

September 14, 1995, the Sabine County Commissioners' Court met in a special called public hearing. The following members were present:

John L. Hyden	County Clerk
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 and stated that this special called meeting has been called for the purpose of hearing the petition filed by Mildred Toner regarding the declaration by this County of the road otherwise known as the "John Toner Road" as a public or County road.

Judge Hyden stated that proper notice has been posted together with proper notice posted by the petitioner in at least two locations in the vicinity of the proposed County road.

Public participation forms filed are as follows:

AGAINST	FOR
Eva Lunsford	Wayne Fuller
E. C. Rogers	Etola B. Franks
Tony Fuller	John Fuller
Nell Fuller	
James R. Fuller	
Betty L. Fuller	
Susan Hendrix	

Judge Hyden stated that according to the rule, no more than six can speak unless the rule is waived. This would be three for and three against.

Commissioner Lynn Smith moved to waive the rule and let anyone that has filed a public participation form with the Clerk speak. Commissioner Ellison seconded. All voted for. Motion carried.

Court recessed at 9:15 A.M. to allow the Clerk to get the participation form filed by John Toner from the Clerk's office.

Court reconvened at 9:30 A.M.

Petition from Mildred Toner was filed with the Clerk of the Court on July 24, 1995 and an "Order Setting Hearing" was signed on the July 24, 1995. An "Order of Continuance" was granted extending the hearing until September 14, 1995.

Court at this time recognizes the petitioner, Mildred Toner.

Mrs. Toner stated that she is here this morning because after the hearing in March, rescinding the road as a County road, she was told at that time that she could file a petition and was told how to do it in order to have it made back into a County road. She would like for the road to be a County road again and ask that her son, John Toner, be allowed to speak on her behalf.

John Toner stated that the reason they are here is to ask that the road be made a County road so maybe the ruling from the

District Court could be enforced. His Mother and wife has suffered harassment from Susan Hendrix on the road, he and his son have been told that they are not to maintain the road, and the UPS delivery man will not deliver Mrs. Toner's Avon supplies to her home any more. They could live with the ruling from District Court if it were observed by all parties involved, but this is not the case.

Judge Hyden informed Mrs. Toner that she or John will be allowed a rebuttal after the defendants have given their testimony.

Judge Hyden stated that the petitioner, Mildred Toner, will be viewed as the plaintiff in the case and the individuals against will be viewed as the defendants. The individuals for the petitioner will speak first and the defendants will speak next.

Court recognizes Wayne Fuller.

Mr. Wayne Fuller stated that around 1988 or 89, his son and daughter-in-law were looking for some property to build on and James Roland had some good property. While they were walking over this property, he and Roland were talking and it is his feelings that Roland intended for the road to be a County road because that is what Roland told him.

Court recognized Mrs. Etola Franks.

Mrs. Franks stated that she is a friend of Mrs. Toner and she has driven down this road and across the ditch that was across the road. She thinks that since it was supposed to be a County road in the first place, that she should have her County road and to be maintained for her to be able to get in and out.

Court recognized John Toner.

John Toner stated that if he was allowed to help on the road to use his tractor or blade that would be a different thing, but he has been told to keep them off the road. John said that he is not asking to County to take care of his private road. There are more people that use the road. The portion on his property is black rock to his house and on to his Mother's house. We feel that this is a way to eliminate the problem that is occurring on the road is having it be a County road and somebody that will maintain it outside of himself and the other owners.

This concluded the individuals testimony for the plaintiff.

The Court recognizes Eva Lunsford.

Mrs. Lunsford stated that she does not want any of her property condemned to build a County road. They have access to their property on this road.

Court recognizes E. C. Rogers.

Mr. Rogers stated that he would like to see it stay just like it is instead of making it a County road. He doesn't see any problem in them getting in and out if they will just get their heads together on who is going to take care of the road. If this goes through, the County will be building a lot of County roads cause there are a lot of people that is in the same shape. He doesn't know about the problem of passing on the road. He did see

the gate closed and a chain through it, but it was not locked.

The Court recognizes Tony Fuller.

Mr. Tony Fuller said that he is opposed to the road. It is only going to benefit a few people and they supposedly got what they wanted. No one ever mentioned the road being a County road before to him and he owns property on the road. This is not a public necessity to him.

Court recognizes Nell Fuller.

Mrs. Nell Fuller said that they have ingress and egress and no need for a County road. Why should the taxpayers be burdened with the problem of maintaining a private road that goes nowhere. Also, she is opposed to condemning private property in any level of government when there is no need.

Court recognizes Roland Fuller.

Mr. Roland Fuller stated that he has never had the conversion with Wayne Fuller that he said they had about it going to be a County road.

Court recognizes Betty Fuller.

Mrs. Betty Fuller stated that she is against condemning private property when there is no need. They have ingress and egress rights. Also, that she has never had a conversion with any of these people about making this road a County road and she owns that property just as much as Roland does.

Court recognizes Susan Hendrix.

Mrs. Hendrix agreed that she had a conversion with Mildred and that it is her property, she is paying for the property, it is not a County road and they have a thirty foot ingress and egress. This does not mean that she had to maintain up to anybody's standards. She does not see why they can tell her how to maintain it. She stated that John Toner was ordered to repair the cattle guards and he has yet to do that. Everything is final on her side, but not on their side. She is opposed to condemning property, especially hers, to benefit private people. She doesn't understand why we have to keep coming over here for. Her husband joins her in everything she stated. Also, she will not move for them on the road even if it is a County road.

Court recessed at 10:00 A.M.

Court reconvened at 10:40 A.M.

Judge Hyden stated that this completes statements made by individuals in opposition to the opening of this road and at this time the Court will hear rebuttal from petitioner or her son if so elected.

Mrs. Toner elected to have John Toner speak on her behalf.

John stated that it has been said that the County would have to build and maintain a road to his house and also several has made the comment that they did not know the action that was taken back in 1990 declaring the road a County road. The road is there, has been there for nearly ten years. The County is not going to have

to build a road anywhere. John said as he has stated, the portion on his property is black rock already. In regards to the action taken in 1990, there was no argument over this road any time in the past from 1990 until the spring of 1993 when all of this started. He stated that that is almost three years that this road has had County equipment putting gravel on the road and other work being done on this road by the County and he knows that they have seen this. Also, my main concern is my Mother and my wife. She, Susan Hendrix, has already stated that she will not move over even if the road is made a County road.

Judge Hyden ask Mrs. Toner if she would like to say anything.

Mrs. Toner stated that it is true that every time she meets Susan on the road, Susan stays in the middle of the road. She has a baby that she has been keeping for about ten months and the baby was in the car with her when she met Susan on the road and Susan practically side swiped her. She moved as far over as she can and not hit the bushes. When Susan stopped in the middle of the road, she had to stop because it had just came a flood two nights before and she did not know if the ditch was wet or not and there is grass in the ditch. She stated that she had been up to get her mail and was going back home. She sat in the car and read her mail. She ask Susan if she was going to move over and Susan replied no.

Mrs. Toner stated that Susan told her that "this is my road and I will do what ever I want to on this road and if you don't want to sit there, drive through the ditch". Mrs. Toner said that all she wants is a passable road and to not be harassed when she travels on the road.

Judge Hyden stated that this concludes the statements from the public and ask if there are any questions or comments from the Commissioners.

Commissioner Ellison stated that he has spent several hours on this that he made a stand the first time they met on this road. District Court, September 12, 1994, declared it a public road and he moved that this said road be made a County road as of now.

Judge Hyden stated that the motion before the Court that the road be considered by the County as a County or public road. He called for a second.

Motion dies for lack of a second.

Commissioner Will Smith stated that the scripture in the Bible states "do unto others as you would have them do unto you". It seems that we have a problem here, a family problem too. It is a sad situation for a family fighting over a piece of dirt. It is also sad for him to hear Susan stating that whether or not it is a County road, she would not abide by the law, she would not get over.

Susan Hendrix stated that is not what she said. She has abided by the law, that is the reason why they go in and out now, she has not closed the gates. It does not say in the District

Court judgement that she has to move for them or anybody. She stated that she does, that she does not stay in the middle of the road and that is the only time that has happened is the other day. She stated that she has not spoken to them until that day.

Commissioner Lynn Smith stated that he thinks that there are some legal avenues to correct some things such as the harassment through the District Court.

Judge Hyden stated for the record that on October 28, 1972, in a deed to Mrs. Toner and her husband from James Roland and Betty Fuller the right of ingress and egress was given at that time in that deed and is so recorded. What the District Court did was confirm a finding that was in fact the case.

Doris Butler ask to speak.

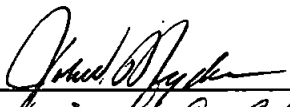
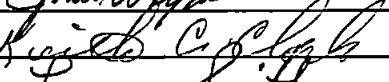
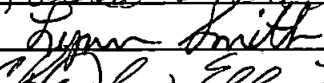
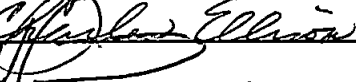

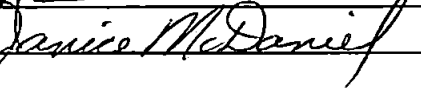
Commissioner Lynn Smith moved to waive the rule and let Doris Butler speak. Commissioner Ellison seconded. All voted for. Motion carried.

Doris Butler stated that she used to be proud to be a Fuller. This is embarrassing and is tearing us all apart because of Susan.

Judge Hyden stated to Mrs. Hendrix that he does not presume in any way to read anything into the judgement of the District Court. It is very clear to him what the judgement from District Court says, the defendents, Susan Hendrix and Jamey Hendrix, your agents, servants and employees are enjoined and commanded to desist and refrain from placing, constructing or maintaining any obstruction including but not limited to one more gate. And from otherwise in any manner interfering with traffic, on or upon the subscribed road.

Judge Hyden stated that it would be a conclusion on his part that, subject to review and finding by the District Judge, that whoever has a right of ingress and egress, has as much right to that particular area of property as the one that owns it and from whom the easement was granted. Therefore they have as much right to maintain it as those who own it.

Judge Hyden stated that Court is adjourne

	COUNTY JUDGE
	COMMISSIONER PCT. #1
	COMMISSIONER PCT. #2
	COMMISSIONER PCT. #3
	COMMISSIONER PCT. #4
	COUNTY CLERK

THE COMMISSIONERS COURT
OF SABINE COUNTY, TEXAS

IN RE:

JOHN TONER ROAD

ORDER SETTING HEARING

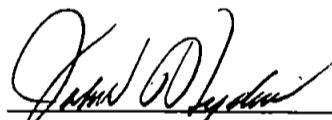
On this date came on for consideration the Petition filed in this Court by Mildred Toner, requesting that the Court, pursuant to the County Road and Bridge Act, TEX. REV. CIV. STAT. Art. 6702-1, and Section 2.003, Texas Road and Bridge Act, and following notice and hearing and the appointment of a Jury of view, order the opening of the John Toner Road, located in Sabine County, Texas, as more particularly described in Exhibit "D" attached hereto and incorporated by reference, and further declaring it a Public or County Road, across the lands more particularly described in Exhibit "E" attached hereto and incorporated by reference, and having considered the same;

IT IS, THEREFORE, ORDERED that said Petition be, and the same is set for hearing at a special term of this Court to be held on the 22nd day of August, 1995, beginning at 1:00 p.m., before this Court in the Sabine County Courthouse in Hemphill, Texas.

IT IS FURTHER ORDERED that notice of said hearing and special term of Court shall be posted by the Sabine County Clerk in accordance with the requirements of law, and that all parties in interest in this matter shall be served with a true copy of this Order.

IT IS FURTHER ORDERED that all persons, other than the Petitioner, who wish to give testimony or make a statement to the Court, must complete a "Citizens Participation Form", (obtainable from the County Clerk), prior to the hearing. All rules of procedure and decorum as previously adopted by the Court will be followed.

SIGNED, RENDERED and ORDERED ENTERED this 24th day of July, 1995.



John L. Hyden
County Judge, Sabine County, Texas

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EXHIBIT D

BEING out of the WILLIAM ISAACS LEAGUE, ABST. NO. 25, lying and being situated N d W 7 miles from Hemphill, the County seat:

Containing the 30 ft. tract conveyed by Earl Stephenson to James R. Fuller, in 1984, being out of the Earl Stephenson tract described in Volume 65, Page 388, Real Property Records of Sabine County;

Containing the 30 ft. easement established in cause number 9623, styled John Toner, Melanie Toner and Mildred Toner v. Jamey Lynn Hendrix, et ux, the Judgment in which is incorporated herein;

Then along the existing roadway across the property of Anthony G. Fuller, et ux, by deed dated August 21, 1981;

Then along the existing roadway across the property of John and Melanie Toner, conveyed to then by Mildred Toner, by deed dated May 11, 1995; and

Then along the existing roadway to the ending point on the property of Mildred Toner, deeded to her by James R. Fuller and Betty Fuller, by deed dated October 28, 1972.

EXHIBIT E

BEING a roadway 30 feet in width, and being out of the WILLIAM ISAACS LEAGUE, A-25, Sabine County, Texas, lying and being situated North 07 degrees West, 7 miles from Hemphill, the County Seat of Sabine County, Texas, with said roadway being out of and a part of that certain 61.816 acre tract of land conveyed by James R. Fuller, et ux. to Jamey Lynn Hendrix, et ux., by General Warranty Deed with Vendor's Lien dated August 14, 1992, of record in Volume 0014, Page 664 of the Real Property Records of Sabine County, Texas, to which Deed and the record thereof reference is hereby made for all purposes, and with said roadway being 15 feet on either side of a center-line described as follows, to-wit:

BEGINNING in the center-line of a public road and the east line of a 30 ft. easement conveyed by Earl Stephenson to James R. Fuller in 1984, being S. 12°24'21" E. from its northeast corner, with said 30 ft. easement being out of and a part of the Earl Stephenson tract described in Volume 65, Page 388 of the Real Property Records of Sabine County, Texas;

THENCE westwardly with the centerline of an existing 30 ft. road through the aforesaid easement tract and 61.816 acre tract, as follows:

- (1A) S. 65°04'34" W. for a distance of 896.83 feet;
- (1) S. 65°27'42" W. for a distance of 245.83 feet,
- (2) S. 63°05'23" W. for a distance of 362.25 feet,
- (3) S. 66°11'13" W. for a distance of 126.00 feet,
- (4) S. 70°48'04" W. for a distance of 77.62 feet,
- (5) S. 75°33'38" W. for a distance of 46.40 feet,
- (6) S. 83°26'02" W. for a distance of 110.38 feet,
- (7) S. 87°56'06" W. for a distance of 131.61 feet,
- (8) S. 85°05'47" W. for a distance of 168.20 feet,
- (9) S. 78°08'28" W. for a distance of 99.32 feet;
- (10) S. 83°35'23" W. for a distance of 53.89 feet,
- (11) N. 84°30'09" W. for a distance of 118.18 feet,
- (12) S. 87°34'43" W. for a distance of 206.56 feet,
- (13) S. 83°35'30" W. for a distance of 76.93 feet,
- (14) S. 76°00'07" W. for a distance of 68.69 feet,
- (15) S. 64°31'55" W. for a distance of 54.93 feet,
- (16) S. 55°46'59" W. for a distance of 49.98 feet,
- (17) S. 47°56'57" W. for a distance of 52.78 feet,
- (18) S. 44°28'53" W. for a distance of 153.39 feet,
- (19) S. 46°04'17" W. for a distance of 53.38 feet,
- (20) S. 54°16'39" W. for a distance of 28.26 feet, to the POINT OF ENDING in the northwest line of the said 61.68-acre tract, being the southeast line of a tract of land conveyed by J.R. Fuller, et ux., to Anthony G. Fuller by Deed dated August 21, 1981, and being S. 43°06'19" W. 386.57 feet from a ½" iron rod found for their common north corner, with said center-line being the same center line set forth and described in that certain Legal Description admitted into evidence as Plaintiffs' Exhibit No. 7, and that certain Plat admitted into evidence as Plaintiffs' Exhibit No. 8, in the trial of Cause No. 10,419, styled John Toner, et al. vs. Jamey Lynn Hendrix, et al., in the District Court of Sabine County, Texas, to which Exhibits and the records thereof reference is hereby made for all purposes.

PUBLIC NOTICE

A special term of the Sabine County Commissioners Court has been called by John L. Hyden, Judge, Sabine County, Texas to hear the Petition of Mildred Toner requesting that the Court, pursuant to the County Road and Bridge Act, section 2.003, TEX. REV. CIV. STAT. Art. 6702-1, and following notice and hearing declaring the John Toner Road a Public or County Road and ordering the opening of same.

An Order setting the hearing for the 22nd day of August, 1995, at 1:00 p.m., in the Commissioners Courtroom, Sabine County Courthouse, Hemphill, Texas has been signed by the Judge and filed with the Clerk of the Court.

Janice McDaniel
Sabine County Clerk of Court

In The Commissioners Court
of Sabine County, Texas

FILED FOR RECORD
AT 11:00 O'CLOCK A. M.

In RE:

*

JOHN TONER ROAD

*

PETITION

JUL 24 1995

Jenice McDaniel
Clerk, County Court, Sabine County
BY _____ DEPUTY

TO THE HONORABLE MEMBERS OF SAID COURT:

COMES NOW MILDRED TONER, PETITIONER, and requests that this Honorable Court, following notice and hearing, order the opening of the JOHN TONER Road, a public road located in Sabine County, Texas, declaring it a public or county road, and with respect would show unto the Court as follows:

I.

Petitioner was the owner of an interest in a 34.765 acre tract of land located in Sabine County, Texas, more particularly described in Exhibit "A" attached hereto and deeded by reference, which she purchased in 1972. Petitioner deeded a portion of such land to John Toner and Melanie Toner, such portion being more particularly described in Exhibit "B" attached hereto and incorporated herein by reference. Petitioner is still the owner of the remaining land.

II.

Petitioner's access to her property is from F. M. 1592 along a portion of a public road known as the John Toner Road, which was declared to be a public county road by action of the Commissioners Court of Sabine County on October 8, 1990.

III.

The John Toner Road is located on and along the boundary line of a 61.816 acre tract of land fronting on F. M. 1592 owned

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by Jamey Lynn Hendrix, and wife Susan Renee Hendrix, more particularly described by metes and bounds in Exhibit "C" attached hereto. The Hendrix's attempted to close said public road by obstructing it and preventing it's use by the public, including Petitioner. The portion of the John Toner Road at issue is more particularly described by metes and bounds in Exhibit "D" attached hereto.

IV.

Petitioner filed suit against the Hendrix's in the District Court of Sabine County, Texas, to prevent the obstruction of the road, in cause number 9623, styled "John Toner, Melanie Toner, and Mildred Toner v. Jamey Lynn Hendrix, et ux." That case proceeded to trial before a jury on September 12, 1994, which resulted in entry of Judgement, declaring the roadway a County road, and enjoining the Hendrix's from obstructing it. Subsequently the Commissioner's Court of Sabine County rescinded their adoption of the road in question as a County road.

V.

Petitioner prays that the Commissioners Court of Sabine County exercise its authority under the County Road and Bridge Act, TEX. REV. CIV. STAT. Art. 6702-1, and order that the roadway in question is a public road, and that it be re-opened.

VI.

Petitioner further prays that this Court call a special term setting a date for hearing on this petition, and issue the appropriate notice and citation to all interested parties.

WHEREFORE, premises considered, Petitioner Mildred Toner prays that, following notice and hearing, this Court order the relief requested herein, and for such other and further relief, at law or in equity, and to which Petitioner may show herself justly entitled.

Respectfully submitted,

Mildred Toner
Mildred Toner
Rt. 2 Box 50-JM
Bronson, Texas

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EXHIBIT A

FILED FOR RECORD
AT 11 O'CLOCK A M.

OCT 31 1972

William Caswell
Clerk County Court, Sabine County
BY *W. Caswell* DEPUTY

THE STATE OF TEXAS *§*
COUNTY OF SAN AUGUSTINE *§*

KNOW ALL MEN BY THESE PRESENTS:

That we, James R. Fuller and wife, Betty Fuller, of Sabine County, Texas, for and in consideration of the sum of Six Thousand Seven Hundred and Three and no/100 Dollars (\$6,703.00) to us in hand paid and secured to be paid by Francis James Toner and wife, Mildred Fuller Toner, as follows:

FIRST: The sum of \$1,000.00 in cash, the receipt of which is hereby acknowledged;

SECOND: The sum of \$4,500.00 to us in hand paid at the instance and request of the grantees, the receipt of which is hereby acknowledged, as evidenced by one certain vendor's lien note of even date herewith, in said amount, executed by the grantees, payable to the order of the FIRST NATIONAL BANK, San Augustine, Texas, bearing interest at the rate of eight and one-half per cent per annum, both principal and interest payable at San Augustine, Texas, and both principal and interest payable in 54 equal monthly installments of \$100.58, each, the first installment being due and payable on Dec. 15, 1972, and one installment to become due and payable on the 15th day of each succeeding month until the whole principal sum and interest are fully paid, providing for the usual attorneys fee clause and acceleration provisions in the event of default, and secured by the vendor's lien herein retained as well as the superior title, and additionally secured by a deed of trust of even date herewith to Guy Neal Mc Eachern, Trustee; in consideration of the advancement of that portion of the purchase price of the hereinafter described property, Grantors hereby transfer and assign unto the First National Bank, San Augustine, Texas, the vendor's lien and superior title herein retained to secure the payment of said note, without recourse;

THIRD: The sum of \$1,203.00 as evidenced by one vendor's lien note of even date herewith, in said amount, executed by the grantees, payable to the GRANTORS, or order, bearing interest at the rate of five per cent per annum, and principal being due and payable on or before five years from date, and interest payable annually as it accrues, secured by the vendor's lien herein retained, and as well as the superior title. All liens securing this \$1,203.00 note are second and inferior to all liens securing the above described note in the sum of \$4,500.00 payable to the order of First National Bank, San Augustine, Texas;

We have granted, sold and conveyed and by these presents do grant, sell and convey unto the said Francis James Toner and wife, Mildred Fuller Toner of Orange County, Texas, all that certain tract, lot or parcel of land; situated in Sabine County, Texas, being out of and a part of the William Isaacs League, Abstract No. 25, and being a portion of said tract of land conveyed by J. H. Fuller, et al to Gerald Conrad Fuller, et ux, recorded in Vol. 112, page 447 of the Deed Records of

Sabine County, Texas, to which reference is made, and being described as follows:

BEGINNING-at a 3/4 in. pipe found for the SW corner of said Fuller tract, and in the West line of the Isaacs League, a 24 in. hickory, mkd. X, (found) brs. N. 02 deg. W. 30.0 feet and a 20 in. Maple, mkd. X, (found) brs. N. 88 W. 29.2 feet;

THENCE North 78 deg. 40 min. 25 sec. East 809.12 feet with the North line of Brashear's tract to his corner, a 1/2 in. iron rod set on the N. Bank of Tebo Creek;

THENCE North 20 deg. 48.min. 04 sec. East 775.56 feet continuing with Brashear's tract to a 3/4 in. pipe found for his corner;

THENCE North 14 deg. 02 min. 14 sec. West 1008.48 feet into the said Fuller Tract to a 1/2 in. iron rod set for the corner;

THENCE South 85 deg. 33 min. West 689.34 feet to a 1/2 in iron rod set for the corner in the West line of said Fuller tract;

THENCE South 04 deg. 19 min. 44 sec. West 1813.99 feet with the said West line of the Fuller tract and the Isaacs League to the place of beginning and containing 34.765 acres of land, surveyed by Burl W/ Youngblood, RPS No. 1476.

This conveyance is subject to an undivided one-half of all the oil, gas and other minerals in, under and may be produced from the said lands as reserved by J. H. Fuller, et al in a deed to Gerald Conrad Fuller, dated May 4, 1964, recorded in Vol. 112, page 47 of the Deed Records of Sabine County, Texas, however, grantors are conveying to grantees all minerals interest in said lands owned by them.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Francis James Toner and wife, Mildred Fuller Toner, their heirs and assigns, forever. And we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend, hold and singular, the said premises unto the said Francis James Toner and wife, Mildred Fuller Toner, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part hereof.

The vendor's lien and superior title is retained against

said property (portion of which is hereabove assigned to the First National Bank, San Augustine, Texas) by the grantors until the said notes and all interest thereon are fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

There is also granted to the grantees herein a right of ingress and egress over and across the holdings of the grantors in the said William Isaacs Survey by foot, wagon, cart or any type of motor propelled vehicle by the nearest and most practicable route to State Highway No. 103 or Farm to Market Highway No. 1592.

EXECUTED this the 28th day of October, A. D. 1972.

James R. Fuller
James R. Fuller
Betty Fuller
Betty Fuller

THE STATE OF TEXAS *l*
COUNTY OF SAN AUGUSTINE *l*

BEFORE ME, the undersigned authority, on this day personally appeared James R. Fuller and wife, Betty Fuller, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this the 28th day of October, A. D. 1972.

Charles A. McMillan
NOTARY PUBLIC IN AND FOR
SAN AUGUSTINE COUNTY, TEXAS

W. W. Cavender, County Clerk of Sabine County, Texas, do hereby certify that the foregoing instrument was filed 10-31, 1972 at 11 o'clock A. M. and duly recorded 11-3, 1972 at 10 o'clock A. M.

W. W. Cavender Clerk By Minnie Locke Deputy.

EXHIBIT B

CASH WARRANTY DEED

951194

Date: _____, 1995

Grantor: MILDRED TONER

Grantor's Mailing Address (including county):

MILDRED TONER
RR 2 Box 50 M
Bronson, Texas 75930
SABINE County

Grantee: JOHN TONER AND MELANIE TONER

Grantee's Mailing Address (including County):

JOHN TONER
RR 2 Box 50 J
Bronson, Texas 75930
SABINE County

MELANIE TONER
RR 2 Box 50 J
Bronson, Texas 75930
SABINE County

CONSIDERATION: TEN AND NO/100 DOLLARS and other good and valuable consideration.

PROPERTY (including any improvements):

BEING 7.958 acres of land, a part of the WM. ISAACS SURVEY, ABST. NO. 25, lying and situated about 7 miles North 30 degrees West from Hemphill, Texas, the county seat. The said 7.958 acres also being a portion of the same tract of land conveyed by J. R. Fuller, et ux, to Francis J. Toner, et ux, by deed dated October 28, 1972, and being further described in metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of the above referenced tract of land in the east line of a tract of land owned by Dr. Grover C. Winslow;

THENCE North 85 degrees 33 minutes 00 seconds East along the north line of the said tract a distance of 689.34 feet to a 1/2" iron rod found for the corner, being a corner of a tract of land conveyed by J. R. Fuller, et ux, to Anthony G. Fuller by deed dated September 21, 1981;

THENCE South 08 degrees 44 minutes 17 seconds East with the line of the said A. G. Fuller tract a distance of 427.98 feet to a 1/2 " iron rod found for his south corner;

THENCE South 08 degrees 13 minutes 07 seconds East along the line of a tract of land conveyed by J. R. Fuller, et ux, to Jamey Lynn Hendrix, et ux, by deed dated August 14, 1992, recorded in Volume 0014, Page 664, Real Property Records of Sabine County, Texas, a distance of 40.00 feet to a 1/2" iron rod set for the corner;

THENCE South 85 degrees 33 minutes 00 seconds West through the said Toner tract a distance of 795.94 feet to a 1/2" iron rod set for the corner in the east line line of the aforementioned Winslow tract;

THENCE North 04 degrees 19 minutes 04 seconds East with the said Winslow line a distance of 472.20 feet to the POINT OF BEGINNING and containing 7.958 acres of land.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.

For Grantor and Grantor's successors and assigns, in common with Grantee and Grantee's successors, a reservation of the free, uninterrupted, and perpetual use of an easement over the passageway described in this paragraph and located on the property. This easement is located on the existing roadway, having been known as John Toner Road, traveling in an approximate North-South direction, located in the easterly portion of said property, being 30 feet in width.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor's heirs, executors, administrators and successors are hereby bound to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

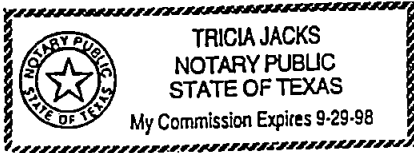
When the context requires, singular nouns and pronouns include the plural.

Mildred Toner
MILDRED TONER

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF SABINE

This instrument was acknowledged before me on May 11th, 1995, by MILDRED TONER.



Tricia Jacks
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

Dennis Powell
1601 Main
Orange, Texas 77630
(409) 883-6687

AFTER RECORDING RETURN TO:

951192

John Toner
RR 2 Box 50 J
Bronson, Texas 75930
\$13.00 pd.

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

MAY 11 1995

Janice McDaniel
Clerk, County Court, Sabine County
BY..... DEPUTY

THE STATE OF TEXAS
COUNTY OF SABINE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AND TIMED STAMPED HEREON BY ME AND WAS DULY RECORDED IN THE VOLUME AND PAGE OF THE NAMED RECORDS OF SABINE COUNTY, TEXAS AS STAMPED HEREON BY ME.



RECORDED 5/11/95
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OFFICIAL PUBLIC RECORDS
JANICE McDANIEL, COUNTY CLERK
SABINE COUNTY, TEXAS

Janice McDaniel

CASH WARRANTY DEED - PAGE 3

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Vol. 0061 PAGE 278

EXHIBIT C

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS §
COUNTY OF SABINE §

915328

KNOW ALL MEN BY THESE PRESENTS:

That JAMES R. FULLER and wife, BETTY L. FULLER, of Sabine County, Texas, in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, paid by the grantees hereinafter named, the receipt of which is hereby acknowledged, and for the further consideration that grantees have executed their promissory note of even date herewith for the sum of Fifty Thousand and 00/100 (\$50,000.00) Dollars, payable to the order of JAMES R. FULLER and wife, BETTY L. FULLER, said note bearing interest at the rate of Seven and One-half (7 1/2%) per cent per annum from date until maturity, past due principal and interest to bear Ten (10%) per cent interest per annum from maturity until paid, said note payable as follows: The sum of Fifty Thousand Dollars, with interest, payable in 240 monthly installments of Four Hundred Two and 79/100 (\$402.79) Dollars, or more, each payable on or before the 4th day of each and every month beginning September 4, 1992, and continuing until the whole of said sum, with interest, has been duly paid, interest being calculated on the unpaid principal to the date of each installment paid, and the payment made then credited, first to the discharge of the interest accrued, and the balance to the reduction of the principal, said note containing the usual provision for attorney's fees of 10% and acceleration of maturity clause and being secured by Vendor's Lien herein and hereby expressly retained in favor of the holder thereof on the property hereinafter described, and also by a Deed of Trust thereon of even date herewith to W. Z. Weems, Jr., Trustee, have GRANTED, SOLD AND CONVEYED and by these presents do GRANT, SELL AND CONVEY unto JAMEY LYNN HENDRIX and wife, SUSAN RENEE HENDRIX of Route 2, Box 465-B, Bronson, Texas 75930, all that certain property situated in Sabine County, Texas, described as follows:

BEING 61.816 acres of land, a part of the WILLIAM ISAACS SURVEY, A-25, lying and situated in Sabine County, Texas; being further described in metes and bounds as:

BEGINNING in the center of a public road at the southeast corner of a 0.61 acre tract conveyed by Earl Stephenson to James R. Fuller;

THENCE S 63d 53m 10s W along the south line of the said 0.61 acre tract, being the south line of the original Earl Stephenson tract and the north line of the E. C. Gordy 49.95 acre tract, a distance of 901.88 ft. to a 3/4" pipe for corner;

THENCE S 40d 08m 33s W departing the said 49.95 acre tract and with the north line of the E. C. Gordy 21.068 acre tract a distance of 771.71 ft. to a 1/2" iron rod found for corner;

THENCE S 70d 51m 00s W continuing with the said 21.068 acre tract a distance of 839.87 ft. to a 1/2" iron rod found for the corner;

THENCE S 18d 36m 19s E continuing with the said 21.068 acre tract, at 1393.71 ft. pass a 1/2" iron rod for a reference corner on the north bank of Tebo Creek, in all 1413.71 ft. to the center of said creek;

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A CERTIFIED COPY

Attest: April 13, 1994
JANICE McDANIEL, County Clerk
Sabine County, Texas

By Janice McDaniel

Vol 2 Pg 238

THENCE up the channel of the said creek with its meanders as follows:

- (1) S 70d 42m 25s W 66.90
- (2) S 19d 48m 36s W 62.66
- (3) S 34d 32m 58s W 55.00
- (4) S 12d 56m 10s W 81.18
- (5) S 60d 09m 28s W 53.40
- (6) N 41d 59m 33s W 38.97
- (7) N 21d 22m 40s W 88.26
- (8) N 34d 49m 33s W 175.18
- (9) S 76d 23m 16s W 102.75
- (10) N 38d 07m 23s W 131.33
- (11) N 86d 03m 36s W 213.79
- (12) S 63d 23m 35s W 100.34
- (13) S 37d 59m 31s W 144.15
- (14) S 62d 54m 33s W 189.69
- (15) N 78d 49m 07s W 154.07
- (16) S 86d 41m 12s W 114.37 ft. to the southeast corner of the John B. Toner

6.228 acre tract;

THENCE N 00d 22m 37s W along the east line of the said 6.228 acre tract, at 16.82 ft. pass a 3/8" iron rod found for a reference corner on the bank of the said creek, in all 366.07 ft. to a 1/2" iron rod found in a fence corner;

THENCE N 67d 03m 02s W continuing with the said 6.228 acre tract a distance of 375.29 ft. to a 3/4" pipe found in a fence corner;

THENCE N 08d 13m 04s W along a fence a distance of 583.95 ft. to a 1/2" iron rod found for the south corner of a 7.193 acre tract previously surveyed out of the James R. Fuller property;

THENCE N 44d 07m 25s E along a fence line a distance of 1122.98 ft. to a 1/2" iron rod found in a fence corner;

THENCE N 85d 33m 00s E along a fence line a distance of 1062.16 ft. to a 3/8" iron rod found for the southeast corner of a 23.821 acre tract previously surveyed for James R. Fuller;

THENCE N 69d 02m 39s E along a fence a distance of 43.41 ft. to a 1/2" iron rod set for the corner;

THENCE N 64d 31m 40s E continuing along a fence line a distance of 813.88 ft. to a 1/2" iron rod found for the northwest corner of the aforementioned 0.61 acre tract;

THENCE N 63d 53m 10s E along the north line of the said 0.61 acre tract, at 881.12 ft. pass a 1/2" iron rod found for reference corner, in all 894.80 ft. to the POINT OF BEGINNING and containing 61.816 acres of land.

This conveyance is made and accepted by Grantees named herein with the understanding that all income, profits, bonuses, royalties and any other monies paid to them as a direct result of their ownership in the above described property are to be credited to JAMES R. FULLER and wife, BETTY L. FULLER, and applied fully toward the discharge of interest and the reduction of the principal, as provided for in the hereinabove described promissory note, until said note has been duly paid. This shall include, but not be limited to; the sale of sand, clay, gravel and timber.

Grantor's herein, except and reserve unto themselves, their heirs and assigns, all of the oil, gas, sulphur and other liquifiable hydrocarbons underlying said land, with full rights on the part of grantors to develop and market, or execute leases for the development and marketing of the same without joinder of grantee, together with the right of ingress and egress for the purpose of exploring, producing and transporting the same. However, grantees herein, at their option, shall purchase the herein retained mineral rights for One Hundred and 00/100 (\$100.00) Dollars per mineral acre, in cash, on or before 5:00 O'clock P.M., September 15, 1992. Should grantees fail to exercise this option within the specified time period for the terms herein stated; then, if grantors, at some future date after September 15, 1992, should desire to sell the mineral rights retained herein, the grantees shall have the first right of refusal for ten (10) days to match any acceptable written offer received by grantors.

TO HAVE AND TO HOLD the said premises, together with all rights, hereditaments and appurtenances thereto belonging unto the said grantees above named, their heirs and assigns forever. And we do hereby bind ourselves, our heirs and assigns to WARRANT AND FOREVER DEFEND the title to said property unto the said grantees above

A CERTIFIED COPY

Attest: April 13, 1994
JANICE McDANIEL, County Clerk
Sabine County, Texas

By Janice
McDaniel

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Vol 2 Pg 739

EXHIBIT D

BEING out of the WILLIAM ISAACS LEAGUE, ABST. NO. 25, lying and being situated N d W 7 miles from Hemphill, the County seat:

Containing the 30 ft. tract conveyed by Earl Stephenson to James R. Fuller, in 1984, being out of the Earl Stephenson tract described in Volume 65, Page 388, Real Property Records of Sabine County;

Containing the 30 ft. easement established in cause number 9623, styled John Toner, Melanie Toner and Mildred Toner v. Jamey Lynn Hendrix, et ux, the Judgment in which is incorporated herein;

Then along the existing roadway across the property of Anthony G. Fuller, et ux, by deed dated August 21, 1981;

Then along the existing roadway across the property of John and Melanie Toner, conveyed to then by Mildred Toner, by deed dated May 11, 1995; and

Then along the existing roadway to the ending point on the property of Mildred Toner, deeded to her by James R. Fuller and Betty Fuller, by deed dated October 28, 1972.

In The Commissioners Court
of Sabine County, Texas

In RE:

*

JOHN TONER ROAD

*

SUPPLEMENTAL PETITION

We, the undersigned, join with Petitioner Mildred Toner, requesting that the Commissioners' Court of Sabine County, Texas, declare John Toner Road to be a public or county road, as more fully set forth in the Petition filed by Mildred Toner, a copy of which is attached hereto:

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
<u>John B. Toner</u>	<u>John B. Toner</u>	<u>Rt 2 Box 50J Bronson, TX 75930</u>
<u>MELAINIE B. TONER</u>	<u>Melaine B. Toner</u>	<u>Rt 2 Box 50J Bronson, TX 75930</u>
<u>Etola Franks</u>	<u>Etola Franks</u>	<u>RR2 Box 8 Bronson, TX 75930</u>
<u>Wayne Fuller</u>	<u>Wayne Fuller</u>	<u>Rt. 2 Box 52 Bronson Tex 75930</u>
<u>Bruce Ferguson</u>	<u>Bruce Ferguson</u>	<u>Rt 2 Bronson Texas 75930</u>
<u>Carol Ferguson</u>	<u>Carol Ferguson</u>	<u>Rt 2 Box 47 Bronson, TX 75930</u>
<u>MYRTIE Compton</u>	<u>Myrtie Compton</u>	<u>Rt. 2 Box 59 Bronson Tex 75930</u>
<u>HERMAN FULLER</u>	<u>Herman Fuller</u>	<u>Rt. 2 Box 39b Bronson Tex 75930</u>
<u>CHARLES W. FULLER</u>	<u>Charles Fuller</u>	<u>Rt 2 Box 39b Bronson Tex</u>
<u>Ola Jean Ford</u>	<u>Ola Jean Ford</u>	<u>Rt. 2, Box 203, Bronson, Tex. 75930</u>
<u>NARVALYN ELLISON</u>	<u>Narvalyn Ellison</u>	<u>RR2 Box 25 Bronson Tx, 75930</u>
<u>Fred ELLISON</u>	<u>Fred Ellison</u>	<u>Rt 2 Box 25 Bronson Tx 75930</u>
<u>Mildred Courtney</u>	<u>Mildred Courtney</u>	<u>Rt 2 Box 36 Bronson, Tex 75930</u>
<u>MILDRED COURTNEY</u>	<u>Mildred Courtney</u>	<u>RR2 Box 36 Bronson, Texas</u>
<u>VANCE HARGROVE</u>	<u>Vance Hargrove</u>	<u>Rt. 1, Box 354, San Augustine, Tex</u>
<u>CHRISTINE BOYETT</u>	<u>Christine Boyett</u>	<u>Rt 2 Box 340 San Augustine TX</u>
<u>Tommy L. Boyett</u>	<u>Tommy L. Boyett</u>	<u>Rt. 2 Box 340 San Augustine, TX</u>

<u>VIZBIE COY</u>	<u>Virgie Coy</u>	<u>Rt 2 Box 31A Bronson TX 75930</u>
<u>GRAYSON L. Stanley</u>	<u>Grayson Stanley</u>	<u>Rt. 2 Box 17C Bronson TX 75930</u>
<u>Merry L. Stanley</u>	<u>Merry L. Stanley</u>	<u>Rt. 2 Box 17C Bronson TX 75930</u>
<u>MA LGIE COCKERHAM</u>	<u>Maggie Cockerham</u>	<u>Rt 2 Box 18A Bronson TX 75930</u>
<u>JAMES COCKERHAM</u>	<u>James Cockerham</u>	<u>Rt 2 Box 18A Bronson TX 75930</u>
<u>CONSUELO BARKHAUSER</u>	<u>Conny Barkhauser</u>	<u>RR 2 Box 38 Bronson TX 75930</u>
<u>Jerlean Cartwright</u>	<u>Jerlean Cartwright</u>	<u>Rt 2 Box 284 Bronson TX</u>
<u>Jessie Cartwright</u>	<u>Jessie Cartwright</u>	<u>Rt 2 Box 284 Bronson TX</u>
<u>A LVIN</u>	<u>Burch Burch</u>	<u>Rt 2 Box 57 Bronson TX</u>
<u>A. J. BURKHARTER</u>	<u>A. J. Burkhalter</u>	<u>Box 354 Hemphill TX</u>
<u>Renee Tacklock</u>	<u>Renee Tacklock</u>	<u>Rt 2 Box 17 Bronson TX</u>
<u>Petrina Bousse</u>	<u>Petrina Bousse</u>	<u>Rt. 2 Box 52B Bronson TX 75930</u>
<u>FREDDIE FULLER</u>	<u>Freddie Fuller</u>	<u>Rt. 2 Box 52 Bronson TX 75930</u>
<u>ARTHUR ELLISON</u>	<u>Arthur Ellison</u>	<u>Rt 2 Box 217A Bronson TX 75930</u>
<u>Wilma Ellison</u>	<u>Wilma Ellison</u>	<u>Rt. 2, Box 217A Bronson TX 75930</u>
<u>Lidia Cobb Long</u>	<u>Lidia Cobb Long</u>	<u>Rt 2 Box 34 San Augustine TX 75972</u>
<u>HUEY P LONG</u>	<u>Huey P. Long</u>	<u>Rt 2 Box 34 San Augustine TX 75972</u>
<u>DAVID R. ROUSSE</u>	<u>David R. Rousso</u>	<u>RT 2 BOX 52 B BRONSON TX 75930</u>
<u>RYAN FULLER</u>	<u>Ryan Fuller</u>	<u>RT 2 BOX 52 BRONSON TX 75930</u>
<u>Wicci Fuller</u>	<u>Wicci Fuller</u>	<u>P.O. Box 195 Hemphill TX 75948</u>
<u>Kenny Fuller</u>	<u>Kenny Fuller</u>	<u>P.O. Box 195 Hemphill TX 75948</u>
<u>Helen Mott</u>	<u>Helen Mott</u>	<u>RR 2 Box 9F Bronson TX 75930</u>
<u>Ricky Mott</u>	<u>Ricky Mott</u>	<u>RR 2 Box 9F Bronson TX 75930</u>
<u>Beverly A. Tilley</u>	<u>Beverly A. Tilley</u>	<u>RR 2 Box 218-A Bronson TX 75930</u>
<u>Gene ButLee</u>	<u>Gene Butler</u>	<u>Rt 2 Box 17-B Bronson TX 75930</u>
<u>Doris Fuller Butler</u>	<u>Doris Fuller Butler</u>	<u>Rt. 2 Box 17-B Bronson TX 75930</u>
<u>ARLEEE GRIFFIN</u>	<u>Arlee Griffin</u>	<u>R-2, Box 62 Bronson TX 75930</u>

Printed Name	Signature	Address
Shonda Blue	Shonda Blue	Rt. 2 Box 58-A Bronson, TX 75930
Stacy Fuller	Stacy Fuller	Rt 2 Bx 50 B Bronson TX 75930
Ollie U. Hall	Ollie U. Hall	Rt 2 Box 176 Bronson Tex 75930
Ollie Buckley	Ollie Buckley	Rt 2 Box 174A Bronson Tex
JZRO PRATT	Ozro Pratt	Bronson TX, Rt 1 Box 165
FRANCIS PRATT	Francis Pratt	Bronson Tex Rt 2 Box 165
Paul Roberts	Paul Roberts	Bronson Rt 2 Bronson Tex
Gloria Roberts	Gloria Roberts	Rt 2 Box 10E Bronson, TX 75930
Michelle Roberts	Michelle Roberts	Rt 2 Box 10E Bronson TX 75930
Kathryn Gray	Kathryn Gray	Rt. 2 Box 10C Bronson, TX 75930
Doris Horn	Doris Horn	Rt. 2, Box 10C Bronson TX
ELLA MAE HORN	Ella Mae Horn	Rt. 2, Box 10A, Bronson, TX
DICK HORN	Dick Horn	Rt. 2, Box 10A, Bronson, Tex
Kenneth Ellison	Kenneth Ellison	Rt 2, Box 10 Bronson, TX 75930
Jill Ellison	Jill Ellison	Rt 2 Box 10 BRONSON TX 75930
Lisa Cooper	Lisa Cooper	P.O. Box 374 Penland
Holly Moore	Holly Moore	Rt 2 Box 80 Bronson 75930
Wm H. Glad McCroskey	Wm McCroskey	Rt. 2 Box 69, Box 100 Bronson TX 75930
HENRY E. HORN	Henry E. Horn	Rt 2 Box 12 Bronson TX
LYMAN D. MINNIS	Lyman D. Minnis	R2 Box 21D Bronson TX 75930
HELEN L. MINNIS	Helen L. Minnis	R2 Box 21D Bronson TX 75930
Debbie Duck	Debbie Duck	Rt 2 Box 25 Bronson TX 75930
John Duck	John Duck	Rt 2 Box 25 Bronson TX 75930
Donald Moore	Donald Moore	Rt 2 Box 25 Bronson TX 75930
VL GRIFFIN	Paul Griffin	Rt 2 Box 80 Bronson TX 75930
Ken Griffin	Ken Griffin	Rt 2 Box 61 Bronson TX 75930
		Rt 2 Box 61 Bronson 75930

Printed Name	Signature	Address
Johny Grimes	Johny Grimes	RT 1 Box 888 - P.O. Box 1410, Acc. TX.
Jack Coats	Jack Coats	RT 2 Box 344 San Augustine TX
Mary Crocker	Mary Crocker	RT 2 Box 31 Bronson TX
Donathy Chamberlain	Donathy Chamberlain	P.O. Box 110, Humpal, TX 75948
Ollie Eyesparks	Ollie Eyesparks	PO Box 1225, Humpal, TX 75948
Tricia Jacks	Tricia Jacks	RR 2 Box 166 BRONSON TX 75930
G. E. Clark	G. E. Clark	RR 2 Box 166 BRONSON TX 75930
ANN Clark	ANN Clark	RR 2 Box 166 BRONSON TX 75930
Jayce Foley	Jayce Foley	RT 2 Box 166 BRONSON TX 75930
MARTHA FREEMAN	MARTHA FREEMAN	RT 2 Box 166 BRONSON TX 75930
Carlise D. Dickerson	Carlise D. Dickerson	RT 2 Box 9 Bronson TX 75930
Martin Dickerson	Martin Dickerson	P.O. Box 363 " "
Doris Marcantel	Doris Marcantel	P.O. Box 7 Bronson TX 75930
FRANCES LEWIS	FRANCES LEWIS	8802 Colony Lane Wynn TX 77432
Rebel Lewis	Rebel Lewis	A. 2 Box 501 Bronson TX
Eddie Lewis	Eddie Lewis	8802 Colony Lane Wynn TX 77432
Kitty Mazzola	Kitty Mazzola	9 Enchanted Oaks Cange TX
Michael Mazzola	Michael Mazzola	9 Enchanted Oaks Cange TX
Brendan Toner	Brendan Toner	Box 501 Bronson, TX 75930
Carnille Fuller	Carnille Fuller	6102 Rosewood Orange TX 77632
James Preston Fuller	James Preston Fuller	6102 Rosewood Orange TX 77632
Julia Ann McCalland	Julia Ann McCalland	RT 2 Box 103 Bronson, TX 75930
Maurice Klugner	Maurice Klugner	RT 2 Box 7 Bronson TX 75930
Ricky Chaddick	Ricky Chaddick	Vol 2 pg 244 PO Box 423 Bronson TX 75930

Printed Name	Signature	Address
MARY E. SAVELL	Mary E. Savell	RR 2 Box 6 BRONSON, TX. 75930
JAMES H. CONN	James H. Conn	HC 53 Box 18 BRONSON, Tex 75930
Mozelle, Conn	Mozelle Conn	HC 53 Box 18 BRONSON, Tex 75930
DAVID GREEN	David Green	HC 53 Box 9 BRONSON, TX 75930
Robert L. Green	Robert L. Green	HC 53 Box BRONSON, Tex. 75930
JUANITA E. GREEN	Juanita Green	HC 53 Box 9 Bronson, Tex. 75930
PETTY ELLISON	Betty Ellison	PO Box 32 Bronson Tex 75930
BETH WALKER	Beth Walker	Rt. 1, Box 1 Bronson, Tex. 75930
J. A. Sawyer	J. A. Sawyer	Box 114 Bronson Tex 75930
Donald E. Stone	Donald E. Stone	RR 1 Box 237 Pineland, Tx. 75968
Maxine Pate	Maxine Pate	Rt. 2 Box 175, Bronson 75930
Elwood Pate	Elwood Pate	" " " " " " " "
EUGENE FERGUSON	Eugene Ferguson	P.O. Box 313. Pineland Tex 75968
Carol McBride	Carol McBride	PO Box 546 Pineland TX 75968
J.W. KILCREASE	J.W. Kilcrease	Box 124 Pineland, Tex
JOYCE KILCREASE	Joyce Kilcrease	PO Box 124 Pineland Texas
ESSIE MAE CLARK	Essie Mae Clark	RR 2 Box 476 Bronson TEXAS 75930
HERACE LOGGINS	Herace Loggins	RR 2 Box 290 Bronson, Tex
IRVING L LOGGINS	Irving Lee Loggins	R 2 Box 290 Bronson, Tex 75930
MARY Loggins	Mary Loggins	RR 2 Box 242 Bronson TEXAS 75930
Arroll L. Loggins	Daniel L. Loggins	Rt. 2 Box 286 Bronson Tx. 75930
JOHANNE WISE	Johanne Wise	Rt. 2 Box 180 Bronson, Tex 75930
ANNIE WISE	Annie Wise	" " " " " " " "
ROBERT WISE	Robert Wise	" " " " " " " "
IRIAM FERGUSON	Iriam Ferguson	Rt 2 Box 49 Bronson Tx. 75930



Printed Name	Signature	Address
Irene Wright	Irene Wright	Rt 2, Box 155 Bronson, Tex
THEO WRIGHT	Theo Wright	Rt 2, Box 155 Bronson Tex
Brenda Wright	Brenda Wright	Rt 2, Box 149 H Bronson, Tx. 75930
Tanya Walker	Tanya Walker	P.O. Box 122, Hemphill, TX 75948
Amy Marcantel	Amy Marcantel	P.O. Box 7, Bronson Tx 75930
Lin Marcantel	Lin Marcantel	P.O. Box 7, Bronson Tx 75930
Joann Harley	Joann Harley	Rt 1 Box 238 Linsland, TX 7596
Gussie Bass	Gussie Bass	P.O. Box 816 Hemphill, TX 7594
Helen G. Clemmer	Helen G. CLEMMER	H.C. 52 - Box - Hemphill Tex.
Virgil W. Clemmer	Virgil W. Clemmer	H.C. 52 - Box Hemphill, Tx
Jim Wilkins	Jim Wilkins	Box 395 Hemphill
King Davidson	King Davidson	PO Box 803 Hemphill, Texas
E.C. SMITH	E.C. Smith	Rt 2 Box 473, BRONSON, TX
J.G. WALL	J.C. Wall	H.C. 53 Box 5330 Hemphill
J.D. WALKER	J.D. Walker	P.O. Box 122 Hemphill
H.C. WALKER	H.C. Walker	P.O. Box 537 Hemphill
W. G. Harper	W.G. Harper	P.O. Box 1467 Hemphill, TX
E. G. Harper	Edmond G. Harper	Box 921 Rt 4 Hemphill TX
Martha Kittman	Martha Kittman	P.O. Box 790, Hemphill, Tx 75948

THE COMMISSIONERS COURT
OF SABINE COUNTY, TEXAS

IN RE:

JOHN TONER ROAD

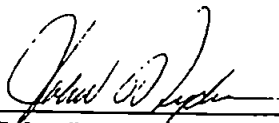
ORDER OF CONTINUANCE

On this day came on for consideration a request by the petitioner to continue the hearing on the subject matter from the 22nd day of August, 1995, (such being that originally set by the Court), to September 14, 1995.

The Court, having considered the same, grants the request and IT IS THEREFORE ORDERED that said petition be, and the same is set for hearing at a special term of this Court to be held at 9:00 a.m., Thursday, September 14, 1995, before this Court in The Sabine County Courthouse, Hemphill, Texas.

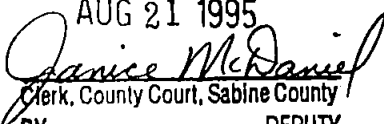
IT IS FURTHER ORDERED that notice of said hearing and special term of the Court be posted by the Sabine County Clerk in accordance with the requirements of law and that all parties in interest in this matter shall be served with a true copy of the Order.

SIGNED, RENDERED AND ORDERED ENTERED this the 17th day of August, 1995.



John L. Hyden
County Judge
Sabine County, Texas

FILED FOR RECORD
AT 8:00 O'CLOCK A. M.

AUG 21 1995

Clerk, County Court, Sabine County
BY _____ DEPUTY


Vol 2 Pg 247

PUBLIC NOTICE

**RE: PETITION OF MILDRED TONER DECLARING ROAD, AKA, JOHN
TONER ROAD, A PUBLIC OR COUNTY ROAD**

A request by the petitioner for continuance has been granted to continue the hearing originally set for 1:00 p.m., August 22, 1995.

An Order setting the new hearing for 9:00 a.m., Thursday, September 14, 1995, has been signed by John L. Hyden, County Judge, Sabine County. The Hearing shall be held in the Commissioners Courtroom, second floor, Sabine County Courthouse, Hemphill, Texas.


Janice McDaniel
County Clerk
Sabine County, Texas

FILED FOR RECORD
AT 8:00 O'CLOCK A.M.

In The Commissioners Court
of Sabine County, Texas

AUG 22 1995

In RE:

*

JOHN TONER ROAD

*

Janice McDaniel
Clerk, County Court, Sabine County
BY _____ DEPUTY

FIRST AMENDED PETITION

TO THE HONORABLE MEMBERS OF SAID COURT:

COMES NOW MILDRED TONER, PETITIONER, and files this her First Amended Petition. The only change made in this petition is in Paragraph III below. This is a nonsubstantive change and made only to eliminate the small possibility of confusion. Out of an abundance of caution, in the event this First Amended Petition is treated as a new petition, Petitioner has obtained the signatures of eight other landowners in the precinct.

Petitioner requests that this Honorable Court, following notice and hearing, order the opening of the JOHN TONER Road, a public road located in Sabine County, Texas, declaring it a public or county road, and with respect would show unto the Court as follows:

I.

Petitioner was the owner of an interest in a 34.765 acre tract of land located in Sabine County, Texas, more particularly described in Exhibit "A" attached hereto and deeded by reference, which she purchased in 1972. Petitioner deeded a portion of such land to John Toner and Melanie Toner, such portion being more particularly described in Exhibit "B" attached hereto and incorporated herein by reference. Petitioner is still the owner of the remaining land.

II.

Vol 2 Pg 749

Petitioner's access to her property is from F. M. 1592 along a portion of a public road known as the John Toner Road, which was declared to be a public county road by action of the Commissioners Court of Sabine County on October 8, 1990.

III.

The John Toner Road is located on and along the boundary line of a 61.816 acre tract of land which begins in the center of a public road, known as Tuttle Road, owned by Jamey Lynn Hendrix, and wife Susan Renee Hendrix, more particularly described by metes and bounds in Exhibit "C" attached hereto. The Hendrix's attempted to close said public road by obstructing it and preventing its use by the public, including Petitioner. The portion of the John Toner Road at issue is more particularly described by metes and bounds in Exhibit "D" attached hereto.

IV.

Petitioner filed suit against the Hendrix's in the District Court of Sabine County, Texas, to prevent the obstruction of the road, in cause number 9623, styled "John Toner, Melanie Toner, and Mildred Toner v. Jamey Lynn Hendrix, et ux." That case proceeded to trial before a jury on September 12, 1994, which resulted in entry of Judgment, declaring the roadway a County road, and enjoining the Hendrix's from obstructing it. Subsequently the Commissioner's Court of Sabine County rescinded their adoption of the road in question as a County road.

V.

Petitioner prays that the Commissioners Court of Sabine County exercise its authority under the County Road and Bridge

Act, TEX. REV. CIV. STAT. Art. 6702-1, and order that the roadway in question is a public road, and that it be re-opened.

VI.

Petitioner further prays that this Court call a special term setting a date for hearing on this petition, and issue the appropriate notice and citation to all interested parties.

WHEREFORE, premises considered, Petitioner Mildred Toner prays that, following notice and hearing, this Court order the relief requested herein, and for such other and further relief, at law or in equity, and to which Petitioner may show herself justly entitled.

Respectfully submitted,

Mildred Toner
Mildred Toner
Rt. 2 Box 50-~~74~~
Bronson, Texas

We, the undersigned, join with Petitioner Mildred Toner, requesting that the Commissioners' Court of Sabine County, Texas, declare John Toner Road to be a public or county road, as more fully set forth in the above First Amended Petition:

<u>SIGNATURE</u>	<u>ADDRESS</u>	
<u>John B. Jones</u>	<u>Rt 2 Box 503</u>	<u>Bronson, TX 75930</u>
<u>Melaine Jones</u>	<u>Rt 2 Box 505</u>	<u>Bronson, TX 75930</u>
<u>Brenda Jones</u>	<u>Rt. 2 Box 507</u>	<u>Bronson, TX, 75930</u>
<u>John Jones</u>	<u>Rt 1 Box 88B</u>	<u>1916K TX 75969</u>

Vol 2 Pg 751

James Brown	HE 53 Box 18	Bronson, Tex 75930
Bill Barber	RT 2 Box 21F	Bronson, Tex 75930
Valery Barber	RT 2 Box 21F	Bronson, Tex 75930
Thelma Fuller	RT 2 Box 52	Bronson, Tex 75930
Wynne Fuller	RT 2 Box 52	Bronson, Tex 75930
OTR 19	RT 2 Box 18H	Bronson, Tex 75930
Paul Ford	RT 2 Box 203	Bronson, Tex 75930
27 St Fuller	RT 2 Box 296	Bronson, Tex 75930
Tommy Brown	RT 2 Box 286	Bronson, Tex 75930
E. J. Langley	RR 2 Box 1C	Bronson TX 75930
Medical Clinic	P.O. Box 335	Bronson, Tex. 75930
E. C. Smith	RT 2 - Box 473	Bronson Tex. 75930
Attila B. Smith	RT 2 - Box 473	Bronson, Tex 75930
J. W. Clark	OTR Box 11C	Bronson, Tex 75930
Delia Walker	POB 114	Bronson TX
Leona Morgan	RT 2 Box 354	Bronson, Tex 75930

EXHIBIT A

FILED FOR RECORD
AT 11 O'CLOCK A M.

OCT 31 1972

Will Caswell
Clerk County Court, Sabine County
BY *W. R. ...* DEPUTY

THE STATE OF TEXAS X
COUNTY OF SAN AUGUSTINE X

KNOW ALL MEN BY THESE PRESENTS:

That we, James R. Fuller and wife, Betty Fuller,
of Sabine County, Texas, for and in consideration of the sum of
Six Thousand Seven Hundred and Three and no/100 Dollars (\$6,703.00)
to us in hand paid and secured to be paid by Francis James Toner and
wife, Mildred Fuller Toner, as follows:

FIRST: The sum of \$1,000.00 in cash, the receipt
of which is hereby acknowledged;

SECOND: The sum of \$4,500.00 to us in hand paid
at the instance and request of the grantees, the receipt of which
is hereby acknowledged, as evidenced by one certain vendor's lien
note of even date herewith, in said amount, executed by the grantees,
payable to the order of the FIRST NATIONAL BANK, San Augustine, Texas,
bearing interest at the rate of eight and one-half per cent per annum,
both principal and interest payable at San Augustine, Texas, and both
principal and interest payable in 54 equal monthly installments of
\$84.00.58, each, the first installment being due and payable on Dec.
15, 1972, and one installment to become due and payable on the 15th
day of each succeeding month until the whole principal sum and interest
thereon are fully paid, providing for the usual attorneys fee clause and
acceleration provisions in the event of default, and secured by the
vendor's lien herein retained as well as the superior title, and
additionally secured by a deed of trust of even date herewith to
James Neal Mc Eachern, Trustee; in consideration of the advancement of
that portion of the purchase price of the hereinafter described prop-
erty, Grantors hereby transfer and assign unto the First National
Bank, San Augustine, Texas, the vendor's lien and superior title here-
in retained to secure the payment of said note, without recourse;

THIRD: The sum of \$1,203.00 as evidenced by one
vendor's lien note of even date herewith, in said amount, executed
by the grantees, payable to the GRANTORS, or order, bearing inter-
est at the rate of five per cent per annum, and principal ;being
payable and payable on or before five years from date, and interest
payable annually as it accrues, secured by the vendor's lien herein
retained, and as well as the superior title. All liens securing
this \$1,203.00 note are second and inferior to all liens securing
the above described note in the sum of \$4,500.00 payable to the
order of First National Bank, San Augustine, Texas;

we have granted, sold and conveyed and by these presents do grant, sell
and convey unto the said Francis James Toner and wife, Mildred Fuller
Toner of Orange County, Texas, all that certain tract, lot or parcel
of land, situated in Sabine County, Texas, being out of and a part of
the William Isaacs League, Abstract No. 25, and being a portion of
said tract of land conveyed by J. H. Fuller, et al to Gerald Conrad
Fuller, et ux, recorded in Vol. 112, page 447 of the Deed Records of

Vol 112 Pg 253

Sabine County, Texas, to which reference is made, and being described as follows:

'BEGINNING- at a 3/4 in. pipe found for the SW corner of said Fuller tract, and in the West line of the Isaacs League, a 24 in. hickory, mkd. X, (found) brs. N. 02 deg. W. 30.0 feet and a 20 in. Maple, mkd. X, (found) brs. N. 88 W. 29.2 feet;

THENCE North 78 deg. 40 min. 25 sec. East 809.12 feet with the North line of Brashear's tract to his corner, a 1/2 in. iron rod set on the N. Bank of Tebo Creek;

THENCE North 20 deg. 48. min. 04 sec. East 775.56 feet continuing with Brashear's tract to a 3/4 in. pipe found for his corner;

THENCE North 14 deg. 02 min. 14 sec. West 1008.48 feet into the said Fuller Tract to a 1/2 in. iron rod set for the corner;

THENCE South 85 deg. 33 min. West 689.34 feet to a 1/2 in iron rod set for the corner in the West line of said Fuller tract;

THENCE South 04 deg. 19 min. 44 sec. West 1813.99 feet with the said West line of the Fuller tract and the Isaacs League to the place of beginning and containing 34.765 acres of land, surveyed by Burl W/ Youngblood, RPS No. 1476.

This conveyance is subject to an undivided one-half of all the oil, gas and other minerals in, under and may be produced from the said lands as reserved by J. H. Fuller, et al in a deed to Gerald Conrad Fuller, dated May 4, 1964, recorded in Vol. 112, page 447 of the Deed Records of Sabine County, Texas, however, grantors are conveying to grantees all minerals interest in said lands owned by them.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Francis James Toner and wife, Mildred Fuller Toner, their heirs and assigns, forever. And we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend, all and singular, the said premises unto the said Francis James Toner and wife, Mildred Fuller Toner, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The vendor's lien and superior title is retained against

said property (portion of which is hereabove assigned to the First National Bank, San Augustine, Texas) by the grantors until the said notes and all interest thereon are fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

There is also granted to the grantees herein a right of ingress and egress over and across the holdings of the grantors in the said William Isaacs Survey by foot, wagon, cart or any type of motor propelled vehicle by the nearest and most practicable route to State Highway No. 103 or Farm to Market Highway No. 1592.

EXECUTED this the 28th day of October, A. D. 1972.

James R. Fuller
James R. Fuller

Betty Fuller
Betty Fuller

THE STATE OF TEXAS X
COUNTY OF SAN AUGUSTINE X

BEFORE ME, the undersigned authority, on this day personally appeared James R. Fuller and wife, Betty Fuller, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this the 28th day of October, A. D. 1972.

Charles A. McMillan
NOTARY PUBLIC IN AND FOR
SAN AUGUSTINE COUNTY, TEXAS

W. W. Cavender, County Clerk of Sabine County, Texas, do hereby

certify that the foregoing instrument was filed 10-31

1972 at 11 o'clock A. M. and duly recorded 11-3

1972 at 10 o'clock A. M.

W. W. Cavender Clerk

By Minnie Loeck Deputy.

EXHIBIT B

CASH WARRANTY DEED

95119c

Date: _____, 1995

Grantor: MILDRED TONER

Grantor's Mailing Address (including county):

MILDRED TONER
RR 2 Box 50 M
Bronson, Texas 75930
SABINE County

Grantee: JOHN TONER AND MELANIE TONER

Grantee's Mailing Address (including County):

JOHN TONER
RR 2 Box 50 J
Bronson, Texas 75930
SABINE County

MELANIE TONER
RR 2 Box 50 J
Bronson, Texas 75930
SABINE County

CONSIDERATION: TEN AND NO/100 DOLLARS and other good and valuable consideration.

PROPERTY (including any improvements):

BEING 7.958 acres of land, a part of the WM. ISAACS SURVEY, ABST. NO. 25, lying and situated about 7 miles North 30 degrees West from Hemphill, Texas, the county seat. The said 7.958 acres also being a portion of the same tract of land conveyed by J. R. Fuller, et ux, to Francis J. Toner, et ux, by deed dated October 28, 1972, and being further described in metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of the above referenced tract of land in the east line of a tract of land owned by Dr. Grover C. Winslow;

THENCE North 85 degrees 33 minutes 00 seconds East along the north line of the said tract a distance of 689.34 feet to a 1/2" iron rod found for the corner, being a corner of a tract of land conveyed by J. R. Fuller, et ux, to Anthony G. Fuller by deed dated September 21, 1981;

THENCE South 08 degrees 44 minutes 17 seconds East with the line of the said A. G. Fuller tract a distance of 427.98 feet to a 1/2 " iron rod found for his south corner;

THENCE South 08 degrees 13 minutes 07 seconds East along the line of a tract of land conveyed by J. R. Fuller, et ux, to Jamey Lynn Hendrix, et ux, by deed dated August 14, 1992, recorded in Volume 0014, Page 664, Real Property Records of Sabine County, Texas, a distance of 40.00 feet to a 1/2" iron rod set for the corner;

THENCE South 85 degrees 33 minutes 00 seconds West through the said Toner tract a distance of 795.94 feet to a 1/2" iron rod set for the corner in the east line line of the aforementioned Winslow tract;

THENCE North 04 degrees 19 minutes 04 seconds East with the said Winslow line a distance of 472.20 feet to the POINT OF BEGINNING and containing 7.958 acres of land.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.

For Grantor and Grantor's successors and assigns, in common with Grantee and Grantee's successors, a reservation of the free, uninterrupted, and perpetual use of an easement over the passageway described in this paragraph and located on the property. This easement is located on the existing roadway, having been known as John Toner Road, traveling in an approximate North-South direction, located in the easterly portion of said property, being 30 feet in width.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor's heirs, executors, administrators and successors are hereby bound to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

CASH WARRANTY DEED - PAGE 2

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Vol 0061 Page 277

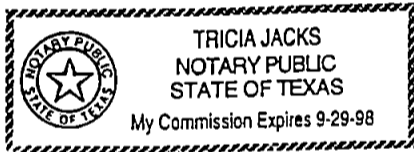
When the context requires, singular nouns and pronouns include the plural.

Mildred Toner
MILDRED TONER

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF SABINE

This instrument was acknowledged before me on May 11th, 1995, by MILDRED TONER.



Tricia Jacks
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

Dennis Powell
1601 Main
Orange, Texas 77630
(409) 883-6687

AFTER RECORDING RETURN TO:

951192

John Toner
RR 2 Box 50 J
Bronson, Texas 75930
\$13.00 pd.

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

MAY 11 1995

Janice McDaniel
Clerk, County Court, Sabine County
BY..... DEPUTY

THE STATE OF TEXAS
COUNTY OF SABINE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AND TIMED STAMPED HEREON BY ME AND WAS DULY RECORDED IN THE VOLUME AND PAGE OF THE NAMED RECORDS OF SABINE COUNTY, TEXAS AS STAMPED HEREON BY ME.



RECORDED 5/11/95
VOL. 61 PAGE 276

OFFICIAL PUBLIC RECORDS
JANICE McDANIEL, COUNTY CLERK
SABINE COUNTY, TEXAS

Janice McDaniel

EXHIBIT C

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS § 915328
COUNTY OF SABINE § KNOW ALL MEN BY THESE PRESENTS:

That JAMES R. FULLER and wife, BETTY L. FULLER, of Sabine County, Texas, in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, paid by the grantees hereinafter named, the receipt of which is hereby acknowledged, and for the further consideration that grantees have executed their promissory note of even date herewith for the sum of Fifty Thousand and 00/100 (\$50,000.00) Dollars, payable to the order of JAMES R. FULLER and wife, BETTY L. FULLER, said note bearing interest at the rate of Seven and One-half (7 1/2%) per cent per annum from date until maturity, past due principal and interest to bear Ten (10%) per cent interest per annum from maturity until paid, said note payable as follows: The sum of Fifty Thousand Dollars, with interest, payable in 240 monthly installments of Four Hundred Two and 79/100 (\$402.79) Dollars, or more, each payable on or before the 4th day of each and every month beginning September 4, 1992, and continuing until the whole of said sum, with interest, has been duly paid, interest being calculated on the unpaid principal to the date of each installment paid, and the payment made then credited, first to the discharge of the interest accrued, and the balance to the reduction of the principal, said note containing the usual provision for attorney's fees of 10% and acceleration of maturity clause and being secured by Vendor's Lien herein and hereby expressly retained in favor of the holder thereof on the property hereinafter described, and also by a Deed of Trust thereon of even date herewith to W. Z. Weems, Jr., Trustee, have GRANTED, SOLD AND CONVEYED and by these presents do GRANT, SELL AND CONVEY unto JAMEY LYNN HENDRIX and wife, SUSAN RENEE HENDRIX of Route 2, Box 465-B, Bronson, Texas 75930, all that certain property situated in Sabine County, Texas, described as follows:

BEING 61.816 acres of land, a part of the WILLIAM ISAACS SURVEY, A-25, lying and situated in Sabine County, Texas; being further described in metes and bounds as:

BEGINNING in the center of a public road at the southeast corner of a 0.61 acre tract conveyed by Earl Stephenson to James R. Fuller;

THENCE S 63d 53m 10s W along the south line of the said 0.61 acre tract, being the south line of the original Earl Stephenson tract and the north line of the E. C. Gordy 49.95 acre tract, a distance of 901.88 ft. to a 3/4" pipe for corner;

THENCE S 40d 08m 33s W departing the said 49.95 acre tract and with the north line of the E. C. Gordy 21.068 acre tract a distance of 771.71 ft. to a 1/2" iron rod found for corner;

THENCE S 70d 51m 00s W continuing with the said 21.068 acre tract a distance of 839.87 ft. to a 1/2" iron rod found for the corner;

THENCE S 18d 36m 19s E continuing with the said 21.068 acre tract, at 1393.71 ft. pass a 1/2" iron rod for a reference corner on the north bank of Tebo Creek, in all 1413.71 ft. to the center of said creek;

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A CERTIFIED COPY
Attest: April 13, 1994
JANICE McDANIEL, County Clerk
Sabine County, Texas
By: Janice McDaniel

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THENCE up the channel of the said creek with its meanders as follows:

- (1) S 70d 42m 25s W 66.90
- (2) S 19d 48m 36s W 62.66
- (3) S 34d 32m 58s W 55.00
- (4) S 12d 56m 10s W 81.18
- (5) S 60d 09m 28s W 53.40
- (6) N 41d 59m 33s W 38.97
- (7) N 21d 22m 40s W 88.26
- (8) N 34d 49m 33s W 175.18
- (9) S 76d 23m 16s W 102.75
- (10) N 38d 07m 23s W 131.33
- (11) N 86d 03m 36s W 213.79
- (12) S 63d 23m 35s W 100.34
- (13) S 37d 59m 31s W 144.15
- (14) S 62d 54m 33s W 189.69
- (15) N 78d 49m 07s W 154.07
- (16) S 86d 41m 12s W 114.37 ft. to the southeast corner of the John B. Toner 6.228 acre tract;

THENCE N 00d 22m 37s W along the east line of the said 6.228 acre tract, at 16.82 ft. pass a 3/8" iron rod found for a reference corner on the bank of the said creek, in all 366.07 ft. to a 1/2" iron rod found in a fence corner;

THENCE N 67d 03m 02s W continuing with the said 6.228 acre tract a distance of 375.29 ft. to a 3/4" pipe found in a fence corner;

THENCE N 08d 13m 04s W along a fence a distance of 583.95 ft. to a 1/2" iron rod found for the south corner of a 7.193 acre tract previously surveyed out of the James R. Fuller property;

THENCE N 44d 07m 25s E along a fence line a distance of 1122.98 ft. to a 1/2" iron rod found in a fence corner;

THENCE N 85d 33m 00s E along a fence line a distance of 1062.16 ft. to a 3/8" iron rod found for the southeast corner of a 23.821 acre tract previously surveyed for James R. Fuller;

THENCE N 69d 02m 39s E along a fence a distance of 43.41 ft. to a 1/2" iron rod set for the corner;

THENCE N 64d 31m 40s E continuing along a fence line a distance of 813.88 ft. to a 1/2" iron rod found for the northwest corner of the aforementioned 0.61 acre tract;

THENCE N 63d 53m 10s E along the north line of the said 0.61 acre tract, at 881.12 ft. pass a 1/2" iron rod found for reference corner, in all 894.80 ft. to the POINT OF BEGINNING and containing 61.816 acres of land.

This conveyance is made and accepted by Grantees named herein with the understanding that all income, profits, bonuses, royalties and any other monies paid to them as a direct result of their ownership in the above described property are to be credited to JAMES R. FULLER and wife, BETTY L. FULLER, and applied fully toward the discharge of interest and the reduction of the principal, as provided for in the hereinabove described promissory note, until said note has been duly paid. This shall include, but not be limited to; the sale of sand, clay, gravel and timber.

Grantor's herein, except and reserve unto themselves, their heirs and assigns, all of the oil, gas, sulphur and other liquifiable hydrocarbons underlying said land, with full rights on the part of grantors to develop and market, or execute leases for the development and marketing of the same without joinder of grantee, together with the right of ingress and egress for the purpose of exploring, producing and transporting the same. However, grantees herein, at their option, shall purchase the herein retained mineral rights for One Hundred and 00/100 (\$100.00) Dollars per mineral acre, in cash, on or before 5:00 O'clock P.M., September 15, 1992. Should grantees fail to exercise this option within the specified time period for the terms herein stated; then, if grantors, at some future date after September 15, 1992, should desire to sell the mineral rights retained herein, the grantees shall have the first right of refusal for ten (10) days to match any acceptable written offer received by grantors.

TO HAVE AND TO HOLD the said premises, together with all rights, hereditaments and appurtenances thereto belonging unto the said grantees above named, their heirs and assigns forever. And we do hereby bind ourselves, our heirs and assigns to WARRANT AND FOREVER DEFEND the title to said property unto the said grantees above

A CERTIFIED COPY

Attest: April 13, 1994
JANICE McDANIEL, County Clerk
Sabine County, Texas

By Janice
MCDANIEL

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Vol 2 Pg 761

EXHIBIT D

BEING out of the WILLIAM ISAACS LEAGUE, ABST. NO. 25, lying and being situated N d W 7 miles from Hemphill, the County seat:

Containing the 30 ft. tract conveyed by Earl Stephenson to James R. Fuller, in 1984, being out of the Earl Stephenson tract described in Volume 65, Page 388, Real Property Records of Sabine County;

Containing the 30 ft. easement established in cause number 9623, styled John Toner, Melanie Toner and Mildred Toner v. Jamey Lynn Hendrix, et ux, the Judgment in which is incorporated herein;

Then along the existing roadway across the property of Anthony G. Fuller, et ux, by deed dated August 21, 1981;

Then along the existing roadway across the property of John and Melanie Toner, conveyed to then by Mildred Toner, by deed dated May 11, 1995; and

Then along the existing roadway to the ending point on the property of Mildred Toner, deeded to her by James R. Fuller and Betty Fuller, by deed dated October 28, 1972.



THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

FILED FOR RECORD
 AT 3:00 O'CLOCK P. M.

AUG 09 1995

Janice McDaniel
 Clerk, County Court, Sabine County
 BY _____ DEPUTY

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

copy

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: Wayne Fuller
 HOME ADDRESS: Rt. 2 Box 51
Bronson, Tex 75930
 HOME TELEPHONE: 275 3013
 PLACE OF EMPLOYMENT: Temple Island
 EMPLOYMENT TELEPHONE: 584. 4259

Do you represent any particular group or organization? _____

If you do represent a group or organization, please state the name, address and telephone number of such group or organization.

N/A

Which agenda item (or items) do you wish to address? _____

The John Toner Road

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

For

Signature: Wayne Fuller

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.



THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: John Tower
 HOME ADDRESS: RT 2 Box 505
Brownson, TX 75930
 HOME TELEPHONE: (409) 275-3285
 PLACE OF EMPLOYMENT: TEX. Agri. Exp. Service
 EMPLOYMENT TELEPHONE: 787-3752

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? _____

TOWER Road Petition

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

for the item

Signature: John B. Tower

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.



THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

FILED FOR RECORD
 AT 9:45 O'CLOCK A. M.

AUG 08 1995

Jamie McDaniel
 Clerk, County Court, Sabine County
 BY *Keith Clark* DEPUTY

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr Precinct #4

copy

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: EVA Lunsford

HOME ADDRESS: 8403 Moss Ln
Orange Tx 77632

HOME TELEPHONE: 409-745-1721

PLACE OF EMPLOYMENT: American Professionals, Inc.

EMPLOYMENT TELEPHONE: 409-882-0850

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? _____

re: John Toner Road

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

against

Signature: *Eva Lunsford*

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.

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THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: E. C. Rogers

HOME ADDRESS: P.O. Box 336
Diensons Ln. 75930

HOME TELEPHONE: 787-2017

PLACE OF EMPLOYMENT: _____

EMPLOYMENT TELEPHONE: _____

Do you represent any particular group or organization? _____

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? _____

(about this) so call John Sonner road.

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

Signature: E. C. Rogers

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.



THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: Tony Fuller
 HOME ADDRESS: Rt. 2, Box 204
Bronson, TX 75930
 HOME TELEPHONE: 409-275-3093
 PLACE OF EMPLOYMENT: Texas Dept. of Corrections
 EMPLOYMENT TELEPHONE: _____

Do you represent any particular group or organization? _____

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? _____

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

opposed

Signature: Tony Fuller

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.

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THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: NELL FULLER

HOME ADDRESS: Rt 2 Box 206A
BRONSON, TX 75930

HOME TELEPHONE: 409-275-3742

PLACE OF EMPLOYMENT: HOME

EMPLOYMENT TELEPHONE: _____

Do you represent any particular group or organization?

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? _____

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

Signature: Nell Fuller

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.



THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: JAMES R. Fuller

HOME ADDRESS: RT. 2, Box 50B
BROWSON, TEXAS

HOME TELEPHONE: 409-275-3102

PLACE OF EMPLOYMENT: Ret.

EMPLOYMENT TELEPHONE: N/A

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.

N/A

Which agenda item (or items) do you wish to address? ROAD

MATTER SET FOR 14 Sep 95 - 9:00 AM

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

AGAINST - I AM INTERESTED IN THE TEXAS CIVIL STATUTES LAWS BEING FOLLOWED TO THE LETTER.

SUBJECT ROAD - MUST BE NEEDED AND FOR USE OF THE GENERAL PUBLIC. Signature: James R. Fuller

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.

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THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: Betty L. Fuller

HOME ADDRESS: Rt 2 Box 50-B
Bronson, Tx 75930

HOME TELEPHONE: 275-3102

PLACE OF EMPLOYMENT: _____

EMPLOYMENT TELEPHONE: _____

Do you represent any particular group or organization? _____

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? _____

Proposed county ROAD

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

opposed

Signature: Betty L. Fuller

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.

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THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Kenneth White Precinct #3
 Chester Cox, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: Susan Hendrix

HOME ADDRESS: Rt 2 Box 51C
Bronson TX 75930

HOME TELEPHONE: 409-275-2919

PLACE OF EMPLOYMENT: none

EMPLOYMENT TELEPHONE: none

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? 1

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

Signature: Susan Hendrix

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.

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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.

VOL. 2 PAGE 720
Janice McDaniel, County Clerk
by Lewis Clark
DEPUTY



