

December 12, 2006

SURVEY AFFIDAVIT

THE STATE OF TEXAS

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§

GF # **SW0611413**

COUNTY OF MATAGORDA

Date of Affidavit: **DECEMBER 12, 2006**

Affidavit:

Title Company: **Southwest Land Title**

Old Lender: _____

Date of Acquisition: **February 23, 1997**

New Lender: **Bank of America**

Surveyor: **Henry A. Danysh**

Property Description:

.....See Property Exhibit attached hereto.....

Property Address:

**RT. 3, BOX 37G
Bay City, TX 77414**

Affiant's Address:

,

Sworn Statement:

1. I am the owner of the property described above.
2. I have been the owner of this property since the Date of Acquisition, subject to a purchase money lien in favor of Old Lender.
3. In connection with the acquisition of the property, a survey of the property was done by Surveyor. This survey was the basis for the amendment of the area and boundary exception in the Mortgage Policy which I furnished to the Old Lender.
4. I have arranged to refinance the above loan with New Lender.
5. New Lender will not fund this loan unless the area and boundary exception is amended to read "shortages in area:".
6. I swear or affirm that there have been no improvements made to the property since I acquired title; that no fences have been relocated or moved or built; that I have had no conversations with or notice from any neighbor or other person or entity disputing the boundary lines of my property; and that I have granted no

person or entity the right to use all or any portion of my property for any purpose.

7. **I understand that Title Company and Underwriter are relying upon this Affidavit in order to issue New Lender a Mortgage Policy with the area and boundary exception amended to read "shortages in area", and that Title Company and Underwriter would not issue their policy of title insurance if the facts contained herein were not true in all respects.**

WITNESS my hand this 12th day of December, 2006.

Jack Lee Daugherty, Jr.

Dawn Leann Daugherty

SWORN TO AND SUBSCRIBED BEFORE ME, by the said Jack Lee Daugherty, Jr. and Dawn Leann Daugherty, at Bay City, Matagorda County, Texas, this 12th day of December, 2006.

NOTARY PUBLIC STATE OF TEXAS

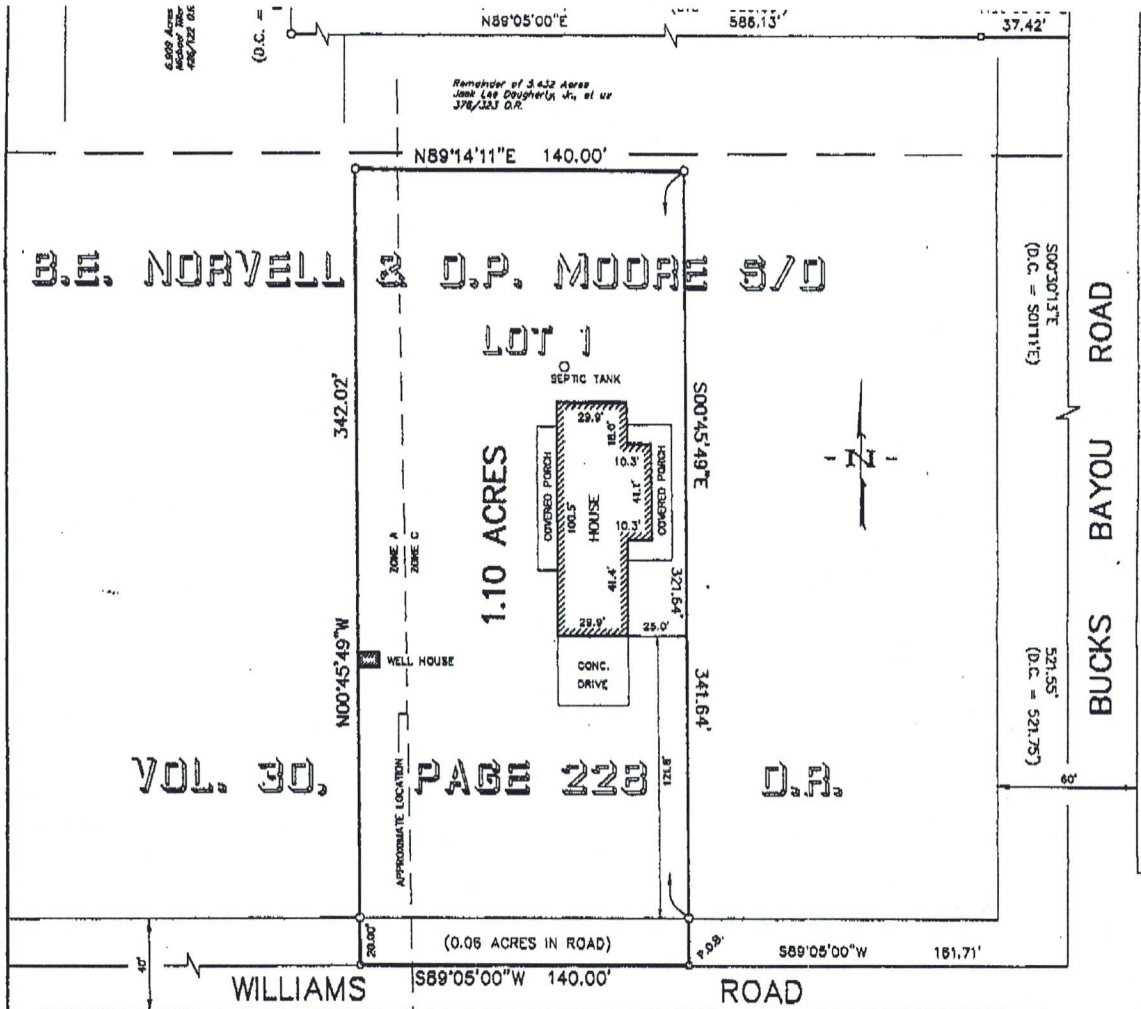
THE STATE OF TEXAS

COUNTY OF MATAGORDA

This instrument was acknowledged before me on this **12th day of December, 2006**, by Jack Lee Daugherty, Jr. and Dawn Leann Daugherty . Given under my hand and seal of office on the 12th day of December, 2006.

NOTARY PUBLIC STATE OF TEXAS

Survey



1.10 ACRE SURVEY
 PART OF LOT 1
 B.E. NORVELL & D.P. MOORE S/D.
 VOL. 30, PAGE 228
 MATAGORDA COUNTY DEED RECORDS
 J.T. BELKNAP SURVEY,
 ABSTRACT NO. 113
 MATAGORDA COUNTY, TEXAS

23.81 Acres
 Leroy Hanson
 478/958 D.R.

RT. 3, BOX 37G
 BAY CITY, TEXAS

LEGEND

- EXISTING 5/8" IRON ROD UNLESS NOTED
- EXISTING 1/2" IRON ROD

FLOOD DATA

ACCORDING TO THE APPROXIMATE SCALE OF THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 483489 0330E REVISED DECEMBER 4, 1986 THIS PROPERTY IS LOCATED IN ZONE A & ZONE C.

BEING THE SAME PROPERTY DESCRIBED AS 1.10 ACRES IN BUILDER'S AND MECHANIC'S LIEN CONTRACT (WITH POWER OF SALE) DATED JULY 31, 1996, RECORDED IN VOLUME 446, PAGE 642 OF THE OFFICIAL RECORDS OF MATAGORDA COUNTY, TEXAS.

I, HENRY A. DANYSH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON FEBRUARY 20, 1997.

JACK LEE DAUGHERTY, JR. AND DAWN LEANN DAUGHERTY

TESTENGEER, INC.
 ENGINEERS • SURVEYORS

P.O. BOX 357
 PORT LAVACA, TX 77979
 (512) 582-7681
 FAX: (512) 552-8978

P.O. BOX 923
 BAY CITY, TX 77414
 (409) 248-9291
 FAX: (409) 248-0060

JOB NO.:	1075-02
SCALE:	1" = 50'
DATE:	FEBRUARY 23, 1997
DRAWN BY:	H. A. D.

Henry A. Danysh
 TESTENGEER, INC.
 HENRY A. DANYSH
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5088

REVISED FEBRUARY 20, 1997 - NAMES AND ADDRESS ADDED TO DRAWING

Jack Lee Daugherty Jr. & Dawn Leann Daugherty 3/4/97