

## **RESOLUTION NO. 547**

### **A RESOLUTION REGARDING THE CONTINUATION OF LAS LOMAS MUNICIPAL UTILITY DISTRICT NOS. 1, 2, AND 4 OF KAUFMAN COUNTY AND GRANTING THE CONSENT OF THE CITY OF TERRELL, TEXAS TO A ROAD PROJECT AND THE INCLUSION OF ADDITIONAL LAND IN LAS LOMAS MUNICIPAL UTILITY DISTRICT NO. 4 OF KAUFMAN COUNTY, SUBJECT TO VARIOUS TERMS AND CONDITIONS**

WHEREAS, Genoa Investments, LLLP is the owner of two tracts of real property in Kaufman County, Texas containing approximately 456.17 acres and 425.96 acres and described by metes and bounds on Exhibits "A" and "B," attached hereto and made a part hereof for all purposes; and

WHEREAS, the property described on Exhibits "A" and "B" hereto was previously located outside the extraterritorial jurisdiction ("ETJ") of any city or town; and

WHEREAS, Las Lomas Municipal Utility Districts Nos. 1 and 2 were created over the property described on Exhibits "A" and "B" hereto, respectively, by orders of the Texas Commission on Environmental Quality dated February 16, 2005, and the creations were confirmed at elections held May 7, 2005; and

WHEREAS, AP Terrell Limited Partnership, AP Dupont Limited Partnership, Genoa Investments, LLLP, and Aperion Communities, LLLP (together, the "Owners") are currently the owners of real property in Kaufman County, Texas containing approximately 3,969.83 acres and consisting of four tracts described by metes and bounds on Exhibit "C," attached hereto and made a part hereof for all purposes; and

WHEREAS, a portion of the property described on Exhibit "C" hereto was previously located in the ETJ of the City of Terrell ("City"), and the remainder of the property was outside the ETJ of any city or town; and

WHEREAS, on March 15, 2005, AP Dupont Limited Partnership and AP Terrell Limited Partnership, then the owners of all of the property described on Exhibit "C" hereto, submitted to the City a petition requesting the City's consent to the creation of Las Lomas Municipal Utility District No. 4 ("MUD No. 4") to include all of the property described on Exhibit "C" hereto; and

WHEREAS, by Resolution No. 513, passed and approved March 15, 2005, the City consented to the creation of MUD No. 4; and

WHEREAS, MUD No. 4 was created by Senate Bill 1894, 79<sup>th</sup> Texas Legislature, Regular Session ("SB 1894"), effective June 18, 2005, and the creation was confirmed at an election held September 10, 2005; and

WHEREAS, SB 1894 provides that MUD No. 4 may not undertake a road project unless each municipality in whose corporate limits or ETJ the district is located consents by ordinance or resolution; and

WHEREAS, the property described on Exhibit “D” hereto was previously located in the ETJ of the City of Forney; and

WHEREAS, on \_\_\_\_\_, 2006, AP Dupont Limited Partnership, the owner of the property described on Exhibit “D” hereto, petitioned the City of Forney to release such property from its ETJ; and

WHEREAS, on \_\_\_\_\_, 2006, the City of Forney released from its ETJ the property described on Exhibit “D” hereto; and

WHEREAS, the property described on Exhibit “E” hereto was previously located partially within the ETJ of the City of Forney; and

WHEREAS, on \_\_\_\_\_, 2006, AP Dupont Limited Partnership, the owner of the property described on Exhibit “E” hereto, petitioned the City of Forney to release such property from its ETJ; and

WHEREAS, on \_\_\_\_\_, 2006, the City of Forney released from its ETJ the property described on Exhibit “E” hereto; and

WHEREAS, the approximately 3,651-acre tract of land described on Exhibit “F” hereto is located wholly within MUD No. 4; and

WHEREAS, on \_\_\_\_\_, 2006, Owners submitted to the City a petition requesting the inclusion into the City’s ETJ of all the property described on Exhibits “A,” “B,” “D,” “E,” and “F” hereto (collectively, the “Property”); and

WHEREAS, on \_\_\_\_\_, 2006, the City Council of the City passed and approved Resolution No. \_\_\_\_, consenting to the inclusion into the City’s ETJ of all the Property; and

WHEREAS, Owners desire to develop the Property as a master planned community; and

WHEREAS, concurrently with the adoption of Resolution No. \_\_\_\_ consenting to the inclusion of all Property within the City’s ETJ, the City Council of the City approved development agreements between the City and the Owners regarding the development of the Property within the Districts (collectively, the “Development Agreements”); and

WHEREAS, the Development Agreements establish mutually agreeable governing regulations for the development of the Property within the Districts and

provide that the Property shall be immune from annexation by the City during the term of the Development Agreements; and

WHEREAS, in order to allow the Districts to fulfill the purposes for which they were created, the City and Owners desire that the Districts continue to exist within the City's ETJ and be immune from annexation by the City for the term of the Development Agreements or for terms specific to the MUDs, whichever time period is longer, with limited exceptions; and

WHEREAS, it is anticipated that MUD No. 4 will be divided into satellite MUDs ("Successor Districts") during the term of the Development Agreements; and

WHEREAS, MUD No. 4 proposes to undertake a road project located within MUD No. 4 consisting of all construction, acquisition, improvement, maintenance, and operation necessary to provide a system of interconnected roads and streets and improvements in aid of such roads and streets to serve the proposed development within MUD No. 4 as (i) shown on the concept plans attached to the Development Agreements, as such plans may be amended from time to time; (ii) shown on any preliminary plats for all or a portion of the Property, as may be approved or amended by the City from time to time; or (iii) otherwise approved, from time to time, by the City Council in accordance with the terms of the Development Agreements; and

WHEREAS, MUD No. 4 has requested the City's consent to undertake such road project pursuant to SB 1894; and

WHEREAS, AP Dupont Limited Partnership is the owner of the tracts of real property in Kaufman County, Texas described on Exhibits "D" and "E" hereto and desires that MUD No. 4 annex that property; and

WHEREAS, on \_\_\_\_\_, 2006, AP Dupont Limited Partnership submitted to the City a petition requesting the City's consent pursuant to Texas Water Code § 54.016 to the annexation by MUD No. 4 of the property described on Exhibits "D" and "E" hereto.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TERRELL, TEXAS:

1. That the City of Terrell hereby agrees that it will not annex the Property until:
  - (A) in the case of land in Las Lomas Municipal Utility Districts Nos. 1 and 2, the earlier of (1) the date that is the 15th anniversary of the date the first construction plat is approved by the City for each of the MUDs or (2) 25 years following the Effective Date of the Development Agreements; and
  - (B) in the case of each Successor District resulting from the division of MUD No. 4, the later of (1) the expiration of the term of the Development

Agreements or (2) for each Successor District resulting from the division of MUD No. 4, the date that is the 15<sup>th</sup> anniversary of the date on which the division election results for each Successor District are canvassed by the Board of Directors of MUD No. 4; and

- (C) in the case of the remainder of MUD No. 4 whether or not all divisions creating Successor Districts have occurred, 25 years following the Effective Date of the Development Agreements.
2. That the City of Terrell's agreement not to annex the Property given in Part 1 does not apply in those circumstances described in the Development Agreement in pars. \_\_\_\_ or in the event the Development Agreements are lawfully terminated pursuant to pars. \_\_\_\_.
  3. That the City of Terrell hereby grants its consent to the undertaking by MUD No. 4 of a road project located within MUD No. 4 consisting of all construction, acquisition, improvement, maintenance, and operation necessary to provide a system of interconnected roads and streets and improvements in aid of such roads and streets to serve the proposed development within MUD No. 4 as (i) shown on the concept plans attached to the Development Agreements, as such plans may be amended from time to time; (ii) shown on any preliminary plats for all or a portion of the Property or any land in MUD No. 4 that is not located within the Property, as may be approved or amended by the City from time to time; or (iii) otherwise approved, from time to time, by the City Council in accordance with the terms of the Development Agreements; and
  4. That the City of Terrell hereby grants its consent to the inclusion of the property described on Exhibits "D" and "E" hereto in MUD No. 4; and
  5. That the City Secretary is hereby directed to file a copy of such Resolution in the permanent records of the office of the City Secretary.

PASSED and APPROVED this 20<sup>TH</sup> day of June, 2006.

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Frances R. Anderson, Mayor

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John Rounsavall, City Secretary

(CITY SEAL)

**EXHIBIT "A"**  
**METES AND BOUNDS DESCRIPTION OF LAS LOMAS**  
**MUNICIPAL UTILITY DISTRICT NO. 1 OF KAUFMAN COUNTY**

BEING a tract of land situated in the J.C. Moses Survey, Abstract No. 635, the R. Mead Survey, Abstract No. 316, the C. Wilson Survey, Abstract No. 571, and the W.M. Simpson Survey, Abstract No. 453, Kaufman County, Texas, and being a part of the certain 442.406 acres tract of land as conveyed from Michael H. McDowell et al to the McDowell Clan Limited Company, recorded in Volume 1648, Page 39, of the Deed Records of Kaufman County, Texas, and a part of that called Second Tract of 147.4 acres, as conveyed from Thos. R. Bond to Thomas H. Crofts, as recorded in Volume 413, Page 314, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at the northeast corner of a 15.332 acre tract conveyed to James E. Bates, as recorded in Volume 1172, Page 812, said rod being a point on the southeast line of the (New) Interstate Highway 20 (variable width right-of-way);

THENCE along the southeast line of the (New) Interstate Highway 20, the following courses:

1. N61°26'00"E, 499.31 feet to a corner;
2. N56°10'06"E, 614.11 feet to a corner;
3. N52°28'55"E, 550.82 feet to a corner;
4. N55°36'15"E, 1058.66 feet to a corner;

THENCE S34°23'45" E, leaving said southeast line, a distance of 709.35 feet to the beginning of a non-tangent curve to the left;

THENCE in a southeasterly direction along said non-tangent curve to the left having a central angle of 111°07'47", a radius of 282.79 feet and a chord bearing S08°44'06"E, for 466.46 feet and an arc distance of 548.48 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of 35°02'45" a radius of 800.00 feet and a chord bearing S46°46'37"W, for 481.74 feet and an arc distance of 489.33 feet to the end of said curve;

THENCE S45°43'00"W, a distance of 1309.14 feet to an angle point;

THENCE S44°17'00"E, a distance of 75.00 feet to the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left having a central angle of 38°54'17" a radius of 1200.00 feet and a chord bearing S63°44'09"E, for 799.26 feet and an arc distance of 814.82 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of  $108^{\circ}00'19''$  a radius of 1000.00 feet and a chord bearing  $S29^{\circ}11'07''E$ , for 1618.09 feet and an arc distance of 1885.05 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of  $68^{\circ}09'38''$  a radius of 1000.00 feet and a chord bearing  $S09^{\circ}15'47''E$ , for 1120.71 feet and an arc distance of 1189.62 feet to the end of said curve;

THENCE  $S43^{\circ}20'36''E$ , a distance of 212.95 feet to the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left having a central angle of  $108^{\circ}53'58''$  a radius of 1000.00 feet and a chord bearing  $N82^{\circ}12'25''E$ , for 1627.21 feet and an arc distance of 1900.65 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of  $40^{\circ}09'11''$  a radius of 1000.00 feet and a chord bearing  $N47^{\circ}50'02''E$ , for 686.55 feet and an arc distance of 700.80 feet to the beginning of a compound curve;

THENCE along said compound curve having a central angle of  $08^{\circ}50'44''$  a radius of 2928.99 feet and a chord bearing  $N72^{\circ}19'59''E$ , for 451.73 feet and an arc distance of 452.18 feet to the end of said curve;

THENCE  $N76^{\circ}45'21''E$ , a distance of 134.98 feet to the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left having a central angle of  $54^{\circ}15'34''$  a radius of 700.00 feet and a chord bearing  $N49^{\circ}37'34''E$ , for 638.41 feet and an arc distance of 662.90 feet to the end of said curve;

THENCE  $N22^{\circ}29'47''E$ , a distance of 645.95 feet to the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left having a central angle of  $71^{\circ}16'33''$  a radius of 827.58 feet and a chord bearing  $N13^{\circ}08'30''W$ , for 964.39 feet and an arc distance of 1029.50 feet to the beginning of a non-tangent curve to left;

THENCE along said non-tangent curve to the left having a central angle of  $27^{\circ}20'06''$  a radius of 5280.00 feet and a chord bearing  $S71^{\circ}19'19''E$ , for 2495.18 feet and an arc distance of 2519.00 feet to the end of said curve;

THENCE  $S46^{\circ}09'05''W$ , a distance of 2496.87 feet to a corner;

THENCE  $S44^{\circ}59'21''W$ , a distance of 1321.92 feet to a corner;

THENCE S45°10'54"W, a distance of 1422.63 feet to a corner;

THENCE S45°42'22"W, a distance of 1061.94 feet to the south corner of said 442.407 acre tract recorded in Volume 1400, Page 681;

THENCE N44°59'05"W, a distance of 2590.09 feet to a corner;

THENCE N44°17'40"W, a distance of 1209.91 feet to a corner;

THENCE N44°20'20"W, a distance of 2177.67 feet to a point in the center of F.M. 148 (80-foot right-of-way);

THENCE N45°27'00"E, along the center line of said F.M. 148, a distance of 774.44 feet to a corner;

THENCE N44°27'03"W, along the southwesterly line of said 147.4 acres tract, a distance of 2055.72 feet to the POINT OF BEGINNING and containing 19,870,571 square feet or 456.17 acres of land, more or less.

**EXHIBIT "B"**  
**METES AND BOUNDS DESCRIPTION OF LAS LOMAS**  
**MUNICIPAL UTILITY DISTRICT NO. 2 OF KAUFMAN COUNTY**

BEING a tract of land situated in the R. Mead Survey, Abstract No. 316, the C. Wilson Survey, Abstract No. 571, and the W.M. Simpson Survey, Abstract No. 453, Kaufman County, Texas, and being a part of the certain 442.406 acres tract of land as conveyed from Michael H. McDowell et al to the McDowell Clan Limited Company, recorded in Volume 1648, Page 39, of the Deed Records of Kaufman County, Texas, and a part of that called Second Tract of 147.4 acres, as conveyed from Thos. R. Bond to Thomas H. Crofts, as recorded in Volume 413, Page 314, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

COMMENCING at the northeast corner of a 15.332 acre tract conveyed to James E. Bates, as recorded in Volume 1172, Page 812, said rod being a point on the southeast line of the (New) Interstate Highway 20 (variable width right-of-way);

THENCE along the southeast line of the (New) Interstate Highway 20, the following courses:

1. N61°26'00"E, 499.31 feet to a corner;
2. N56°10'06"E, 614.11 feet to a corner;
3. N52°28'55"E, 550.82 feet to a corner;
4. N55°36'15"E, 1058.66 feet to the POINT OF BEGINNING;
5. N55°36'15"E, 741.34 feet to a corner;
6. N58°43'35"E, 550.82 feet to a corner;
7. N55°36'15"E, 333.17 feet to a corner;

THENCE S45°47'07"E, leaving said southeast line, a distance of 780.18 feet to a corner;

THENCE South 37°55'56" East, a distance of 400.16 feet to a corner;

THENCE South 44°06'01" East, a distance of 249.64 feet to the beginning of a non-tangent curve to the left;

THENCE in a southeasterly direction along said non-tangent curve to the left having a central angle of 08°44'09", a radius of 5280.00 feet and a chord bearing S42°24'39"E, for 804.26 feet and an arc distance of 805.04 feet to the end of said curve;

THENCE South 46°46'43" East, a distance of 1780.63 feet to the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left having a central angle of 10°52'32", a radius of 5280.00 feet and a chord bearing S52°13'00"E, for 1000.73 feet and an arc distance of 1002.23 feet to the beginning of a non-tangent curve to the right;

THENCE along said non-tangent curve to the right having a central angle of  $71^{\circ}16'33''$ , a radius of 827.58 feet and a chord bearing  $S13^{\circ}08'30''E$ , for 964.39 feet and an arc distance of 1029.50 feet to the end of said curve;

THENCE  $S22^{\circ}29'47''W$ , a distance of 645.95 feet to the beginning of a tangent curve to the right;

THENCE along said tangent curve to the right having a central angle of  $54^{\circ}15'34''$  a radius of 700.00 feet and a chord bearing  $S49^{\circ}37'34''W$ , for 638.41 feet and an arc distance of 662.90 feet to the end of said curve;

THENCE  $S76^{\circ}45'21'' W$ , a distance of 134.98 feet to the beginning of a tangent curve to the left;

THENCE along said tangent curve to the left having a central angle of  $08^{\circ}50'44''$  a radius of 2928.99 feet and a chord bearing  $S72^{\circ}19'59''W$ , for 451.73 feet and an arc distance of 452.18 feet to the beginning of a compound curve;

THENCE along said compound curve having a central angle of  $40^{\circ}09'11''$  a radius of 1000.00 feet and a chord bearing  $S47^{\circ}50'02''W$ , for 686.55 feet and an arc distance of 700.80 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of  $108^{\circ}53'58''$  a radius of 1000.00 feet and a chord bearing  $S82^{\circ}12'25''W$ , for 1627.21 feet and an arc distance of 1900.65 feet to the end of said curve;

THENCE  $N43^{\circ}20'36''W$ , a distance of 212.95 feet to the beginning of a tangent curve to the right;

THENCE along said tangent curve to the right having a central angle of  $68^{\circ}09'38''$  a radius of 1000.00 feet and a chord bearing  $N09^{\circ}15'47''W$ , for 1120.71 feet and an arc distance of 1189.62 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of  $108^{\circ}00'19''$  a radius of 1000.00 feet and a chord bearing  $N29^{\circ}11'07''W$ , for 1618.09 feet and an arc distance of 1885.05 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of  $38^{\circ}54'17''$  a radius of 1200.00 feet and a chord bearing  $N63^{\circ}44'09''W$ , for 799.26 feet and an arc distance of 814.82 feet to the end of said curve;

THENCE  $N44^{\circ}17'00''W$ , a distance of 75.00 feet to an angle point;

THENCE N45°43'00"E, a distance of 1309.14 feet to the beginning of a non-tangent curve to the left;

THENCE along said non-tangent curve to the left having a central angle of 35°02'45" a radius of 800.00 feet and a chord bearing N46°46'37"E, for 481.74 feet and an arc distance of 489.33 feet to the beginning of a reverse curve;

THENCE along said reverse curve having a central angle of 111°07'47", a radius of 282.79 feet and a chord bearing N08°44'06"W, for 466.46 feet and an arc distance of 548.48 feet to the end of said curve;

THENCE N34°23'45" W, a distance of 709.35 feet to the POINT OF BEGINNING and containing 18,554,710 square feet or 425.96 acres of land, more or less.

**EXHIBIT "C"**  
**METES AND BOUNDS DESCRIPTION OF LAS LOMAS**  
**MUNICIPAL UTILITY DISTRICT NO. 4 OF KAUFMAN COUNTY**

TRACT 1

BEING a tract of land situated in the R. Mead Survey, Abstract No. 316, and the W.M. Simpson Survey, Abstract No. 453, Kaufman County, Texas, and being a part of the certain 442.406 acres tract of land as conveyed from Michael H. McDowell et al to the McDowell Clan Limited Company, recorded in Volume 1648, Page 39, of the Deed Records of Kaufman County, Texas, and a part of that called Second Tract of 147.4 acres, described in a deed from Thos. R. Bond to Thomas H. Crofts, recorded in Volume 413, Page 314, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows;

COMMENCING at the northeast corner of a 15.332 acre tract conveyed to James E. Bates, as recorded in Volume 1172, Page 812, said rod being a point on the southeast line of the (New) Interstate Highway 20 (variable width right-of-way);

THENCE along the southeast line of the (New) Interstate Highway 20, the following courses:

N61°26'00"E, 499.31 feet to a corner;  
N56°10'06"E, 614.11 feet to a corner;  
N52°28'55"E, 550.82 feet to a corner;  
N55°36'15"E, 1800.00 feet to a corner;  
N58°43'35"E, 550.82 feet to a corner;  
N55°36'15"E, 333.17 feet to the POINT OF BEGINNING;

THENCE Northeasterly, continuing along the southeast line of said (New) Interstate Highway 20, the following courses;

N55°36'15"E, 466.83 feet to a corner;  
N53°58'03"E, 1050.43 feet to a corner;  
N55°36'15"E, 754.45 feet to the beginning of a tangent curve to the right;

THENCE Northeasterly, along a tangent curve to the right which has a chord that bears N57°26'55"E for 355.95 feet, a central angle of 03°41'20" and a radius of 5529.58 feet, for an arc distance of 356.01 feet to the most northerly west corner of a tract of land as described in a deed to Harry Wayne Everett, recorded in Volume 1148, Page 696;

THENCE along the southwesterly line of said Everett tract, the following courses;

S44°02'15"E, 1082.82 feet to a corner;  
S43°59'37"E, 434.78 feet to a corner;

S44°44'00"W, 287.56 feet to the beginning of a curve to the right;  
Southwesterly along the tangent curve to the right which has a chord bearing  
S59°26'46"W, for 245.41 feet, a central angle of 29°34'01" and a radius of 480.87  
feet, for an arc distance of 248.15 feet to the end of said curve;  
S17°58'30"E, 138.44 feet to a corner;  
S43°29'26"W, 460.56 feet to an ell corner;  
S42°27'26"E, 3519.51 feet to the south corner of said Everett tract, said corner also  
being the west corner of an 80.000 acre tract of land called Huneycutt Family  
Trust;

THENCE S44°28'50"E, 1359.43 feet to a corner;

THENCE S44°00'52"E, 308.37 feet to an ell corner;

THENCE S46°09'05"W, 128.94 feet to the beginning of a non-tangent curve to the right;

THENCE Northwesterly, along the non-tangent curve to the right which has a chord that  
bears N65°53'02"W for 3456.34 feet, a central angle of 38°12'38" and a radius of  
5280.00 feet, for an arc distance of 3521.23 feet to the end of said curve;

THENCE N46°46'43"W, 1780.63 feet to the beginning of a tangent curve to the right;

THENCE Northwesterly, along the tangent curve to the right which has a chord that  
bears N42°24'39"W for 804.26 feet, a central angle of 08°44'09" and a radius of 5280.00  
feet, for an arc distance of 805.04 feet to the end of said curve;

THENCE N44°06'01"W, 249.64 feet to a corner;

THENCE N37°55'56"W, 400.16 feet to a corner;

THENCE N45°47'07" W, 780.18 feet to the POINT OF BEGINNING and containing  
10,873,600 square feet or 249.623 acres of land, more or less.

## TRACT 2

BEING a tract of land situated in the J. W. WARD SURVEY, ABSTRACT NO. 596, and  
the W. M. SIMPSON SURVEY, ABSTRACT NO. 453, in Kaufman County, Texas, and  
being all of a called 288.239 acre tract of land described as Tract 1 in a deed to AP  
Terrell Limited Partnership, recorded in Volume 2324, Page 267 of the Deed Records of  
Kaufman County, Texas, and being more particularly described as follows, the bearing  
being referenced to the AP Terrell Limited Partnership Deed, and being more particularly  
described as follows:

BEGINNING at a point in the northerly right-of-way of I. H. 20, said point being the east  
corner of a called 20.575 acre tract of land described as Tract 9 in a deed to AP Dupont

Limited Partnership, recorded in Volume 2504, Page 77 of said Deed Records, and the south corner of said 288.239 acre tract;

THENCE North 44 degrees 27 minutes 14 seconds West, along the northeast line of said 20.575 acre tract and the southwest line of said 288.239 acre tract, a distance of 889.56 feet to a point in the southeast line of a called 1012.488 acre tract described in a deed to AP Dupont Limited Partnership and the west corner of said 288.239 acre tract and the north corner of said 20.575 acre tract;

THENCE North 45 degrees 38 minutes 40 seconds East, along the southeast line of a said 1012.488 acre tract and the northwest line of said 288.239 acre tract, a distance of 7660.98 feet for the north corner of said 288.239 acre tract ;

THENCE South 44 degrees 24 minutes 55 seconds East, along the southwest line of a tract of land described in deed to C. L. Hamilton, Jr. recorded in Volume 528, Page 759 of the Deed Records, Kaufman County, Texas, and the northeast line of said 288.239 acre tract, a distance of 2008.20 feet;

THENCE South 46 degrees 14 minutes 17 seconds West, along the southeasterly line of said 288.239 acre tract, a distance of 797.13 feet;

THENCE South 44 degrees 04 minutes 45 seconds East, a distance of 222.22 feet to a point in the northerly right-of-way of I. H. 20 for the beginning of a non-tangent curve to the left;

THENCE Southwesterly, along the northerly right-of-way of I. H. 20 and along said non-tangent curve to the left which has a chord that bears South 56 degrees 59 minutes 44 seconds West for 288.05 feet, a central angle of 02 degrees 47 minutes 01 second and a radius of 5929.58 feet, for an arc distance of 288.08 feet to the end of said curve;

THENCE South 55 degrees 36 minutes 15 seconds West, continuing along the northerly right-of-way of I. H. 20, a distance of 904.46 feet;

THENCE South 57 degrees 53 minutes 41 seconds West, continuing along the northerly right-of-way of I. H. 20, a distance of 750.60 feet

THENCE South 55 degrees 36 minutes 15 seconds West, continuing along the northerly right-of-way of I. H. 20, a distance of 1150.00 feet;

THENCE South 50 degrees 42 minutes 18 seconds West, continuing along the northerly right-of-way of I. H. 20, a distance of 351.28 feet;

THENCE South 55 degrees 44 minutes 05 seconds West, continuing along the northerly right-of-way of I. H. 20, a distance of 2715.75 feet;

THENCE South 63 degrees 17 minutes 12 seconds West, continuing along the northerly right-of-way of I. H. 20, a distance of 839.80 feet to the POINT OF BEGINNING and containing 288.239 acres of land, more or less.

### TRACT 3

BEING a tract of land situated in the J. R. LEATH SURVEY, ABSTRACT NO. 305, the W. C. MOODY SURVEY, ABSTRACT NO. 321, the RICHARD MEAD SURVEY, ABSTRACT NO. 326, the LEWIS PEARCE SURVEY, ABSTRACT NO. 373, the WILLIAM SIMPSON SURVEY, ABSTRACT NO. 453, the J. W. WARD SURVEY, ABSTRACT NO. 596, and the T. A. WALDROP SURVEY, ABSTRACT NO. 597 in Kaufman County, Texas, and being all of a called 1012.488 acre tract of land described as Tract 1 in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of the Deed Records of Kaufman County, Texas, part of a called 1406.504 acre tract of land described as Tract 2 in said deed, all of a called 57.77 acre tract of land described as Tract 5 in said deed, all of a called 38.410 acre tract of land described as Tract 6A in said deed, all of a called 46.324 acre tract of land described as Tract 6B in said deed, all of a called 146.491 acre tract of land described as Tract 6C in said deed, all of a called 418.350 acre tract of land described as Tract 6D in said deed, all of a called 210.082 acre tract of land described as Tract 7 in said deed, all of a called 3.09 acre tract of land described as Tract 8 in said deed, all of a called 20.575 acre tract of land described as Tract 9 in said deed, all of a called 242.39 acre tract of land described as Tract 10 in said deed, and all of a called 55.848 acre tract of land described as Tract 11 in said deed, all of a called 40.186 acre tract of land described in a deed AP Dupont Limited Partnership recorded in Volume 2489, Page 481 of said Deed Records, all of a called 20.000 acre tract described in a deed to the Texas Veterans Land Board recorded in Volume 1070, Page 332 and in a Contract of Sale between the Texas Veterans Land Board and Melvin Earl Duke recorded in Volume 1070, Page 336 of said Deed Records, and all of a called 20.000 acre tract of land described in a deed to Robert A. Brooks and Barbara M. Brooks recorded in Volume 1277, Page 618 of said Deed Records, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the southwest right-of-way line of Spur 557 (variable right-of-way) for the most easterly corner of said 1012.488 acre tract (Tract 1) and the northwest corner of a called 131.36 acre tract of land described as Tract V in a deed to 148/I-20 Terrell Partnership, Ltd., recorded in Volume 1939, Page 341 of said Deed Records;

THENCE South 45 degrees 16 minutes 35 seconds West, along the southeasterly boundary of said tract 1 and the northwest lines of said Tract V and a called 120.00 acre tract of land described as Tract IV in said deed to 148/I-20 Terrell Partnership, Ltd., a distance of 2141.57 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the most westerly corner of said Tract IV;

THENCE South 45 degrees 02 minutes 34 seconds East, along the southwest line of said Tract IV, a distance of 99.72 feet to a 5/8-inch iron rod with cap marked "PETITT -

RPLS 4087" set for a re-entrant corner in said Tract 1 and the north corner of a called 80.083 acre tract of land described in a deed to C. L. Hamilton, Jr., recorded in Volume 528, Page 759 of said Deed Records;

THENCE South 45 degrees 05 minutes 40 seconds West, continuing along the southeasterly boundary of said Tract 1 and along the northwest line of said Hamilton tract, a distance of 1795.83 feet to a 1/2-inch iron rod found in the northeast line of a called 288.239 acre tract of land described as Tract 1 in a deed to AP Terrell Limited Partnership recorded in Volume 2324, page 267 of said Deed Records for the west corner of said Hamilton tract and a re-entrant corner of said Tract 1;

THENCE North 44 degrees 23 minutes 07 seconds West, continuing along the southeasterly boundary of said Tract 1 and the northeast line of said 288.239 acre tract, a distance of 99.93 feet to a 5/8-inch iron rod found for the most northerly corner of said 288.239 acre tract;

THENCE South 45 degrees 29 minutes 35 seconds West, along the common line between said Tract 1 and said 288.239 acre tract, a distance of 6060.97 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for an angle point;

THENCE South 45 degrees 28 minutes 26 seconds West, continuing along said common line, a distance of 1601.11 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the west corner of said 288.239 acre tract and the north corner of said Tract 9;

THENCE South 44 degrees 25 minutes 44 seconds East, along the northeast line of said Tract 9 and the southwest line of said 288.239 acre tract, a distance of 898.56 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the northerly right-of-way of Interstate Highway 20 ( variable right-of-way) for the south corner of said 288.239 acre tract and the east corner of said Tract 9;

THENCE along the northerly right-of-way of Interstate Highway 20 the following courses and distances:

South 63 degrees 04 minutes 03 seconds West, a distance of 631.14 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 75 degrees 45 minutes 02 seconds West, a distance of 1122.84 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 77 degrees 15 minutes 22 seconds West, a distance of 2160.34 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 87 degrees 10 minutes 56 seconds West, a distance of 406.08 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 77 degrees 15 minutes 22 seconds West, a distance of 1593.39 feet to a 5/8-inch iron rod found for the most southerly southwest corner of said Tract 1;

THENCE North 44 degrees 55 minutes 22 seconds West, along the southwest line of said Tract 1, a distance of 1236.59 feet to the west corner thereof and the south corner of a called 226.262 acre tract of land described in a deed to Stephen Edward Cummings and wife Tamara Cannon Cummings recorded in Volume 1105, Page 405 of said Deed Records;

THENCE North 44 degrees 40 minutes 05 seconds East, along the most southerly northwest line of said Tract 1 and the southeast line of said Cummings tract, a distance of 2494.90 feet to a point in the approximate center of Big Brushy Creek;

THENCE along the approximate center of Big Brushy Creek the following courses and distances

North 06 degrees 12 minutes 18 seconds West, a distance of 345.93 feet;

North 09 degrees 55 minutes 23 seconds West, a distance of 554.42 feet;

North 08 degrees 46 minutes 10 seconds West, a distance of 381.09 feet;

North 05 degrees 35 minutes 18 seconds East, a distance of 162.78 feet;

North 22 degrees 31 minutes 18 seconds West, a distance of 166.93 feet;

North 09 degrees 47 minutes 43 seconds West, a distance of 320.94 feet;

North 05 degrees 05 minutes 10 seconds West, a distance of 140.62 feet;

North 23 degrees 45 minutes 30 seconds East, a distance of 76.71 feet;

North 11 degrees 46 minutes 42 seconds West, a distance of 70.46 feet;

North 03 degrees 51 minutes 18 seconds West, a distance of 166.62 feet;

North 13 degrees 06 minutes 48 seconds West, a distance of 273.76 feet;

North 12 degrees 55 minutes 02 seconds East, a distance of 79.03 feet;

North 05 degrees 00 minutes 55 seconds West, a distance of 192.13 feet;

North 07 degrees 15 minutes 15 seconds East, a distance of 69.36 feet;

North 05 degrees 47 minutes 42 seconds West, a distance of 88.93 feet;

North 19 degrees 00 minutes 10 seconds East, a distance of 143.40 feet;

North 07 degrees 53 minutes 29 seconds East, a distance of 76.28 feet;

North 18 degrees 45 minutes 36 seconds East, a distance of 63.08 feet;

North 09 degrees 31 minutes 32 seconds East, a distance of 132.11 feet;

North 02 degrees 16 minutes 10 seconds West, a distance of 71.67 feet;

North 14 degrees 29 minutes 56 seconds West, a distance of 124.10 feet;

North 31 degrees 34 minutes 04 seconds West, a distance of 80.42 feet;

North 20 degrees 56 minutes 55 seconds West, a distance of 85.21 feet;

North 02 degrees 03 minutes 48 seconds East, a distance of 66.26 feet;

North 04 degrees 20 minutes 07 seconds West, a distance of 107.71 feet;

North 25 degrees 55 minutes 20 seconds West, a distance of 126.58 feet;

North 33 degrees 42 minutes 49 seconds West, a distance of 66.57 feet;

North 48 degrees 30 minutes 57 seconds West, a distance of 45.41 feet;

North 75 degrees 33 minutes 32 seconds West, a distance of 35.14 feet to the west corner of said Tract 4 and the north corner of said Cummings tract, said point being in the southeasterly boundary of said tract 2;

THENCE South 45 degrees 08 minutes 13 seconds West, along the northwesterly boundary of said Cummings tract and the southeasterly boundary of said Tract 2, a distance of 636.24 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 25 degrees 51 minutes 12 seconds West, continuing along the northwesterly boundary of said Cummings tract and the southeasterly boundary of said Tract 2, a distance of 1632.88 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 44 degrees 51 minutes 12 seconds West, continuing along the northwesterly boundary of said Cummings tract and the southeasterly boundary of said Tract 2, a distance of 864.04 feet to the east corner of a called 10.0 acre tract of land described in a deed to Floyd Darden and John Darden recorded in Volume 1033, Page 384 of said Deed Records;

THENCE North 00 degrees 51 minutes 17 seconds West, a distance of 10481.50 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the south line of the Union Pacific Railway (100' right-of-way) and in the north line of said Tract 2;

THENCE South 88 degrees 06 minutes 52 seconds East, along the north line of said Tract 2 and the south line of the Railway, a distance of 8059.22 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 02 degrees 52 minutes 47 seconds West, a distance of 98.14 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the northeast corner of said Tract 8;

THENCE South 10 degrees 52 minutes 20 seconds West, along the most northerly east line of said Tract 8, a distance of 191.83 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 78 degrees 58 minutes 12 seconds East, a distance of 18.76 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the approximate center of County Road 238 (undedicated public road) and the west line of said Tract 6A;

THENCE North 09 degrees 34 minutes 14 seconds East, along the approximate center of County Road 238 and the west line of said Tract 6A, a distance of 194.23 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the northwest corner of said Tract 6A;

THENCE South 88 degrees 13 minutes 07 seconds East, along the north line of said Tract 6A, a distance of 439.54 feet to a concrete monument found for the northeast corner of said Tract 6A and the northwest corner of a 40.186 acre tract of land described in a deed to AP Dupont Limited Partnership recorded in Volume 2489, Page 481 of said Deed Records;

THENCE along the southwesterly right-of-way of Spur 557 as follows:

South 62 degrees 14 minutes 39 seconds East, a distance of 239.63 feet to a concrete monument for corner;

South 56 degrees 59 minutes 45 seconds East, a distance of 398.38 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 61 degrees 40 minutes 02 seconds East, a distance of 801.48 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 58 degrees 29 minutes 39 seconds East, a distance of 1701.26 feet to a concrete monument found for corner;

South 60 degrees 45 minutes 58 seconds East, a distance of 399.56 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 58 degrees 10 minutes 40 seconds East, a distance of 197.28 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 58 degrees 08 minutes 34 seconds East, a distance of 1002.54 feet to a concrete monument found for corner;

South 54 degrees 48 minutes 28 seconds East, a distance of 901.01 feet to a concrete monument found at a cut-back corner for County Road 305;

South 00 degrees 24 minutes 39 seconds East, along said cut-back, a distance of 306.16 feet to a concrete monument found for corner;

South 48 degrees 51 minutes 21 seconds East, a distance of 139.01 feet to a concrete monument found for corner;

North 68 degrees 37 minutes 22 seconds East, along a cut-back line for County Road 305, a distance of 369.51 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 62 degrees 55 minutes 42 seconds East, a distance of 908.33 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 62 degrees 41 minutes 47 seconds East, a distance of 1218.13 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 62 degrees 58 minutes 31 seconds East, a distance of 65.33 feet to the POINT OF BEGINNING and containing 3152.439 acres of land, SAVE AND EXCEPT the following two (2) tracts of land:

**SAVE AND EXCEPT TRACT 1**

BEING a tract of land situated in the LEWIS PEARCE SURVEY, ABSTRACT NO. 373, in Kaufman County, Texas, and being all of a called 10.000 acre tract of land described in a deed to Robert A. Kaus and wife Martha Lee Kaus recorded in Volume 1050, Page 120 of the Deed Records of Kaufman County, Texas, and all of a called 30.000 acre tract described in a deed to Robert A. Kaus and wife Martha Lee Kaus recorded in Volume 1050, Page 124 of said Deed Records, and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found in the approximate center of County Road 238 (undedicated public road) for the north corner of said 30.000 tract and the west corner of a called 46.324 acre tract of land described as Tract 6B in a deed to AP Dupont Limited partnership recorded in Volume 2502, page 77 of said Deed Records;

THENCE South 45 degrees 11 minutes 54 seconds East, along the northeast line of said 30.000 acre tract and the southwest line of said tract 6B, a distance of 3261.17 feet to a 3/8-inch iron rod found for the east corner of said 30.000 acre tract and the south corner of said Tract 6B, said point also being located in the northwest line of a called 242.39 acre tract of land described as Tract 10;

THENCE South 44 degrees 50 minutes 02 seconds West, along the southeast lines of said 30.000 acre tract and said 10.000 acre tract, and the northwest line of said Tract 10, a distance of 534.82 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the south corner of said 10.000 acre tract and the east corner of a called 55.84 acre tract described as Tract 11 in said AP Dupont deed;

THENCE North 45 degrees 11 minutes 25 seconds West, along the southwest line of said 10.00 acre tract and the northeast line of said Tract 11, a distance of 3262.61 feet to a 3/8-inch iron found in the approximate center of County Road 238 for the west corner of said 10.000 acre tract and the north corner of said Tract 11;

THENCE North 44 degrees 59 minutes 17 seconds East, along the approximate center of County Road 238 and the northwest lines of said 10.000 acre tract and said 30.000 acre tract; a distance of 534.37 feet to the POINT OF BEGINNING and containing 40.032 acres of land, more or less.

#### SAVE AND EXCEPT TRACT 2

BEING a tract of land situated in the LEWIS PEARCE SURVEY, ABSTRACT NO. 373, in Kaufman County, Texas, and being all of a called 20.000 acre tract of land described in a deed to James Edgar Crawford, Sr., and wife Earlena Faye Crawford recorded in Volume 1056, Page 531 of the Deed Records of Kaufman County, Texas, and all of a called 20.000 acre tract described in a deed to the Texas Veterans Land Board recorded in Volume 1070, Page 352 of said Deed Records, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the approximate center of County Road 238 (undedicated public road) for the north corner of said Texas Veterans Land Board tract and the west corner of a called 55.84 acre tract of land described as Tract 11 in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of said Deed Records;

THENCE South 45 degrees 13 minutes 34 seconds East, along the common line between said Land Board tract and said Tract 11, a distance of 1291.85 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the most northerly east corner of said Land Board tract and a re-entrant corner in said Tract 11;

THENCE South 00 degrees 11 minutes 46 seconds East, along the most southerly west line of said Tract 11 and the east lines of said Land Board tract and said Crawford tract, a distance of 1381.15 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087"

set for the south corner of said Crawford tract and the most northerly east corner of a called 418.609 acre tract of land described as Tract 6D in said AP Dupont deed;

THENCE North 45 degrees 16 minutes 57 seconds West, along the southwest line of said Crawford tract and the northeast line of said Tract 6D, a distance of 2274.35 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the approximate center of County Road 238 for the west corner of said Crawford tract and the north corner of said tract 6D;

THENCE North 45 degrees 08 minutes 53 seconds East, along the approximate center of County Road 238 and the northwest line of said Tract 6D, a distance of 979.39 feet to the POINT OF BEGINNING and containing 40.057 acres of land, more of less, leaving a total area of 3072.350 acres, more or less.

#### TRACT 4

BEING a tract of land situated in the WILLIAM SIMPSON SURVEY, ABSTRACT NO. 453, in Kaufman County, Texas, and being all of a called 362.357 acre tract of land described as Tract 3 in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of the Deed Records of Kaufman County, Texas, said land containing a portion of a called 76 acre tract of land described as Tract 4 in a deed to Maher Properties One recorded in Volume 694, Page 167 of said Deed Records, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found in the center of F. M. 148 (80' right-of-way) for the east corner of said Tract 3;

THENCE South 45 degrees 32 minutes 14 seconds West, along the center of F. M. 148 and the southeast line of said Tract 3, passing a concrete monument found for the beginning of a curve to the left at 2741.39 feet, 38.24 feet right, a total distance of 3002.67 feet to a 1/2-inch iron rod found for the easterly southeast corner of said Tract 3;

THENCE South 83 degrees 54 minutes 51 seconds West, along the southerly boundary of said Tract 3 and the northerly boundary of a called 155 acre tract of land described as Tract 1 in a deed to Jerry R. Sims and wife Margie Sims recorded in Volume 1124, Page 103 of said Deed Records, a distance of 1129.08 feet to a 3/8-inch iron rod found for corner;

THENCE North 79 degrees 01 minutes 39 seconds West, continuing along the southerly boundary of said Tract 3 and the northerly boundary of said 155 acre tract, a distance of 929.89 feet to a 1/2-inch iron rod found for corner;

THENCE North 79 degrees 03 minutes 39 seconds West, continuing along the southerly line of said Tract 3 and the northerly line of said 155 acre tract, distance of 360.00 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE North 77 degrees 41 minutes 39 seconds West, continuing along the southerly line of said Tract 3 and the northerly line of said 155 acre tract, a distance of 205.00 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE North 85 degrees 30 minutes 59 seconds West, continuing along the southerly line of said Tract 3 and the northerly line of said 155 acre tract, a distance of 289.63 feet to a point in the approximate center of Big Brushy Creek;

THENCE along the approximate center of Big Brushy Creek the following courses and distances:

North 23 degrees 14 minutes 25 seconds West, a distance of 54.89 feet;

North 04 degrees 05 minutes 31 seconds West, a distance of 216.07 feet;

South 51 degrees 10 minutes 14 seconds East, a distance of 171.26 feet;

North 41 degrees 26 minutes 55 seconds East, a distance of 167.67 feet;

North 76 degrees 53 minutes 55 seconds East, a distance of 118.88 feet;

North 25 degrees 24 minutes 54 seconds East, a distance of 196.89 feet;

North 49 degrees 32 minutes 49 seconds West, a distance of 195.65 feet;

North 18 degrees 50 minutes 34 seconds West, a distance of 237.39 feet;

North 23 degrees 34 minutes 39 seconds East, a distance of 165.47 feet;

North 03 degrees 20 minutes 51 seconds East, a distance of 101.63 feet;

North 40 degrees 18 minutes 31 seconds West, a distance of 172.48 feet;

North 17 degrees 35 minutes 08 seconds West, a distance of 97.88 feet;

North 08 degrees 29 minutes 33 seconds East, a distance of 76.51 feet;

North 13 degrees 52 minutes 15 seconds West, a distance of 69.50 feet;

North 21 degrees 42 minutes 00 seconds East, a distance of 69.26 feet;

North 21 degrees 26 minutes 22 seconds West, a distance of 146.39 feet;

North 00 degrees 08 minutes 09 seconds West, a distance of 158.73 feet;

North 09 degrees 54 minutes 29 seconds West, a distance of 77.56 feet to a point in the westerly boundary of said Tract 3, said point also being located in the northwest line of said Maher tract and the southeast line of a called 100 acre tract of land described as Tract 1 in a deed to Kenneth L. Cleaver and wife Cynthia L. Cleaver recorded in Volume 1173, Page 351 of said Deed Records;

THENCE North 45 degrees 27 minutes 16 seconds East, along the northwest line of Maher tract and the southeast line of said Cleaver tract, a distance of 54.41 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE North 44 degrees 51 minutes 27 seconds West, along the southwest line of said Tract 3 and the northeast line of said Cleaver 100 acre tract and the northeast line of the remainder of a called 117.93 acre tract described as Tract 2 in said Cleaver deed, a distance of 1535.89 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the southerly right-of-way line of I. H. 20 (variable right-of-way) for the west corner of said Tract 3;

THENCE along the southerly right-of-way of I. H. 20 the following courses and distances:

North 77 degrees 15 minutes 22 seconds East, a distance of 1291.15 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

North 68 degrees 43 minutes 31 seconds East, a distance of 404.48 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

North 77 degrees 15 minutes 22 seconds East, a distance of 2377.18 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the north corner of said Tract 3;

THENCE South 44 degrees 39 minutes 40 seconds East, along the northeast line of said Tract 3 and the southwest line of a called 26.796 acre tract of land described in a deed to Milowe Jungjohann and wife Janice Jungjohann recorded in Volume 764, Page 444 and the southwest line of a called 23.017 acre tract described in a deed to Milowe Eugene Jungjohann recorded in Volume 729, Page 680, a distance of 2908.97 feet to the POINT OF BEGINNING and containing 362.394 acres of land, more or less, 2.780 acres of which are within the right-of-way of F. M. 148, leaving an area of 359.614 acres of land, more or less.

**EXHIBIT "D"**

BEING a 123.853 acre tract of land situated in the John Heath Survey, Abstract Number 227, in Kaufman County, Texas and being all of a 10.599 acre tract of land described by deed to Olen Davis recorded in Volume 1566, Page 114 of the Deed Records of Kaufman County, Texas (DRKCT) and being all of 113.474 acre tract of land described by deed to Olen T. Davis & Associates, Inc. recorded in Volume 1068, Page 469 (DRKCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for the northeast corner of said 10.599 acre tract of land and being located in the center of a Rock Top Road known as County Road No. 211 (Helms Trail) which is fenced approximately 45' in width, said point also being located in the south line of the Texas & Pacific Railway right-of-way (100' wide);

THENCE along the center of said County Road 211 (Helms Trail) and the southeasterly line of said 113.474 acre tract of land as follows:

SOUTH 42°04'26" WEST a passing distance of 140.57 to the northeast corner of said 113.474 acre tract of land, in all a total distance of 499.10 feet to a 5/8 inch iron rod set for corner;

SOUTH 41°28'25" WEST a distance of 732.40 feet to a 5/8 inch iron rod set for corner;

SOUTH 41°14'24" WEST a distance of 840.20 feet to a 5/8 inch iron rod set for corner;

SOUTH 40°52'03" WEST a distance of 1,138.96 feet to a 5/8 inch iron rod set for the southerly corner of said 113.474 acre tract of land;

THENCE departing the center of said County Road 211 (Helms Trail) and following the southwesterly line of said 113.474 acre tract of land, NORTH 48°37'23" WEST a passing distance of 27.33 feet to a 5/8 inch iron pipe found at the base of a fence post, in all a total distance of 3,373.09 to a 5/8 inch iron rod found for the northwest corner of said 10.599 acre tract of land and being located in the south line of said Texas & Pacific Railway right-of-way;

THENCE along the south line of said Texas & Pacific Railway right-of-way, NORTH 87°45'00" EAST a distance of 4,653.28 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 123.853 acres or 5,395,049 square feet of land more or less all according to that survey prepared by A.J. Bedford Group, Inc., dated March 15, 2005 and signed by Austin J. Bedford, Registered Professional Land Surveyor No. 4132; to which reference for all purposes is hereby made.

## EXHIBIT "E"

BEING a tract of land situated in the LEWIS PEARSE SURVEY, ABSTRACT NO. 373, and the JOHN HEATH SURVEY, ABSTRACT NO. 227 in Kaufman County, Texas, and being part of a called 1012.488 acre tract of land described in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of the Deed Records of Kaufman County, Texas, a part of a called 10.599 acre tract of land described in a deed to Olen Davis recorded in Volume 1566, Page 114 of said Deed Records, and all of a 113.474 acre tract of land described in a deed to Olen T. Davis & Associates, Inc. recorded in Volume 1068, Page 469 of said Deed Records, and being more particularly described as follows:

BEGINNING at a point in the northwest boundary of said 1012.488 acre tract, said point being the east corner of Emerald Ranch Estates, an addition to Kaufman County according to the plat thereof recorded in Cabinet 2, Slide 464 of the Map records of Kaufman County, Texas;

THENCE North 44 degrees 18 minutes 26 seconds West, along the northeast boundary of said Emerald Ranch Estates tract and the northwest boundary of said 1012.488 acre tract, a distance of 1583.05 feet for the north corner of said Emerald Ranch and the south corner of a called 108.73 acre tract described in a deed to Countryside Helms Trail, L.P., recorded in Volume 1838, Page 286 of said Deed Records;

THENCE North 45 degrees 06 minutes 03 seconds East, along the southeast line of said 108.73 acre tract and a called 18.425 acre tract of land described in a deed to Kaufman Land Partners, Ltd., recorded in Volume 1973, Page 579 of said Deed Records, a distance of 2874.06 feet for the east corner of said 18.425 acre tract;

THENCE North 44 degrees 45 minutes 10 seconds West, along the northeast line of said 18.425 acre tract and the most westerly northwest line of said 1012.488 acre tract, a distance of 1954.78 feet to a point in the approximate center of Helms Trail (undedicated public road) for the north corner of said 18.425 acre tract and the southeast corner of said 113.474 acre tract;

THENCE North 45 degrees 20 minutes 58 seconds West, along the approximate center of Helms Trail and the most northerly northwest line of said 1012.488 acre tract, a distance of 3095.32 feet to a point in the south line of the Union Pacific Railway (100' right-of-way);

THENCE South 88 degrees 06 minutes 52 seconds East, along the south line of said Railway and along the north line of said 1012.488 acre tract, a distance of 781.53 feet to a point for corner;

THENCE South 00 degrees 51 minutes 17 seconds East, a distance of 9582.30 feet to a point on the Talty one-half mile extra-territorial jurisdiction (ETJ) line;

THENCE along the Talty ETJ line the following courses and distances:

Northwesterly, along a non-tangent curve to the left which has a chord that bears North 54 degrees 08 minutes 40 seconds West for 1157.06 feet, a central angle of 25 degrees 19 minutes 01 second and a radius of 2640.00 for an arc distance of 1166.53 feet to the end of said curve;

North 44 degrees 48 minutes 35 seconds West, a distance of 1272.29 feet to the beginning of a tangent curve to the left;

Northwesterly, along the tangent curve to the left which has a chord that bears North 62 degrees 23 minutes 35 seconds West for 1595.03 feet, a central angle of 35 degrees 09 minutes 58 seconds and a radius of 2640.00 feet, for an arc distance of 1620.34 to a point on the southeast line of said Emerald Ranch;

THENCE North 45 degrees 17 minutes 02 seconds East, along the southeast line of said Emerald Ranch, a distance of 799.31 feet to the POINT OF BEGINNING and containing 21,300,810 square feet, or 488.999 acres of land, more or less.

**EXHIBIT "F"**

TRACT 1  
249.623 ACRES

BEING a tract of land situated in the R. Mead Survey, Abstract No. 316, and the W.M. Simpson Survey, Abstract No. 453, Kaufman County, Texas, and being a part of the certain 442.406 acres tract of land as conveyed from Michael H. McDowell et al to the McDowell Clan Limited Company, recorded in Volume 1648, Page 39, of the Deed Records of Kaufman County, Texas, and a part of that called Second Tract of 147.4 acres, described in a deed from Thos. R. Bond to Thomas H. Crofts, recorded in Volume 413, Page 314, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows;

COMMENCING at the northeast corner of a 15.332 acre tract conveyed to James E. Bates, as recorded in Volume 1172, Page 812, said rod being a point on the southeast line of the (New) Interstate Highway 20 (variable width right-of-way);

THENCE along the southeast line of the (New) Interstate Highway 20, the following courses:

N61°26'00"E, 499.31 feet to a corner;  
N56°10'06"E, 614.11 feet to a corner;  
N52°28'55"E, 550.82 feet to a corner;  
N55°36'15"E, 1800.00 feet to a corner;  
N58°43'35"E, 550.82 feet to a corner;  
N55°36'15"E, 333.17 feet to the POINT OF BEGINNING;

THENCE Northeasterly, continuing along the southeast line of said (New) Interstate Highway 20, the following courses;

N55°36'15"E, 466.83 feet to a corner;  
N53°58'03"E, 1050.43 feet to a corner;  
N55°36'15"E, 754.45 feet to the beginning of a tangent curve to the right;

THENCE Northeasterly, along a tangent curve to the right which has a chord that bears N57°26'55"E for 355.95 feet, a central angle of 03°41'20" and a radius of 5529.58 feet, for an arc distance of 356.01 feet to the most northerly west corner of a tract of land as described in a deed to Harry Wayne Everett, recorded in Volume 1148, Page 696;

THENCE along the southwesterly line of said Everett tract, the following courses;

S44°02'15"E, 1082.82 feet to a corner;  
S43°59'37"E, 434.78 feet to a corner;  
S44°44'00"W, 287.56 feet to the beginning of a curve to the right;

Southwesterly along the tangent curve to the right which has a chord bearing S59°26'46"W, for 245.41 feet, a central angle of 29°34'01" and a radius of 480.87 feet, for an arc distance of 248.15 feet to the end of said curve;  
S17°58'30"E, 138.44 feet to a corner;  
S43°29'26"W, 460.56 feet to an ell corner;  
S42°27'26"E, 3519.51 feet to the south corner of said Everett tract, said corner also being the west corner of an 80.000 acre tract of land called Huneycutt Family Trust;

THENCE S44°28'50"E, 1359.43 feet to a corner;

THENCE S44°00'52"E, 308.37 feet to an ell corner;

THENCE S46°09'05"W, 128.94 feet to the beginning of a non-tangent curve to the right;

THENCE Northwesterly, along the non-tangent curve to the right which has a chord that bears N65°53'02"W for 3456.34 feet, a central angle of 38°12'38" and a radius of 5280.00 feet, for an arc distance of 3521.23 feet to the end of said curve;

THENCE N46°46'43"W, 1780.63 feet to the beginning of a tangent curve to the right;

THENCE Northwesterly, along the tangent curve to the right which has a chord that bears N42°24'39"W for 804.26 feet, a central angle of 08°44'09" and a radius of 5280.00 feet, for an arc distance of 805.04 feet to the end of said curve;

THENCE N44°06'01"W, 249.64 feet to a corner;

THENCE N37°55'56"W, 400.16 feet to a corner;

THENCE N45°47'07" W, 780.18 feet to the POINT OF BEGINNING and containing 10,873,600 square feet or 249.623 acres of land, more or less.

TRACT 3  
3055.33 ACRES

BEING a tract of land situated in the J. R. LEATH SURVEY, ABSTRACT NO. 305, the W. C. MOODY SURVEY, ABSTRACT NO. 321, the RICHARD MEAD SURVEY, ABSTRACT NO. 326, the LEWIS PEARCE SURVEY, ABSTRACT NO. 373, the WILLIAM SIMPSON SURVEY, ABSTRACT NO. 453, the J. W. WARD SURVEY, ABSTRACT NO. 596, and the T. A. WALDROP SURVEY, ABSTRACT NO. 597 in Kaufman County, Texas, and being all of a called 1012.488 acre tract of land described as Tract 1 in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of the Deed Records of Kaufman County, Texas, part of a called 1406.504 acre tract of land described as Tract 2 in said deed, all of a called 57.77 acre tract of land described

as Tract 5 in said deed, all of a called 38.410 acre tract of land described as Tract 6A in said deed, all of a called 46.324 acre tract of land described as Tract 6B in said deed, all of a called 146.491 acre tract of land described as Tract 6C in said deed, all of a called 418.350 acre tract of land described as Tract 6D in said deed, all of a called 210.082 acre tract of land described as Tract 7 in said deed, all of a called 3.09 acre tract of land described as Tract 8 in said deed, all of a called 20.575 acre tract of land described as Tract 9 in said deed, all of a called 242.39 acre tract of land described as Tract 10 in said deed, and all of a called 55.848 acre tract of land described as Tract 11 in said deed, all of a called 40.186 acre tract of land described in a deed AP Dupont Limited Partnership recorded in Volume 2489, Page 481 of said Deed Records, all of a called 20.000 acre tract described in a deed to the Texas Veterans Land Board recorded in Volume 1070, Page 332 and in a Contract of Sale between the Texas Veterans Land Board and Melvin Earl Duke recorded in Volume 1070, Page 336 of said Deed Records, and all of a called 20.000 acre tract of land described in a deed to Robert A. Brooks and Barbara M. Brooks recorded in Volume 1277, Page 618 of said Deed Records, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the southwest right-of-way line of Spur 557 (variable right-of-way) for the most easterly corner of said 1012.488 acre tract (Tract 1) and the northwest corner of a called 131.36 acre tract of land described as Tract V in a deed to 148/I-20 Terrell Partnership, Ltd., recorded in Volume 1939, Page 341 of said Deed Records;

THENCE South 45 degrees 16 minutes 35 seconds West, along the southeasterly boundary of said tract 1 and the northwest lines of said Tract V and a called 120.00 acre tract of land described as Tract IV in said deed to 148/I-20 Terrell Partnership, Ltd., a distance of 2141.57 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the most westerly corner of said Tract IV;

THENCE South 45 degrees 02 minutes 34 seconds East, along the southwest line of said Tract IV, a distance of 99.72 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for a re-entrant corner in said Tract 1 and the north corner of a called 80.083 acre tract of land described in a deed to C. L. Hamilton, Jr., recorded in Volume 528, Page 759 of said Deed Records;

THENCE South 45 degrees 05 minutes 40 seconds West, continuing along the southeasterly boundary of said Tract 1 and along the northwest line of said Hamilton tract, a distance of 1795.83 feet to a 1/2-inch iron rod found in the northeast line of a called 288.239 acre tract of land described as Tract 1 in a deed to AP Terrell Limited Partnership recorded in Volume 2324, page 267 of said Deed Records for the west corner of said Hamilton tract and a re-entrant corner of said Tract 1;

THENCE North 44 degrees 23 minutes 07 seconds West, continuing along the southeasterly boundary of said Tract 1 and the northeast line of said 288.239 acre tract, a distance of 99.93 feet to a 5/8-inch iron rod found for the most northerly corner of said 288.239 acre tract;

THENCE South 45 degrees 29 minutes 35 seconds West, along the common line between said Tract 1 and said 288.239 acre tract, a distance of 6060.97 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for an angle point;

THENCE South 45 degrees 28 minutes 26 seconds West, continuing along said common line, a distance of 1601.11 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the west corner of said 288.239 acre tract and the north corner of said Tract 9;

THENCE South 44 degrees 25 minutes 44 seconds East, along the northeast line of said Tract 9 and the southwest line of said 288.239 acre tract, a distance of 898.56 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the northerly right-of-way of Interstate Highway 20 ( variable right-of-way) for the south corner of said 288.239 acre tract and the east corner of said Tract 9;

THENCE along the northerly right-of-way of Interstate Highway 20 the following courses and distances:

South 63 degrees 04 minutes 03 seconds West, a distance of 631.14 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 75 degrees 45 minutes 02 seconds West, a distance of 1122.84 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 77 degrees 15 minutes 22 seconds West, a distance of 2160.34 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 87 degrees 10 minutes 56 seconds West, a distance of 406.08 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 77 degrees 15 minutes 22 seconds West, a distance of 1470.48 feet to a point on Town of Talty one-half mile Extra Territorial Jurisdiction line;

THENCE along the Talty ETJ line the following courses and distances:

Northwesterly, along a non-tangent curve to the left which has a chord that bears North 30 degrees 09 minutes 05 seconds West for 198.19 feet, a central angle of 04 degrees 18 minutes 08 seconds and a radius of 2640.00 feet, for an arc distance of 198.24 feet to the end of said curve and the beginning of a non-tangent curve to the left;

Northwesterly, along a non-tangent curve to the left which has a chord that bears North 26 degrees 08 minutes 52 seconds West for 860.85 feet, a central angle of 18 degrees 46 minutes 00 seconds and a radius of 2640.00 feet, for an arc distance

of 864.71 feet to the end of said curve and the beginning of a non-tangent curve to the left;

Northeasterly, being at all times a distance of 2640.00 feet from the north corner of a tract of land described in a deed to Terrell Farm Supply recorded in Volume 639, Page 42 of said Deed Records, along a non-tangent curve to the left which has a chord that bears North 25 degrees 43 minutes 45 seconds East for 919.53 feet, a central angle of 20 degrees 03 minutes 32 seconds and a radius of 2640.00 feet, for an arc distance of 924.24 feet to a point on the most southerly northwest line of said Tract I and the southeast line of a called 226.262 acre tract of land described in a deed to Stephen Edward Cummings and wife Tamara Cannon Cummings recorded in Volume 1105, Page 405 of said Deed Records for the end of said curve;

THENCE North 44 degrees 40 minutes 05 seconds East, along the most southerly northwest line of said Tract 1 and the southeast line of said Cummings tract, a distance of 1195.64 feet to a point in the approximate center of Big Brushy Creek;

THENCE along the approximate center of Big Brushy Creek the following courses and distances

North 06 degrees 12 minutes 18 seconds West, a distance of 345.93 feet;

North 09 degrees 55 minutes 23 seconds West, a distance of 554.42 feet;

North 08 degrees 46 minutes 10 seconds West, a distance of 381.09 feet;

North 05 degrees 35 minutes 18 seconds East, a distance of 162.78 feet;

North 22 degrees 31 minutes 18 seconds West, a distance of 166.93 feet;

North 09 degrees 47 minutes 43 seconds West, a distance of 320.94 feet;

North 05 degrees 05 minutes 10 seconds West, a distance of 140.62 feet;

North 23 degrees 45 minutes 30 seconds East, a distance of 76.71 feet;

North 11 degrees 46 minutes 42 seconds West, a distance of 70.46 feet;

North 03 degrees 51 minutes 18 seconds West, a distance of 166.62 feet;

North 13 degrees 06 minutes 48 seconds West, a distance of 273.76 feet;

North 12 degrees 55 minutes 02 seconds East, a distance of 79.03 feet;

North 05 degrees 00 minutes 55 seconds West, a distance of 192.13 feet;

North 07 degrees 15 minutes 15 seconds East, a distance of 69.36 feet;  
North 05 degrees 47 minutes 42 seconds West, a distance of 88.93 feet;  
North 19 degrees 00 minutes 10 seconds East, a distance of 143.40 feet;  
North 07 degrees 53 minutes 29 seconds East, a distance of 76.28 feet;  
North 18 degrees 45 minutes 36 seconds East, a distance of 63.08 feet;  
North 09 degrees 31 minutes 32 seconds East, a distance of 132.11 feet;  
North 02 degrees 16 minutes 10 seconds West, a distance of 71.67 feet;  
North 14 degrees 29 minutes 56 seconds West, a distance of 124.10 feet;  
North 31 degrees 34 minutes 04 seconds West, a distance of 80.42 feet;  
North 20 degrees 56 minutes 55 seconds West, a distance of 85.21 feet;  
North 02 degrees 03 minutes 48 seconds East, a distance of 66.26 feet;  
North 04 degrees 20 minutes 07 seconds West, a distance of 107.71 feet;  
North 25 degrees 55 minutes 20 seconds West, a distance of 126.58 feet;  
North 33 degrees 42 minutes 49 seconds West, a distance of 66.57 feet;  
North 48 degrees 30 minutes 57 seconds West, a distance of 45.41 feet;  
  
North 75 degrees 33 minutes 32 seconds West, a distance of 35.14 feet to the west corner of said Tract 4 and the north corner of said Cummings tract, said point being in the southeasterly boundary of said tract 2;

THENCE South 45 degrees 08 minutes 13 seconds West, along the northwesterly boundary of said Cummings tract and the southeasterly boundary of said Tract 2, a distance of 636.24 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 25 degrees 51 minutes 12 seconds West, continuing along the northwesterly boundary of said Cummings tract and the southeasterly boundary of said Tract 2, a distance of 1632.88 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 44 degrees 51 minutes 12 seconds West, continuing along the northwesterly boundary of said Cummings tract and the southeasterly boundary of said Tract 2, a distance of 277.29 feet to a point on a non-tangent curve to the left, said point also being on the Talty ETJ line;

THENCE along the Talty ETJ line the following courses and distances:

Northwesterly, being at all times a distance of 2640.000 feet from the north corner of said Terrel Farm Supply tract, along said non-tangent curve to the left which has a chord that bears North 57 degrees 28 minutes 46 seconds West for 164.40 feet, a central angle of 03 degrees 34 minutes 07 seconds and a radius of 2640.00 feet, for an arc distance of 164.43 feet to the end of said curve and the beginning of a non-tangent curve to the left;

Northwesterly, being at all times a distance of 2640.00 feet from the north corner of a tract of land described in a deed to Naomi Holt recorded in Volume 1005, Page 154 of said Deed Records, along said non-tangent curve to the left which has a chord that bears North 36 degrees 10 minutes 18 seconds West for 489.02 feet, a central angle of 10 degrees 37 minutes 42 seconds and a radius of 2640.00 feet, for an arc distance of 489.72 feet to the end of said curve;

THENCE North 00 degrees 51 minutes 17 seconds West, a distance of 9582.30 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the south line of the Union Pacific Railway (100' right-of-way) and in the north line of said Tract 2;

THENCE South 88 degrees 06 minutes 52 seconds East, along the north line of said Tract 2 and the south line of the Railway, a distance of 7277.68 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 02 degrees 52 minutes 47 seconds West, a distance of 98.14 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the northeast corner of said Tract 8;

THENCE South 10 degrees 52 minutes 20 seconds West, along the most northerly east line of said Tract 8, a distance of 191.83 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

THENCE South 78 degrees 58 minutes 12 seconds East, a distance of 18.76 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the approximate center of County Road 238 (undedicated public road) and the west line of said Tract 6A;

THENCE North 09 degrees 34 minutes 14 seconds East, along the approximate center of County Road 238 and the west line of said Tract 6A, a distance of 194.23 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the northwest corner of said Tract 6A;

THENCE South 88 degrees 13 minutes 07 seconds East, along the north line of said Tract 6A, a distance of 439.54 feet to a concrete monument found for the northeast corner of said Tract 6A and the northwest corner of a 40.186 acre tract of land described in a deed to AP Dupont Limited Partnership recorded in Volume 2489, Page 481 of said Deed Records;

THENCE along the southwesterly right-of-way of Spur 557 as follows:

South 62 degrees 14 minutes 39 seconds East, a distance of 239.63 feet to a concrete monument for corner;

South 56 degrees 59 minutes 45 seconds East, a distance of 398.38 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 61 degrees 40 minutes 02 seconds East, a distance of 801.48 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 58 degrees 29 minutes 39 seconds East, a distance of 1701.26 feet to a concrete monument found for corner;

South 60 degrees 45 minutes 58 seconds East, a distance of 399.56 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 58 degrees 10 minutes 40 seconds East, a distance of 197.28 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 58 degrees 08 minutes 34 seconds East, a distance of 1002.54 feet to a concrete monument found for corner;

South 54 degrees 48 minutes 28 seconds East, a distance of 901.01 feet to a concrete monument found at a cut-back corner for County Road 305;

South 00 degrees 24 minutes 39 seconds East, along said cut-back, a distance of 306.16 feet to a concrete monument found for corner;

South 48 degrees 51 minutes 21 seconds East, a distance of 139.01 feet to a concrete monument found for corner;

North 68 degrees 37 minutes 22 seconds East, along a cut-back line for County Road 305, a distance of 369.51 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 62 degrees 55 minutes 42 seconds East, a distance of 908.33 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 62 degrees 41 minutes 47 seconds East, a distance of 1218.13 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for corner;

South 62 degrees 58 minutes 31 seconds East, a distance of 65.33 feet to the POINT OF BEGINNING and containing 3135.422 acres of land, SAVE AND EXCEPT the following two (2) tracts of land:

SAVE AND EXCEPT TRACT 1

BEING a tract of land situated in the LEWIS PEARCE SURVEY, ABSTRACT NO. 373, in Kaufman County, Texas, and being all of a called 10.000 acre tract of land described in a deed to Robert A. Kaus and wife Martha Lee Kaus recorded in Volume 1050, Page 120 of the Deed Records of Kaufman County, Texas, and all of a called 30.000 acre tract described in a deed to Robert A. Kaus and wife Martha Lee Kaus recorded in Volume 1050, Page 124 of said Deed Records, and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found in the approximate center of County Road 238 (undedicated public road) for the north corner of said 30.000 tract and the west corner of a called 46.324 acre tract of land described as Tract 6B in a deed to AP Dupont Limited partnership recorded in Volume 2502, page 77 of said Deed Records;

THENCE South 45 degrees 11 minutes 54 seconds East, along the northeast line of said 30.000 acre tract and the southwest line of said tract 6B, a distance of 3261.17 feet to a 3/8-inch iron rod found for the east corner of said 30.000 acre tract and the south corner of said Tract 6B, said point also being located in the northwest line of a called 242.39 acre tract of land described as Tract 10;

THENCE South 44 degrees 50 minutes 02 seconds West, along the southeast lines of said 30.000 acre tract and said 10.000 acre tract, and the northwest line of said Tract 10, a distance of 534.82 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the south corner of said 10.000 acre tract and the east corner of a called 55.84 acre tract described as Tract 11 in said AP Dupont deed;

THENCE North 45 degrees 11 minutes 25 seconds West, along the southwest line of said 10.00 acre tract and the northeast line of said Tract 11, a distance of 3262.61 feet to a 3/8-inch iron found in the approximate center of County Road 238 for the west corner of said 10.000 acre tract and the north corner of said Tract 11;

THENCE North 44 degrees 59 minutes 17 seconds East, along the approximate center of County Road 238 and the northwest lines of said 10.000 acre tract and said 30.000 acre tract; a distance of 534.37 feet to the POINT OF BEGINNING and containing 40.032 acres of land, more or less.

SAVE AND EXCEPT TRACT 2

BEING a tract of land situated in the LEWIS PEARCE SURVEY, ABSTRACT NO. 373, in Kaufman County, Texas, and being all of a called 20.000 acre tract of land described in a deed to James Edgar Crawford, Sr., and wife Earlena Faye Crawford recorded in Volume 1056, Page 531 of the Deed Records of Kaufman County, Texas, and all of a called 20.000 acre tract described in a deed to the Texas Veterans Land Board recorded in Volume 1070, Page 352 of said Deed Records, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the approximate center of County Road 238 (undedicated public road) for the north corner of said Texas Veterans Land Board tract and the west corner of a called 55.84 acre tract of land described as Tract 11 in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of said Deed Records;

THENCE South 45 degrees 13 minutes 34 seconds East, along the common line between said Land Board tract and said Tract 11, a distance of 1291.85 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the most northerly east corner of said Land Board tract and a re-entrant corner in said Tract 11;

THENCE South 00 degrees 11 minutes 46 seconds East, along the most southerly west line of said Tract 11 and the east lines of said Land Board tract and said Crawford tract, a distance of 1381.15 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the south corner of said Crawford tract and the most northerly east corner of a called 418.609 acre tract of land described as Tract 6D in said AP Dupont deed;

THENCE North 45 degrees 16 minutes 57 seconds West, along the southwest line of said Crawford tract and the northeast line of said Tract 6D, a distance of 2274.35 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set in the approximate center of County Road 238 for the west corner of said Crawford tract and the north corner of said tract 6D;

THENCE North 45 degrees 08 minutes 53 seconds East, along the approximate center of County Road 238 and the northwest line of said Tract 6D, a distance of 979.39 feet to the POINT OF BEGINNING and containing 40.057 acres of land, more or less, leaving a total area of 3055.33 acres, more or less.

TRACT 4  
346.01 ACRES

BEING a tract of land situated in the LEWIS PEARCE SURVEY, ABSTRACT NO. 373, the FRIEND McMAHAN SURVEY, ABSTRACT NO. 313 and the WILLIAM SIMPSON SURVEY, ABSTRACT NO. 453, in Kaufman County, Texas, and being all of a called 362.357 acre tract of land described as Tract 3 in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of the Deed Records of Kaufman County, Texas, said land containing a portion of a called 76 acre tract of land described as Tract 4 in a deed to Maher Properties One recorded in Volume 694, Page 167 of said Deed Records, and being more particularly described as follows:

BEGINNING at a point in the center of F. M. 148 (80' right-of-way) for the east corner of said Tract 3;

THENCE South 45 degrees 32 minutes 14 seconds West, along the center of F. M. 148 and the southeast line of said Tract 3, a distance of 3002.67 feet to the easterly southeast corner of said Tract 3;

THENCE South 83 degrees 54 minutes 51 seconds West, along the southerly boundary of said Tract 3 and the northerly boundary of a called 155 acre tract of land described as Tract 1 in a deed to Jerry R. Sims and wife Margie Sims recorded in Volume 1124, Page 103 of said Deed Records, a distance of 1129.08 feet to a point for corner;

THENCE North 79 degrees 01 minutes 39 seconds West, continuing along the southerly boundary of said Tract 3 and the northerly boundary of said 155 acre tract, a distance of 929.89 feet to a point for corner;

THENCE North 79 degrees 03 minutes 39 seconds West, continuing along the southerly line of said Tract 3 and the northerly line of said 155 acre tract, distance of 360.00 feet to a point for corner;

THENCE North 77 degrees 41 minutes 39 seconds West, continuing along the southerly line of said Tract 3 and the northerly line of said 155 acre tract, a distance of 77.41 feet to a point on the Town of Talty one-half mile Extra Territorial Jurisdiction line;

THENCE Northerly, along a non-tangent curve to the left which has a chord that bears North 19 degrees 45 minutes 53 seconds West for 2031.67 feet, a central angle of 45 degrees 15 minutes 40 seconds and a radius of 2640.00 feet, for an arc distance of 2085.48 feet to a point in the center of Big Brushy Creek for the end of said curve;

THENCE North 00 degrees 08 minutes 09 seconds West, along the center of Big Brushy Creek, a distance of 29.05 feet to a point for corner;

THENCE North 09 degrees 54 minutes 29 seconds West, continuing along the center of Big Brushy Creek, a distance of 77.56 feet to a point in the westerly boundary of said Tract 3, said point also being located in the northwest line of said Maher tract and the southeast line of a called 100 acre tract of land described as Tract 1 in a deed to Kenneth L. Cleaver and wife Cynthia L. Cleaver recorded in Volume 1173, Page 351 of said Deed Records;

THENCE North 45 degrees 27 minutes 16 seconds East, along the northwest line of Maher tract and the southeast line of said Cleaver tract, a distance of 54.41 feet to a point for corner;

THENCE North 44 degrees 51 minutes 27 seconds West, along the southwest line of said Tract 3 and the northeast line of said Cleaver 100 acre tract and the northeast line of the remainder of a called 117.93 acre tract described as Tract 2 in said Cleaver deed, a distance of 1535.89 feet to a point in the southerly right-of-way line of I. H. 20 (variable right-of-way) for the west corner of said Tract 3;

THENCE along the southerly right-of-way of I. H. 20 the following courses and distances:

North 77 degrees 15 minutes 22 seconds East, a distance of 1291.15 feet to a point for corner;

North 68 degrees 43 minutes 31 seconds East, a distance of 404.48 feet to a point for corner;

North 77 degrees 15 minutes 22 seconds East, a distance of 2377.18 feet to a point for the north corner of said Tract 3;

THENCE South 44 degrees 39 minutes 40 seconds East, along the northeast line of said Tract 3 and the southwest line of a called 26.796 acre tract of land described in a deed to Milowe Jungjohann and wife Janice Jungjohann recorded in Volume 764, Page 444 and the southwest line of a called 23.017 acre tract described in a deed to Milowe Eugene Jungjohann recorded in Volume 729, Page 680, a distance of 2908.97 feet to the POINT OF BEGINNING and containing 346.01 acres of land, more or less.