

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**PARTITION DEED**

THE STATE OF TEXAS,  
COUNTY OF AUSTIN.

§  
§ KNOW ALL MEN BY THESE PRESENTS:  
§

DEED made June \_\_\_\_\_, 2018 between GERALD W. SCHOMBURG, whose address is P.O. Box 1694, Navasota, Texas 77868, dealing with his sole and separate non-homestead property, TROY A. SCHOMBURG, whose address is P.O. Box 335, San Saba, Texas 76877, dealing with his sole and separate non-homestead property, CHUCK D. SCHOMBURG, whose address is 3975 FM 2145, La Grange, Texas 78945, dealing with his sole and separate non-homestead property, and BRADLEY J. SCHOMBURG, whose address is 5622 Gaskamp Road, Washington, Texas 77880, dealing with his sole and separate non-homestead property (collectively referred to herein as "Partitioners" and individually referred to as a "Partitioner").

The parties own in fee simple and as tenants-in-common real property situated in Austin County, Texas, described as 176.82 acres of land, more or less (resurveyed as 172.926 acres), out of the Elizabeth M. Kuykendall Survey, Abstract No. 60, Austin County, Texas, and being that land described as 176.82 acres (upon resurvey found to contain 172.926 acres) in Correction Deed dated February 26, 2018, from Jane Luedecke, Independent Executrix of the Estate of Dorothy S. Leyendecker, Deceased, to Chuck D. Schomburg, et al, recorded in File No. 181625 of the Official Records of Austin County, Texas.

The parties have agreed, subject to those matters contained herein, on a partition of the real property so that the surface interest and the interest of the sand, gravel, lignite, uranium, and other such materials that are commonly removed by surface mining interest of each party will in

the future be held and owned as indicated herein. The parties have agreed that all oil, gas and other hydrocarbons or other such non-surface mineral estates, if any, now held in common by the parties, or by third parties, as to the 176.82-acre tract (resurveyed to contain 172.926) shall not be partitioned by this instrument and shall continue to be held in common by the parties herein in equal shares, regardless of the number of surface acres partitioned to each party herein.

#### Tract 1

In consideration of the grant and conveyance to them by GERALD W. SCHOMBURG, and for further good and valuable consideration which is acknowledged, TROY A. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG grant and convey to GERALD W. SCHOMBURG and his heirs and assigns, all the right, title and interest of TROY A. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG in and to the real property called Tract 1 in this Partition Deed and described as follows:

A 27.133-acre tract of land (TRACT 1) out of and a part of the division of a 172.96-acre tract of land containing a 152.316-acre tract (called 152.39 acres in Volume 631, Page 13, Deed Records) and a 20.610-acre tract (recorded in Clerk's File No. 181212) situated in the Elizabeth M. Kuykendall Survey, Abstract No. 60, Austin County, Texas; said 27.133-acre tract being more particularly described by metes and bounds on the attached Exhibit "A" incorporated herein by reference for all purposes, to-wit.

TO HAVE AND TO HOLD the above described premises, subject to the reservations and restrictions contained herein, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said TROY A. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG and their heirs and assigns forever; and TROY A. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG do hereby bind themselves and their heirs, executors and administrators to RELEASE and CONFIRM all and singular the said premises unto the said GERALD W. SCHOMBURG, and his heirs and assigns.

#### Tract 2

In consideration of the grant and conveyance to them by TROY A. SCHOMBURG, and for further good and valuable consideration which is acknowledged, GERALD W. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG grant and convey to TROY A. SCHOMBURG and his heirs and assigns, all the right, title and interest of GERALD W. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG in and to the real property called Tract 2 in this Partition Deed and described as follows:

A 35.851-acre tract of land (TRACT 2) out of and a part of the division of a 172.96-acre tract of land containing a 152.316-acre tract (called 152.39 acres in Volume 631, Page 13, Deed Records) and a 20.610-acre tract (recorded in Clerk's File No. 181212) situated in the Elizabeth M. Kuykendall Survey, Abstract No. 60, Austin County, Texas; said 35.851-acre tract being more particularly described by metes and bounds on the attached Exhibit "B" incorporated herein by reference for all purposes, to-wit.

TO HAVE AND TO HOLD the above described premises, subject to the reservations and restrictions contained herein, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GERALD W. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG and their heirs and assigns forever; and GERALD W. SCHOMBURG, CHUCK D. SCHOMBURG, and BRADLEY J. SCHOMBURG do hereby bind themselves and their heirs, executors and administrators to RELEASE and CONFIRM all and singular the said premises unto the said TROY A. SCHOMBURG, and his heirs and assigns.

#### Tract 3

In consideration of the grant and conveyance to them by CHUCK D. SCHOMBURG, and for further good and valuable consideration which is acknowledged, GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and BRADLEY J. SCHOMBURG convey to CHUCK D. SCHOMBURG and his heirs and assigns, all the right, title and interest of GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and BRADLEY J. SCHOMBURG in and to the real property called Tract 3 in this Partition Deed and described as follows:

A 50.394-acre tract of land (TRACT 3) out of and a part of the division of a 172.96-acre tract of land containing a 152.316-acre tract (called 152.39 acres in Volume 631, Page 13, Deed Records) and a 20.610-acre tract (recorded in Clerk's File No. 181212) situated in the Elizabeth M. Kuykendall Survey, Abstract No. 60, Austin County, Texas; said 50.394-acre tract being more particularly described by metes and bounds on the attached Exhibit "C" incorporated herein by reference for all purposes, to-wit.

TO HAVE AND TO HOLD the above described premises, subject to the restrictions and exceptions contained herein, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and BRADLEY J. SCHOMBURG and their heirs and assigns forever; and GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and BRADLEY J. SCHOMBURG do hereby bind themselves and their heirs, executors and administrators to RELEASE and CONFIRM all and singular the said premises unto the said CHUCK D. SCHOMBURG, and his heirs and assigns.

#### Tract 4

In consideration of the grant and conveyance to them by BRADLEY J. SCHOMBURG, and for further good and valuable consideration which is acknowledged, GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and CHUCK D. SCHOMBURG grant and convey to BRADLEY J. SCHOMBURG and his heirs and assigns, all the right, title and interest of GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and CHUCK D. SCHOMBURG in and to the real property called Tract 4 in this Partition Deed and described as follows:

A 59.578-acre tract of land (TRACT 4) out of and a part of the division of a 172.96-acre tract of land containing a 152.316-acre tract (called 152.39 acres in Volume 631, Page 13, Deed Records) and a 20.610-acre tract (recorded in Clerk's File No. 181212) situated in the Elizabeth M. Kuykendall Survey, Abstract No. 60, Austin County, Texas; said 59.578-acre tract being more particularly described by metes and bounds on the attached Exhibit "D" incorporated herein by reference for all purposes, to-wit.

TO HAVE AND TO HOLD the above described premises, subject to the restrictions and exceptions contained herein, together with all and singular the rights and appurtenances thereto

in anywise belonging, unto the said GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and CHUCK D. SCHOMBURG and their heirs and assigns forever; and GERALD W. SCHOMBURG, TROY A. SCHOMBURG, and CHUCK D. SCHOMBURG do hereby bind themselves and their heirs, executors and administrators to RELEASE and CONFIRM all and singular the said premises unto the said BRADLEY J. SCHOMBURG, and his heirs and assigns.

SUBJECT TO:

(1) There is EXCEPTED herein a right of first refusal to each Partitioner, in the event any named Partitioner desires to sell all or any portion of that tract of land partitioned to the "Selling Partitioner." In the event the Selling Partitioner receives a bona fide offer for the purchase of all or a portion of his tract of land ("Offered Property") from a third party that he is willing to accept, that Selling Partitioner shall disclose the terms of that offer to the other Partitioners, in writing, within 10 days following receipt of the offer ("Selling Notice"). The other Partitioners will have 14 days after receiving the Selling Notice within which to elect, in writing, to purchase the Offered Property on terms identical to those offered by the third party. If more than one Partitioner elects to purchase the Offered Property, those Partitioners shall be allowed to purchase the Offered Property under the terms described in the Selling Notice in equal portions. If the non-selling Partitioners fail to give written notice to exercise their option to purchase the Offered Property, the Selling Partitioner may sell the Offered Property to the third party; however, should the sale to the third party making the offer to purchase not be consummated for any reason, the right of first refusal herein granted shall continue in full force.

(2) The conveyances above are made and accepted subject to any and all conditions and restrictions, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect and shown of record in the office of the County Clerk of Austin County, Texas.

This instrument was prepared based on information provided by the parties and no independent title search has been conducted. Each party hereby assumes the ad valorem taxes for 2018 for the parcel granted to them hereinabove.

This instrument shall be binding upon and inure to the benefit of each and all parties executing the same and the respective heirs, successors in interest, and assigns of all such parties.

EXECUTED on the dates shown below with and EFFECTIVE DATE first written above.

*[Signature pages to follow.]*

TRACT 1 - 27.133 ACRES

FIELD NOTES FOR A 27.133 ACRE TRACT (TRACT 1) OUT OF AND PART OF THE DIVISION OF A 172.926 ACRE TRACT OF LAND CONTAINING A 152.316 ACRE TRACT (CALLED 152.39 ACRES IN VOLUME 631, PAGE 13 DEED RECORDS) AND A 20.610 ACRE TRACT (RECORDED IN CLERK'S FILE No. 181212) SITUATED IN THE ELIZABETH M. KUYKENDALL SURVEY, ABSTRACT 60, AUSTIN COUNTY, TEXAS.

COMMENCING: At a ½ inch iron rod set at the intersection of the Southeast right-of-way line of Krueger Road and the Southwest right-of-way line of Warmke Road being the North corner of the above described 152.316 acre tract and the North corner of a 35.851 acre tract (Tract 2 surveyed at the same time as this tract and not yet recorded);

THENCE: South 41° 21' 04" West a distance of 908.65 feet with the South right-of-way line of Krueger Road to a ½ inch iron rod set for the West corner of Tract 2 and being the North corner and PLACE OF BEGINNING of this tract;

THENCE: South 47° 38' 56" East a distance of 1109.76 feet with the common line of this tract and Tract 2 to a ½ inch iron rod set for the East corner of this tract located in the Southwest line of Tract 2 and being the Northernmost corner of a 50.394 acre tract (Tract 3 surveyed at the same time as this tract and not yet recorded);


THENCE: South 41° 39' 29" West a distance of 1053.75 feet with the common line of this tract and Tract 3 to a ½ inch iron rod set for the Northwest corner of Tract 3, the South corner of this tract and being located in the Northeast line of a called 86.799 acre tract (Volume 311, Page 222 Deed Records);

THENCE: North 49° 06' 49" West a distance of 1103.98 feet with the Northeast line of the adjoining 86.799 acre tract to a ¼ inch iron pipe found for the West corner of both this tract and the above described 20.610 acre tract and the North corner of the 86.799 acre tract located in the Southeast right-of-way line of Krueger Road;

THENCE: North 41° 21' 04" East a distance of 1082.06 feet with the Southeast right-of-way line of Krueger Road to the PLACE OF BEGINNING and containing 27.133 acres of land.

All bearings recited hereon are based on Texas State Plane Coordinates, NAD83, South Central Zone.

This survey consists of a separate plat and a legal description.

  
For Clay & Leyendecker, Inc.  
David Leyendecker, R.P.L.S.  
Texas Registration No. 2085  
Revised May 15, 2018  
May 10, 2018  
By  
Kuykendall-27.133ac(Tr1)-18-048



TRACT 2 - 35.851 ACRES

FIELD NOTES FOR A 35.851 ACRE TRACT (TRACT 2) OUT OF AND PART OF THE DIVISION OF A 172.926 ACRE TRACT OF LAND CONTAINING A 152.316 ACRE TRACT (CALLED 152.39 ACRES IN VOLUME 631, PAGE 13 DEED RECORDS) AND A 20.610 ACRE TRACT (RECORDED IN CLERK'S FILE No. 181212) SITUATED IN THE ELIZABETH M. KUYKENDALL SURVEY, ABSTRACT 60, AUSTIN COUNTY, TEXAS.

**BEGINNING:** At a ½ inch iron rod set at the intersection of the Southeast right-of-way line of Krueger Road and the Southwest right-of-way line of Warmke Road being the North corner of the above described 152.316 acre tract and the North corner of this tract;

**THENCE:** South 48° 54' 36" East a distance of 1699.18 feet with the Southwest right-of-way line of Warmke Road to a ½ inch iron rod set for the East corner of this tract and the Northeast corner of a 50.394 acre tract (Tract 3 surveyed at the same time as this tract and not yet recorded);


**THENCE:** South 43° 09' 11" West a distance of 946.01 feet with a common line of this tract and Tract 3 to a ½ inch iron rod set for the South corner of this tract and being an interior corner of Tract 3;

**THENCE:** North 47° 38' 56" West at a distance of 559.90 feet with a common line of Tract 3 passing a ½ inch iron rod set for the Northernmost corner of Tract 3 and the East corner of a 27.133 acre tract (Tract 1 surveyed at the same time as this tract and not yet recorded) and continuing on for a total distance of 1669.66 feet to a ½ inch iron rod set for the West corner of this tract and the North corner of Tract 1 being located in the South right-of-way line of Krueger Road;

**THENCE:** North 41° 21' 04" East a distance of 908.65 feet with the Southeast right-of-way line of Krueger Road to the PLACE OF BEGINNING and containing 35.851 acres of land.

All bearings recited hereon are based on Texas State Plane Coordinates, NAD83, South Central Zone.

This survey consists of a separate plat and a legal description.

  
For Clay & Leyendecker, Inc.  
David Leyendecker, R.P.L.S.  
Texas Registration No. 2085  
Revised May 15, 2018  
May 10, 2018  
Br  
Kuykendall-35.851ac(Tr2)-18-048



TRACT 3 - 50.394 ACRES

FIELD NOTES FOR A 50.394 ACRE TRACT (TRACT 3) OUT OF AND PART OF THE DIVISION OF A 172.926 ACRE TRACT OF LAND CONTAINING A 152.316 ACRE TRACT (CALLED 152.39 ACRES IN VOLUME 631, PAGE 13 DEED RECORDS) AND A 20.610 ACRE TRACT (RECORDED IN CLERK'S FILE No. 181212) SITUATED IN THE ELIZABETH M. KUYKENDALL SURVEY, ABSTRACT 60, AUSTIN COUNTY, TEXAS.

COMMENCING: At a ½ inch iron rod set at the intersection of the Southeast right-of-way line of Krueger Road and the Southwest right-of-way line of Warmke Road being the North corner of the above described 152.316 acre tract and the North corner of a 35.851 acre tract (Tract 2 surveyed at the same time as this tract and not yet recorded);

THENCE: South 48° 54' 36" East a distance of 1699.18 feet with the Southwest right-of-way line of Warmke Road to a ½ inch iron rod set for the East corner of Tract 2 and the Northeast corner and PLACE OF BEGINNING of this tract;

THENCE: South 48° 54' 36" East a distance of 735.34 feet continuing with the Southwest right-of-way line of Warmke Road to a ½ inch iron rod set for the East corner of this tract and the North corner of a 59.578 acre tract (Tract 4 surveyed at the same time as this tract and not yet recorded);

THENCE: South 38° 21' 02" West a distance of 1983.94 feet with the common line of this tract and Tract 4 to a ½ inch iron rod set for the South corner of this tract and the Northwest corner of Tract 4 being located in the East line of a Vernell and Lois Schubert, et. al. 81.96 acre tract (Austin County Appraisal District ID# 65);

THENCE: North 49° 06' 49" West a distance of 1434.44 feet with the Northeast line of the 81.96 acre tract to a ½ inch iron rod set for the Northwest corner of this tract and the South corner of a 27.133 acre tract (Tract 1 surveyed at the same time as this tract and not yet recorded) being located in the Northeast line of a called 86.799 acre tract (Volume 311, Page 222 Deed Records);

THENCE: North 41° 39' 29" East a distance of 1053.75 feet with the common line of this tract and Tract 1 to a ½ inch iron rod set for the Northernmost corner of this tract and the East corner of Tract 1 located in the West line of the before described Tract 2;

THENCE: South 47° 38' 56" East a distance of 559.90 feet to a ½ inch iron rod set for an interior corner of this tract and the South corner of Tract 2;

THENCE: North 43° 09' 11" East a distance of 946.01 feet with a common line of this tract and Tract 2 to the PLACE OF BEGINNING and containing 50.394 acres of land.

All bearings recited hereon are based on Texas State Plane Coordinates, NAD83, South Central Zone.

This survey consists of a separate plat and a legal description.



For Clay & Leyendecker, Inc.  
David Leyendecker, R.P.L.S.  
Texas Registration No. 2085  
Revised May 15, 2018  
May 10, 2018  
By  
Kuykendall-50.394ac(Tr3)-18-048





**TRACT 4 - 59.578 ACRES**

**FIELD NOTES FOR A 59.578 ACRE TRACT (TRACT 4) OUT OF AND PART OF THE DIVISION OF A 172.926 ACRE TRACT OF LAND CONTAINING A 152.316 ACRE TRACT (CALLED 152.39 ACRES IN VOLUME 631, PAGE 13 DEED RECORDS) AND A 20.610 ACRE TRACT (RECORDED IN CLERK'S FILE No. 181212) SITUATED IN THE ELIZABETH M. KUYKENDALL SURVEY, ABSTRACT 60, AUSTIN COUNTY, TEXAS.**

**COMMENCING:** At a ½ inch iron rod set at the intersection of the Southeast right-of-way line of Krueger Road and the Southwest right-of-way line of Warmke Road being the North corner of the above described 152.316 acre tract and the North corner of a 35.851 acre tract (Tract 2 surveyed at the same time as this tract and not yet recorded);

**THENCE:** South 48° 54' 36" East at a distance of 1699.18 feet with the West right-of-way line of Warmke Road passing a ½ inch iron rod set for the East corner of Tract 2 and the Northeast corner of a 50.394 acre tract (Tract 3 surveyed at the same time as this tract and not yet recorded) and continuing on for a total distance of 2434.51 feet to the East corner of Tract 3 and the Northeast corner and **PLACE OF BEGINNING** of this tract;

**THENCE:** South 48° 54' 36" East a distance of 1610.74 feet continuing with the Southwest right-of-way line of Warmke Road to a ½ inch iron rod set for an East corner of this tract for a turn in Warmke Road;

**THENCE:** South 11° 16' 45" East a distance of 21.29 feet to a ½ inch iron rod set for an East corner of this tract where Warmke Road makes a turn;

**THENCE:** South 31° 59' 19" West a distance of 1398.58 feet continuing with the Northwest right-of-way line of Warmke Road to a ½ inch iron rod set for the South corner of this tract and being the East corner of both an Access Easement (described as Tract 3 in Volume 783, Page 714 Deed Records) and an 18.39 acre tract (described as Tract 1 in Volume 783, Page 714 Deed Records) and being the South corner of the above described 152.316 acre tract;

**THENCE:** With the Northeast line of the Access Easement and the 18.39 acre tract and a Southwest line of this tract the following:

North 49° 45' 06" West a distance of 332.65 feet to a ½ inch iron rod set for an angle point;

North 51° 03' 35" West a distance of 157.27 feet to a 60-D Nail found for the Northeast corner of both the Access Easement and the 18.39 acre tract and being the East corner of a 13.32 acre tract (described as Tract 2 in Volume 783, Page 714 Deed Records);

**THENCE:** With the common line of this tract and the 13.32 acre tract the following:

North 50° 52' 44" West a distance of 299.15 feet to a ½ inch iron rod found for an angle point;

North 43° 55' 09" West a distance of 357.81 feet to a ½ inch iron rod found for an angle point;

North 76° 48' 40" West a distance of 341.71 feet to a ½ inch iron rod found for an angle point;

South 40° 42' 33" West a distance of 436.77 feet to a ½ inch iron rod found for the Southwest corner of this tract located in the Northwest line of the 13.32 acre tract and being the East corner of the Vernell and Lois Schubert, et. al. 81.96 acre tract (Austin County Appraisal District Parcel ID# 65);

**THENCE:** North 49° 06' 49" West a distance of 309.73 feet to a ½ inch iron rod set for the West corner of this tract, the South corner of the before mentioned 50.394 acre tract (Tract 3) being located in the Northeast line of the 81.96 acre tract;

**TRACT 4 - 59.578 ACRES**

**THENCE:** North 38° 21' 02" East a distance of 1983.94 feet with the common line of this tract and Tract 3 to the **PLACE OF BEGINNING** and containing 59.578 acres of land.

All bearings recited hereon are based on Texas State Plane Coordinates, NAD83, South Central Zone.

This survey consists of a separate plat and a legal description.



For Clay & Leyendecker, Inc.  
David Leyendecker, R.P.L.S.  
Texas Registration No. 2085  
Revised May 15, 2018  
May 10, 2018  
Br  
Kuykendall-59.578ac(Tr4)-18-048

