

March 27, 1995, the Sabine County Commissioners' Court met in a regular meeting. The following members were present:

John L. Hyden	County Judge
Keith Clark	Commissioner Pct. #1
Lynn Smith	Commissioner Pct. #2
Charles Ellison	Commissioner Pct. #3
Will Smith, Sr.	Commissioner Pct. #4
Janice McDaniel	County Clerk

Judge Hyden called the meeting to order at 8:35 A.M..

Bro Clarence Howell led the Court in prayer.

Agenda item #1-General Business

Tax Assessor, Tammy Reeves, gave her report for the month of February, '95.

Judge Hyden moved to accept and commend the report of Tammy Reeves. Commissioner Clark seconded. All voted for. Motion carried.

Janice McDaniel, County Clerk, gave her February, '95 report.

Judge Hyden moved to accept the report of Janice McDaniel. Commissioner Clark seconded. All voted for. Motion carried.

Judge Hyden moved to accept the report of J.P. #1, Thomas Hamilton. Commissioner Will Smith seconded. All voted for. Motion carried.

All reports may be viewed in each respective office.

Commissioner Clark moved to accept the minutes of the March 13th and March 14th Court meetings with the change of the word absolution to aquisition in the March 13th minutes under agenda item #16.

Commissioner Ellison seconded. All voted for. Motion carried.

General business is left open at this time.

Court recessed at 9:15 A.M.

Court reconvened at 9:25 A.M.

Agenda item #5-Receive and Consider Proposals for County Insurance
Wayne Sanderson with First Insurance Services, Jasper, Tx. met with the Court to discuss the Countys insurance.

Judge Hyden told Mr. Sanderson that the County would have to advertise for RFP's.

Commissioner Lynn Smith moved to advertise for RFP's on the Countys liability and physical damage insurance with proposals to be considered and acted on at the regular Court meeting, April 24th. Commissioner Ellison seconded. All voted for. Motion carried. See attached copy of request.

Agenda item #6-Line Item Transfers

Judge Hyden informed the Court that on the line item transfer approved in the last regular Court meeting on the P.R. Bond II general fund account

were citations issued in a new suit. The citation should be in civil form. He contends that the right form was not used. He thinks that the Court needs to know what this law suit is about.

Mr. Michael Ratcluff, attorney for Mr. and Mrs. Phillips, ask that since the motion was granted that this hearing be continued to the next Commissioners' Court meeting in order for the Hamiltons to appear. But he wants it on the record that it was commenced at the next regular term of Court provided for under the statutes and recessed until the next Court hearing. Mr. Ratcliff told the Court that he beleives the summons issued summonsed the adjoining landowners to this tract as required and is a proper summons.

Court recessed at 9:57 A.M.

Court reconvened at 10:10 A.M.

Back to agenda item #7-

Mr. Fleming informed the Court that he believes that the summons are defective but on behalf of Mr. Putnam and Mr. Hamilton, is willing to waive the defects in service, enter an appearance this morning and proceed. The relief that Mr. Hamilton and Mr. Putnam seek is that the Court either deny the application or recess this until the District Court acts on the civil suit filed in that Court.

Attorneys for Mr. Hamilton, Mr. Putnam and Mrs. and Mr. Phillips stated that they are ready to proceed.

Mr. Ratcliff stated to the Court that the 1.2 acre tract of land purchased by Mr. and Mrs. Phillips is surrounded on three sides by Mr. Hamilton and one side by Mr. Putnam. They are land locked. They were getting to their property by way of an old logging road that went from the County road across Mr. Hamilton's property approximately 10 to 15 feet to their property. There has been a fence and a gate put across this logging road and the Phillips were informed that they were trespassing. They are petitioning the Court for a "Neighborhood Road" so that they may have access to their property.

Mr. McDaniel stated to the Court that the Phillips never had access to their property. They knew that it was land locked when they purchased it. She had a road bulldozed to her property across Mr. Hamilton's land A gate has been placed across Mr. Hamilton's private property. A "Neighborhood Road" is for people that has had prior access to property and is now being land locked. Mr. McDaniel ask that the Court not act on this matter until the District Court matter is settled.

Mr. Fleming stated to the Court that Mrs. Phillips had written a

letter to Mr. Hamilton asking him for an easement across his property to give her access to her property. Before getting permission or easement the Phillips had a bulldozer push a road across Mr. Hamilton's land. A suit has been filed in District Court. This is a private matter not a public problem. If the District Court decides in favor of Mr. and Mrs. Phillips, then there will not be a need for a decision of the Commissioners' Court. The Phillips own property across the lake from this tract of land in question, so they have access to their property. There is no public purpose being served. This is a property rights case. Mr. Fleming ask that the Court deny the application.

Mrs. Johnnie Sue Phillips stated that there appeared to be a logging road that went from the County road across Mr. Hamilton's land to her property. The bulldozer just pushed limbs and brush out of the way so that it would be more driveable. There was not a fence or gate there at this time. She was notified by Mr. McDaniel that she was trespassing and a fence and gate was constructed denying her access to her property. She is making application to the Commissioners' Court for a "Neighbor Road" to have access to her property. She agrees to compensate the County for any cost the County may incur in establishing the road. The County does not have to maintain the road. She will maintain it after it is built.

Judge Hyden stated that he personally feels that the subpoenas issued were done in the proper way, but he stands to be corrected. He is willing to grant that there is a question there. Also since the counsel for the County could not be present at this meeting that in the best interest of the Court, that he be allowed to review the tape before we take action.

Judge Hyden moved that the Court take the matter under advisement until such time as the Court has had time to confer with counsel for the County. Commissioner Lynn Smith seconded. All voted for. Motion carried. See attached exhibits.

Court recessed at 12:05 P.M.

Court reconvened at 12:10 P.M.

Agenda item #3-Approve Purchase of Sign/Pineland Tax Office

It was decided by the Court that Commissioner Ellison would contact the State Highway Dept. for a request for a sign for the sub-station tax office in Pineland, Tx.

AGenda item #4-Roy Boudreaux- RE: Culvert. Twin Cedars Sub.

Commissioner Will Smith told the Court that through him investigating, the two culverts that were put in at the other end of Twin Cedars Sub. were put in at the Countys expense. He plans to remove these two culverts

Motion carried.

Commissioner Lynn Smith moved to add one of the sheriff's cars and the sheriff is to determine which one. Judge Hyden seconded. All voted for. Motion carried. See attached exhibit.

Agenda item #2-Consider Order for Sabine County to Inspect and Authorize Installation of Septic System

This is to be placed on the agenda for the first meeting in April.

Agenda item #8-Any and All Items Action RE:County Rock Quarry

No action was taken on this item.

Commissioner Lynn Smith told the Court that Commissioner James Smith from Jasper County had contacted him to ask the support of the Sabine County Commissioners' Court in killing HB438. It is the agreement of the Court for Judge Hyden to contact the necessary people in opposing this House Bill #438.


Under general business- Pay Accounts and Salaries

Commissioner Clark moved to pay accounts and salaries.

Commissioner Lynn Smith seconded. All voted for. Motion carried.

Commissioner Ellison moved to adjourn. Meeting adjourned.


COUNTY JUDGE


COMMISSIONER PCT. #1


COMMISSIONER PCT. #2


COMMISSIONER PCT. #3


COMMISSIONER PCT. #4


COUNTY CLERK

71	03-01-95	TX HWY PATR BELT 44"	6540.5600	500537	-23	18.64
72	03-01-95	OPEN BADGE HOLDER	6540.5600	500537	-23	11.22
73	03-01-95	20% DISCOUNT	6540.5600	500537	-23	-25.75
74	03-01-95	SHIPPING	6540.5600	500537	-23	9.33
75						-----
	Total					\$112.26

(CAGR)		CAPITAL GRAPHICS, INC.				
2	03-08-95	8 RECORDING PAPER	6311.4030	9500281	-16	320.00
3	03-08-95	SHIPPING CHARGES	6311.4030	9500281	-16	20.18
23	03-08-95	2 RECORDING PAPER	6310.4500	9500284	-16	80.00
24	03-08-95	SHIPPING CHARGES	6310.4500	9500284	-16	6.02
	Total					-----
						\$426.20

(COFE)		COMMUNITY COFFEE, INC				
54	03-01-95	COFFEE & CREAMER	6542.5600	72250521	-23	48.00
55	02-02-95	COFFEE, CREAMER, CUPS	6542.5600	72250330	-52	119.77
	Total					-----
						\$167.77

(CTCH)		COAST TO COAST HOME & AUTO				
37	02-08-95	REFLECTORS, ARMOR ALL	6451.5600	1048073	-46	14.17
38	02-09-95	ELECTRICAL TAPE	6451.5600	1048075	-45	1.39
39	02-17-95	TWO GALLONS PRESTONE	6451.5600	1047864	-37	14.58
40	02-18-95	PAINT	6451.5600	1047869	-36	3.19
41	02-18-95	NO SMOKING MEDALLION	6451.5600	1047869	-36	1.69
42	02-20-95	WINDSHIELD WASHER	6451.5600	1047871	-34	3.38
43	02-20-95	ARMOR ALL	6451.5600	1047871	-34	5.39
44	02-23-95	ELECTRICAL TAPE	6451.5600	1047876	-31	1.39
	Total					-----
						\$45.18

SABINE COUNTY GENERAL FUND
 ACCOUNTS PAYABLE LEDGER
 03-24-95

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 Page 1

Entry	Date	Description	Account R	Document Stat	Due	Amo
(ACTS)	26	03-21-95 REGISTRATION FEE	23RD ANNUAL CO TREASURERS' SEM			
			6470.4970	0		
					-3	140
						\$140

Entry	Date	Description	Account R	Document Stat	Due	Amo
(AREL)	4	03-23-95 1/2 DAY PER DIEM	ARTHUR ELLISON			
	5	03-23-95 360 MILES @ .28 MILE	6470.4050	0		
	6	03-23-95 4 NIGHTS MOTEL @ \$55	6470.4050	0		
	7	03-23-95 THREE DAY PER DIEM	6470.4050	0		
	8	03-23-95 1/2 DAY PER DIEM	6470.4050	0		
	9	03-23-95 360 MILES @ .28 MILE	6470.4050	0		
					-1	12.
					-1	75.
					-1	12.
					-1	100.
						\$521.

Entry	Date	Description	Account R	Document Stat	Due	Amo
(BRAD)	79	03-18-95 GAS/TRIP TO BEAUMONT	WILLIAM G. BRADBERRY SR.			
	80	03-18-95 FOOD/BEAUMONT TRIP	6335.5600	PETTY		
	81	03-18-95 FOOD/BEAUMONT TRIP	6425.5600	PETTY		
	82	03-18-95 GAS/BEAUMONT TRIP	6425.5600	PETTY		
	83	02-25-95 GAS/BEAUMONT TRIP	6335.5600	PETTY		
	84	02-20-95 GASOLINE	6335.5600	PETTY		
	85	01-11-95 GASOLINE	6335.5600	PETTY		
	86	02-03-95 GASOLINE	6335.5600	PETTY		
					-6	10.
					-6	14.
					-6	4.
					-6	12.
					-29	14.
					-34	15.
					-73	15.
					-51	18.
						\$104.8

(BROK)

BRADBERRY SR.

Total

\$372.90

(MEMO)

51 03-02-95 TELETYPE

MEMOREX TELEX
6501.5600 0312481

-22 55.00

Total

\$55.00

(MOCC)

52 02-20-95 RADIO COMM EQUIPMENT

MOTOROLA CREDIT CORPORATION
6502.5600 20050853

-34 4,012.07

Total

\$4,012.07

(MOTO)

68 03-04-95 SERVICE AGREEMENT

MOTOROLA INC.
6500.5600 50168577

-20 480.00

Total

\$480.00

(PITB)

11 03-14-95 MAILING EQUIP LEASE

PITNEY BOWES
6612.4090 3464138

-10 130.00

Total

\$130.00

(POST)

12 03-23-95 BOX RENTAL FEE
34 03-16-95 ROLL OF STAMPS

POSTMASTER
6315.4090 BOX 1783
6315.5600 0

-1 8.00

-8 32.00

Total

\$40.00

(RACH)

45 02-15-95 BATH & DIP/CHICO
46 02-03-95 BATH & DIP/CHICO
47 02-03-95 ACTIVE FOOD
48 02-22-95 BATH & DIP/CHICO

RACH VETERINARY CLINIC
6541.5600 R222-2
6541.5600 R200-1
6541.5600 R200-1
6541.5600 R221-19

-39 10.00

-51 10.00

-51 39.17

-32 10.00

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SABINE COUNTY GENERAL FUND
 ACCOUNTS PAYABLE LEDGER
 03-24-95

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 Page 3

Entry	Date	Description	Account R	Document	Stat	Due	Amount
(DIHO)							
77	03-10-95	COWS OUT AT MILAM	DICK HORN 6450.5600	0		-14	65.00
78	03-10-95	COWS OUT ON FM 3121	6450.5600	0		-14	65.00
Total							----- \$130.00
(EARL)							
104	03-20-95	BRANDY M. SMITH	R. EARL LORD 6531.4260	NO 94328		-4	450.00
105	03-20-95	EUNICE ESSARY	6531.4260	NO 94159		-4	350.00
Total							----- \$800.00
(FAFR)							
13	02-24-95	ICE	FAT FRED'S 6106.4350	R31		-30	1.00
14	02-25-95	ICE	6106.4350	R32		-29	1.00
15	03-02-95	ICE	6106.4350	R33		-22	1.00
16	03-04-95	GAS	6106.4350	R35		-20	2.00
17	03-09-95	ICE	6106.4350	R36		-15	1.00
18	03-10-95	ICE	6106.4350	R37		-14	1.00
19	03-11-95	ICE	6106.4350	R38		-13	1.00
20	03-16-95	ICE	6106.4350	R39		-8	1.00
21	03-17-95	ICE	6106.4350	R40		-7	1.00
Total							----- \$10.00
(FNBC)							
10	03-23-95	PAYMENT R6 OF 60	FIRST NATIONAL BANK IN CAMERON 6613.4090	M410AA		-1	621.30
Total							-----

Total

\$364.43

Total of Ledger

\$12,398.69

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John L. Hyden

John L. Hyden
County Judge

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Janice McDaniel

Janice McDaniel
County Clerk

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Keith C. Clark

Keith C. Clark
Commissioner, Pct. #1

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Lynn Smith

Lynn Smith
Commissioner, Pct. #2

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Charles Ellison

Charles Ellison
Commissioner, Pct. #3

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Will Smith Sr.

Will Smith Sr.
Commissioner, Pct. #4

APPROVED FOR PAYMENT BY SABINE COUNTY COMMISSIONERS COURT MARCH 27, 1995.

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SABINE COUNTY GENERAL FUND
 ACCOUNTS PAYABLE LEDGER
 03-24-95

Entry	Date	Description	Account R	Document	Stat	Due	Amount
RACH VETERINARY CLINIC (CONTINUED)							
Total							----- \$69.17
(ROSU)							
ROGERS OFFICE SUPPLY							
1	03-09-95	DOZEN POST-IT NOTES	6310.4000	10634			
22	03-09-95	2 BTLs LIQUID PAPER	6310.4500	10626	-15		9.00
25	03-09-95	6 PKGS INDEXES	6310.4750	10631	-15		2.18
27	03-09-95	IDEAL RED STAMPER	6310.4990	10640	-15		5.88
Total							----- 14.50
							----- \$31.56
(SMAU)							
SMITH'S AUTO SUPPLY							
56	03-17-95	DISC PADS	6451.5600	R62			
57	03-17-95	TURNED TWO ROTORS	6451.5600	R62	-7		49.80
58	03-17-95	LABOR	6451.5600	R62	-7		20.00
Total							----- 20.00
							----- \$89.80
(SOWE)							
SOUTHWEST UNIFORMS							
66	03-10-95	ONE PANT/W. THOMAS	6540.5600	08298	-14		37.50
67	03-10-95	SHIPPING	6540.5600	08298	-14		3.83
Total							----- 3.83
							----- \$41.33
(SPDC)							
SABINE PARISH DETENTION CENTER							
76	03-13-95	2 DAYS HOUSING	6542.5600	0			
Total							----- 7.00

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John L. Hyden

John L. Hyden
County Judge

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Janice McDaniel

Janice McDaniel
County Clerk

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Keith C. Clark

Keith C. Clark
Commissioner, Pct. #1

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Lynn Smith

Lynn Smith
Commissioner, Pct. #2

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Charles Ellison

Charles Ellison
Commissioner, Pct. #3

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Will Smith Sr.

Will Smith Sr.
Commissioner, Pct. #4

APPROVED FOR PAYMENT BY SABINE COUNTY COMMISSIONERS COURT MARCH 27, 1995.

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SABINE CO. ANTICIPATION NOTES
 ACCOUNTS PAYABLE LEDGER
 03-24-95

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Entry	Date	Description	Account R	Document	Stat	Due	Amount
(JOLO)		JOHNNY'S LOCK AND KEY					
1	03-15-95	12 BRASS LEVER SETS	6300.6000	0		-9	769.92
2	03-15-95	12 WRAP AROUND PLATE	6300.6000	0		-9	258.48
3	03-15-95	EIGHT KEYS	6300.6000	0		-9	12.00
4	03-15-95	INSTALL SEVEN SETS	6300.6000	0		-9	245.00
Total							\$1,285.40

Total of Ledger

\$1,285.40

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John L. Hyden
 John L. Hyden
 County Judge

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Janice McDaniel
 Janice McDaniel
 County Clerk

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Keith C. Clark
 Keith C. Clark
 Commissioner, Pct. #1

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Lynn Smith
 Lynn Smith
 Commissioner, Pct. #2

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Charles Ellison
 Charles Ellison
 Commissioner, Pct. #3

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Will Smith Sr.
 Will Smith Sr.
 Commissioner, Pct. #4

Total

(LBAU)			L & B AUTO			
25	03-08-95	REPLACE SMOG PUMP	6344.6010	0090295	-16	26.00
26	02-28-95	INSTALL A/C COMPRESS	6344.6010	0090290	-26	120.00
27	02-28-95	COMPRESSOR	6355.6010	0090290	-26	186.69
28	02-28-95	DRYER, FITTINGS	6355.6010	0090290	-26	83.78
29	02-28-95	5LB R12, 2LB FLUSH	6355.6010	0090290	-26	97.50

						\$513.97

Total

(ROSU)						
19	03-09-95	2 WHITE LEGAL PADS	6650.6020	10634	-15	2.60

						\$2.60

Total

(TSCC)						
15	03-17-95	4 24"DIAG 16GA 20'	6371.6020	C074341	-7	783.20

						\$783.20

Total

Total of Ledger

\$6,233.20
=====

SABINE COUNTY ROAD & BRIDGE
 ACCOUNTS PAYABLE LEDGER
 03-24-95

032495
 Page 1

Entry	Date	Description	Account R	Document	Stat	Due	Amount
(BIG4)							
14	03-14-95	126 CYDS ROAD BASE	BIG "4", INC. 6662.6030	1960		-10	724.5
Total							<u>724.5</u>
							\$724.5
(DONS)							
17	02-10-95	BRAKE SHOES, GEAR	DON'S AUTO SALVAGE NO. 1 LU 6355.6030	7326		-44	99.25
18	02-10-95	LABOR	6344.6030	7326		-44	57.50
24	02-27-95	WRECKER FEE	6345.6010	7495		-27	100.00
Total							<u>256.75</u>
							\$256.75
(ETCO)							
8	03-03-95	INSTALL NEW RADIO	EASTEX COMMUNICATIONS 6652.6040	017641		-21	85.00
9	03-07-95	NEW RADIO & ANTENNA	6652.6040	016414		-17	450.00
10	02-24-95	INSTALL SYSTEM/MAINT	6652.6040	017640		-30	82.50
11	02-24-95	TRAVEL	6652.6040	017640		-30	60.00
12	02-24-95	MOTOROLA BAG PHONE	6420.6040	016422		-30	285.00
30	02-22-95	REPAIR BROKEN SOLDER	6652.6040	01771		-32	55.00
Total							<u>1,017.50</u>
							\$1,017.50
(FEWO)							
2	03-18-95	TOOL BOXES/WELDING	FED WOODS 6344.6040	R45		-6	280.00
3	03-10-95	WELDING/WHITE MACK	6344.6040	R41		-14	50.00
13	03-10-95	WELDING/MACK TRUCK	6344.6030	R42		-14	80.00
16	03-21-95	WELDING/DUMP TRUCK	6344.6020	R48		-3	30.00
31	03-24-95	WELDING ON CULVERT	6346.6040	R1			

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John L. Hyden

John L. Hyden
County Judge

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Janice McDaniel

Janice McDaniel
County Clerk

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Keith C. Clark

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Commissioner, Pct. #1

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Lynn Smith

Lynn Smith
Commissioner, Pct. #2

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Charles Ellison

Charles Ellison
Commissioner, Pct. #3

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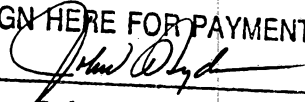
Will Smith Sr.

Will Smith Sr.
Commissioner, Pct. #4

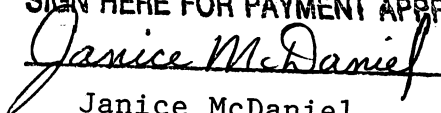
APPROVED FOR PAYMENT BY SABINE COUNTY COMMISSIONERS COURT MARCH 27, 1995.

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John L. Hyden
County Judge

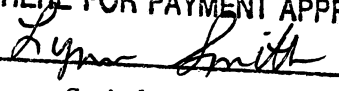
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Janice McDaniel
County Clerk

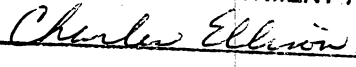
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Keith C. Clark
Commissioner, Pct. #1

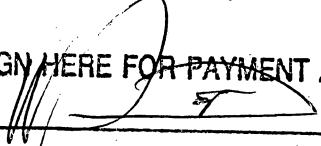
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Lynn Smith
Commissioner, Pct. #2

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Charles Ellison
Commissioner, Pct. #3

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Will Smith Sr.
Commissioner, Pct. #4

APPROVED FOR PAYMENT BY SABINE COUNTY COMMISSIONERS COURT MARCH 27, 1995.

Line-item transfer

DATE: MARCH 27, 1995

Honorable Commissioners Court of SABINE County:

I submit to you for your consideration the following line-item transfers:

	<u>FUND</u>	<u>DEPT.</u>	<u>ACCT.</u>	<u>AMT.</u>
FROM:	ROAD & BRIDGE	PRECINCT #4	ROAD OIL/ASPHALT	\$7,100.00
	ROAD & BRIDGE	PRECINCT #4	CAPITAL RESERVE	2,000.00
TO:	ROAD & BRIDGE	PRECINCT #4	EQUIPMENT	7,100.00
	ROAD & BRIDGE	PRECINCT #4	REAL PROPERTY	2,000.00

REASON: TO PURCHASE EQUIPMENT AND TO MOVE AND REPAIR OFFICE BUILDING.

General Non. Dept. rev. From Cty Capital Reservve

\$ 5,000.00 4015.670
\$17,000.00 6650.409

*Revised
3/27/93
8000*

To: General Dist. Court Community Serv.
General Tax Asses./Coll. Temp. Help
General Non. Dept. Lse./Comp.
General Non. Dept. Capital Outlay
Mach./Equip

\$ 5,000.00 6106.435
\$ 9,000.00 6107.499
\$ 3,000.00 6613.409
\$ 5,000.00-6501.409

Reason:

[Signature]
Department Head

[Signature]
Approved Commissioners Court

[Signature]
Attest County Clerk

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Typed April 6, 1995

PLEASE RUN 2 TIMES

Sabine County Commissioners Court is accepting bids for the following used/surplus equipment:

- 1, (one), 1975 Dodge, 2.5 ton truck (may be seen at Pct. #4 yard - Mialm, Texas)
- 1, (one), 1989 Ford, 4 door LTD (may be seen at Sabine County Sheriff's Office, Hemphill, Texas)

All bids should be sealed and plainly marked "1995-2 USED/SURPLUS EQUIPMENT." They should be presented to the County Clerk of Sabine County no later than 8:30 a.m., Monday, May 8, 1995. All bids received will be opened during the regular Commissioners Court meeting on the 8th day of May, 1995.

Sabine County reserves the right to reject any or all bids.

then and there to testify and the truth to speak on behalf of the Landowners in the above styled and numbered cause, now pending in said Court, and there to remain from day to day, and from term to term, until discharged by said Court. Said above named witness is further commanded to produce at said time and place above set forth the following books, papers, documents or other tangible things to wit:

See attached copy of application.

return hereof, showing how you have executed the same.

at the seat of said Court at office, this the 9th day of March, 1995.

Janice M. Daniel
 County Clerk, Sabine County, Texas

OFFICER'S RETURN

on the day of , 19 , at o'clock M.,
 of , 19 , at o'clock M.,
 County, Texas, in person, a true copy of this Subpoena, and tendering said witness

 Officer or Authorized Person

 County, Texas

By: _____

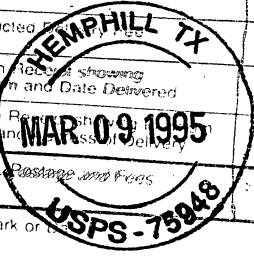
_____ date and day.

Vol 2 Pg 159

CASE FILE COPY

P 236 786 016
 RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to	<u>Dwight P. McDaniel</u>
Street and No	<u>P. O. Box 1090</u>
P. O. State and ZIP Code	<u>Hemphill, Tx. 75948</u>
Postage	<u>.32</u>
Certified Fee	<u>1.10</u>
Special Delivery Fee	<u> </u>
Restricted	<u> </u>
Return Receipt (showing date and Date Delivered)	<u>1.10</u>
Return Receipt (showing date and Date of Delivery)	<u> </u>
DLA Postage and Fees	<u>2.52</u>
Postmark or	<u> </u>



16-2112

No. KXXY

Application to the Commissioners'

Court of Sabine Co., Tx. for Neighborhood Road

SUBPOENA

CIVIL

WITNESS and/or DUCES TECUM

Issued Mar. 9 1995

Jessie McDaniel
Clerk

Commissioners' Court
Court

Sabine
County, Texas

By _____ Deputy

Hart Granite-Ashin

Vol 2 PG 159A

Vol 2 PG 128

FOR THE COPY

County, Texas

County, Texas

of the _____ and tendering and witness
at _____ o'clock _____
at _____ o'clock _____
at _____ o'clock _____

Office of Andrew Paxon

THE STATE OF TEXAS

NO. XXXX

SUBPOENA

Application to the Commissioners' Court of ~~XX~~ Sabine County, Tx. for Neighborhood Road

TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER AUTHORIZED PERSON - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON _____,

Edward A. Hamilton, P. O. Box 514

Marietta, Ohio 45750 % Dwight P. McDaniel - P. O. Box 1090 - Hemphill, Tx. 75948

to be and personally appear at 10:00 o'clock A. M., on the 27th day of March, 19 95 ;

before the ~~Honorable~~ Commissioners' Court of Sabine County, Texas,

to be held within and for said County at the Court House thereof, in Hemphill, Texas,

then and there to testify and the truth to speak on behalf of the landowners in the above styled

~~cause~~ and numbered ~~cause~~, ~~now pending~~ in said Court, and there to remain from day to day, and from term to term, until discharged by

said Court. ~~Said above named witness(s) is further commanded to produce at said time and place above set forth the following~~

~~books, papers, documents or other tangible things to wit:~~

See attached copy of application.

-I make due return hereof, showing how you have executed the same.

P 236 786 013
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
See Reverse

of said Court at office, this the 9th day of March, 19 95

Dwight P. McDaniel

16-2112

No. XXXX

*Application to the Commissioners' Court
of Sabine County, Tx. for Neighborhood Road*

**SUBPOENA
CIVIL
WITNESS and/or DUCES TECUM**

Issued Mar. 9 1995

Janice McDaniel
Clerk

Commissioners'
Court
Sabine
County, Texas

By _____ Deputy

Vol. I - Pg. 160 A

Vol. I - Pg. 160

THE STATE OF TEXAS

NO. XXXX

SUBPOENA

Application to the Commissioners' Court of XX Sabine County, Tx. for Neighborhood Road

TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER AUTHORIZED PERSON - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON _____,

Robert M. Putnam, Rt. 5 Box 251,

Lufkin, Tx. 75901 % John C. Fleming-P. O, Drawer 1728-Lufkin, Tx. 75902-1728

to be and personally appear at 10:00 o'clock A. M., on the 29th day of March, 19 95 ;

before the ~~Honorable~~ Commissioners' Court of Sabine County, Texas,

to be held within and for said County at the Court House thereof, in Hemphill, Texas,

then and there to testify and the truth to speak on behalf of the landowners in the above styled

~~and numbered~~ cause, ~~now pending~~ in said Court, and there to remain from day to day, and from term to term, until discharged by

said Court. ~~Said~~ ~~have~~ ~~named~~ ~~witness~~ ~~(six)~~ ~~further~~ ~~commanded~~ ~~to~~ ~~produce~~ ~~said~~ ~~time~~ ~~and~~ ~~place~~ ~~above~~ ~~set~~ ~~forth~~ ~~the~~ ~~following~~

~~books, papers, documents or other tangible things to wit:~~

See attached copy of application.

to return hereof, showing how you have executed the same.

In seal of said Court at office, this the 9th day of March, 19 95.

Janice McDaniel

P 236 786 014
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

No. XXXXX

*Application to the Commissioner Court
of Sabine County, Tx. for Neighborhood Road*

**SUBPOENA
CIVIL**

WITNESS and/or DUCES TECUM

Issued March 9 1995

Janece McDaniel
Clerk

Commissioner
Court

Sabine
County, Texas

By _____ Deputy

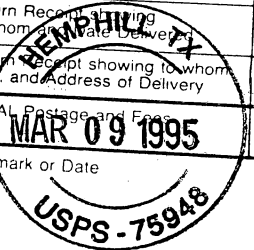
then and there to testify and the truth to speak on behalf of the landowners in the above styled ~~and numbered~~ cause, now pending in said Court, and there to remain from day to day, and from term to term, until discharged by said Court. ~~Said above named witness(s) is further commanded to produce at said time and place above set forth the following xxx books, papers, instruments or other tangible things to wit: xxx~~

See attached copy of application.

P 236 786 015

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to	John C. Fleming
Street and No.	P. O. Drawer 1728
P.O., State and ZIP Code	Lufkin, Tx. 75902-1728
Postage	\$.32
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date of Delivery	1.10
TOTAL Postage and Fees	\$ 2.52
Postmark or Date	



return hereof, showing how you have executed the same.

at said Court at office, this the 9th day of March, 19 95.

Janice McDaniel

County Clerk, Sabine County, Texas

OFFICER'S RETURN

day of _____, 19____, at _____ o'clock ____ M.,
of _____, 19____, at _____ o'clock ____ M.,
at _____

County, Texas, in person, a true copy of this Subpoena, and tendering said witness

Officer or Authorized Person

County, Texas

By: EV

me and day.

Vol Z Pg 162

CASE FILE COPY

No. XXXXX

Application to the Commissioners' Court

Plabon Co., Tex. 401 Northwood Road

SUBPOENA

CIVIL

WITNESS and/or DUCES TECUM

Issued Mar. 9 1995

Janice McDaniel
Clerk

Commissioners
Court

Sabine
County, Texas

By _____ Deputy

Not a Public Officer

Vol 2 Pg 162A

107 29 7

NAME: ROBERT M. PUTNAM
HOME ADDRESS: PO BOX 150155
LUFKIN, TX 759150155
HOME TELEPHONE: 409 875 3166
PLACE OF EMPLOYMENT: OFFICE OF THE TEXAS STATE CHEMIST
EMPLOYMENT TELEPHONE: 409 875 3166

Do you represent any particular group or organization? NO
If you do represent a group or organization, please state the name, address and telephone number of such group or organization.

Which agenda item (or items) do you wish to address? PUTNAM ROADS - NEIL ROBERTSON RD

In general, are you for or against such agenda item (or items)? AGAINST

Signature: Robert M. Putnam
8:05A 3/22/95

NOTE: This Public Participation Form must be presented to the County Clerk prior to the time that the agenda item (or items) you wish to address are discussed before the Court.

(409) 787 2501 Pct. #1, #3, and #4
(409) 529 8923 Pct. #2

Vol 2 Pg 163

FAX 409 787 2011

THE STATE OF TEXAS

COUNTY OF SABINE

§ APPLICATION TO THE
§ COMMISSIONERS' COURT OF
§ SABINE COUNTY, TEXAS FOR
§ NEIGHBORHOOD ROAD

MOTION TO QUASH SUBPOENA

TO THE COMMISSIONERS' COURT OF SABINE COUNTY:

Edward Hamilton, Movant, having been served with a subpoena by Glenn and Johnnie Phillips, plaintiffs in an action presently pending in the Commissioners Court of Sabine County, Texas, entitled and numbered "Application to the Commissioners' Court of Sabine County, Texas, for Neighborhood Road, No. XXXX", which subpoena requires his attendance at the trial of the above-entitled matter on March 27, 1995, moves this Court to quash said subpoena and in support thereof shows:

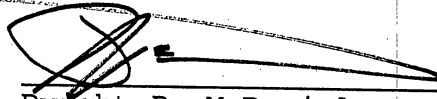
I.

Movant resides at Marietta, Ohio, and the distance from his residence to the courthouse of Sabine County, the county in which the suit is pending, is more than 100 miles, to wit, approximately 1000 miles, more or less.

II.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion to Quash Subpoena has been hand-delivered to Johnnie W. Phillips, Glenn A. Phillips, and/or their attorney Michael Ratcliff, on this the 27th day of March, 1995.



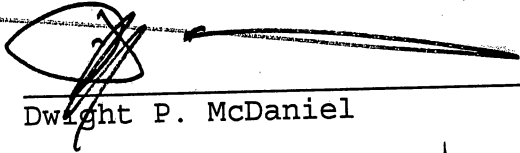
Dwight P. McDaniel

Vol 2 Pg 105

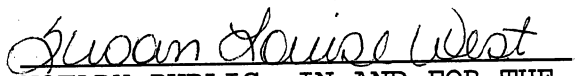
VERIFICATION

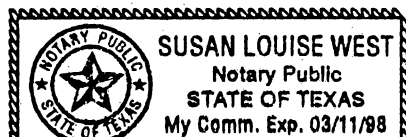
STATE OF TEXAS §
 §
COUNTY OF SABINE §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Dwight P. McDaniel, who being by me first sworn on his oath, deposed and said that he had read the foregoing Motion to Quash Subpoena; that every statement contained in that Motion to Quash Subpoena is within his knowledge and is true.


Dwight P. McDaniel

SWORN TO AND SUBSCRIBED BEFORE ME on this the 27th day of March, 1995 to which, witness my hand and seal of office.


NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS



HEREBY ORDERED:

That the Movant's request to quash subpoena is granted.

SIGNED on this the 27th day of March, 1995.

John W. Hyde
JUDGE PRESIDING

FILED FOR RECORD
AT 8:45 O'CLOCK A. M.

MAR 28 1995

JANICE McDAWEL
Clerk, County Court, Sabine County
BY *J. [Signature]* DEPUTY

HAMIL5.DOC
ORDER GRANTING MOTION TO QUASH SUBPOENA

Vol 2 Pg 167

ITEM (1)

*Exhibit
Putaway #1*

6-3-94

June 3, 1994

Mr. Ed Hamilton
P. O. Box 514
Marietta, Ohio 45750

Re: Property in the S. H. Morris Survey,
Sabine County, Texas

Dear Mr. Hamilton:

As per our telephone conversation of today, please find enclosed all of the information I could find on the property I discussed with you.

Also I talked with Mr. Ray Melton with Temple Inland and he told me to contact you that he thought you might own the property that joins our and he sent me a copy of the maps he had. He certainly has been helpful.

If any of this information makes any sense and you do own the adjoining property, we would certainly appreciate hearing from you about purchasing an easement. Any and all help you can give us will certainly be appreciated.

Sincerely,

Johnnie Phillips
Johnnie Phillips

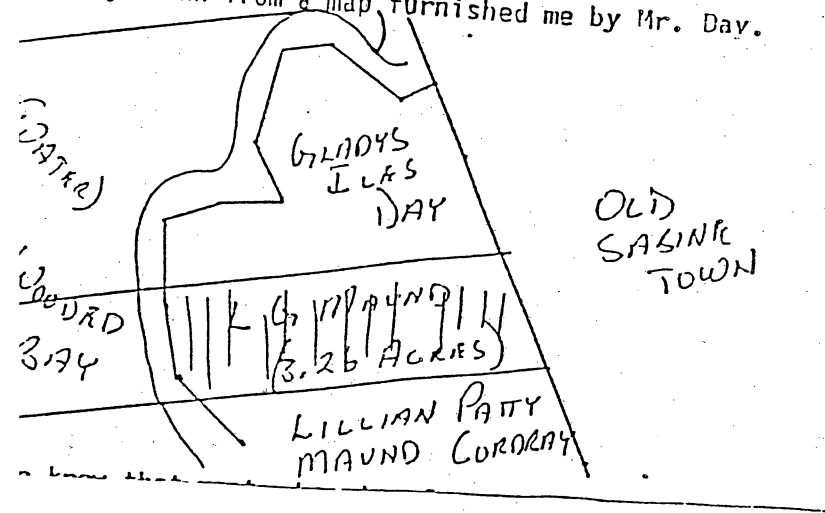
Ed 1 Box 212

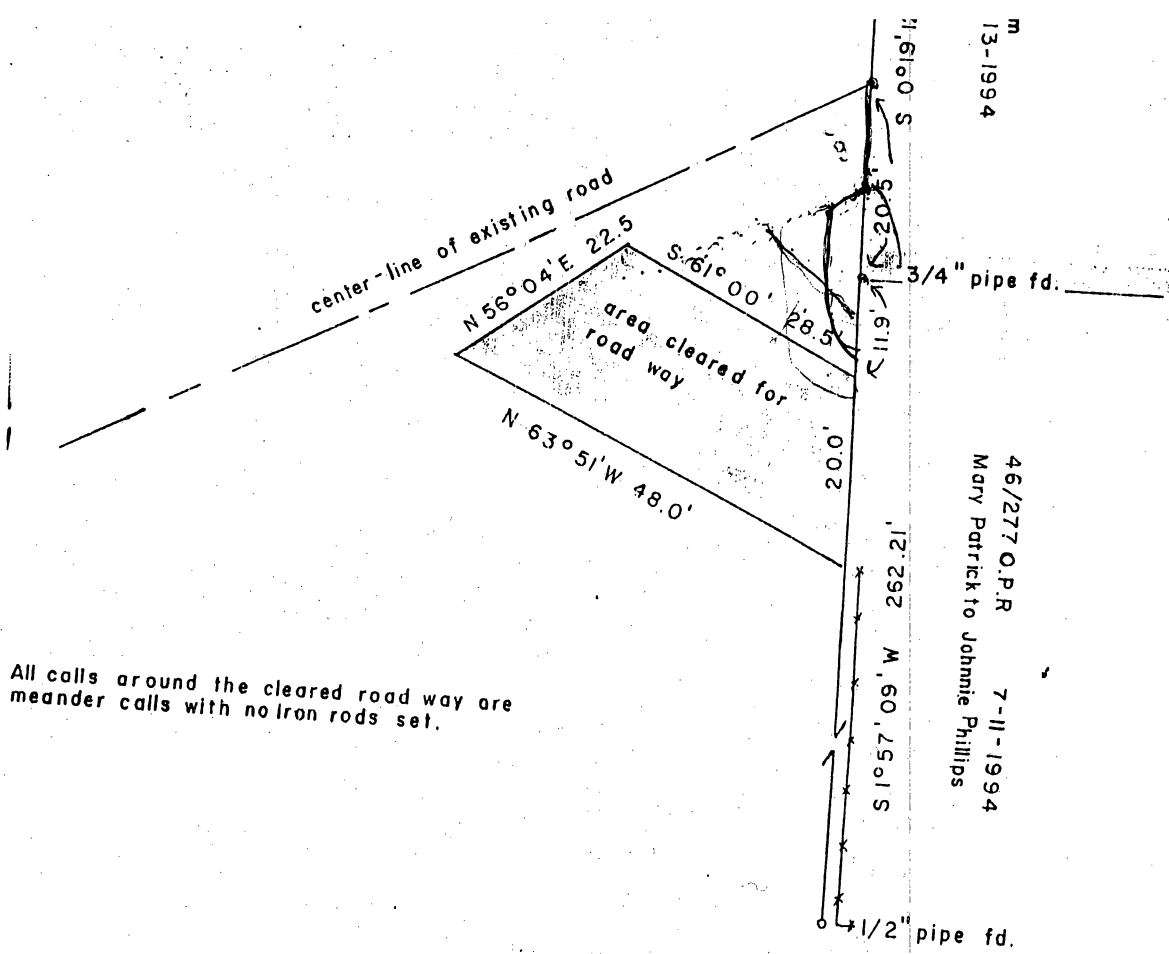
Look on easement

Vol 2 Pa 169

draw up the necessary papers.

tracing drawn from a map furnished me by Mr. Day.





13-1994

46/277 O.P.R. 7-11-1994
 Mary Patrick to Johnnie Phillips

NOTE: All calls around the cleared road way are meander calls with no iron rods set.

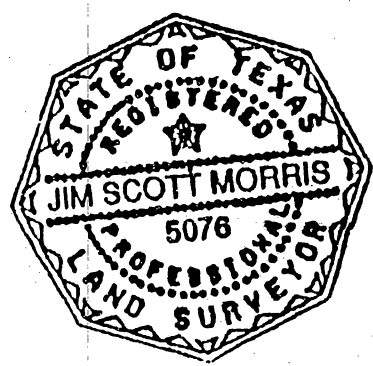
THE STATE OF TEXAS
 THE COUNTY OF SABINE

I, Scott Morris hereby certify the hereon map or plat correctly depicts a survey made by me on the ground of the area apparently cleared for road purposes on the 44.03 acre tract of Ed Hamilton's, recorded in Volume 184, Page 289, of the Deed Records of Sabine County, Texas, and located in the S. H. MORRIS SURVEY, ABSTRACT 42.

Surveyed October 3, 1994:

Scott Morris

Scott Morris
 Registered Professional Land Surveyor NO. 5076



Phillips
 Exhibit #1
[Signature]

EXHIBIT "B"

pg 171

THE STATE OF TEXAS x APPLICATION TO THE COMMISSIONERS COURT
 x OF SABINE COUNTY, TEXAS FOR
COUNTY OF SABINE x NEIGHBORHOOD ROAD

THAT WE, GLENN A. AND JOHNNIE W. PHILLIPS, HEREBY APPLY TO THE COMMISSIONERS COURT TO OPEN A NEIGHBORHOOD ROADWAY TO PROVIDE ACCESS TO PROPERTY OWNED BY US, MORE PARTICULARLY DESCRIBED IN A WARRANTY DEED DATED JULY 11, 1994, BETWEEN MARY ETHEL PATRICK, A WIDOW AND GLENN A. AND JOHNNIE WHITE PHILLIPS AND RECORDED IN VOLUME 0046, PAGE 277 OF THE DEED RECORDS OF SABINE COUNTY, TEXAS, PURSUANT TO THE TEXAS ROAD AND BRIDGE ACT, SEC. 2.006.

APPLICANTS WOULD SHOW A NECESSITY EXISTS AS FOLLOWS: THAT ON TRACT 2 OF SAID PROPERTY, CONTAINING 1.022 ACRES OF LAND, THAT THEY DESIRE AN ACCESS ROAD CONNECTING THEIR LAND WITH THE COUNTY PUBLIC ROAD SYSTEM AND DO HEREBY SUBMIT THE ATTACHED EXHIBIT "A" DESIGNATING THE LINES SOUGHT TO BE OPENED.

APPLICANTS REQUEST THAT NOTICE BE GIVEN AND A SUMMONS ISSUED TO: ROBERT M. PUTNAM AND WIFE, RT. 5, Box 251, LUFKIN, TEXAS 75901 AND EDWARD A. HAMILTON AND ELIZABETH B. HAMILTON, P. O. Box 514, MARIETTA, OHIO 45750, WHO ARE ADJOINING/ADJACENT LANDOWNERS, TO APPEAR AT THE NEXT REGULARLY SCHEDULED MEETING OF THE SABINE COUNTY COMMISSIONERS COURT.

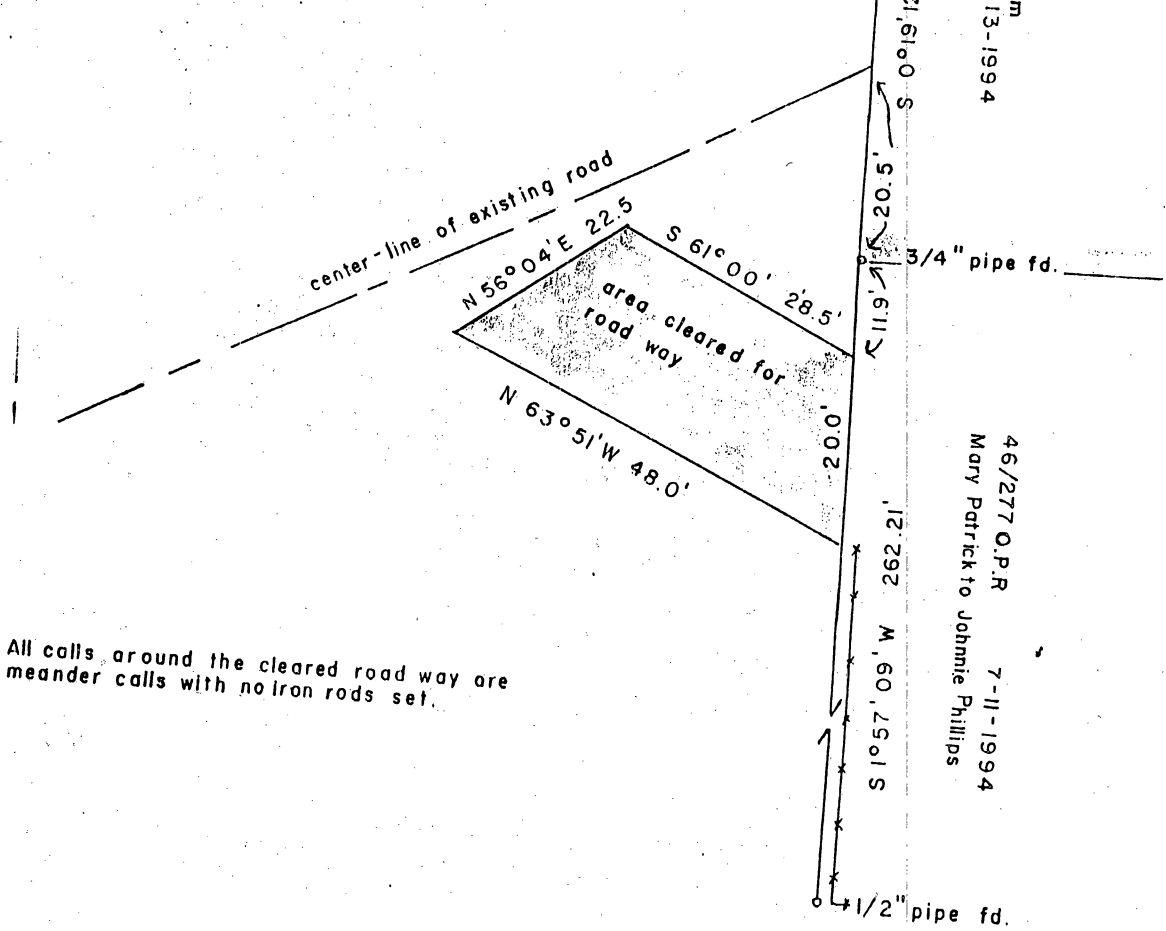
APPLICANTS PRAY THAT THE COURT WILL ORDER THE OPENING OF THE REQUESTED ROAD TOGETHER WITH ANY AND ALL OTHER RELIEF AS MAY BE PROPER AND LEGAL.

RESPECTFULLY SUBMITTED

Glenn A. Phillips

FILED FOR RECORD

NOV 20 1994



13-1994

46/277 O.P.R.
 Mary Patrick to Johnnie Phillips
 7-11-1994

NOTE: All calls around the cleared road way are meander calls with no iron rods set.

THE STATE OF TEXAS

THE COUNTY OF SABINE

I, Scott Morris hereby certify the hereon map or plat correctly depicts a survey made by me on the ground of the area apparently cleared for road purposes on the 44.03 acre tract of Ed Hamilton's, recorded in Volume 184, Page 289, of the Deed Records of Sabine County, Texas, and located in the S. H. MORRIS SURVEY, ABSTRACT 42.

Surveyed October 3, 1994:

Scott Morris

Scott Morris
 Registered Professional Land Surveyor NO. 5076

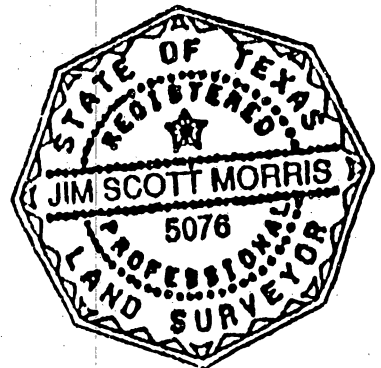


EXHIBIT "B"

Vol 2 Pg 173

publication in a newspaper published in the county. The notice must be published once a week for four consecutive weeks, and the road may be established after four weeks' publication. The cost of publishing shall be paid as directed by the judgment of the court.

- (c) At the time stated in the notice or previous to that time, the owner may present to the jury a written statement of the damages claimed by him, incidental to the opening of the road, and the jury shall proceed to assess the damages, returning its assessment and the claimant's statement with its report. If the commissioners court approves the report and orders the road to be opened, it shall consider the assessment and damages by the jury and the claimant's statement and allow to the owner just damages and adequate compensation for the land taken. When the damages and compensation are paid or secured by special deposit with the county treasurer to the credit of the owner and after notice of the payment or deposit to the owner, and if no objection is made to the jury's report, the court may proceed to have the road opened, if it is considered to be of sufficient importance. The owner may appeal from the assessment as in cases of appeal from judgment of justice courts, but the appeal shall not prevent the road from being opened, but shall be only to fix the amount of damages.

Roads across public land

Sec. 2.005. A public road may not be opened across land owned and used or intended for actual use by the state, educational, eleemosynary, or other public state institutions for public purposes and not subject to sale under the general laws of the state, without the consent of the trustees of the institution and the approval of the governor. The roads opened before September 1, 1925, across the land may be closed by the authorities in charge of the land whenever they consider it necessary to protect the interests of the state, on repayment to the county where the land is situated, with eight percent interest, the amount actually paid out by the county for the condemnation of the land as shown by the records of the commissioners court.

Neighborhood roads

Sec. 2.006.

- (a) The commissioners court may declare as a public highway any line between different persons or landowners, any section line, or any practicable route (a practicable route being one convenient to landowners while at the same time avoiding hills, mountains, or streams through any and all enclosures), subject to the following conditions.
- (b) One or more persons, firms, or corporations, who are landowners into whose land there is no public road or public means of access and who desire an access road connecting their land with the county public road system, may make a sworn application to the commissioners court for an order establishing the road, designating the lines sought to be opened and the names and residences of the persons affected by the proposed access road, and stating the facts that show a necessity for the road.
- (c) After the application is filed, the county clerk shall issue a notice to the sheriff or constable commanding him to summon those landowners affected by the application. Those summoned must appear at the next regular term of the commissioners court if they desire to contest the application. The notice shall be served and returned as in the service of citations in civil actions in justice courts.
- (d) At a regular term of the court after due service of the notice, the court may hear evidence as to the truth of the application, and if it appears that the applicants have no means of access to their land and premises, it may issue an order declaring the lines designated in the application or the lines as may be fixed by the commissioners court to be a public highway and may direct the public highway to be



In the name and by the authority of
The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

John L. Hyden

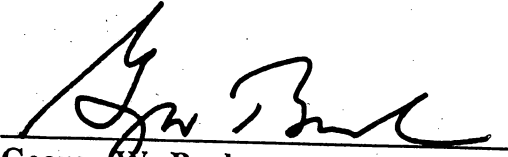
is hereby commissioned

**County Judge
Sabine County**

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



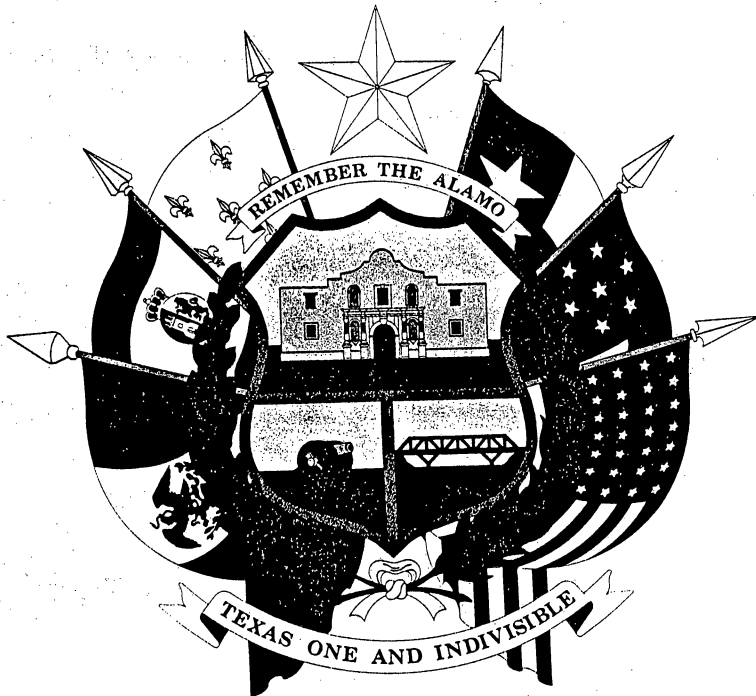
In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,
A.D. 1995.


George W. Bush
Governor

Attest:

LOTT.
Antonio O. Garza, Jr.
Secretary of State

Vol 2 Pg 175



In the name and by the authority of
The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

Lynn Smith

is hereby commissioned

**County Commissioner, Precinct 2
Sabine County**

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,
1907



In the name and by the authority of
The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

Charles W. Ellison

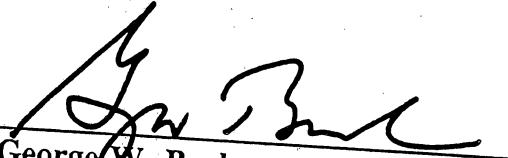
is hereby commissioned

County Commissioner, Precinct 3 (Unexpired Term)
Sabine County

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



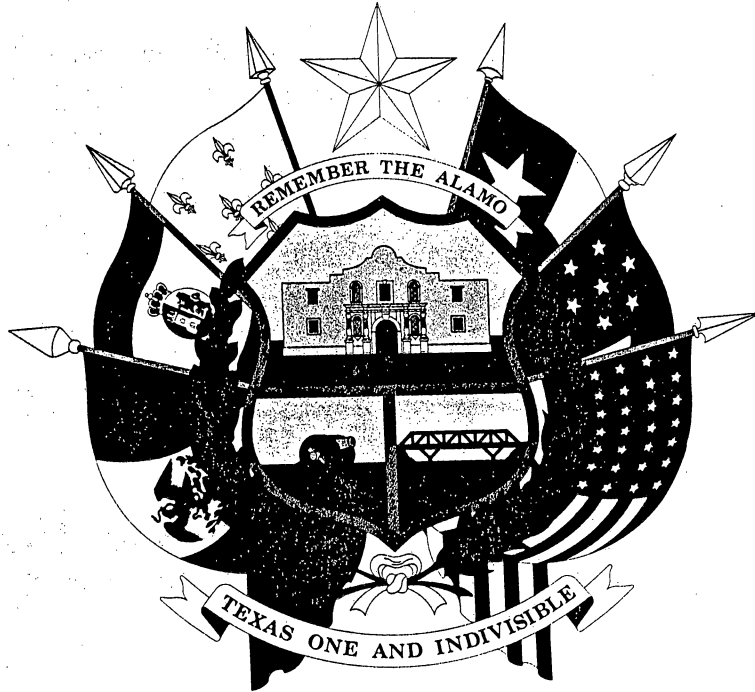
In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,
A.D. 1995.


George W. Bush
Governor

Attest:

4077.
Antonio O. Garza, Jr.
Secretary of State

Vol 2 Pg 127



In the name and by the authority of

The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

Will Smith, Sr.

is hereby commissioned

**County Commissioner, Precinct 4
Sabine County**

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,



In the name and by the authority of
The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

Ollie Faye Sparks

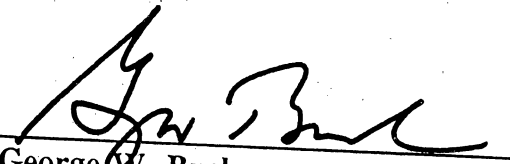
is hereby commissioned

County Treasurer
Sabine County

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



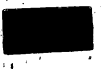
In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,
A.D. 1995.

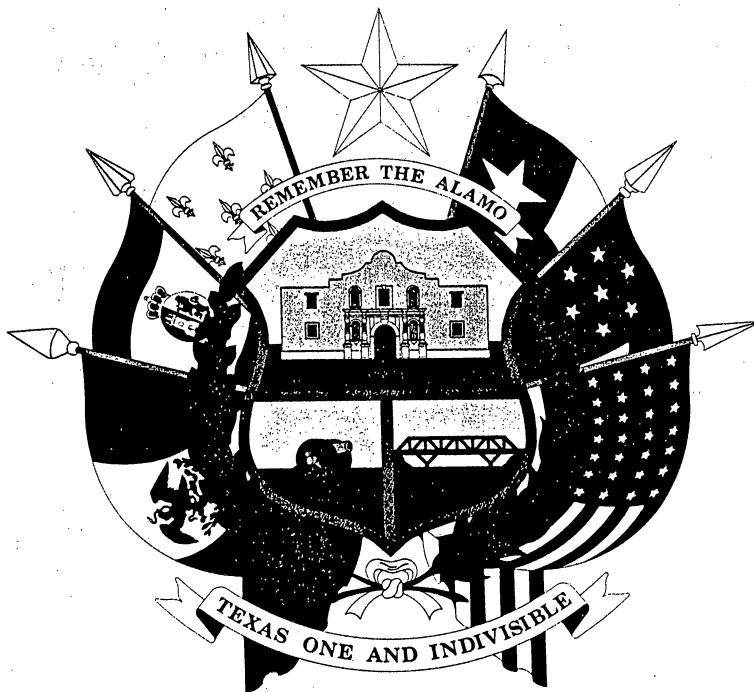

George W. Bush
Governor

Attest:

4077.
Antonio O. Garza, Jr.
Secretary of State

Vol 2 Pg 179





In the name and by the authority of

The State of Texas

To all to whom these presents shall come,

GREETINGS:

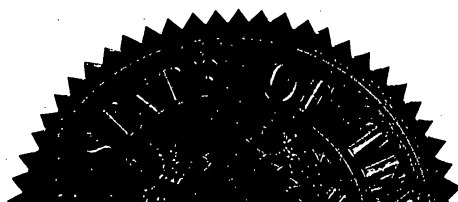
Know ye, that

Tanya Walker

is hereby commissioned

**District Clerk
Sabine County**

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,
A D. 1905



In the name and by the authority of
The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

Janice McDaniel

is hereby commissioned

**County Clerk
Sabine County**

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,
A.D. 1995.

George W. Bush
Governor

Attest:

LOTT.
Antonio O. Garza, Jr.
Secretary of State

Vol 2 Pg 181



In the name and by the authority of
The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

Thomas J. Hamilton

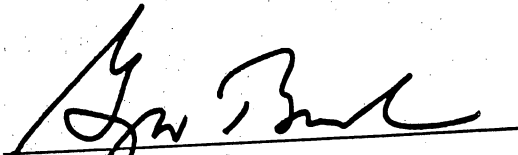
is hereby commissioned

**Justice of the Peace, Precinct 1
Sabine County**

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March,
A.D. 1995.


George W. Bush
Governor

THE STATE OF TEXAS
COUNTY OF SABINE
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND
DULY RECORDED IN THE COMMISSIONERS COURT MINUTES OF SABINE
COUNTY, TEXAS.

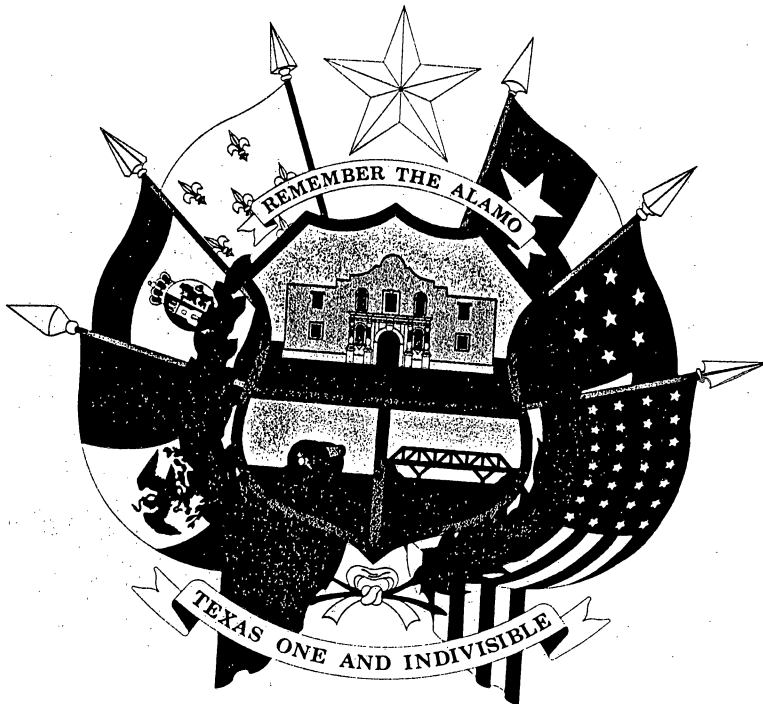
Attest:

2077.
Antonio O. Garza, Jr.
Secretary of State



VOL. 2 PAGE 142
Janice McDaniel County Clerk*
by Louis Clark
DEPUTY

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In the name and by the authority of
The State of Texas

To all to whom these presents shall come,

GREETINGS:

Know ye, that

Daniel R. Featherston

is hereby commissioned

**Justice of the Peace, Precinct 2
Sabine County**

under the laws of the State of Texas with all
rights, privileges, and emoluments appertaining
to said office.



In testimony whereof, I have hereunto
signed my name and caused the Seal of
State to be affixed at the City of
Austin, this the 3rd day of March