

November 30, 1995, the Sabine County Commissioners' Court met in a special called 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 and stated that notice has been duly posted.

Judge Thomas Hamilton led the Court in prayer.

Agenda item #1-Speights Road

Judge Hyden stated that the Court has been served with a petition requesting a hearing on this matter. An order setting hearing has been filed with the Clerk. Notice has been given in proper form according to the statutes. All adjacent and adjoining land owners were notified or an attempt by certified mail has been made. The following people were notified by certified mail by the Clerk:

Kay Collins Vrooman; Lillian (Bee) Collins; Debra Collins Lane;  
Vera Collins Payne; Jean Collins Easley; D. B. Speights;  
Billy Speights; Ms. Verleen Smith; Jerry Aaron Collins  
The letter to Jerry Aaron Collins, 1640 Phil, Vidor, Tx. 77662, was returned by the Post Office as return to sender.

The following people have turned in a public participation form to the Clerk: See attached copies.

FOR	AGAINST
William A. (Billy) Speights	Arvin Eugene Easley
Nancy Childers	Donny Vrooman
Roy N. Wood	
Walter J. DuVal	Neutral
Thomas J. Hamilton	Kay Vrooman
Homer Day, Jr.	
Verleen Smith	

Petitioner, Virginia May DuVal, is present. Also present to give testimony concerning the road is Carl O. Birdwell, registered land surveyor. See attached copy of petition.

Judge Hyden swore in all the people that will be giving testimony.

Judge Hyden moved that the rule be waived as to the limit of six participants. Commissioner Clark seconded. All voted for

naa told Ms. DuVal's Mother that she could come across that land, that he offered her a way in and she can still have it. She can come across it any time she gets ready. Close the gates to be sure the cows do not get out. Twenty years from now her grandchildren can come across it, but it will be up to them to renew whatever is agreed on. She would not accept that. As far as it being open to the public, he does not think everybody should be allowed to just drive around and shoot cows. He has just had 3 cows shot. Whatever the Court does will be fine with him.

Ms. DuVal ask Judge Hyden to call those who are speaking on behalf of the petition.

The Court recognizes William A. (Billy) Speights.

Mr. Speights, Rt. 1 Box 1826B, Hemphill, Tx., is speaking for the road to be open. He has always thought of the road as a County road up until the last couple of years. People tended to come and go freely. When he was growing up, the school bus went up and down the road. He has never been notified by the County that the road will be closed by the County. There has been a stop-gap placed on the road to keep cattle in. He personally knows that the road has been open and used by the public for 59 years and the road is to his knowledge in the same place as it has always been. In speaking with his father, Drayton Speights, he told him that there was an Ollifant petition back in the 30's that closed the road south of the property in concern today. To his knowledge, there was never a locked gate or fence across the road for a period of 20 years. He thinks that it is only fair that everyone have access to the road.

The Court recognizes Nancy Childers.

Nancy Smith Childers, 218 N. Bird St., Nederland, Tx. 77627. Ms. Childers is a sister to Ms. DuVal. Their aunt, Mrs. Mable Bragg, owned the property before she sold it to their parents. She has been traveling the road all of her life and she does not ever recall a gate or fence across the road. She feels it would be unfair to close the road.

Judge Hyden told the Court and public present that this petition has been filed under 2 sections of the road and bridge act. Section 2.006 and section 2.003. Section 2.003 concerns determine if the road was ever used as a public road. If so, then it is still a public road unless the Commissioners' Court abandon the road by official action or a fence or locked gate has been across the road for a period of at least 20 years. He ask that each one giving testimony concern themselves with this.

The Court recognizes Mr. Roy N. Wood.

Roy N. Wood, Rt. 4 Box 149A, Beaumont, Tx. 77705, first cousin to Ms. DuVal. He stated that to his knowledge the road has been open since around 1930. He has traveled the road at different times over the years. There has been a cattle guard on it and a gate, but the gate was not locked. The road was closed south of the property in concern years ago. There was traffic on the roads when they would be visiting with Ms. Bragg.

The Court recognizes Mr. Walter DuVal.

Walter DuVal, 1417 Reveille Dr., Ponca City, Ok., husband of Ms. DuVal. He recalls visiting with his wife's aunt, Ms. Mable Bragg and doesn't recall any obstruction on the road.

The Court recognizes Judge Thomas Hamilton.

Thomas Hamilton, P. O. Box 1648, Hemphill, Tx. 75948. He stated that he is 69 years old and was raised on the north edge of Hemphill. He recalls that back in the wagon days there was a lot of wagons turned off by the Speights and came through by the old depot. Also about 8 years ago, he had occasion to be on the road and there was evidence that the Commissioner at that time, Rob Smith, had bladed at least part of the road. There was a gate located approximately 50 yards past Mr. Speights house. There was not a lock on the gate and the road had been maintained past the gate.

The Court recognizes Homer Day, Jr..

Homer Day, Jr., P. O. Box 643, Port Arthur, Tx.. He stated that he was a friend of Ms. DuVal's father and he would come up with him to his property occasionally which is the property in concern. This was around 1973 until about 1979. He doesn't recall a gate on the road and he thought it was a public road.

Court recognizes Donnie Vrooman.

Donald Thomas Vrooman, P. O. Box 1740, Hemphill, Tx.. Mr. Vrooman stated that he is neither for or against. He is for giving them a right-of-way to their property. He stated that Mr. Arron Collins maintained the road and that he never thought the road was a public or County road past Mr. Speights old home place.

Court recognizes Ms. Verleen Smith.

Verleen Smith, 218 N. 3rd. St., Nederland, Tx., Mother of Ms. DuVal. She stated that she has traveled the road since 1930. She has an owners title policy to the her property issued by Minton and Payne Abstract Company that she received when the property was purchased. There is no mention of any restrictions on the road stated on the owners title policy.

was maintained by Mann Williams for her father or by her father himself. She believes that her father and Mr. Lonnie Smith had an agreement allowing them to go up and down the road. But when the road was closed on this end, it was closed on the other end as well. When she got the deed to her property, she had to have ingress and egress.

The Court recognizes Arvin Easley.

Arvin Easley, Rt. 1 Box 1823, Hemphill, Tx..

Mr. Easley said that he does not wish to step on anyone's toes or cause any problems. He thinks that these people should have access to their property but not the general public to have access. The postal service will not put him a mailbox in front of his home because the property is private. He stated that he is willing to give Ms. DuVal ingress and egress and they will be reliable for their family and the ones giving the ingress and egress would be reliable for their family.

Ms. DuVal ask that Mr. Carl O. Birdwell, registered public surveyor, be called.

The Court recognizes Mr. Birdwell.

Carl O. Birdwell, Rt. 1 Box 564, San Augustine, Tx., registered surveyor for about 12 years, registration #4343.

Mr. Birdwell stated that he has done a preliminary survey of property belonging to Virginia May DuVal, 34.75 acre tract, out of the John S. Lane survey abstract #29. In doing research for this survey, the deeds from way back refer to the road that leads from Hemphill to the D. B. Speights place. Mr. Burl Youngblood did the survey for the Collins and he called it to be an old public road.

The following items were accepted for exhibits: See attached copies.

Exhibit #1-Copy of letter dated 9-27-1988 on Louisiana Pacific Corporation Letterhead and signed by Nelson Pate.

Exhibit #2-Copy of warranty deed with vendors lien executed and filed on 11-23-1963 and recorded on 11-30-1963 from C. A. Bragg and wife, Mable to Lonnie L. Smith and wife, Verleen.

Exhibit #3-Copy of title policy to the same portion of property issued to Lonnie L. Smith and wife, Verleen, dated 11-30-1963 and signed by J. H. Minton.

Exhibit #4-Copy of offer to Sale to Toledo Bend Dam and Reservoir Project and identified as tract #2146-portion of a 33 acre tract of land out of the John S. Lane survey.

Exhibit #5-Copy of release of Vendors Lien dated 3-26-1966 from C. A. Bragg and wife, Mable to Lonnie L. Smith and wife, Verleen.

Exhibit #6-Copy of a letter to Mr. Clark from and signed by Verleen

Smith regarding various transactions that occurred over time that would relate to this road.

Exhibit #7-Preliminary Survey of Virginia May DuVal's 34.75 acre tract out of the John S. Lane survey A-29.

Exhibit #8-Copy of page of notes titled "Helpful Notes" prepared and written by Verleen Smith.

Judge Hyden stated that at no point has there been testimony or is it a matter of record that the County owns and holds title to that property. That case, it is a public road not a County road. Those that own property on either side of the road would own property to the middle of the road. The Commissioners' Court could reaffirm the existence of that road. In that situation, the Court would not even have to consider section 2.006 of the Road and Bridge Act, which refers to the neighborhood road act. The County can abandon the road or any portion of it. If it is a public road, anyone has a right to travel that road and they can't be restricted.

Court recessed at 2:50 p.m.

Court reconvened at 3:03 p.m.

Judge Hyden ask Commissioner Keith Clark if he remembered being on the road when he worked for the former Commissioner, Rob Smith and his reply was yes. Twice to his knowledge but he doesn't remember to what point he graded the road.

The Court told the parties present and participating in this Court proceeding that they are very appreciative of their respective and conciliatory mannerism in these proceedings.

Judge Hyden stated that in the testimony given, that the road in question, otherwise known as the Speights road, has existed for at least 60 years. There appears at some point that the Commissioners' Court, although it can not be documented and has not been found in the records, that a portion of that has been abandoned. That portion which would lie from Ms. DuVal's SW corner to Hemphill was abandoned. The Court leaves it open for further study and review as to whether that was done officially and properly. But for the purposes of this hearing, we will not deal with that portion of the road but with the portion that lies from Ms. DuVal's SW corner to highway 87. And when we concern ourselves with that portion of the road, it comes every clear to him that the road has existed for a long, long period of time. At least 50 years. That being the case, it has been acquired through

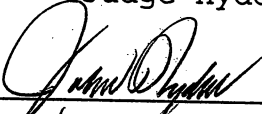
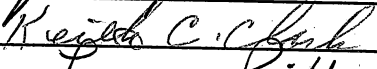
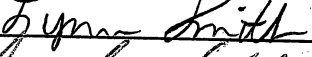
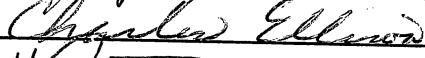
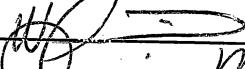
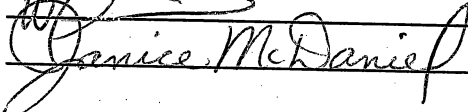
the Court reaffirm: The road otherwise known as the Speights road, preceding from highway 87 in a Westerly and then a Southwesterly direction for a distance of 1 mile to be a public road and further that it be classed as a "class C or class 3" road and that it be so ordered and rendered by this Court. Commissioner Will Smith seconded. All voted for. Motion carried. This to the SW corner of Ms. DuVal's property. Where the road continues in a Northerly direction, that is a private road and is not considered part of this one.

Commissioner Clark moved that Arvin Easley be allowed to put up a gate and or cattleguard on the public road if it is necessary but not to be locked.

Judge Hyden amended the motion by adding; that only one cattleguard/gate is authorized by this Court and it is to be located at a point where the Speights road crosses the West line of Mr. Arvin Easley's property. Commissioner Ellison seconded. All voted for the amendment. Amendment carries. All voted for the motion as amended. Motion carries.

The DuVal's stated that they plan to repair and maintain their fence and the Easley's and the Collins will maintain their fence.

Judge Hyden stated that Court is adjourned.

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

TO THE HONORABLE COURT:

COMES NOW VIRGINIA MAY DuVAL, Petitioner, and would respectfully show the Court as follows:

I.

Petitioner is the owner of 31.5 acres in the JOHN LANE LEAGUE SURVEY, A-29, Sabine County, Texas. A plat of Petitioner's property is attached hereto and made a part hereof for all purposes.

II.

A road which is no longer under county maintenance leads to and from said property. This is the only access Petitioner has to her property. There is no other public road or public means of access connecting Petitioner's land with the county public road system. The road is shown on the attached plat.

III.

Other residents, who own property adjoining Petitioner's, use said road for access to their property.

IV.

The names and the addresses of the persons affected by the proposed access road are as follows:

- (a) Kay Collins Vrooman  
P. O. Box 1740  
Hemphill, Texas 75948

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- (b) Debra (Deborah) Collins Lane  
Pineland, Texas 75968  
P. O. Box 56
- (c) Jerry Aaron Collins  
1640 Phil  
Vidor, Texas 77662
- (d) Jean Collins Easley  
R. R. 1, Box 1823  
Hemphill, Texas 75948-9801
- (e) Lillian (Bee) Collins  
c/o R. R. 1, Box 1823  
Hemphill, Texas 75948-9801
- (f) Veda Collins Payne  
710 Hwy. 96S  
Silsbee, Texas 77656

WHEREFORE Petitioner prays that the Commissioners Court exercise their authority under the County Road and Bridge Act, Vernon's Ann. Civ. St., Article 6702-1, Section 2.006, and order that the roadway in question be opened.

Respectfully submitted,

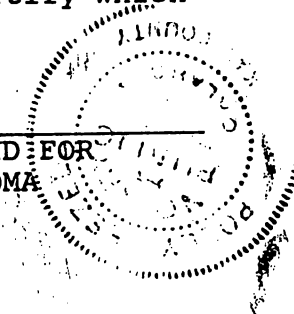
*Virginia May DuVal*  
\_\_\_\_\_  
VIRGINIA MAY DuVAL  
1417 Reveille Drive  
Ponca City, Oklahoma 74604  
(405) 762-3651

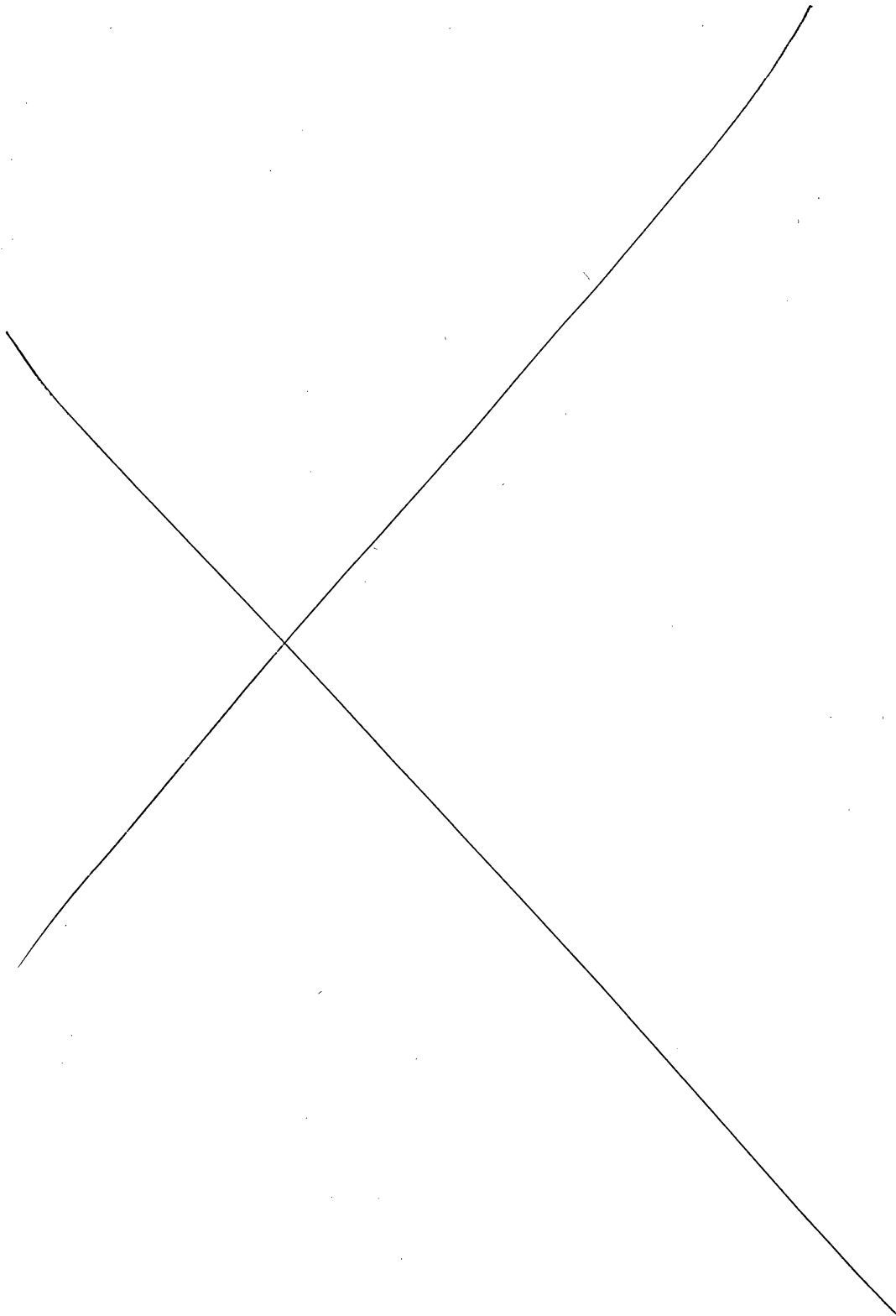
personally appeared VIRGINIA MAY DuVAL, also being by me duly sworn on her oath deposed and said that she is the Petitioner in the above-entitled and numbered cause, that she has read the above PETITION FOR PUBLIC ROAD, and that all the allegations contained therein are within her personal knowledge and are true and correct.

Virginia May DuVal  
VIRGINIA MAY DuVAL

SWORN TO AND SUBSCRIBED BEFORE ME by the said VIRGINIA MAY DuVAL, this 26 day of October, 1995, to certify which witness my hand and seal of office.

Dolly Leece  
NOTARY PUBLIC IN AND FOR  
THE STATE OF OKLAHOMA

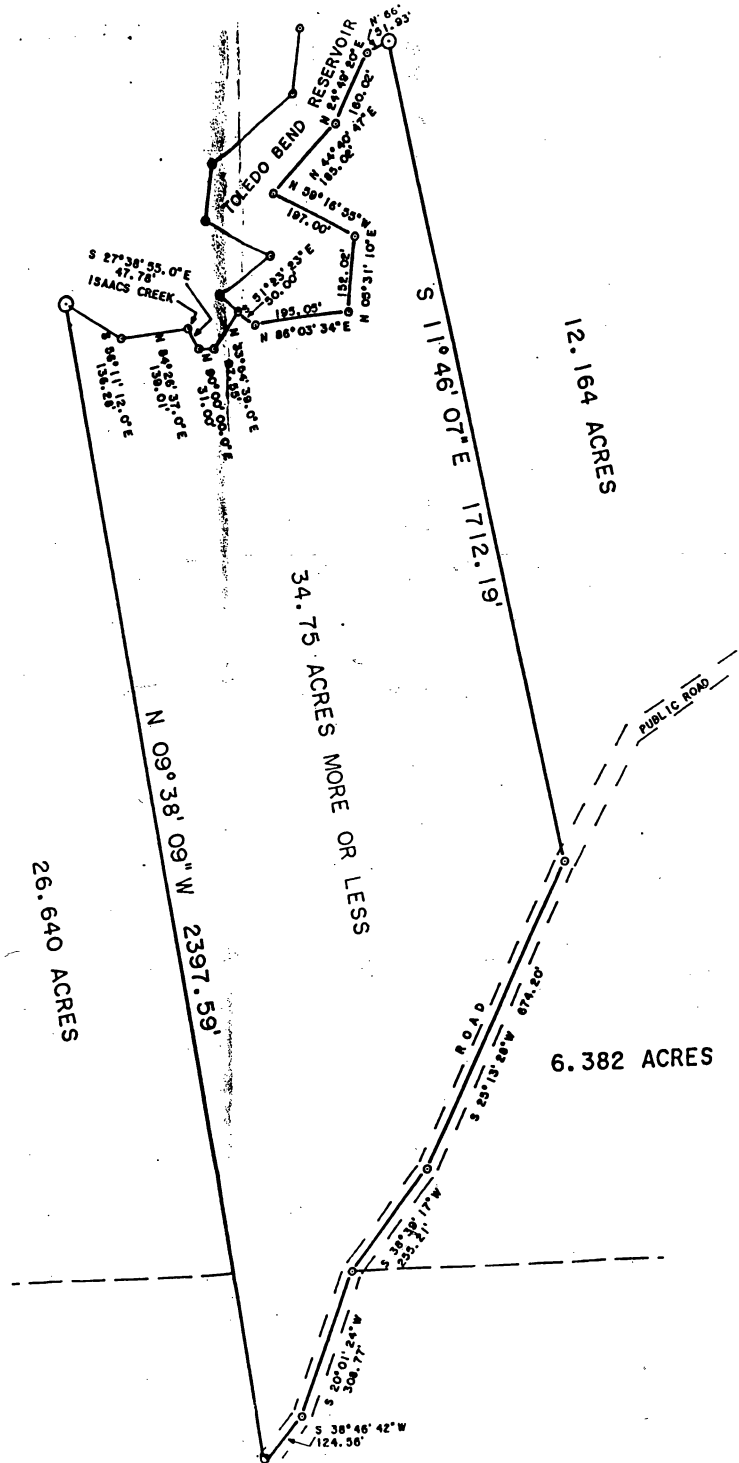




PRELIMINARY SURVEY  
 OF  
 VIRGINIA MAY DuVAL'S  
 34.75 AC. TR.  
 OUT OF THE  
 JOHN S. LANE SURVEY A-29  
 SABINE COUNTY, TEXAS



SCALE: 1" = 300 ft.



**THE COMMISSIONERS COURT  
OF SABINE COUNTY, TEXAS**

**IN RE:**

**VIRGINIA MAY DUVAL  
Public/County Road, AKA  
Speights Road**

**ORDER SETTING HEARING**

On this date came on for consideration the Petition filed in this Court by Virginia May Duval, requesting the Court, pursuant to the County Road and Bridge Act, TEX. REV. CIV. STAT. Art. 6702-1 and Section 2.003 and/or 2.006, Texas Road and Bridge Act, and following notice and hearing, order the opening of the Speights Road, located in Sabine County, Texas, as more particularly described in Exhibit "A" attached hereto and incorporated by reference, and further declaring it a Public or County Road, 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 30th day of November, 1995, beginning at 1:00 p.m., before this Court in the Commissioners Courtroom, Sabine County Courthouse, Hemphill, Texas.

IT IS FURTHER ORDERED that notice of said hearing and special term of the 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 or County Judge), prior to the hearing. All rules of procedure and decorum as previously adopted by the Court will be followed with the exception there will be no limitation regarding the number of persons giving testimony.

Hyden, Judge, Sabine County, Texas to hear the petition of Virginia May Duval requesting that the Court, pursuant to TEX. REV. CIT. STAT., Art 6702-1 and the Texas Road and Bridge Act, Section 2.003 and/or 2.006, and following notice and hearing declaring the Speights Road a Public or County Road and ordering the opening of same.

An Order setting the hearing for the 30th day of November, 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

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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: WILLIAM A. Speights

HOME ADDRESS: Rt. 1 Box 1826 B  
Hemphill TX

HOME TELEPHONE: 75948

PLACE OF EMPLOYMENT: Retired

EMPLOYMENT TELEPHONE: \_\_\_\_\_

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? \_\_\_\_\_

Opening of Speights Road

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

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

NAME: Nancy Childers

HOME ADDRESS: 218 - N. 3rd St  
Nederland, Tx.

HOME TELEPHONE: 409 721 6939

PLACE OF EMPLOYMENT: Cathedral - Bmit,

EMPLOYMENT TELEPHONE: 409 892 1503

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? Public / Cnty. Rd., AKA, Speights Rd,

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

Signature: Nancy Childers

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 FAX 409 787 2502  
1100 N. 29th Street, Nederland, TX 77657

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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: Roy N. Wood  
HOME ADDRESS: Rt 4 Box 149A  
Beaumont, TX 77705  
HOME TELEPHONE: (409) 722-8751  
PLACE OF EMPLOYMENT: RETIRED  
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? \_\_\_\_\_

PUBLIC ROBERTS ROAD / AKA SPIEGHITS ROAD

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

FOR

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

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

NAME: Walter J. DuVal

HOME ADDRESS: 1417 Reveille Dr.

Ponca City Okla

HOME TELEPHONE: (405) 762-3651

PLACE OF EMPLOYMENT: Retired

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? \_\_\_\_\_

Public/country road, AKA Speights Road

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

For

Signature: Walter J. DuVal

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

409 207 2501 P.C. RE. NO. 1001  
1000 20 00 00 00

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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: Thomas J. Hamilton

HOME ADDRESS: P.O. Bx 1648  
Hemphill TX. 75948

HOME TELEPHONE: (409) 787-2845

PLACE OF EMPLOYMENT: County

EMPLOYMENT TELEPHONE: (409) 787-3719

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? Speights Road

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

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

NAME: Homer Day Jr.

HOME ADDRESS: P.O. Box 643  
BUNA TEXAS

HOME TELEPHONE: (409) 994-3944

PLACE OF EMPLOYMENT: Retired

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? \_\_\_\_\_

Public County Road, AKA Speights Road

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

For

Signature: Homer Day Jr.

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: Donnie Groomer Rt. 1

HOME ADDRESS: Hemphill Tx. PO Box 1740

HOME TELEPHONE: 787-3720

PLACE OF EMPLOYMENT: self Employed

EMPLOYMENT TELEPHONE: 787-3720

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.

Dreyton Spike Rd. Issue to reopen

Which agenda item (or items) do you wish to address? this road.

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

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

NAME: Verleen Smith

HOME ADDRESS: 218 N. 3rd St.

Nederland, Tex. 77627-2104

HOME TELEPHONE: (409) 721-6939

PLACE OF EMPLOYMENT: Retired

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? \_\_\_\_\_

Public/County Road, AKA Speights Road

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

FOR

Signature: Verleen Smith

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) 721-2501 FAX (409) 721-2502  
(409) 721-2503

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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: Kay Vrooman

HOME ADDRESS: P.O. Box 1740  
Hemphill, Texas 75948

HOME TELEPHONE: 787-3720

PLACE OF EMPLOYMENT: NA

EMPLOYMENT TELEPHONE: NA

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? \_\_\_\_\_

The opening of County Road AKA Speights R

SABINE COUNTY COMMISSIONERS' COURT

Public Participation Form

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

NAME: Arvin Eugene Easley

HOME ADDRESS: Rt. 1 Bx 1823  
Hemphill, TX 75948

HOME TELEPHONE: (409) 787-3213

PLACE OF EMPLOYMENT: \_\_\_\_\_

EMPLOYMENT TELEPHONE: (409) 787-3213

Do you represent any particular group or organization? yes

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

Collins Rt. 1 Bx 1823 Hemphill, TX 75948  
PH# (409) 787-3213

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

private road

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

against a public road

Signature: Arvin E. Easley

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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Exhibit - 1  
PPT



P.O. Box 518  
Logansport, Louisiana 71049  
318/697-2601

September 27, 1988

Mrs. Verleen Smith  
207 Ninth Street  
Nederland, Texas 77627

Dear Mrs. Smith,

This letter is to officialy notify you that Louisiana-Pacific Corporation has completed all logging operations and harvesting of timber on your lands in Sabine County, Texas.

I want to thank you again for selling your timber to Louisiana-Pacific Corporation and if, in the future, we can be of service, please let us know.

Sincerely,

A handwritten signature in cursive script that reads 'Nelson Pate'.

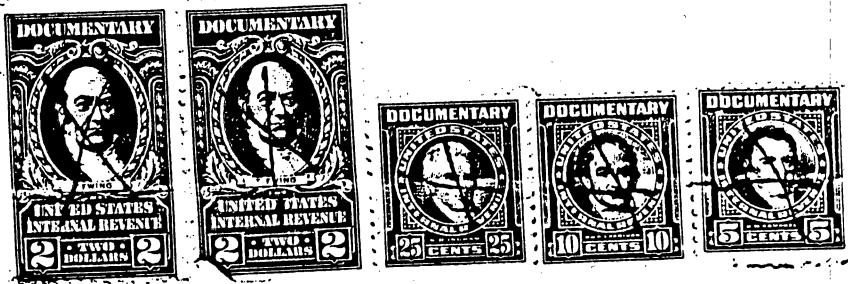
Nelson Pate  
Procurement Forester

Mr. James Allen Payne, atty. handled  
this transaction.  
4. in Deed. +

the sum of

FOUR THOUSAND AND NO/100-----(\$4,000.00)-----DOLLARS,

to us paid, and secured to be paid, by Lonnie L. Smith and wife, Verleen Smith as follows: The sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, cash to us in hand paid by Grantees herein, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantees herein of their one certain promissory note, of even date herewith, in the principal amount of THREE THOUSAND AND NO/100 (\$3,000.00) DOLLARS, payable to the order of Grantors herein, in Hemphill, Texas, in annual installments of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, each, the first of such annual installments being due and payable on or before one (1) year from date hereof, and one such installment being due each year thereafter, on or before said date, until this note is fully paid, WITHOUT INTEREST.



have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said Lonnie L. Smith and wife, Verleen Smith,

of the County of Jefferson, State of Texas, all that certain tract or parcel of land situated in Sabine County, Texas, and described by metes and bounds as follows, to-wit: BEING 33 acres of the John S. Lane League Survey, and described by metes and bounds as follows, to-wit:

BEGINNING at a point on the road leading from Hemphill to T. G. Speights place via the residence of W. D. McGown, a pine knot on the Southeast side of said road where said road crosses the line dividing the W. C. Davis 300 acre tract and the 636 acre tract conveyed to W. S. Arthur by the heirs of Mrs. Nannie Horn, deceased, same being the North corner of a certain tract of land, conveyed by W. S. Arthur, to C. W. Fuller, a pine 8 ins. mkd. X brs. N. 7-1/2 W. 8 vrs. a pine 10 ins. mkd. X brs. N. 14 W. 9-1/5 vrs; THENCE with said road the lines of said tract conveyed by W. S. Arthur to C. W. Fuller, as follows: S. 24 W. 187 vrs. set iron stake for corner, white oak 22 ins. mkd. X brs. S. 19 W. 3-2/5 vrs. and red oak 16 ins. mkd. X brs. N. 10-1/2 W. 10 vrs.; THENCE on with said road and said lines S. 56-1/2 W. 116 vrs. pine knot for corner, a black gum 6 ins. mkd. X brs. N. 25 1/2 E. 1-3/5 vrs. pine 10 ins. mkd. X brs. S. 45-1/2 W. 5-1/5 vrs; THENCE with said road and lines, South 3/4 East 123 vrs. a maple 5 ins. mkd. X brs. N. 64 1/2 W. 2 vrs; a white oak 6 ins. mkd. X brs. S. 42 W. 2-2/5 vrs; THENCE on with said road and said lines S. 37 W. 56 vrs. pine knot on Northwest side of said road for corner, an elm 5 ins. mkd. X brs. 2-1/2 W. 3-2/5 vrs. a huckle berry bush 5 ins. in dia. mkd. X br. N. 49-1/2 W. 1-2/5 vrs. a pine 7 ins. mkd. X brs. N. 39-1/2 E. 5-1/5 vrs.; THENCE with said road and said lines South 7-1/2 W. at 16 vrs. set a pine knot for the most Southerly corner on this

33 acres and at a point very near the corner of said 33 acres as originally made by J. J. McGown, a post oak 15 ins. mkd. X brs. S. 19 W. 1-1/5 vrs. a sweetgum 12 ins. mkd. X brs. N. 7-1/2 E. 3/5 of a vara; THENCE N. 11-1/2 W. 880 vrs. the South bank of Isaacs creek stake for corner and a black gum 24 ins. mkd. X brs. N. 7-1/2 W. 4-4/5 vrs. and a beech 24 ins. mkd. X brs. N. 56 E. 4-3/5 vrs. THENCE down with said Isaacs creek with the channels thereof, as follows: S. 82-1/4 E. 116 vrs. N. 33-3/4 E. 40 vrs. S. 88-1/2 E. 30 vrs.; N. 71 3/4 E. 25 vrs.; N. 87 3/4 E. 22 vrs. N. 12 1/4 W. 40 vrs. N. 79 W. 60 vrs. N. 60 3/4 W. 40 vrs; N 39-1/4 E. 30 vrs. N. 65-3/4 E. 50 vrs.; N. 21-1/4 E. 20 vrs.; N. 63 E. 31 vrs. N. 13-3/4 W. 34 vrs. N. 78-1/2 E. 35 vrs.; a pine knot for corner on South side of Isaacs Creek where the East boundary line of said Horn tract of 636 acres and the West line of the W. R. Davis tract of 300 acres crosses Isaacs Creek, a hickory 10 ins. mkd. X. brs. S. 6 W. 5-3/5 vrs. a white oak 8 ins. mkd. X brs. S. 82-1/2 E. 9 vrs; and a pine 5 ins. mkd. X brs. N. 16-1/2 W. 1-1/5 vrs; THENCE S. 12-3/4 East with said line between Horn and Davis tracts 618 vrs. to the PLACE OF BEGINNING.

Grantors reserve unto themselves, for and during the remainder of their natural lives, the right and privilege to use and occupy the improvements now erected on the above-described tract, but shall have no right in or to any other portion of such tract, above or below the surface.

The conveyance herein is made subject to all existing easements, restrictions and reservations, if any, of record in the office of the County Clerk of Sabine County, Texas, affecting said tract of land.

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 Lonnie L. Smith and wife, Verleen Smith,

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 Lonnie L. Smith and wife, Verleen Smith, their

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described note and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

(L. S.)

Notary Public, \_\_\_\_\_ County, Texas

My Commission Expires June \_\_\_\_\_, 19\_\_\_\_\_

THE STATE OF TEXAS, }

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority,

in and for said County, Texas, on this day personally appeared \_\_\_\_\_

\_\_\_\_\_, wife of \_\_\_\_\_

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said \_\_\_\_\_

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_\_

(L. S.)

Notary Public, \_\_\_\_\_ County, Texas

My Commission Expires June \_\_\_\_\_, 19\_\_\_\_\_

THE STATE OF TEXAS, }

COUNTY OF SABINE

BEFORE ME, the undersigned authority,

in and for said County, Texas, on this day personally appeared \_\_\_\_\_

C. A. Bragg and Mable Bragg

his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said \_\_\_\_\_

Mable Bragg, wife of the said C. A. Bragg, having been

examined by me privily and apart from her husband, and having the same fully explained to her, she, the said \_\_\_\_\_

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 23 day of November, A.D. 1963.

(L. S.)

Notary Public, SABINE County, Texas

My Commission Expires June 1, 1965.

THE STATE OF TEXAS

THE STATE OF TEXAS  
COUNTY OF SABINE

I, KYLE WALKER, Clerk of the

County Court in and for said County, do hereby certify that the foregoing Instrument dated the 23rd day of November 1963, with its certificate of authentication, was filed for Record in my office, the 30th day of November 1963, at 10:00 o'clock A.M., and duly Recorded the 3rd day of December 1963, at 2:00 o'clock P.M., in \_\_\_\_\_ Record of said County, in Vol. 109 on Pages 599-602.

Witness my hand and the seal of the County Court of said county, at office in Hemphill, Texas, the day and year last above written.

By Betty Butler

DEPUTY

Kyle D. Walker

CLERK

COUNTY COURT, SABINE COUNTY

Vol AA Pg 279

NUMBER

0-73454-A

**STEWART**

Exh. b. t # 3

mm

**TITLE GUARANTY COMPANY**

Use this form on risks of One Hundred Thousand (\$100,000.00) Dollars or less.

STEWART TITLE GUARANTY COMPANY, a Corporation of Galveston, Texas, herein called the Company, for value, does hereby guarantee to Party or Parties named below herein styled assured, the heirs, executors and administrators, or in case of a corporation, the corporate successor or successors, of the assured, that the assured has good and indefeasible title to the following described real property:

SUBJECT TO: The Following Liens: Vendor's lien in the sum of THREE THOUSAND AND NO/100ths (\$3000.00) DOLLARS, payable to the order of C. A. Bragg and wife, Mabel Bragg, in three (3) annual installments beginning to mature November 23, 1964, said installments in the amount of ONE THOUSAND AND NO/100ths (\$1000.00) DOLLARS, each, without interest, said lien being fully described in the Deed from the Payees to the Makers, Lonnie L. Smith and wife, Verleen Smith, dated November 23, 1963.

## DESCRIPTION OF PROPERTY:

BEING all that certain tract or parcel of land lying or being situated in Sabine County, Texas, and described by metes and bounds as follows, to-wit:

BEING 33 acres of the John S. Lane League Survey, and described by metes and bounds as follows, to-wit:

BEGINNING at a point on the road leading from Hemphill to T. G. Speights place via the residence of W. D. McGown, a pine knot on the Southeast side of said road where said road crosses the line dividing the W. C. Davis 300 acre tract and the 636 acre tract conveyed to W. S. Arthur by the heirs of Mrs. Nannie Horn, deceased, same being the North corner of a certain tract of land, conveyed by W. S. Arthur, to C. W. Fuller, a pine 8 ins. mkd, X brs. N. 7-1/2 W 8 vrs. a pine 10 ins. mkd. X vrs. N. 14 W. 9-1/5 vrs; THENCE with said road the lines of said tract conveyed by W. S. Arthur to C. W. Fuller, as follows; S. 24 W. 187 vrs. set iron stake for corner, white oak 22 ins. mkd. X brs. S. 19 W 3-2/5 vrs. and red oak 16 ins. mkd. X brs. N. 10-1/2 W 10 vrs.; THENCE on with said road and said lines S. 56-1/2 W. 116 vrs. pine knot for corner, a black gum 6 ins. mkd. X brs. N. 25-1/2 E. 1-3/5 vrs. pine 10 ins. mkd. X Brs. S. 45-1/2 W. 5-1/5 vrs.; THENCE with said road and lines, South 3/4 East 123 vrs. a maple 5 ins. mkd. X brs. N. 64-1/2 W. 2 vrs; a white oak 6 ins. mkd. X brs. S. 42 W. 2-2/5 vrs; THENCE on with said road and said lines S. 37 W 56 vrs. pine knot on Northwest side of said road for corner, an elm 5 ins. mkd. X brs. 2-1/2 W. 3-2/5 vrs. a huckle berry bush 5 ins. in dia. mkd. X brs. N. 49-1/2 W. 1-2/5 vrs. a pine 7 ins. mkd. X brs. N. 39-1/2 E. 5-1/5 vrs.; THENCE with said road and said lines South 7-1/2 W. at 16 vrs. set a pine knot for the most Southerly corner on this 33 acres and at a point very near the corner of said 33 acres as originally made by J. J. McGown, a post oak 15 ins. mkd. X brs. S. 19 W. 1-1/5 vrs. a sweetgum 12 ins. mkd. X brs. N. 7-1/2 E. 3/5 of a vara; THENCE N. 11-1/2 W 880 vrs. the South bank of Isaacs creek stake for corner and a black gum 24 ins. mkd. X brs. N. 7-1/2 W. 4-4/5 vrs. and a beech 24 ins. mkd. X brs. N. 56 E. 4-3/5 vrs.; THENCE down with said Isaacs creek with the channels thereof, as follows: ~~THENCE~~ ~~XXXX~~ ~~XXXX~~ S. 82-1/4 E. 116 vrs. N. 33-3/4 E. 40 vrs. S. 88-1/2 E. 30 vrs.; N. 71-3/4 E. 25 vrs.; N. 87-3/4 E. 22 vrs. N. 12-1/4 W. 40 vrs. N. 79 W. 60 N. 60-3/4 W. 40 vrs; N. 39-1/4 E. 30 vrs. N. 65-3/4 E. 50 vrs.; N. 21-1/4 E. 20 vrs.; N. 63 E. 31 vrs. N. 13-3/4 W. 34 vrs. N. 78-1/2 E. 35 vrs.; a pine knot for corner on South side of Isaacs Creek where the East

Said Company shall not be liable in a greater amount than actual monetary loss of assured, and in no event shall said Company be liable for more than

**FOUR THOUSAND EIGHTY-FOUR AND NO/100ths**-----

Dollars, and shall, at its own cost, defend said assured in every suit or proceeding on any claim against or right in said land, or any part thereof, adverse to the title hereby guaranteed, provided the party or parties entitled to such defense shall, within a reasonable time after the commencement of such suit or proceeding and in ample time for defense therein, give said Company written notice of the pendency of the suit or proceeding, and authority to defend, and said Company shall not be liable until such adverse interest, claim, or right shall have been held valid by a court of last resort to which either Plaintiff may apply, and if such adverse interest, claim, or right shall be held to be for less than the whole of the property, then the liability of the Company shall be only such part of the whole liability as shall bear the same ratio to the whole liability that the adverse interest, claim, or right established may bear to the whole property, such ratio to be based on respective values determinable as of the date of this policy. In the absence of notice as aforesaid, the Company is relieved from all liability with respect to such claim or demand; provided, however, that failure to notify shall not prejudice the claim of the assured, if such assured shall not be a party to such action or procedure, nor be served with process therein, nor have any knowledge thereof, nor in any case, unless the Company shall be actually prejudiced by such failure.

Upon payment of any loss hereunder, the Company shall be entitled to be subrogated to all rights of assured against all other parties.

Upon sale of the property covered hereby, this policy automatically thereupon shall become a warrantor's policy and the assured, his heirs, executors and administrators, shall for a period of twenty-five years from date hereof remain fully protected according to the terms hereof, by reason of the payment of any loss he, or they may sustain on account of any warranty contained in the deed executed by assured conveying said property. The Company to be liable under said warranty only by reason of defects, liens or encumbrances existing prior to or at the date hereof (and not excepted above) such liability not to exceed the amount above written.

Nothing contained in this policy shall be construed as insuring against loss or damage by reason of fraud on the part of the assured; or by reason of claims arising under any obligation of the assured; or under any act, thing, or trust relationship, done, created, suffered or permitted by the assured.

In Witness Whereof, the Stewart Title Guaranty Company has caused this certificate to be executed by its president under seal of said Company; but this certificate shall not be valid unless it bears an authorized countersignature, this 30th day of November, A. D. 1963 . at Hemphill, Texas.

STEWART TITLE GUARANTY COMPANY

Countersigned:

By Carloss Morris  
President

J. H. Ainton  
Authorized Signature

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O 73454 A

NAME OF ASSURED: LONNIE L. SMITH AND WIFE, VERLEEN SMITH  
207 9th Street  
Nederland, Texas

THIS POLICY IS SUBJECT TO:

1. Restrictive covenants affecting the property above described. (No restrictive covenants).
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements which a correct survey would show.
3. Taxes for the current year.
4. Rights of Parties in possession.

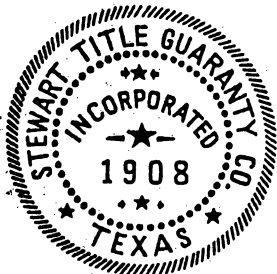
Said Company shall not be liable in a greater amount than actual monetary loss of assured, and in no event shall said Company be liable for more than

FOUR THOUSAND EIGHTY-FOUR AND NO/100ths-----

Dollars, and shall, at its own cost, defend said assured in every suit or proceeding on any claim against or right to said land, or any part thereof, adverse to the title hereby guaranteed, provided the party or parties entitled to such defense shall, within a reasonable time after the commencement of such suit or proceeding and in ample time for defense therein, give said Company written notice of the pendency of the suit or proceeding, and authority to defend, and said Company shall not be liable until such adverse interest, claim, or right shall have been held valid by a court of last resort to which either litigant may apply, and if such adverse interest, claim, or right so established shall be for less than the whole of the property, then the liability of the Company shall be only such part of the whole liability limited above as shall bear the same ratio to the whole liability that the adverse interest, claim, or right established may bear to the whole property, such ratio to be based on respective values determinable as of the date of this policy. In the absence of notice as aforesaid, the Company is relieved from all liability with respect to such claim or demand; provided, however, that failure to notify shall not prejudice the claim of the assured, if such assured shall not be a party to such action or procedure, nor be served with process therein, nor have any knowledge thereof, nor in any case, unless the Company shall be actually prejudiced by such failure.

Upon payment of any loss hereunder, the Company shall be entitled to be subrogated to all rights of assured against all other parties. Upon sale of the property covered hereby, this policy automatically thereupon shall become a warrantor's policy and the assured, his heirs, executors and administrators, shall for a period of twenty-five years from date hereof remain fully protected according to the terms hereof, by reason of the payment of any loss he, or they may sustain on account of any warranty contained in the deed executed by assured conveying said property. The Company to be liable under said warranty only by reason of defects, liens or encumbrances existing prior to or at the date hereof (and not excepted above) such liability not to exceed the amount above written.

Nothing contained in this policy shall be construed as insuring against loss or damage by reason of fraud on the part of the assured; or by reason of claims arising under any obligation of the assured; or under any act, thing, or trust relationship, done, created, suffered or permitted by the assured.



In Witness Whereof, the Stewart Title Guaranty Company has caused this certificate to be executed by its president under seal of said Company; but this certificate shall not be valid unless it bears an authorized countersignature, this 30th day of November, A. D. 1963, at Hemphill, Texas.

Countersigned:

STEWART TITLE GUARANTY COMPANY

*J. H. Austin*  
Authorized Signature

By *Carlos Morris*  
President

OFFER TO SELL REAL PROPERTY

THE STATE OF TEXAS

COUNTY OF SABINE

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, hereinafter called the Vendor, in consideration of the mutual covenants and agreements herein set forth, offers to sell and convey to the SABINE RIVER AUTHORITY OF TEXAS and its assigns, the fee simple title to the following described land, with the buildings and improvements thereon, and all rights, hereditaments, easements and appurtenances thereunto belonging, located in the County of Sabine,

State of Texas bounded and described as follows:

TRACT NO. 2146

1.54 ACRES

*Lonnie L. Smith et al*  
~~C. A. BRAGG and wife MABLE BRAGG~~

A portion of a 33 acre tract of land within the John S Lane Survey, Abstract No. 29, Sabine County, Texas, said portion of said 33 acres being described by metes and bounds as follows:

Beginning at the NE corner of said 33 acre tract, a pine knot for corner on the south bank of Isaac's Creek, a hickory 10" marked X bears S 06° 00' W., 16.94 ft., a white oak 8" marked X bears S 82° 30' E., 26.38 ft., and a pine 5" marked X bears N 16° 30' W., 4.72 ft.;

Thence with Bragg's east line, S 12° 32' 39" E., 55.00 ft., more or less, to a point on the taking line traverse of the Toledo Bend Reservoir shoreline survey;

Thence with said taking line traverse as follows:

Deg.	BEARING		DISTANCE	TO POINT
	Min.	Sec.		
S 65	21	02 W	51.93	104
S 24	49	20 W	160.02	105
S 44	40	47 W	185.02	106
S 59	16	55 E	197.00	107
S 05	31	10 W	152.02	108
S 81	52	04 W	216.01	109, a 3/4" iron pipe
N 52	06	31 W	50.00, more or less,	to a point on Isaac's Creek;

Thence down said creek with its meanders, general course north-easterly, 700.00 ft., more or less, to the point of beginning, containing 1.54 acres.



subject to the following exceptions and rights outstanding in third parties:

The Vendor reserves only the following rights and interests in the above described property:

The Grantors herein reserve ✓ unto themselves and their assigns all of the oil, gas and other minerals in and under and that may be produced from the above described land, together with the right of ingress and egress for the purpose of mining for, exploring for and producing the same therefrom: provided, however, that said right of ingress and egress, and production of oil shall in no manner interfere with the construction, operation, maintenance and utilization of the dam, reservoir and the water stored in the Toledo Bend Dam and Reservoir Project.

The terms and conditions of this offer are as follows:

- (1) The Vendor agrees that this offer may be accepted by the SABINE RIVER AUTHORITY OF TEXAS, by the Toledo Bend Project Joint Operation Real Estate Board, by delivering, mailing or telegraphing a

of the County of Jefferson State of Texas the following described property,

to-wit:

All that certain tract or parcel of land situated in Sabine County, Texas, and described by metes and bounds as follows, to-wit: BEING 33 acres of the John S. Lane League Survey, and described by metes and bounds as follows, to-wit: BEGINNING at a point on the road leading from Hemphill to T. G. Speights place via the residence of W. D. McGown, a pine knot on the Southeast side of said road where said road crosses the line dividing the W. C. Davis 300 acre tract and the 636 acre tract conveyed to W. S. Arthur by the heirs of Mrs. Nannie Horn, deceased, same being the North corner of a certain tract of land, conveyed by W. S. Arthur, to C. W. Fuller, a pine 8 ins. mkd. X brs. N. 7-1/2 W. 8 vrs. a pine 10 ins. mkd. X brs. N. 14 W. 9-1/5 vrs; THENCE with said road the lines of said tract conveyed by W. S. Arthur to C. W. Fuller, as follows: S. 24 W. 187 vrs. set iron stake for corner, white oak 22 ins. mkd. X brs. S. 19 W. 3-2/5 vrs. and red oak 16 ins. mkd. X brs. N. 10-1/2 W. 10 vrs.; THENCE on with said road and said lines S. 56-1/2 W. 116 vrs. pine knot for corner, a black gum 6 ins. mkd. X brs. N. 25 1/2 E. 1-3/5 vrs. pine 10 ins. mkd. X brs. S. 45-1/2 W. 5-1/5 vrs; THENCE with said road and lines, South 3/4 East 123 vrs. a maple 5 ins. mkd. X brs. N. 64-1/2 W. 2 vrs; a white oak 6 ins. mkd. X brs. S. 42 W. 2-2/5 vrs; THENCE on with said road and said lines S. 37 W. 56 vrs. pine knot on Northwest side of said road for corner, an elm 5 ins. mkd. X brs. 2-1/2 W. 3-2/5 vrs. a huckle berry bush 5 ins. in dia. mkd. X br. N. 49-1/2 W. 1-2/5 vrs. a pine 7 ins. mkd. X brs. N. 39-1/2 E. 5-1/5 vrs.; THENCE with said road and said lines South 7-1/2 W. at 16 vrs. set a pine knot for the most southerly corner on this 33 acres and at a point very near the corner of said 33 acres as originally made by J. J. McGown, a post oak 15 ins. mkd. X brs. S. 19 W. 1-1/5 vrs. a sweetgum 12 ins. mkd. X brs. N. 7-1/2 E. 3/5 of a vara; THENCE N. 11-1/2 W. 880 vrs. the South bank of Isaacs creek stake for corner and a black gum 24 ins. mkd. X brs. N. 7-1/2 W. 4-4/5 vrs. and a beech 24 ins. mkd. X brs. N. 56 E. 4-3/5 vrs.; THENCE down with said Isaacs creek with the channels thereof, as follows: S. 82-1/4 E. 116 vrs. N. 33-3/4 E. 40 vrs. S. 88-1/2 E. 30 vrs.; N. 71-3/4 E. 25 vrs.; N. 87-3/4 E. 22 vrs. N. 12 1/4 W. 40 vrs. N. 79 W. 60 vrs. N. 60-3/4 W. 40 vrs; N 39-1/4 E. 30 vrs. N. 65-3/4 E. 50 vrs.; N. 21-1/4 E. 20 vrs.; N. 63 E. 31 vrs. N. 13-3/4 W. 34 vrs. N. 78-1/2 E. 35 vrs.; a pine knot for corner on South side of Isaacs Creek where the East boundary line of said Horn tract of 636 acres and the West line of the W. R. Davis tract of 300 acres crosses Isaacs Creek, a hickory 10 ins. mkd. X brs. S. 6 W. 5-3/5 vrs. a white oak 8 ins. mkd. X brs. S. 82-1/2 E. 9 vrs; and a pine 5 ins. mkd. X brs. N. 16-1/2 W. 1-1/5 vrs; THENCE S. 12-3/4 East with said line between Horn and Davis tracts 618 vrs. to the PLACE OF BEGINNING.

and did in said deed retain a Vendor's Lien on the property so Granted, Sold and Conveyed, to secure the payment of part of the purchase money mentioned in said deed as follows, to-wit:

One certain promissory note of even date therewith, in the principal amount of Three Thousand and No/100 (\$3,000.00) Dollars, payable in annual installments of One Thousand and No/100 (\$1,000.00) Dollars, each, the first of such annual installments being due and payable on or before one (1) year from date, and one such installment being due each year thereafter, on or before said date, until entire note is paid,

And, Whereas, said Vendor's Lien note given as aforesaid for part purchase money of said property has been paid to C. A. BRAGG and wife, MABLE BRAGG, the legal and equitable holder and owner of said note :

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS; That We, C. A. Bragg, and wife, Mable Bragg, the present legal and equitable owners and holders of said Vendor's Lien note above mentioned, do hereby release, discharge and quit-claim unto the said Lonnie L. Smith and wife, Verleen Smith, their heirs and assigns, all the rights, title, interest and estate in and to the property above described, which we have or may be entitled to by virtue of being the owner of said Vendor's Lien note and hereby declare said property released and discharged of all liens created by virtue of said Vendor's note above described.

WITNESS our hands this 26<sup>th</sup> day of March, A. D. 19 66 .

C. A. Bragg  
C. A. BRAGG  
Mable Bragg  
MABLE BRAGG

Nov. 23, 1963.

Copy of Release of Vendor's Lien from the Bragg's to us dated the 26th day of March, 1966.

Copy of Deed covering 1.54 acres to Sabine River Authority from my husband and me.

Copy of Owner's Title Policy issued by Minton and Payne's Title Company issued Nov. 30th, 1963

As you will note, the Bragg's which were my Sister and Brother-in-law retained a life Estate in the property, PLEASE NOTE: THIS WAS BY MY REQUEST AS I WANTED TO PROTECT MY SISTER AND HER HUSBAND Mr. Bragg was blind at this time and my sister was not very well.

My brother-in-law Mr. Bragg passed away in 1971. My sister passed away in 1973.

At the time of my husband's death in Nov. 1986, me and my two daughters were his only surviving heirs and Affidavits of heirship were filed indicating same and then the two girls gave Deed to me on the property and this was filed for record.

As you will see, we have clear title all the way and on September 1, 1995 deed was filed to Virginia May DuVal, my daughter, who has planned to build retirement home on the property.

In 1981 my husband and I leased the property to Callon Petroleum Company for a five year term.

In 1987 I gave Timber Deed to Louisiana-Pacific Company for two (2) year term and they finished by 9/27/88 and I have letter indicating same. This was supposed to be clear-cut ~~with~~ however, they left some fine trees that seemed to be in places hard to get to or where they would mess my fence or maybe they thought it not worth their time to make repairs.

I have kept the taxes paid promptly on the property and my girls and I have looked over the property several times in the last three (3) years. We walked all around it in 1994 (had to stop and rest every now and then) and then we walked all around it in 1995. Never has it been abandoned by us. My nephew Roy N. Wood of Jefferson County and my little grandson walked over it in 1993.

PLEASE NOTE: The Southeasterly line of my property is in the center of the public road for a distance of 1,362.74 feet. This is the road which is travelled, as I mentioned by phone.

The road from Mr. Drayton Speight's place to the former entrance place to my property is approx. 6/10th of a mile. It is not that far to my property line.

PLEASE NOTE: I have travelled this road ever since I was 12 years old.

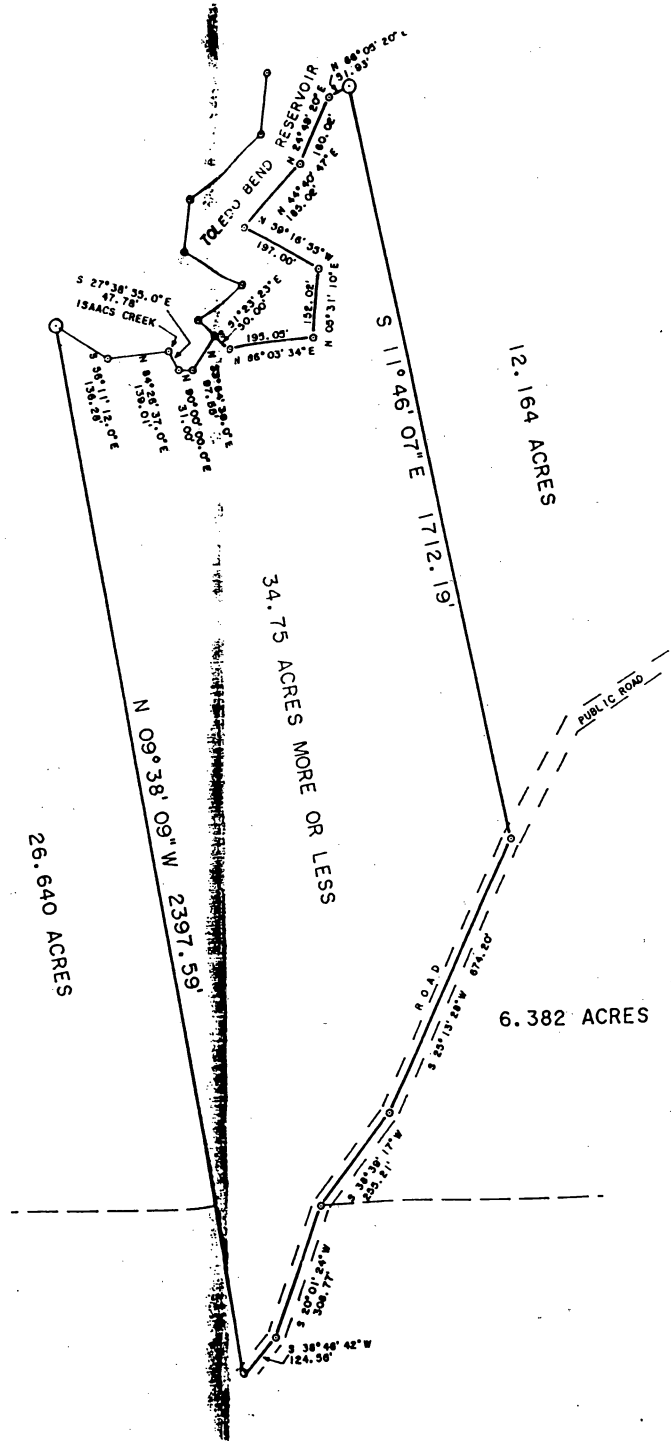
*Verleen Smith*

*Exhibit 107*

PRELIMINARY SURVEY  
 OF  
 VIRGINIA MAY DUVAL'S  
 34.75 AC. TR.  
 OUT OF THE  
 JOHN S. LANE SURVEY A-29  
 SABINE COUNTY, TEXAS



SCALE: 1" = 300 ft.



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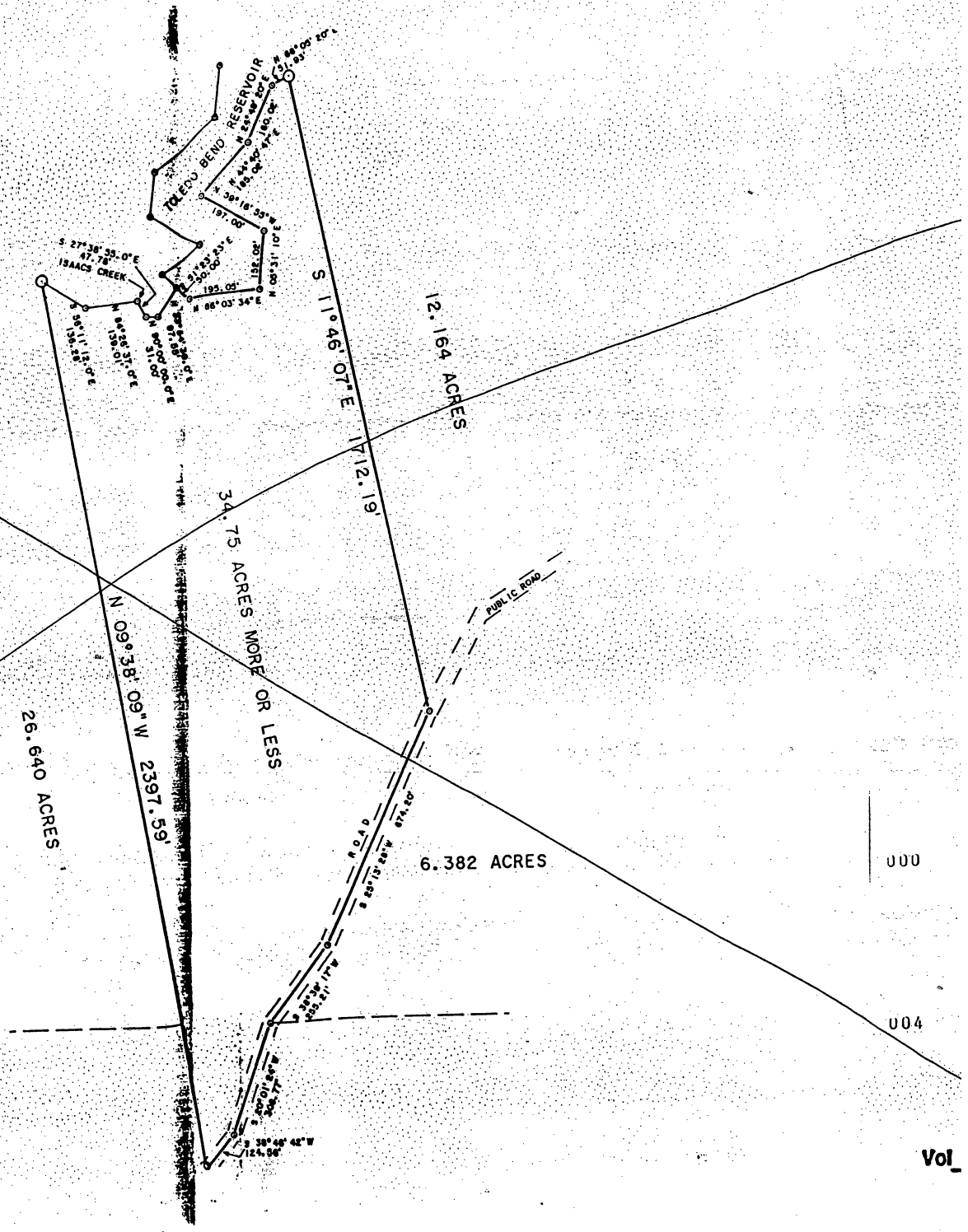
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Exh. b. 127

PRELIMINARY SURVEY  
OF  
VIRGINIA MAY DUVAL'S  
34.75 AC. TR.  
OUT OF THE  
JOHN S. LANE SURVEY A-29  
SABINE COUNTY, TEXAS



SCALE: 1" = 300 ft.



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Vol

Exhibit - 8

ROAD FROM DRAYTON SPEIGHTS PLACE TO FRONT OF C. A. BRAGG PLACE (NOW BELONGING TO VIRGINIA DuVAL) BEING APPROX. 6/10th of a mile

Helpful Notes:

Mr. R. E. (Rob) SMITH was County Road Commissioner for 20 years (Precinct 1) Sabine Co. Tx. Only seven (7) years have passed since his last term. Phone #787-3809

He advised me by phone that as long as he was Commissioner he kept the road worked right up to the entrance of the C. A. Bragg property. He knew nothing of the road ever being closed.

Precinct 1

Then the present Justice of the Peace of Sabine County, Mr. Thomas J. Hamilton, told me and my daughter, Virginia DuVal that he well remembered driving up to the Bragg Lane and found Mr. Smith working on the road. He volunteered to be a witness to this. His phone #(409) 787-3719-(office) and 787-2845 (home).

I have traveled this road off and on for 66 years and never once thought of it as being private road. I always knew that occasionally some one would have cows out there and we knew that it was sometimes fenced. They would have a cattle guard and sometimes a gate which was not ~~locked~~ locked, but never signes like "Private-keep out" or "Do not enter".

Once my husband helped on ~~of~~ the Mr. Collins (either M. S. or Aaron) build a cattle guard, but in no way did we think of it as a private road. That is, not until the children of Aaron Collins inherited the property around us.

My Sister and her husband (Mable and Charlie Bragg) (Mr. and Mrs. C. A. Bragg) gave the right of way to Deep East Texas Elec. (REA) so they could put power lines on it and they are still using the right-of way. Also they had a telephone line out there on the place until 1971, which was the year Mr. Bragg died. My sister, Mable passed away in 1973.

The first time my daughter and I visited the Judge (Larry Hyden) in this regard, he told me to go around and contact the Aaron Collins heirs about signing a right of ingress and egress over the road which we call private.

This meant contacting Six (6) heirs (A list of names and addressed attached) Two were very nice. One was reasonably nice. The last conversation in person was with Mr. and Mrs. Easley (Orva Jean Collins Easley and her sister Lillian (Bee) Collins I believe this was on or about 9/10/95) This conversation was in regards to me having a right of ingress and egress over the property and they suggested they had spent much money on fixing the road and they thought we should pay 1/7th of money already spent and also 1/7th to help keep it up after that and also there was a suggestion that a clause be put in the document stating that we would not sell to anyone unless it was their heirs or our heirs, When I got back to my home in Nederland that Sun. Night I

