

20.477 AC.



Order: See steps in vicinity of ...
Point: See ...
Order: See ...
Order: See ...
Order: See ...
Order: See ...

Approximate ...
Approximate ...
Approximate ...
Approximate ...
Approximate ...



ALEXANDER SURVEY

...

ALL ~~THE~~ ~~TRACT~~ OR ~~PARCEL~~ OF LAND consisting of 20.477 Acres located in the Miles W. Allen Survey, A-2, Austin County, Texas. Subject tract being a portion of the called 53.001 Acre tract and most (but not all) of the 20.000 Acre tract that is described in a Deed to Dennis Harek, and wife, Rebecca Harek as recorded in File# 043675 of the Official Records of Austin County, Texas. Said tract consisting of 20.477 Acres and being more particularly described as follows:

- ~~WHEREAS~~ at a 1/2" iron rod found at a fence corner post in the Northwest line of the called 49.43 Acre tract belonging to Calvin Ray Swearingen as recorded in Volume 370, Page 877 of the Deed Records of Austin County, Texas and being the South corner of the called 53.001 Acre tract mentioned above and the East corner of the 20.000 Acre tract, for the East corner of the herein described tract;
- ~~WHEREAS~~ S 26d 15' 24" W, with the common line with the 49.43 Acre adjoining tract and generally with an existing fence, a distance of 405.31 ft. (Called S 21d 36' 02" W, 405.60 ft.) to a 1/2" iron rod found at a fence corner post, for the East corner of the called 100.5596 Acre tract described in a Deed to James B. & Martha B. Hest as recorded in File# 007041 O.B.A.C.T. and being the South corner of the 20.000 Acre parent tract and the South corner of the herein described tract;
- ~~WHEREAS~~ N 47d 47' 45" W, with the common line with the 100.5596 Acre adjoining tract and generally with an existing fence, a distance of 2111.96 ft. (Called N 46d 31' 32" W, 2112.12 ft.) to a 1/2" iron rod found at a fence corner post, for the East corner of the 100.5596 Acre adjoining tract and being the East corner of the 20.000 Acre parent tract and the West corner of the herein described tract;
- ~~WHEREAS~~ N 39d 58' 39" E, continuing with the common line with the 100.5596 Acre adjoining tract and generally with an existing fence, a distance of 322.79 ft. (Called N 40d 17' 07" E, 322.41 ft.) to a 1/2" iron rod found at a fence corner post in the common line between the 53.001 Acre parent tract and the 20.000 Acre parent tract and being an angle point in the East or Northeast line of the 100.5596 Acre adjoining tract for the North or Northwest corner of the herein described tract;
- ~~WHEREAS~~ S 60d 40' 50" E, with a line, which opens into the 53.001 Acre parent tract, a distance of 434.36 ft. (No Call) to a 1/2" iron rod set for an angle point in the herein described tract;
- ~~WHEREAS~~ S 52d 17' 33" E, crossing the Dead Line between the 53.001 Acre parent tract and the 20.000 Acre parent tract, a distance of 120.66 ft. (No Call) to a 1/2" iron rod set at a fence corner post within the Dead Line of the 20.000 Acre parent tract, for an angle point in the herein described tract;
- ~~WHEREAS~~ S 43d 30' 33" E, continuing with the existing fence and crossing the Dead Line between the 53.001 Acre parent tract and the 20.000 Acre parent tract, a distance of 199.81 ft. (No Call) to a 1/2" iron rod set at a fence line angle;
- ~~WHEREAS~~ S 51d 37' 49" E, continuing with the existing fence, a distance of 333.84 ft. (No Call) to a 1/2" iron rod set at a fence line angle;
- ~~WHEREAS~~ S 30d 04' 53" E, continuing with the existing fence, a distance of 519.84 ft. (No Call) to a 1/2" iron rod set at a fence line angle;
- ~~WHEREAS~~ S 43d 31' 36" E, continuing with the existing fence, a distance of 409.54 ft. (No Call) to the ~~West~~ ~~of~~ ~~interest~~ and containing 20.477 Acres.

Exhibit B

OWNER'S POLICY OF TITLE INSURANCE (Form T-1)

Issued by

NATIONAL INVESTORS TITLE INSURANCE COMPANY

SCHEDULE B

File No.: 46177

Policy No.: OP1A0852019000007

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of the terms and conditions of the leases and easements, if any, shown in Schedule A, and the following matters:

1. The following restrictive covenants of record itemized below (the Company must either insert specific recording data or delete this exception):
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any, of any spouse of any Insured.
4. Any titles or rights asserted by anyone, including but not limited to, persons, the public, corporations, governments or other entities,
 - (a) to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - (b) to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - (c) to filled-in lands, or artificial islands, or
 - (d) to statutory water rights, including riparian rights, or
 - (e) to the area extending from the line of mean low tide to the line of vegetation, or the right of access to that area or easement along and across that area.
5. Standby fees, taxes and assessments by any taxing authority for the year 2019, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.
6. The following matters and all terms of the documents creating or offering evidence of the matters (The Company must insert matters or delete this exception):
 - (a) **Vendor's Lien retained in Deed dated February 26, 2019, executed by Peter D. Kinnear, Individually, and as Independent Executor of the Estate of Coral Jeanne Kinnear (also known as Jeanne Kinnear), Deceased to Marshall Marek, as his sole and separate property, securing payment of one note of even date therewith in the principal amount of \$1,475,000.00, payable to Peter D. Kinnear, Individually, and as Independent Executor of the Estate of Coral Jeanne Kinnear, Deceased, and said note being additionally secured by Deed of Trust and Security Agreement of even date therewith to Nancy G. Hardy, Trustee, said deed of trust filed for record in the office of the County Clerk of Austin County, Texas, on February 27, 2019, under Clerk's File No. 190793, Official Records of Austin County, Texas, whatsoever nature secured or to be secured by said deed of trust and subject to the terms, conditions and stipulations contained in said note and deed of trust.**

- (b) Pipeline right of way easement from Vivian Jo Duke Stone to Seminole Pipeline Company, dated June 11, 1981, recorded in Volume 445, Page 917, Deed Records of Austin County, Texas. (Limited Access) (100.5596 acre tract)
- (c) Right of way easement from W. F. Goebel, et ux, to San Bernard Electric Cooperative, Inc., dated February 25, 1965, recorded in Volume 280, Page 556, Deed Records of Austin County, Texas. (Blanket) (100.5596 acre tract)
- (d) Right of way easement from Wilbert F. Goebel, et ux, to San Bernard Electric Cooperative, Inc., dated October 11, 1968, recorded in Volume 317, Page 272, Deed Records of Austin County, Texas. (Blanket) (100.5596 acre tract)
- (e) Right of way easement from Wilbert F. Goebel, et ux, to San Bernard Electric Cooperative, Inc., dated May 20, 1974, recorded in Volume 364, Page 816, Deed Records of Austin County, Texas. (Defined easement with rights of ingress and egress) (100.5596 acre tract and a 20.477 acre tract)
- (f) Right of way easement from Wilbert F. Goebel, et ux, to San Bernard Electric Cooperative, Inc., dated March 6, 1979, recorded in Volume 415, Page 613, Deed Records of Austin County, Texas. (Blanket) (100.5596 acre tract)
- (g) Right of way easement from Walter A. Virnau, Jr., et ux, to San Bernard Electric Cooperative, Inc., dated May 31, 1974, recorded in Volume 364, Page 873, Deed Records of Austin County, Texas. (100.5596 acre tract)
- (h) Right of way easement from James K. Skipton, Jr. et ux, to San Bernard Electric Cooperative, Inc., dated March 14, 1988, recorded in Volume 608, Page 275, Official Records of Austin County, Texas. (Blanket Access) (100.5596 acre tract)
- (i) Right of way easement from James K. Skipton, Jr., et ux, to Austin County Water Supply Corp., dated June 1, 1992, recorded in Volume 714, Page 463, Official Records of Austin County, Texas. (Blanket Access) (100.5596 acre tract)
- (j) Right of way easement from James K. Skipton, Jr., et ux, to San Bernard Electric Cooperative, Inc., undated, filed July 26, 1990, recorded in Volume 625, Page 132, Official Records of Austin County, Texas. (Blanket Access) (100.5596 acre tract)
- (k) Easement from W.F. Goebel, et ux, to San Bernard Electric Cooperative, Inc., dated February 25, 1965, recorded in Volume 280, Page 556, Deed Records of Austin County, Texas. (Blanket) (20.477 acres tract)
- (l) Easement from Wilbert F. Goebel, et ux, to San Bernard Electric Cooperative, Inc., dated October 11, 1968, recorded in Volume 317, Page 272, Deed Records of Austin County, Texas. (Blanket) (20.477 acres tract)
- (m) Easement from Wilbert F. Goebel, et ux, to San Bernard Electric Cooperative, Inc., dated March 6, 1979, recorded in Volume 415, Page 613, Deed Records of Austin County, Texas. (Blanket) (20.477 acres tract)
- (n) "All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations or mineral interest that are not listed"
- (o) An undivided $\frac{1}{4}$ of all oil, gas and all minerals as reserved in Deed from Vivian Jo Duke Stone to James K. Skipton, Jr., dated October 2, 1989, recorded in Volume 609, Page 203, Official Records of Austin County, Texas. (61.5817 acres) Reference to which instrument is here made for all purposes. TITLE to said interest not checked subsequent to date of aforesaid instrument. (Both tracts)
- (p) An undivided $\frac{1}{2}$ of all of the oil and gas as reserved in Deed from Walter A. Virnau, Jr., et ux, to Don N. Tennill, II, et ux, dated December 18, 1981, recorded in Volume 451, Page 648, Deed Records of Austin County, Texas. Reference to which instrument is hereby made for all purposes. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (100.5596 acre tract)

- (q) An undivided ½ of all oil, gas, and all other minerals as reserved in Deed from Rose Trust to Louise H. Adenauer dated December 2, 1996, recorded in Volume 781, Page 429 Official Records of Austin County, Texas. Reference to which instrument is hereby made for all purposes. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (20.477 acre tract)
- (r) Fence line protrusions, underground electric line, overhead electric line, electric boxes and phone boxes all as shown on survey plat dated September 26, 2000 and revised October 25, 2000 by Charlie Kalkomey, RPLS. (100.5596 acres)