated September 4, 1946, as recorded in Vol. 156, Page 610, in the Deed Records of Austin County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 3/8 inch iron rod found at the base of an old dead Cedar tree fence corner for the most Western corner of said original tract, being the West corner of the tract described herein, also being the South corner of the Erwin Huff 11.5176 acre tract and being on the fenced Northeast line of the same land known as the Fritz H. Zehel tract called 100.66 acres;

THENCE along the East line of said Huff 11.5176 acre tract for the fenced West line of the tract described herein, N 13°21'14" E 507.40 feet to a 3/8 inch iron rod found for the North corner of the tract described herein, being the East corner of said Huff 11.5176 acre tract, also being the South corner of the Edwin H. Malinowski, Jr. 54.5245 acre tract;

THENCE along the Northeast line of the tract described herein, S 21°14'36" E 889.86 feet to a 1/2 inch iron rod set at the base of a 10 inch Cedar tree fence post on the Northwest margin of Tiemann Road for the East corner of the tract described herein;

THENCE along a portion of the fenced Northwest margin of said Tiemann Road, S 44°16'15" W 193.92 feet to a 1/2 inch iron rod set at the base of a 8 inch Cedar fence corner post on said road margin for the South corner of the tract described herein, being the existing fenced East corner of said Zehel tract;

THENCE leaving said Tiemann Road and along a portion of the fenced Northeast line of said Zehel tract for the Southwest line of the tract described herein, N 39°00'02" W 911.37 feet to the place of beginning and containing 4.538 acres of land.

I, A. A. Hodde, Registered Professional Land Surveyor No. 1492 of the State of Texas, do hereby certify that the foregoing legal description describing 4.538 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 27th day of June, 1991, A. D.

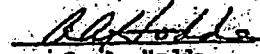
  
A. A. Hodde  
Registered Professional  
Land Surveyor No. 1492



Exhibit M

PARCEL TWO:

All that certain tract or parcel of land lying and being situated in Austin County, Texas, a part of the Stephen F. Austin 4 League Grant, Abstract #4, being part of the same land called 92.4 acres, more or less, described as First Tract in the deed from Gilbert Huff, et al, to Olivia Huff, dated April 26, 1948, and recorded in Volume 195, Page 115, of the Deed Records of Austin County, Texas, to which said deed and the record thereof reference is here made for all intents, purposes and descriptions, said land being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the most Southern corner of the tract described herein, being the South or Southeast corner of the Rueben J. Grebe tract called 2.732 acres and being the West or Southwest corner of the Richard Platte tract and being on the fenced North line of the Olivia Huff Estate residue tract surveyed to contain 54.5245 acres, said beginning point being N 1° 36' 17" E 2421.53 feet from a 3/8" iron rod set at the base of an old dead cedar fence corner post found for the most Southern corner of said original tract;

THENCE leaving said beginning point and along the West line of the tract described herein, being along the East line of said Grebe tract, N 16° 44' E 407.72 feet to the Northwest corner of the tract described herein, being on the South right-of-way line of State Highway No. 159, also being the Northeast corner of said Grebe tract;

THENCE along a portion of the South right-of-way line of said highway for the North line of the tract described herein, S 71° 05' E 104.40 feet to the Northeast corner of the tract described herein, being on said right-of-way line and being the Northwest corner of said Platte tract;

THENCE along the West line of said Platte tract for the East line of the tract described herein, S 31° 13' W 417.00 feet to the place of beginning, containing 0.4884 acres of land, as surveyed by A. A. Hodde, Registered Public Surveyor, License No. 1492, on July 30, 1975.

And being the land described in Deed from Willie Huff, et al, to Dessie Platte, dated September 27, 1978, recorded in Volume 411, Page 718 of the Deed Records of Austin County,

PARCEL ONE:

All that tract or parcel of land situate in Austin County, Texas, being a part of the George Grimes League and Stephen F. Austin 4 League Grant, being a portion of the first tract described in deed from Gilbert Huff, et al, to Olivia Huff, dated April 26, 1948, recorded in Volume 195, page 115, Austin County Deed Records, and more particularly described as follows:

BEGINNING at an iron in the south line of Highway 159 at a point N 71 deg. 17 min. W. 213.61 ft. from the northwest corner of a 2 acre tract conveyed by Olivia Huff to Jesse Macat;

THENCE S 31 deg. 00 min. W. at 142.46 feet the division line between the George Grimes League and the Stephen F. Austin 4 League Grant at 416.67 ft. an iron pin for a corner;

THENCE N 71 deg. 17 min. W 213.61 ft. to an iron;

THENCE N 31 deg. 00 min. E. 416.67 ft. to an iron in the South line of the Highway;

THENCE along said Highway S. 71 deg. 17 min. E. 213.61 ft. to place of beginning, containing 2.0 acres of land. (Surveyed By D. R. Muzzy and Associates, Land Surveyors, Brenham, Texas)

And being the land described in Deed from Olivia Huff to Richard Platte, et ux, dated May 7, 1959, recorded in Volume 247, Page 185 of the Deed Records of Austin County, Texas.



Exhibit N

FRANK SURVEYING Co., Inc.  
2205 Walnut Street  
Columbus, Texas 76934  
979.732.3114

STATE OF TEXAS  
COUNTY OF AUSTIN

FIELD NOTES of a survey of a 2.00 acre tract in the Stephen F. Austin League, Abstract 4, Austin County, Texas. Same being out of the residue of that certain called 12.4 acre tract as described in a deed to Connie Hull, as recorded in Volume 198, Page 194 of the Deed Records of Austin County, Texas, for which reference is made and said 2.00 acre tract being described by metes and bounds as follows: TO WIT:

BEGINNING at a 3/8 inch iron rod found for the Northeast corner of the herein described tract, same being the Northeast corner of the residue of said 12.4 acre parent tract, same being the Northwest corner of that certain called 0.475 acre tract as described in deed recorded in Volume 694, Page 941 of the Austin County Official Records, and same being in the Southwest right of way line of Farm to Market Road No. 159 (width varies) (Vol. 81, Pg. 104), from which a 3/8 inch iron rod found for the Southwest corner of said 0.475 acre tract bears S 14° 53' 00" W a distance of 524.08 feet (called S 14° 53' 00" W - 524.20 feet), same being in the Northwest line of a called 54.5245 acre tract as described in deed recorded in Volume 412, Page 654 of the Austin County Deed Records, and same being the Southeast corner of the residue of a called 2.4114 acre tract as described in deed recorded in Volume 411, Page 710 of the Austin County Deed Records;

THENCE S 14° 53' 00" W a distance of 414.88 feet (called S 14° 53' 00" W) with the Southeast line of the herein described 2.00 acre tract, and the Northwest line of said 0.475 acre tract, to a 5/8 inch iron rod with cap set for the Southeast corner of the herein described tract;

THENCE N 76° 07' 00" W a distance of 208.21 feet with the Southwest line of the herein described 2.00 acre tract to a 5/8 inch iron rod with cap set for the Southwest corner of the herein described tract;

THENCE N 14° 53' 00" E a distance of 425.37 feet with the Northwest line of the herein described 2.00 acre tract to a 5/8 inch iron rod with cap set for the Northwest corner of the herein described tract, same being in the Northeast line of the residue of said 12.4 acre parent tract, and same being in the Southwest right of way line of said Farm to Market Road No. 159;

THENCE S 71° 01' 17" E a distance of 161.33 feet (called S 70° 58' 00" E) (Tex. D.O.T. Right of Way Map) with the Northeast line of the herein described 2.00 acre tract, the Northeast line of the residue of said 12.4 acre parent tract, and the Southwest right of way line of said Farm to Market Road No. 159 to a concrete highway monument found for a Northeast interior corner of the herein described tract, same being a Northeast interior corner of the residue of said 12.4 acre parent tract, and same being an angle point in the Southwest right of way line of said Farm to Market Road No. 159;

THENCE S 76° 20' 30" E a distance of 47.31 feet (called S 76° 58' 17" E) (Vol. 694, Pg. 941) continuing with the Northeast line of the herein described 2.00 acre tract, the residue of said 12.4 acre parent tract and the southwest right of way line of said Farm to Market Road No. 159 to the PLACE OF BEGINNING, containing 2.00 acre of land, more or less.

Survey Plat to accompany Field Notes.  
Frank Project No. 900-092 / 225-003

All bearings are based on the Northwest line of the 0.475 acre tract as described in Volume 694, Page 941, Austin County Official Records as having a record deed bearing of S 14° 53' 00" W.

IN WITNESS THEREOF, my hand and seal, this the 2<sup>nd</sup> day of October, 2008.

*Leonard W. Frank*  
For Frank Surveying Co., Inc.  
By: Leonard W. Frank, RPLS  
Registration No. 1689



Instrument # 171180  
3/15/2017 11:30 AM

RECORDER'S MEMORANDUM  
At the time of recordation this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS COUNTY OF AUSTIN  
I certify that this instrument was filed on the date and time stamped by me and was recorded in the Official Public Records of Austin County, Texas.

Carrie Gresor, County Clerk  
Austin County, Texas

By: *Atty. Donna Leyer*

TRUSTEE'S NOTICE OF SALE

THE STATE OF TEXAS  
COUNTY OF AUSTIN

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, On February 23, 2017 Edwin H. Malinowski, Trustee and Richard Alan Pavlicek, Trustee, executed and delivered a certain Deed of Trust (hereinafter "Deed of Trust") conveying to Michael G. Tapp, Trustee, the real estate hereinafter described to secure II C.B., L.P. in the payment of the debt described in said Deed of Trust and filed for record in the Real Property Records of Austin County, Texas, under Instrument No. 170955; and

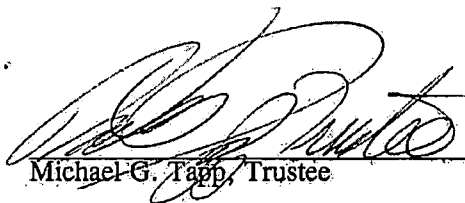
WHEREAS, there has been a default in the payment of the note described in said Deed of Trust; and II C.B., L.P. the beneficiary and owner of the aforesaid note, has accelerated the note and has requested Michael G. Tapp, Trustee to enforce the sale provisions of the Deed of Trust;

NOW, THEREFORE, I, Michael G. Tapp, Trustee, whose address is 12611 Jones Road Suite 101, Houston, Texas, 77070, (281) 890-8277, hereby give notice that I will, after due posting and filing of this notice as required by such Deed of Trust and the law, sell at the public venue to the highest bidder or bidders, for cash, in the area designated in the Austin County Courthouse by the Austin County Commissioners as the place in which to hold real property foreclosure sales in Austin County, the county in which said property is located, between 10:00 a.m. and 4:00 p.m. and no earlier than 1:00 o'clock p.m., on Tuesday, September 5, 2017, the real property so described in and covered by the aforesaid Deed of Trust and more particularly described as follows, to-wit:

two tracts of land, one being 40.099 acres described in Exhibit "A" and the other being net 40.014 acres, more or less, being a 125.052 acre tract save and except the 41.353 acres and the 43.685 acres all described in Exhibit "B"; all said exhibits being attached hereto and incorporated herein for all purposes

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

EXECUTED this 17 day of August, 2017.

  
Michael G. Tapp, Trustee

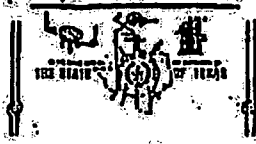
FILED

17 AUG 14 PM 3: 17

Carrie Gregor  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-42

**Exhibit A**



OFFICE PHONE 813-5891  
RESIDENTIAL PHONE 639-33

**A. A. HODDE & ASSOCIATES, INC.**  
*Registered Public Surveyor*  
613 EAST BURTON STREET  
DRENNAN, TEXAS 77833

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. HUFF ESTATE  
TO  
EDWIN H. MALINOWSKI, JR., ET UX

**SURVEYOR'S LEGAL DESCRIPTION**

**40.099 ACRES**

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Stephen F. Austin 4 League Grant, N-4, being part of the same land described as Second Tract and called 99.2 acres in the deed from R. Huff to Erwin Huff, dated September 4, 1946, as recorded in Vol. 156, Page 610, in the Deed Records of Austin County, Texas, and being more fully described by mates and bounds as follows, To-WIT:

COMMENCING at a 3/8 inch iron rod found at the base of an old dead Cedar Tree fence corner post for the most Western corner of said original tract, being the South corner of the same land known as the Erwin Huff 11.5176 acre tract as described in the deed recorded in Vol. 411, Page 714, in said Deed Records and is to be conveyed from the Erwin Huff Estate to Edwin Henry Malinowski, Jr., et ux, being on the Fenced Northeast line of the Jon Onak tract called 70 acres as described in the deed recorded in Vol. 242, Page 578, in said Deed Records, also being the West corner of a 4.938 acre tract previously surveyed for Erwin Huff which is part of said original tract and is to be conveyed from the Erwin Huff Estate to Edwin Henry Malinowski, Jr. et ux;

THENCE along a division line of said Huff 11.5176 acres and said Huff 4.538 acres, N 13°21'14" E 507.48 feet to a 3/8 inch iron rod found for the East corner of said Huff 11.5176 acres tract and the North corner of said Huff 4.538 acres tract, also being the South corner of the Edwin Henry Malinowski, Jr., et ux, 54.5245 acre tract as described in the deed recorded in Vol. 412, Page 654, being the POINT OF BEGINNING and the West corner of the following described tract;

THENCE along a portion of the fenced East or Southeast line of said Malinowski 54.5245 acre tract for a fenced West or Northwest line of the tract described herein, N 13°21'14" E (Malinowski Deed call as described in Vol. 412, Page 654 is 8,17°21'14" N) 1286.98 feet to a 1/2 inch iron rod found for an angle point of the tract described herein, being an interior angle point of said Malinowski 54.5245 acre tract;

THENCE continuing along a portion of the fenced Southeast line of said Malinowski 54.5245 acre tract for a Northwest line of the tract described herein, N 31°29'40" E 63.45 feet to a 1/2 inch iron rod found at the base of a 3 inch Cedar fence post for a lower North corner of the tract described herein, being the West corner of the Edwin H. Malinowski, Jr., et ux, 2.914 acre tract as described in the deed recorded in Vol. 613, Page 64, in said Deed Records, also being on a fenced Southeast line of said Malinowski 54.5245 acre tract;

## OFFICIAL RECORD



A. A. HODGE & ASSOCIATES, INC.  
 Registered Public Surveyor  
 611 EAST HURSTON STREET  
 DALLAS, TEXAS 75201

OFFICE PHONE 232-6661  
 RESIDENCE PHONE 634-3

THENCE along the Southwest line of said Malinowski 2.914 acre tract for a lower Northeast line of the tract described herein, S 63°46'21" E 283.72 feet to a 1/2 inch iron rod found at the base of a 6 inch Cedar fence corner post for an interior ell corner of this tract, being the South corner of said Malinowski 2.914 acre tract;

THENCE along the Southeast line of said Malinowski 2.914 acre tract for a Northwest line of the tract described herein, N 33°13'00" E 412.81 feet to a 1/2 inch iron rod set at the base of a 6 inch Cedar fence corner post for an interior angle point of said Malinowski 2.914 acre tract, being the most Northern corner of the tract described herein, also being the West corner of the same land known as the Jerry Janosky tract called 63.85 acres as described in the deed recorded in Vol. 174, Page 53 in said Deed Records and now owned by Mark Janosky by will, also being on the division line of said Stephen F. Austin 4 League Grant, A-4 and the George Grimes Survey, A-44;

THENCE along a portion of the Fenced Southwest line of said Janosky tract for a fenced Northeast line of the tract described herein, being along the Northeast line of said original tract, also being along the division line of said Grimes Survey and said Austin 4 League Grant, S 43°22'38" E 776.13 feet to a 1/2 inch iron rod found at the base of an 8 inch Bois D'Arc fence corner post for the most Eastern corner of the tract described herein, being the North corner of the Oze Ola Ruether, et ux, tract called 1.269 acres as described in the deed recorded in Vol. 537, Page 32, in said Deed Records, and being on the fenced Southwest line of said Janosky tract, also being on the division line of said Grimes Survey and said Austin 4 League Grant;

THENCE along the fenced Northwest line of said Ruether tract, along the fenced Northwest line of the Lester Schramm, et ux, tract called 1.269 acres as described in the deed recorded in Vol. 537, Page 38, along the fenced Northwest line of the Calvin Gene Schramm tract called 1.265 acres as described in Vol. 965, Page 716, in said Deed Records, also along the fenced Northwest line of the Calvin Gene Schramm tract called 1.265 acres as described in Vol. 641, Page 91, in said Deed Records, and along the fenced Northwest line of the Cane and Wicker Restored tract called 1.0 acres as described in the deed recorded in Vol. 487, Page 366, in said Deed Records for a fenced Southeast line of the tract described herein, S 44°06'17" W 510.31 feet to a 1/2 inch iron rod found at the base of a 15 inch Cedar fence corner post for an angle point of the tract described herein, being the West corner of said Cane and Wicker Restored tract, also being the North corner of the Preston O. Davis, et ux, tract called 2.0599 acres as described in the deed recorded in Vol. 645, Page 241, in said Deed Records;

OFFICE PHONE 836-5591  
RESIDENCE PHONE 836-3828



**A. A. HODDE & ASSOCIATES, INC.**

Registered Public Surveyor  
615 EAST HURSTON STREET  
DREHMAN, TEXAS 77531

THENCE along the Fenced Northwest line of said Davis tract for a Southeast line of the tract described herein, S 43°57'58" W 191.76 feet to a 1/2 inch iron rod found at the base of a 6 inch Bois D'Arc fence corner post for an interior all corner of the tract described herein, being the West corner of said Davis tract;

THENCE along a fenced division line of this tract and said Davis tract, S 49°29'08" E 522.83 feet to a 1/2 inch iron rod found at the base of a railroad tie fence post at the hinge end of a 3 plank gate on the Northwest margin of Tiemann Road for the South corner of said Davis tract, being an East corner of the tract described herein;

THENCE along a portion of the fenced Northwest margin of said Tiemann Road for the Southeast line of the tract described herein, S 44°30'25" W 1326.86 feet to a 1/2 inch iron rod found at the base of a 6 inch Cedar fence post which is at the base of a 14 inch forked Cedar Tree on said road margin for the South corner of the tract described herein, being the East corner of said Huff 4.538 acre tract;

THENCE leaving said Tiemann Road and along the Northeast line of said Huff 4.538 acre tract for the Southwest line of the tract described herein, N 21°14'36" W 809.86 feet to the place of beginning and containing 40.099 acres of land.

I, A. A. Hodde, Registered Professional Land Surveyor No. 1492 of the State of Texas, do hereby certify that the foregoing description describing 40.099 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 16th day of September, 1993, A. D.

A. A. Hodde  
Registered Professional  
Land Surveyor No. 1492



# Exhibit B



**ALEXANDER SURVEYING  
LAND SURVEYORS**

OWNER: VERDEB H. DECHERS

BUYER: ED MALINOWSKI

125.052 ACRES

ALL THAT TRACT OR PARCEL OF LAND consisting of 125.052 Acres located in the S. E. Austin Four (4) League Grant, N-4, Austin County, Texas. Subject tract being a portion of the called 200 Acre tract that is designated as Tract Three and a portion of the called 215 Acre tract that is designated as Tract Five and described in a Partition Deed recorded in Volume 392, Page 182 of the Deed Records of Austin County, Texas. Said tract consisting of 125.052 Acres and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod set in the North Right-of-way of F. M. Highway 159 (100 ft. R.O.W.) and being the Southwest corner of the called 20 Acre tract designated as Tract 814 in Volume 630, Page 393 of the Official Records of Austin County, Texas and being the Southeast corner of the herein described tract;

**THENCE** with the North Right-of-way of F. M. Highway 159 and with a curve to the right, which has a Central Angle of 09d 58' 21", Radius of 2814.79 ft., Arc Length of 489.92 ft. and Chord Brs. N 84d 52' 13" W, 489.30 ft. (No Call) to a 1/2" iron rod set for the Southwest corner of the herein described tract;

**THENCE** N 28d 15' 04" E, a distance of 537.82 ft. (No Call) to a 1/2" iron rod set for an angle point;

**THENCE** N 33d 14' 48" E, a distance of 1014.49 ft. (No Call) to a 1/2" iron rod set for an angle point;

**THENCE** N 61d 01' 44" W, a distance of 1551.01 ft. (No Call) to a 1/2" iron rod set in the East line of the 67.348 Acre tract described in a Deed to Alvin G. Morgan, et ux as recorded in File# 991469 O.R.A.C.T. and being an angle point in the West line of the herein described tract;

**THENCE** N 43d 21' 57" E, with the common line with said 67.348 Acre adjoining tract and generally, but partly with an existing fence line (the existing fence line is approximately 3 ft.

May 14, 2002  
Revised May 29, 2002  
M.O.N. 4586

Page 1 of 4



**ALEXANDER SURVEYING  
LAND SURVEYORS**

**OWNER: VERONIC H. DECKERT**

**BUYER: ED MALINOWSKI**

**125.052 ACRES (continued)**

Northwest of this line) and passing at 1100.65 ft. a 1/2" iron rod found for reference and continuing, a total distance of 1164.32 ft. (Called Brg. N 43d E) to a point in the centerline of the East Fork of Hill Creek and being on the South line of the 545.970 Acre tract described in a Deed to David Smatek as recorded in Volume 743, Page 547 O.R.A.C.T. and being the Northwest corner of the 215 Acre parent tract and the Northwest corner of the herein described tract;

**THENCE** with the centerline meanders of the East Fork of Hill Creek, the same being the common line with the adjoining tracts, the following courses and distances:

S 16d 54' 20" E,	35.16 ft.;
S 80d 23' 50" E,	71.87 ft.;
S 10d 32' 27" E,	67.81 ft.;
S 29d 59' 25" E,	73.93 ft.;
S 24d 05' 03" E,	168.62 ft.;
S 45d 39' 36" E,	70.12 ft.;
S 84d 18' 23" E,	109.53 ft.;
N 72d 38' 29" E,	209.58 ft.;
N 00d 29' 28" E,	93.19 ft.;
N 23d 56' 31" W,	91.75 ft.;
N 04d 25' 46" W,	58.29 ft.;
N 21d 40' 25" E,	162.28 ft.;
N 29d 14' 03" E,	47.54 ft.;
N 55d 45' 42" E,	72.96 ft.;
N 77d 33' 35" E,	178.64 ft.;
S 53d 55' 14" E,	120.68 ft.;
S 28d 06' 01" E,	58.73 ft.;
S 78d 03' 35" E,	49.19 ft.;
N 56d 00' 00" E,	94.86 ft.;
S 58d 13' 14" E,	188.94 ft.;
S 46d 48' 37" E,	90.88 ft.;
S 78d 21' 16" E,	284.98 ft.;
N 62d 51' 19" E,	92.75 ft.;
N 23d 55' 35" W,	88.39 ft.;
N 15d 24' 32" E,	55.99 ft.;
S 89d 45' 30" E,	92.49 ft.;
S 41d 26' 44" E,	303.02 ft.;
S 32d 41' 57" E,	62.59 ft.;
N 57d 23' 59" E,	129.99 ft.;
S 78d 41' 14" E,	189.24 ft.;
S 69d 16' 22" E,	77.05 ft.;
S 88d 57' 15" E,	115.44 ft.;
N 79d 07' 41" E,	208.76 ft.;
N 86d 04' 56" E,	90.86 ft.;
S 58d 17' 21" E,	101.85 ft.;

May 14, 2002  
Revised May 28, 2002  
N.O.I. 4586

Page 2 of 4



**ALEXANDER SURVEYING  
LAND SURVEYORS**

**OWNER: VERDIE H. DECKERT**

**BUYER: ED MALINOWSKI**

**125.052 ACRES (continued)**

S 33d 53' 15" E, 133.46 ft.;  
 N 70d 05' 01" E, 150.35 ft.;  
 N 73d 28' 01" E, 227.65 ft.;  
 N 58d 17' 55" E, 203.02 ft.;  
 N 68d 16' 31" E, 83.61 ft. to a point in the centerline  
 of said Creek and being the Northwest corner of the called  
 53.881 Acre tract that is designated as Tract 1 and described  
 in a Deed to Mark Edwin Ueckert as recorded in Volume 430,  
 Page 283 D.R.A.C.T. and being the Northeast corner of the  
 called 200 Acre parent tract and the Northeast corner of the  
 herein described tract;

**TRANCE** S 43d 47' 03" N, with the common line with said 53.881 Acre  
 adjoining tract and generally with an existing fence line  
 and passing at 205.05 ft. an existing fence corner post, for  
 reference and continuing generally with the existing fence  
 line, a total distance of 2623.21 ft. (Called Bry. S-43d-N)  
 to a 1/2" Iron rod found at a fence corner post and being the  
 West corner of the 53.881 Acre adjoining tract, the same be-  
 ing an angle point in the North line of the 20 Acre adjoining  
 tract mentioned above and being an angle point in the East  
 line of the herein described tract;

**TRANCE** N 76d 08' 07" W, continuing with the common line with the  
 20 Acre adjoining tract and generally with an existing  
 fence line, a distance of 793.44 ft. (No Call) to a 1/2"  
 Iron Rod found at a fence corner post and being the North-  
 west corner of the 20 Acre adjoining tract, for an "L" cor-  
 ner in the herein described tract;

**TRANCE** S 33d 14' 49" W, continuing with the common line with said  
 20 Acre adjoining tract and generally with an existing fence  
 line, a distance of 994.86 ft. (No Call) to a fence line  
 angle;

**TRANCE** S 28d 15' 04" W, continuing with the common line with said  
 20 Acre adjoining tract and generally with an existing fence  
 line, a distance of 326.05 ft. (No Call) to the PLACE OF  
 BEGINNING and containing 125.052 Acres.

**NOTES:** Bearings shown hereon are based upon the Called Bearing of  
 S-43d-21' 57" N, used in the description of the 67.348 Acre  
 tract recorded in File# 991469 O.R.A.C.T.

May 14, 2002  
 Revised May 28, 2002  
 W.O.S. 4586

Page 3 of 4





**ALEXANDER SURVEYING  
LAND SURVEYORS**

OWNER: VERDES E. UECKERT

BUYER: ED MALINOWSKI

125.032 ACRES (continued)

Reference is hereby made to plat, of the subject tract, prepared this day.

May 14, 2002  
Revised May 28, 2002  
W.O.# 4886



*Glen S. Alexander*

Glen S. Alexander  
Registered Professional Land Surveyor, #4194

Page 4 of 4

STATE OF TEXAS                      COUNTY OF AUSTIN

I certify that the foregoing was filed on this date and was stamped by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.



*Carrie Gregor*  
Carrie Gregor, County Clerk  
Austin County, Texas

FILED

02 MAY 31 PM 4:40

*Carrie Gregor*

COUNTY CLERK

P.O. Box 386

Bellevue, Texas 77418

979/865-9145

Fax 979/865-5988

Less However:



**ED MALLINWELT**

**TRACT 3**

**41.353 AC.**

ALL THAT TRACT OR PARCEL OF LAND consisting of 41.353 Acres located in the S. F. Austin Four (4) League Grant, A-6, Austin County, Texas. Subject tract being a portion of the 125.052 Acre tract that is described in a Deed to Ed Mallinwelt as recorded in File# 023087 of the Official Records of Austin County, Texas. Said tract consisting of 41.353 Acres and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod set in the North Right-of-way of F. M. Highway 159 (100 ft. R.O.W.) and being the Southwest corner of the called 20 Acre tract designated as Tract 14 in Volume 630, Page 383 O.A.A.C.T. and being the Southeast corner of the 125.052 Acre parent tract and the Southeast corner of the herein described tract;

**THENCE** with the North Right-of-way of F. M. Highway 159 and with a curve to the right, which has a Central Angle of 61d 21' 13", radius of 2814.79 ft., Arc Length of 67.60 ft. and Chord bearing S 89d 10' 07" W, 67.39 ft. to a 1/2" iron rod set for the Southeast corner of a 43.689 Acre tract that has been designated as Tract 3 and surveyed and described this day for the Southwest corner of the herein described tract;

**THENCE** N 20d 19' 06" E, parallel and 60.00 ft. West of the East line of the parent tract and the herein described tract, a distance of 339.79 ft. (No Call) to a 1/2" iron rod set for an angle point;

**THENCE** N 33d 16' 49" E, continuing with a line, which is 60.00 ft. West of and parallel with the East line of the parent tract and the herein described tract, a distance of 997.47 ft. (No Call) to a 1/2" iron rod set for an angle point;

**THENCE** N 43d 22' 53" E, with the common line with Tract 3, a distance of 2116.16 ft. (No Call) to a point in the centerline of the East fork of Mill Creek and being the Northeast corner of Tract 3, for the Northwest corner of the herein described tract. From said point, a 1/2" iron rod set, for reference, bears S 43d 22' 53" W, 100.00 ft.;

**THENCE** with the centerline meanders of the East fork of Mill Creek, the same being the common line with a called 16.923 Acre tract and a called 32.791 Acre tract described in a Deed to

June 14, 2002  
W.O.S. 4615

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**EXHIBIT A**

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**RECEIVED SURVEYING  
LAND SURVEYORS**

**BU MALIHUSKI**

**TRACT 1**

**41.353 AC. (continued)**

Deckert Partners, L.P., as recorded in Volume 530, Page 383  
O.R.A.C.T. the following courses and distances:  
S 88d 57' 15" E, 111.44 ft./  
N 79d 07' 41" E, 208.76 ft./  
N 86d 04' 36" E, 30.86 ft./  
S 28d 17' 21" E, 101.83 ft./  
S 33d 33' 15" E, 133.46 ft./  
N 70d 05' 01" E, 150.35 ft./  
N 73d 28' 01" E, 221.66 ft./  
N 58d 17' 55" E, 203.02 ft./  
N 68d 16' 31" E, 93.61 ft. to a point in the centerline  
of said Creek and being the Northwest corner of the called  
53.881 Acre tract that is designated as Tract 1 and described  
in a Deed to Mark Edwin Deckert as recorded in Volume 430,  
Page 293 of the Deed Records of Austin County, Texas and  
being the Northeast corner of the parent tract and the North-  
east corner of the herein described tract;

**TRANCE** S 43d 47' 03" N, with the common line with said 53.881 Acre  
adjoining tract and generally with an existing fence line and  
passing at 203.05 ft. an existing fence corner post found  
for reference and continuing generally with an existing fence  
line, a total distance of 2623.21 ft. (Called S 43d 47' 03"  
N, 2623.21 ft.) to a 1/2" iron rod found at a fence corner  
post and being the West corner of the called 53.881 Acre ad-  
joining tract, the same being an angle point in the North  
line of the 20 Acre adjoining tract mentioned above and being  
an angle point in the East line of the parent tract and the  
herein described tract;

**TRANCE** N 76d 06' 07" N, with the common line with the called 20 Acre  
adjoining tract and generally with an existing fence line, a  
distance of 793.44 ft. (Called N 76d 06' 07" N, 793.44 ft.)  
to a 1/2" iron rod found at a fence corner post and being the  
Northwest corner of the called 20 Acre adjoining tract, for  
an "L" corner in the parent tract and in the herein described  
tract;

**TRANCE** S 33d 14' 49" N, continuing with the common line with said  
20 Acre adjoining tract, a distance of 994.86 ft. (Called  
S 33d 14' 49" N, 994.86 ft.) to a fence line angle;

**TRANCE** S 28d 15' 04" N, continuing with the common line with said  
20 Acre adjoining tract and generally with an existing fence  
line, a distance of 328.05 ft. (Called S 28d 15' 04" N,

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**EXHIBIT A**

**ALEXANDER SURVEYING  
LAND SURVEYORS**

**NO HALLSHERRILL**

**TRACT 1**

**41.353 AC. (continued)**

316.05 ft.) to the **BLAKE OF BEAUCHAMPE** and containing 41.353 Acres.

**NOTES:** Bearings shown herein are based upon the called bearing of S 42d 21' 57" W, used in the description of the 67.349 Acre tract recorded in File# 991469 O.N.A.C.T.

Reference is hereby made to plat, of the subject tract, prepared this day.

June 14, 2002  
W.O. 4615

*G. S. Alexander*

Glen S. Alexander  
Registered Professional Land Surveyor, #4194



Page 3 of 3

FILED

EXHIBIT A

STATE OF TEXAS

COUNTY OF ALBANY

03 OCT 22 PM 3 25

105 E. Main P.O. Box 386 White, Texas 77418

I certify that this instrument was filed on the 22nd day of October, 2002, at 3:25 PM, at the County Clerk's Office, Albany County, Texas.

*Carrie Draper*

COUNTY CLERK

036900



*Carrie Draper*

Carrie Draper, County Clerk  
Albany County, Texas

less however:



ALEXANDER SURVEYING  
LAND SURVEYORS

ED MALINOWSKI

TRACT 2

43.685 AC.

ALL THAT TRACT OR PARCEL OF LAND consisting of 43.685 Acres located in the S. F. Austin Four (4) League Grant, A-4, Austin County, Texas. Subject tract being a portion of the 125.052 Acre tract that is described in a Deed to Ed Malinowski as recorded in File# 023087 of the Official Records of Austin County, Texas. Said tract consisting of 43.685 Acres and being more particularly described as follows:

COMMENCING at a 1/2" iron rod set in the North Right-of-way of F. M. Highway 159 (100 ft. R.O.W.) and being the Southwest corner of the called 20 Acre tract designated as Tract #14 in Volume 630, Page 383 O.R.A.C.T. and being the Southeast corner of the 125.052 Acre parent tract and being the Southeast corner of the 41.353 Acre tract that has been designated as Tract 1 and surveyed and described this day;

THENCE with the North Right-of-way of F. M. Highway 159 and with a curve to the right, which has a Central Angle of 01d 22' 33", Radius of 2814.79 ft., Arc Length of 67.60 ft. and Chord Brs. N 89d 10' 07" W, 67.59 ft. to a 1/2" iron rod set for the Southwest corner of Tract 1 and being the Southeast corner and TRUE PLACE OF BEGINNING of the herein described tract;

THENCE continuing with the North Right-of-way of F. M. Highway 159 and with said curve to the right, which has a Central Angle of 07d 18' 24", Radius of 2814.79 ft., Arc Length of 358.95 ft. and Chord Brs. N 84d 49' 38" W, 358.71 ft. (No Call) to a 1/2" iron rod set for the Southeast corner of the 40.014 Acre tract that has been designated as Tract 3 and surveyed and described this day, for the Southwest corner of the herein described tract;

THENCE N 28d 15' 04" E, with a line, which is 60.00 ft. East of and parallel with the West line of the parent tract, the same being the common line with Tract 3, a distance of 514.80 ft. (No Call) to a 1/2" iron rod set for an angle point in the East line of Tract 3 and in the West line of the herein described tract;

THENCE N 33d 14' 49" E, continuing with a line, which is 60.00 ft. East of and parallel with the West line of the parent tract, a distance of 1011.87 ft. (No Call) to a 1/2" iron rod set for an angle point in the East line of Tract 3 and in the

June 14, 2002  
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EXHIBIT A

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Less However:



**ALEXANDER SURVEYING**  
**LAND SURVEYORS**

ED MALINOWSKITRACT 243.685 AC.

ALL THAT TRACT OR PARCEL OF LAND consisting of 43.685 Acres located in the S. F. Austin Four (4) League Grant, A-4, Austin County, Texas. Subject tract being a portion of the 125.052 Acre tract that is described in a Deed to Ed Malinowski as recorded in File# 023087 of the Official Records of Austin County, Texas. Said tract consisting of 43.685 Acres and being more particularly described as follows:

COMMENCING at a 1/2" iron rod set in the North Right-of-way of F. M. Highway 159 (100 ft. R.O.W.) and being the Southwest corner of the called 20 Acre tract designated as Tract #14 in Volume 630, Page 383 O.R.A.C.T. and being the Southeast corner of the 125.052 Acre parent tract and being the Southeast corner of the 41.353 Acre tract that has been designated as Tract 1 and surveyed and described this day;

THENCE with the North Right-of-way of F. M. Highway 159 and with a curve to the right, which has a Central Angle of  $01^{\circ} 22' 33''$ , Radius of 2814.79 ft., Arc Length of 67.60 ft. and Chord Brs. N  $89^{\circ} 10' 07''$  W, 67.59 ft. to a 1/2" iron rod set for the Southwest corner of Tract 1 and being the Southeast corner and TRUE PLACE OF BEGINNING of the herein described tract;

THENCE continuing with the North Right-of-way of F. M. Highway 159 and with said curve to the right, which has a Central Angle of  $07^{\circ} 18' 24''$ , Radius of 2814.79 ft., Arc Length of 358.95 ft. and Chord Brs. N  $84^{\circ} 49' 38''$  W, 358.71 ft. (No Call) to a 1/2" iron rod set for the Southeast corner of the 40.014 Acre tract that has been designated as Tract 3 and surveyed and described this day, for the Southwest corner of the herein described tract;

THENCE N  $28^{\circ} 15' 04''$  E, with a line, which is 60.00 ft. East of and parallel with the West line of the parent tract, the same being the common line with Tract 3, a distance of 514.80 ft. (No Call) to a 1/2" iron rod set for an angle point in the East line of Tract 3 and in the West line of the herein described tract;

THENCE N  $33^{\circ} 14' 49''$  E, continuing with a line, which is 60.00 ft. East of and parallel with the West line of the parent tract, a distance of 1011.87 ft. (No Call) to a 1/2" iron rod set for an angle point in the East line of Tract 3 and in the

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EXHIBIT A



**ALEXANDER SURVEYING  
LAND SURVEYORS**

ED MALINOWSKI

TRACT 2

43.685 AC. (continued)

West line of the herein described tract:

**THENCE** N 16d 16' 51" E, continuing with the common line with Tract 3, a distance of 1739.43 ft. (No Call) to a point in the centerline of the East Fork of Mill Creek and being the Northeast corner of Tract 3, for the Northwest corner of the herein described tract. From said point, a 1/2" iron rod set, for reference, brs. S 16d 16' 51" W, 100.00';

**THENCE** with the centerline meanders of the East Fork of Mill Creek, the same being the southerly line of the 545.970 Acre tract described in a Deed to David Smetek as recorded in Volume 743, Page 547 O.R.A.C.T. at a projection with the common line with the called 16.825 Acre tract that is designated as Tract 13 and described in a Deed to Ueckert Partners, Ltd. as recorded in Volume 630, Page 383 O.R.A.C.T. the following courses and distances:

S 58d 13' 14" E,	188.94 ft.;
S 46d 48' 37" E,	80.88 ft.;
S 78d 21' 16" E,	284.95 ft.;
N 62d 51' 19" E,	92.75 ft.;
N 23d 55' 35" W,	88.59 ft.;
N 15d 24' 12" E,	55.99 ft.;
S 89d 45' 30" E,	92.49 ft.;
S 41d 26' 44" E,	303.02 ft.;
S 32d 41' 57" E,	62.59 ft.;
N 57d 23' 59" E,	129.99 ft.;
S 78d 41' 14" E,	169.24 ft.;
S 69d 16' 22" E,	77.05 ft. to a point in the centerline

of said creek and being the Northwest corner of Tract 1 and the Northeast corner of the herein described tract;

**THENCE** S 43d 22' 53" W, with the common line with Tract 1 and passing at 100.00 ft. a 1/2" iron rod set, for reference and continuing, a total distance of 2116.16 ft. (No Call) to a 1/2" iron rod set for an angle point in Tract 1 and in the herein described tract;

**THENCE** S 33d 14' 49" W, continuing with the common line with Tract 1 and with a line, which is 60.00 ft. West of and parallel with the East line of Tract 1, the same being the East line of the parent tract, a distance of 997.47 ft. (No Call) to a 1/2" iron rod set for an angle point;

**THENCE** S 28d 15' 04" W, continuing with the common line with Tract 1 and with a line, which is 60.00 ft. West of and parallel with the East line of Tract 1, the same being the East line of the parent tract, a distance of 359.79 ft. (No Call) to

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EXHIBIT A



**ALEXANDER SURVEYING  
LAND SURVEYORS**

ED MALINOWSKI

TRACT 2

43.685 AC. (continued)

the **PLACE OF BEGINNING** and containing 43.685 Acres.

**NOTES:** Bearings shown hereon are based upon the Called Bearing of S 43d 21' 57" W, used in the description of the 67.348 Acre tract recorded in File# 991469 O.R.A.C.T.

Reference is hereby made to plat, of the subject tract, prepared this day.

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Glen S. Alexander  
Registered Professional Land Surveyor, #4194



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**RECORDERS MEMORANDUM**  
At the time of recording this instrument was found to be illegible for the best photograph reproduction because of illegibility, carbon or photo copy, discolored paper etc. All blocks, additions and changes were present at the time the instrument was filed and recorded.

Instrument # 170955  
3/3/2017 9:13 AM

STATE OF TEXAS COUNTY OF AUSTIN  
I certify that this instrument was filed on the date and time stamped by me and was recorded in the Official Public Records of Austin County, Texas.

Carrie Greer, County Clerk  
Austin County, Texas

By: