

MD4484/08.2624

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF POLK §

This Declaration of Covenants, Conditions and Restrictions (“Declaration”) is made by Crown Pine Timber 1, L.P., a Delaware limited partnership authorized to transact business in the State of Texas (“Declarant”) and whose mailing address is 415 S. First Street, Suite 300B, Lufkin, Texas 75901.

1. Declarant is the owner of the following described tracts of land (the “Property”) situated in Polk County, Texas, to-wit:

BEING all those lots, tracts or parcels of land situated in the I. & G.N. R.R. Co. Survey, Section No. 27, Abstract No. 676, the I. & G.N. R.R. Survey, Section No. 26, Abstract No. 677 and the I. & G.N. R.R. Co. Survey, Abstract No. 693, all in Polk County, Texas, which said lots, tracts or parcels of land are more particularly depicted, described and labeled as Lots T-1 through T-11 on the Exhibit “A” maps/plats attached hereto, incorporated herein by reference and made a part hereof for all purposes the same as if copied herein verbatim (containing an estimated total of 296 acres). These lots, tracts or parcels of land are out of, and a part of, the tracts of land situated in the I. & G.N. R.R. Co. Survey, Section No. 27, Abstract No. 676, the I. & G.N. R.R. Survey, Section No. 26, Abstract No. 677 and the I. & G.N. R.R. Co. Survey, Abstract No. 693, all in Polk County, Texas more particularly described on the Exhibit “B” attached hereto, incorporated herein by reference and made a part hereof for all purposes the same as if copied herein verbatim.

When these lots, tracts or parcels of land are sold by Declarant to third parties, they will be surveyed and described by metes and bounds legal descriptions that will include the Lot No. references on the Exhibit “A” plats and there will be specific references to this Declaration.

2. Declarant has devised a general plan for the Property as a whole. This general plan provides a common scheme of development designed to protect and safeguard the Property over a specified period of time.
3. The general plan will benefit the Property in general, the lots, tracts and parcels that constitute the Property, the Declarant, and each successive owner of an interest in the Property.
4. Therefore, in accordance with both the doctrines of restrictive covenant and implied equitable servitude, the Declarant desires to restrict the Property according to these covenants, conditions and restrictions in furtherance of this general development plan.

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NOW THEREFORE, it is declared that all of the Property shall be held, sold and conveyed subject to the following covenants, conditions and restrictions.

I.

Specific Prohibited Activities and Uses. The following uses of any part or portion of the Property are not permitted:

1. The Property is to be used as recreational, agricultural, and/or residential property. Modular, manufactured, and/or mobile homes are allowed, but they must be no more than 5 years old on the date of installation / construction on the Property and must be skirted within 90 days of installation/construction. No more than two primary residences can be constructed on any lot that is out of, and a part of, the Property. All buildings and primary residences must be maintained in good appearance at all times.
2. No portion of the Property may be used for the following uses:
 - a) Any use that is unlawful or that is offensive by reason of odor, gas, fumes, dust, smoke, noise, pollution or vibration or that otherwise constitutes a nuisance or is hazardous by reason of excessive danger of fire or explosion;
 - b) Dumping, disposal, incineration, or reduction of garbage, sewage, dead animals, or refuse; Burning of trash is allowed in compliance with Polk County rules and regulations;
 - c) Smelting of iron, tin, zinc or other ores and / or refining of petroleum or its products;
 - d) Storage in bulk of used materials, a junkyard, a scrap metal yard, or auto salvage yard;
 - e) Industries, including, without limitation, heavy manufacturing, fabrication facilities and testing facilities;
 - f) Resale or pawn shops, flea markets, or bankruptcy, fire sale or auction business;
 - g) A tavern, bar, nightclub, discotheque or any other establishment selling alcoholic beverages for on premises consumption;
 - h) An adult bookstore or other establishment selling, renting or exhibiting pornographic materials or any sexually oriented business;
 - i) Any sexually oriented business, as the term is generally construed;
 - j) Parking and/or storage of large vehicles, such as tractor/trailers and 18- wheelers; and
 - k) Storage containers are allowed but must be situated behind a residence and of (or painted) natural color so as not to stand out as a visual nuisance.
3. No used existing building or structure of any kind and no part of a used existing building or structure shall be moved onto the Property and/or any lot, tract or parcel that is out of, and a part of, the Property for the purpose of storing said structure. No tent, shack, garage, barn or other outbuildings of any character shall be placed or erected on any lot, tract or parcel at any time to be used as a temporary or permanent residence. New construction "barndominiums" are allowed. All new construction must be of new material and no tarpaper roof or siding materials, typically used for sheathing, will be used as an exterior covering on any structure. All buildings and structures shall be completely under skirted with no piers or pilings exposed to view.

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4. No building or structure other than a fence shall be located nearer than twenty-five (25) feet of any property line of any lot, tract, or parcel that is out of, and a part of, the Property.
5. Animals, livestock or poultry are allowed, provided that no government regulations are violated: (a) dogs, cats, or other household pets may be kept, provided that they are not kept or bred in a commercial quantity; (b) no more than fifty (50) fowl may be kept on any lot, tract or parcel that is out of, and a part of, the Property.
6. No outside toilet or privy shall be erected or maintained on any lot, tract or parcel that is out of, and a part of, the Property. The materials installed in, and all sanitary plumbing shall conform with the requirements of the Health Department of the State of Texas and the local authorities having jurisdiction. This provision does not apply to "porta-can" temporary toilets on any lot, tract or parcel that is out of, and a part of, the Property so long as such "porta-can" does not remain thereon longer than sixty (60) days after any construction project is completed.
7. Any residential building, residential structure, or residential improvement commenced upon any portion of any lot, tract or parcel that is out of, and a part of, the Property must be completed as to the exterior finish and appearance within twelve (12) months from the commencement date.
8. No lot, tract, or parcel that is out of, and a part of, the Property shall be used as a dumping ground for rubbish or trash or any hazardous materials, or waste, nor for storage of items or materials (except during construction of a building) and all lots, tracts, parcels and portions of the Property shall be kept clean and free of any boxes, rubbish, trash, or other debris. No refrigerators or other large appliances shall be placed outdoors and no inoperative motor vehicles without current license plates and inspection stickers shall be placed on or allowed to remain on any lot, tract, or parcel. Aluminum foil shall not be used as a window covering on any and all front and side windows OR windows facing a public road.
9. No commercial, skeet, trap, or rifle range operation involving discharging of firearms is allowed.

II.

These covenants, conditions and restrictions are for the purpose of protecting the value and desirability of the Property. Consequently, they shall run with the Property and shall be binding upon all Parties having any right, title, or interest in the Property in whole or in part and their heirs, successors, and assigns. These covenants, conditions and restrictions shall be for the benefit of the Property and each owner of any part or portion of the Property.

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III.

The covenants, conditions and restrictions of this Declaration shall be effective for a term of fifteen (15) years from and after the date of execution of this Declaration, as evidenced below, after which period the covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years each, subject to change or termination of said covenants, conditions and restrictions in whole or in part by an instrument signed by a majority (by number of acres, as contrasted to number of tracts) of the then owners of the Property that has been recorded which may extend to, and include, changes in the size, dimensions and boundary lines of any lot, tract or parcel that is out of, and a part of, the Property prior to the initial sale of any such lot, tract or parcel by Declarant to a third party. No change, amendment nor termination shall be effective until recorded in the Official Public Records of Polk County, Texas.

IV.

Invalidation of any one of these covenants, conditions or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

V.

If any controversy, claim or dispute arises relating to this Declaration, its breach, or enforcement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

VI.

Any owner of any part or portion of the Property shall have the right to enforce, by any proceeding at law or in equity, all covenants, conditions and restrictions imposed by this Declaration. Failure to enforce any covenant, condition or restriction shall not be deemed a waiver of the right of enforcement either with respect to the violation in question or any other violation. All waivers must be in writing and signed by the party to be bound.

VII.

This Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the Property.

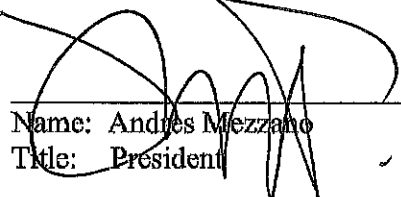
[Signature Page to Follow]

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This Declaration is executed this 5th day of September, 2024.

CROWN PINE TIMBER 1, L.P.,
a Delaware limited partnership

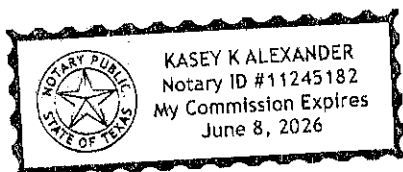
By: Creek Pine Timber GP, LLC,
a Delaware limited liability company,
its General Partner


By: 
Name: Andres Mezzano
Title: President

THE STATE OF TEXAS §

COUNTY OF ANGELINA §

This instrument was acknowledged before me on the 5th day of September, 2024 by Andres Mezzano, the President of Creek Pine Timber GP, LLC, a Delaware limited liability company, the General Partner of Crown Pine Timber 1, L.P., a Delaware limited partnership, on behalf of said limited liability company and limited partnership.




NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

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EXHIBIT "A"

[See Attached Maps]



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Parcel Number: 00011 Lots



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 this time, however, this information is
 in no way guaranteed.

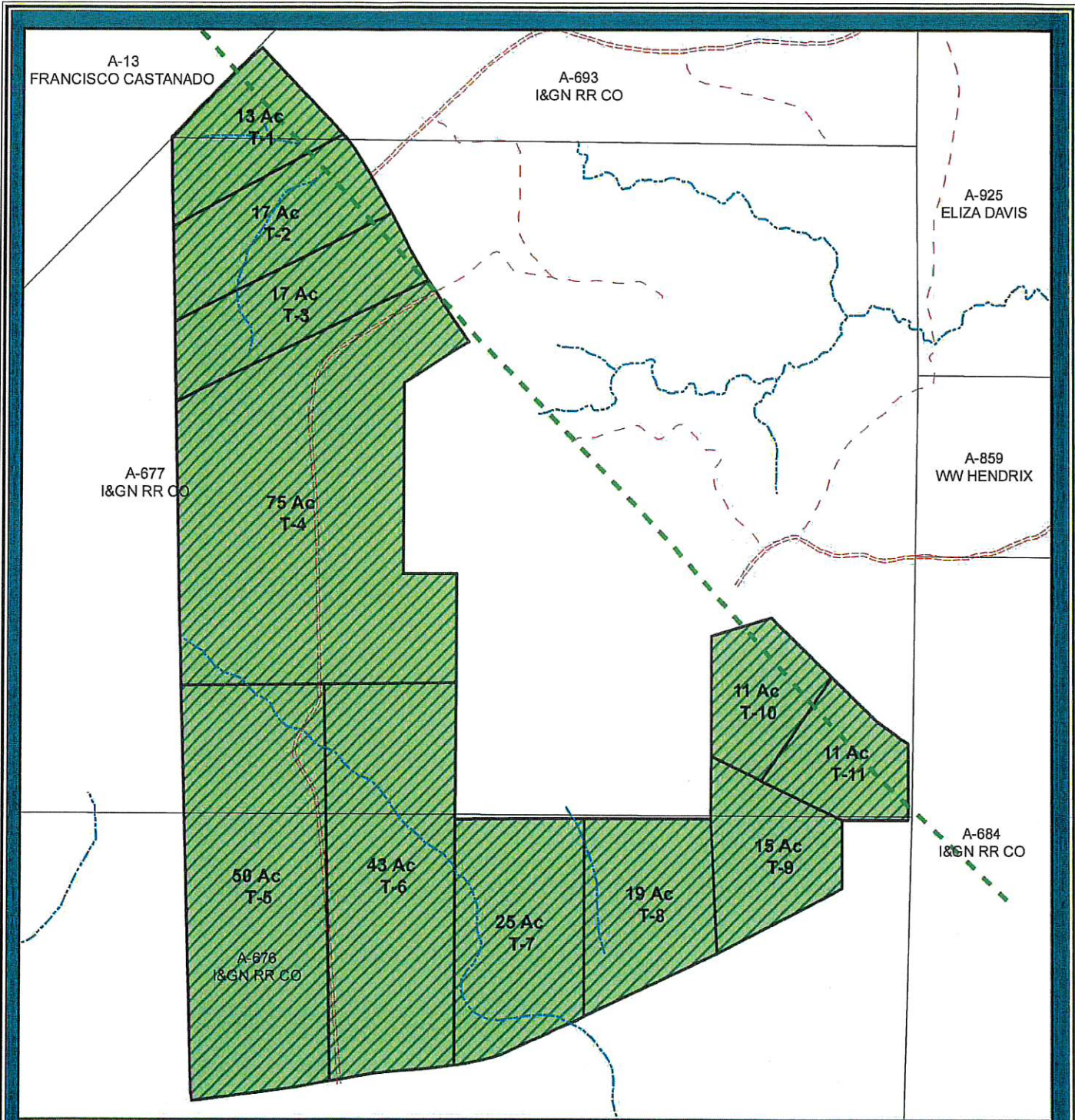
 **Subject Property**

County: TX-Polk

Total Gross Acres: 296



Date: 8/29/2024
Scale: 1 inch = 0.16 miles



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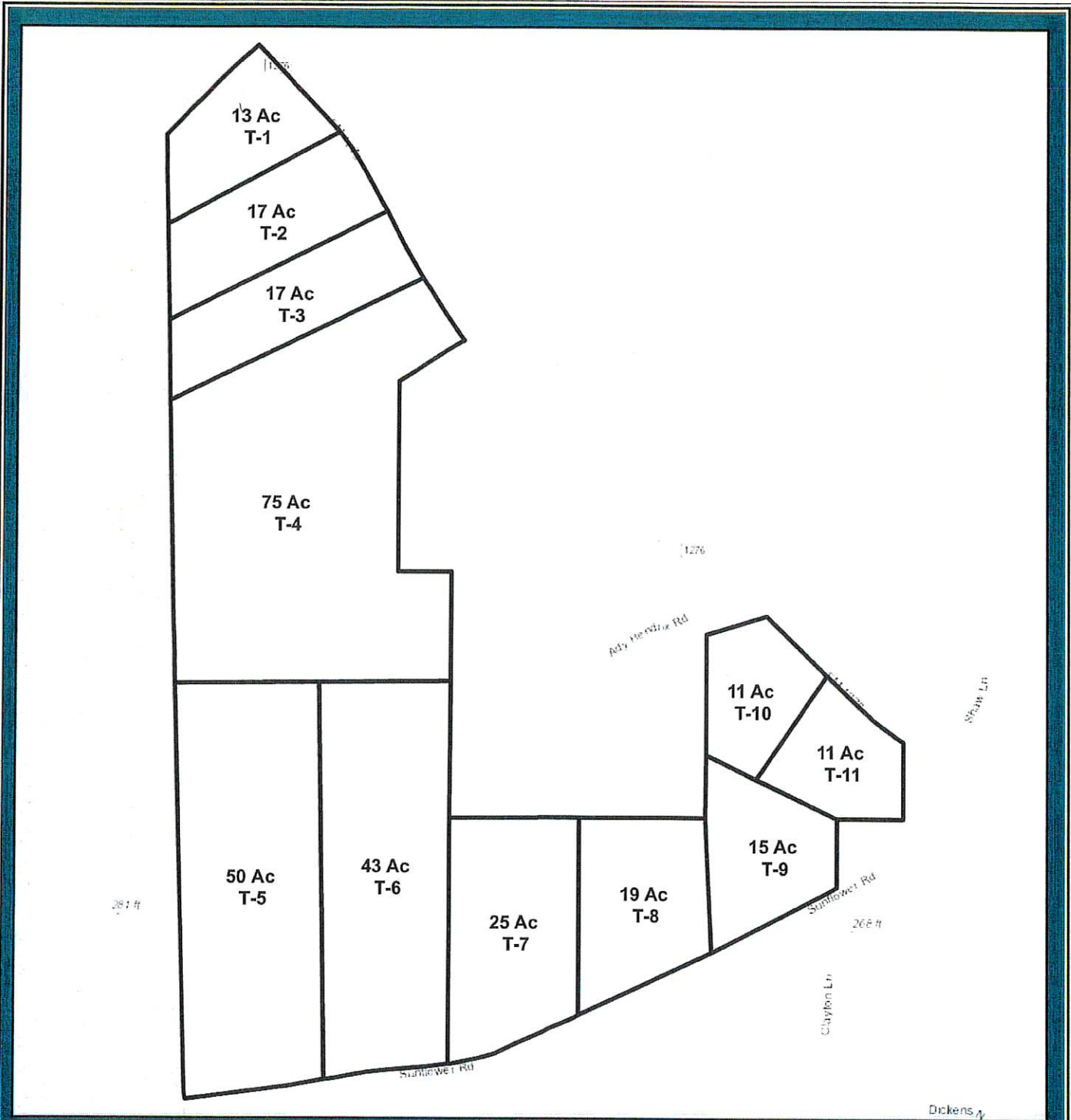
 **Subject Property**

County: TX-Polk

Total Gross Acres: 296



Date: 8/29/2024
 Scale: 1 inch = 0.16 miles



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Parcel Number: 00011 Lots



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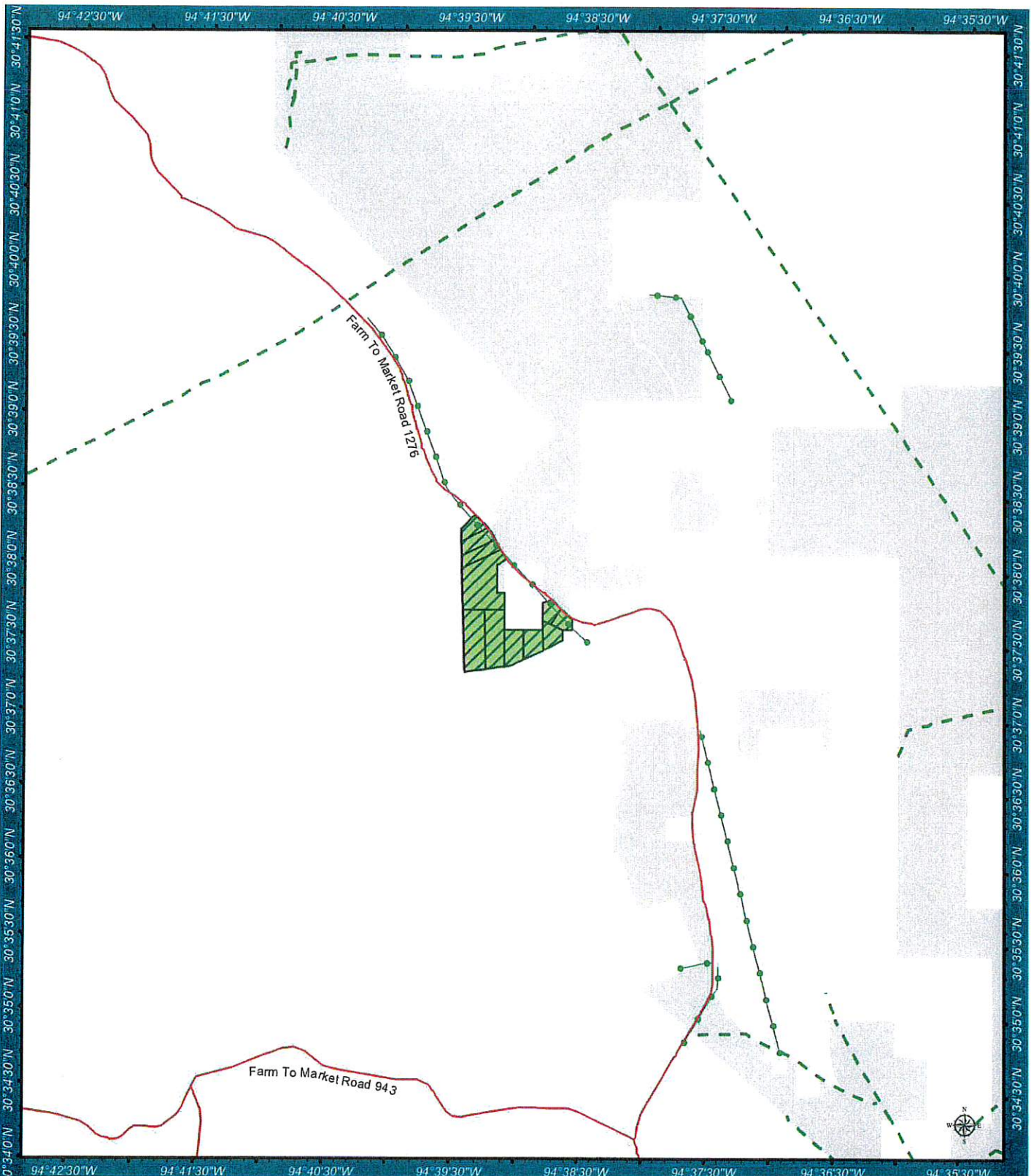
 Subject Property

County: TX-Polk

Total Gross Acres: 296



Date: 8/29/2024
 Scale: 1 inch = 0.16 miles



Parcel Number: 00011 Lots



Subject Property



County: TX-Polk



Date: 9/3/2024

Scale: 1 inch = 1 miles

Information provided on this map is believed to be accurate and is based on the best information available at this time, however, this information is in no way guaranteed.

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EXHIBIT "B"

[See Attached Legal Descriptions]

BH06314/11.2017

STATE: Texas
 COUNTY: Polk
 Tract: POL-22
 LATS: 423730676
 Tax Parcel No.:
 Compartment No.: 0011
 Fee: Leasehold: _____

The entire I. & G.N.R.R. Co. Survey, Section No. 27, A-676, in Polk County, Texas.

SAVE AND EXCEPT:

BEING two hundred thirty one and four tenths (231.4) acres of land, more or less, out of and a part of I&GN Railroad Section 27, Abstract 676, Polk County, Texas, and being more fully described as follows:

BEGINNING at the Easterly Southeast corner of I&GN RR Section 27, same being the Southwest corner of I&GN RR Section 28, a concrete monument stamped P-46 from which a 10" Pine bears S. 40° 07' N. 5.7 varas, a 10" Pine bears N. 47° 06' E. 13.4 varas and an 11" Pine bears S. 74° 24' W. 8.1 varas;

THENCE S. 89° 31' W. with the South line of said Section 27, 1,552.5 varas to the interior corner of same and the Northwest corner of I&GN Section 30, a concrete monument stamped P-45 from which an 18" Pine bears S. 19° 45' W. 10.1 varas, a 16" Pine bears N. 66° 40' E. 7.7 varas and a 16" Pine bears S. 47° 37' E. 13.8 varas;

THENCE N. 2° 11' W. 638.7 varas to a stake for corner on the South side of a graded road, 9 varas perpendicular distance from the center of same, from which a 7" Pine bears S. 47° 12' E. 7.4 varas, a 6" Pine bears S. 25° 56' E. 8.7 varas and a 5" Pine bears S. 14° 37' E. 8.4 varas;

THENCE along the South side of said graded road as follows:
 (1) N. 81° 12' E. 660 varas; (2) N. 64° 20' E. 604 varas and
 (3) N. 61° 40' E. 241 varas to a stake for corner in the West line of 3.65 acres heretofore conveyed to Jay Lilley from which an 8" Pine bears S. 58° 09' E. 2.2 varas, an 8" Sand Jack Oak bears S. 17° 47' E. 4.0 varas and an 8" Sand Jack Oak bears S. 61° 27' W. 5.4 varas;

THENCE S. 0° 10' E. with the West line of said 3.65 acres, 52.55 varas to a 2" iron pipe for the Southwest corner of same, from which a 24" Pine bears S. 13° 22' W. 3.0 varas, a 24" Pine Stump bears N. 52° 20' E. 15.0 varas and a 9" Post Oak bears N. 37° 13' E. 1.3 varas;

THENCE S. 89° 40' E. 149.3 varas to the Southeast corner of said 3.65 acres in the East line of Section 27, a stake from which a 14" Pine bears S. 73° W. 8.3 varas and a 14" Pine bears N. 65° W. 9.0 varas;

THENCE South with the East line of Section 27, 1052.73 varas to the place of beginning.

ALSO SAVE AND EXCEPT:

BEING 3.65 acres, more or less, out of and a part of Abst. 676, 180N Section 27;

BEGINNING at the Northeast corner of Section 27 and the Southeast corner of Section 26 a concrete monument No. P-41 in a public road 2.5 varas North of the center of same and 6" below the surface, from which a 5" Pine bears South 10° 40' West 13.3 varas; a 14" Pine bears North 11° 25' East 10.1 varas; and a Pine stump bears North 24° 37' East 12.25 varas;

THENCE South with the East line of Section 27, 150.27 varas to stake for corner;

THENCE North 89° 40' West 149.3 varas to stake from which a 16" Pine bears South 13° 22' West 3.05 varas; a pine stump bears North 52° 23' East 15.0 varas and an 11" Pine bears South 61° 05' East 22.4 varas;

THENCE North at 62.5 varas the center of a public road and at 148.14 varas a stake in the North line of Section 27 and South line of Section 26;

THENCE North 89° 30' East with said line 149.3 varas to the place of beginning, containing 3.95 acres, more or less, save and except .30 acres in a public road.

ALSO SAVE AND EXCEPT, all that portion of the following described 1, 827.13 acre tract, containing approximately 313.96 acres of land, more or less, situated only in the I. & G.N.R.R. Co. Survey, Section No. 27, A-676, in Polk County, Texas, being more particularly described as follows:

Polk All that certain tract or parcel of land lying and situate in the County of Hardin, Texas, being 665.52 acres, more or less, in the I. & G. N. R. R. Survey 30, A-699, 640.52 acres, more or less, in the I. & G. N. R. R. Survey 29, A-667, 313.96 acres, more or less, in the I. & G. N. R. R. Survey 27, A-676, and 207.13 acres, more or less, in the I. & G. N. R. R. Survey 26, A-672, and being more particularly described as follows:

Beginning at a concrete monument marking the northeast corner of the I. & G. N. R. R. Survey 30, A-699, from which a Government marker bears South 02° 58' 26" East 2.00 feet, a 15" Pine bears South 84° 15' 00" West 70.00 feet, and a 12" Pine bears South 05° 30' 00" East 56.58 feet, said Point of Beginning having Texas Central Zone Grid Co-ordinates of N 391, 278.13 and E 3, 791, 230.21;

Thence with the east line of said I. & G. N. R. R. Survey 30 and with the Boundary Line of Big Thicket National Preserve, South 02° 58' 26" East at 1, 451.33 feet a Government marker, a total distance of 2, 849.41 feet to a concrete monument marking its most easterly southeast corner from which a Government marker bears South 87° 04' 13" West 2.00 feet, a 6" Pine bears North 24° 00' 00" East 9.90 feet, a 6" Pine bears North 85° 30' 00" West 20.50 feet, an 8" Sweet Gum bears South 29° 30' 00" West 10.20 feet, and an 18" Pine bears South 78° 00' 00" East 18.70 feet;

Thence with the most northerly south line of said L. & G. N. R. R. Survey 30 and continuing with said Boundary Line South $87^{\circ} 04' 13''$ West 283.84 feet to a concrete monument, marking the northeast corner of the Washington Sumrall Survey, A-546, from which a Government marker bears South $02^{\circ} 48' 04''$ East 2.00 feet, a 14" Pine bears North $55^{\circ} 14' 00''$ East 10.20 feet, a 6" Pine bears South $42^{\circ} 30' 00''$ East 10.80 feet, and a 6" Sweet Gum bears South $70^{\circ} 30' 00''$ West 14.20 feet;

Thence leaving said Boundary Line and continuing with the

most northerly south line of said L. & G. N. R. R. Survey 30 and with the north line of said Sumrall Survey South $87^{\circ} 03' 45''$ West 2,649.49 feet, more or less, to an interior corner of said L. & G. N. R. R. Survey 30 and northwest corner of said Sumrall Survey;

Thence with an east line of said L. & G. N. R. R. Survey 30 and west line of said Sumrall Survey South $02^{\circ} 45' 56''$ East 2,656.92 feet, more or less, to an interior corner of said L. & G. N. R. R. Survey and southwest corner of said Sumrall Survey;

Thence with the most southerly north line of said L. & G. N. R. R. Survey 30 and south line of said Sumrall Survey North $87^{\circ} 05' 34''$ East 336.64 feet, more or less, to the most southerly northeast corner of said L. & G. N. R. R. Survey 30 and northwest corner of the M. McCormick Survey, A-439;

Thence with the northeast line of said L. & G. N. R. R. Survey 30 and southwest line of said McCormick Survey South $23^{\circ} 30' 26''$ East 3,440.44 feet, more or less, to the most southerly southeast corner of said L. & G. N. R. R. Survey 30 and southwest corner of said McCormick Survey;

Thence with the southeast line of said L. & G. N. R. R. Survey 30 South $65^{\circ} 35' 29''$ West at 272.00 feet, more or less, the west corner of the J. E. Williford Survey, A-823, and north corner of the Mary Thomas Survey, A-75, a total distance of 2,660.31 feet, more or less, to the south corner of said L. & G. N. R. R. Survey 30, and southeast corner of the L. & G. N. R. R. Survey 29, A-667;

Thence with the southeast line of said L. & G. N. R. R. Survey 29, South $65^{\circ} 56' 34''$ West 1,342.22 feet, more or less, to the most southerly southwest corner of said L. & G. N. R. R. Survey 29 and southeast corner of the Abel Cain Survey, A-183;

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Thence with the southwest line of said L. & G. N. R. R. Survey 29 and northeast line of said Cain Survey North $23^{\circ} 10' 56''$ West 4,213.33 feet, more or less, to an interior corner of said L. & G. N. R. R. Survey 29 and northeast corner of said Cain Survey;

Thence with the most northerly southeast line of said L. & G. N. R. R. Survey 29 and northwest line of said Cain Survey South $66^{\circ} 14' 58''$ West 3,333.83 feet, more or less, to the most northerly southwest corner of said L. & G. N. R. R. Survey 29 and northwest corner of said Cain Survey

Thence with the most westerly southwest line of said L. & G. N. R. R. Survey 29 and northeast line of the Henry W. Augustine Survey, A-13, North $24^{\circ} 18' 56''$ West 3,085.42 feet, more or less, to the northwest corner of said L. & G. N. R. R. Survey 29 and south corner of the W. J. S. Coulter Survey, A-182;

Thence with the northwest line of said L. & G. N. R. R. Survey 29 and southeast line of said Coulter Survey, North $64^{\circ} 42' 38''$ East 3,737.50 feet, more or less, to a concrete monument marking

the southeast corner of said Coulter Survey and southwest corner of the L. & G. N. R. R. Survey 27, A-676, at an angle point in the line of said L. & G. N. R. R. Survey 29;

Thence with the southwest line of said L. & G. N. R. R. Survey 27, and northeast line of said Coulter Survey, and the John C. Davis Survey, A-222, North $24^{\circ} 14' 19''$ West 6,845.96 feet to a concrete monument marking the northwest corner of said L. & G. N. R. R. Survey 27 and southwest corner of the L. & G. N. R. R. Survey 26, A-677;

Thence with the southwest line of said L. & G. N. R. R. Survey 26 and northeast line of said Davis Survey, North $24^{\circ} 14' 22''$ West 818.03 feet to a concrete monument marking the northwest corner of said L. & G. N. R. R. Survey 26 and north corner of said Davis Survey;

Thence with the northwest line of said L. & G. N. R. R. Survey 26 and southeast line of the Francisca Castaneda Survey, A-13 as follows;

North $40^{\circ} 13' 46''$ East 3,433.38 feet to a concrete monument; and

North $40^{\circ} 05' 46''$ East 1,557.66 feet to a concrete monument

from which a Government marker bears South $05^{\circ} 10' 07''$ East 2.00 feet, a 6" Pine bears North $31^{\circ} 00' 00''$ East 17.10 feet an 8" Pine bears North $71^{\circ} 00' 00''$ West 13.20 feet, a 7" Pine bears South $36^{\circ} 00' 00''$ East 10.00 feet, and a 12" Pine bears North $10^{\circ} 00' 00''$ West 29.10 feet;

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Thence leaving said survey line and crossing the lands of grantor and with the Boundary Line of Big Thicket National Preserve South $05^{\circ} 10' 07''$ East at 987.66 feet a Government marker, at 2,438.36 feet a Government marker, at 4,032.45 feet a Government marker, at 4,332.00 feet, more or less, the common line between I. & G.N.R.R. Survey 26 and I. & G.N.R.R. Survey 27, at 5,041.40 feet a Government marker, at 6,396.60 feet a Government marker, a total distance of 7,722.80 feet to a concrete monument marking an interior corner of said I. & G.N.R.R. Survey 27 and northwest corner of said I. & G.N.R.R. Survey 30 from which a Government marker bears North $86^{\circ} 31' 01''$ East 2.00 feet, a 15" Pine bears South $50^{\circ} 30' 00''$ East 38.10 feet, a 17" Pine bears South $15^{\circ} 30' 00''$ West 28.70 feet and a 14" Pine bears North $65^{\circ} 00' 00''$ East 21.75 feet;

Thence with the north line of said I. & G.N.R.R. Survey 30 and continuing with said Boundary Line as follows:

North $86^{\circ} 31' 01''$ East at 1,331.57 feet a Government marker, at 2,155.83 feet a Government marker, at 2,544.52 feet a Government marker, at 3,352.25 feet a Government marker, a total distance of 4,312.96 feet to a concrete monument from which a Government marker bears North $86^{\circ} 29' 34''$ East 2.00 feet, a 16" Pine bears South $36^{\circ} 15' 00''$ West 16.60 feet, and a 14" Pine bears South $72^{\circ} 00' 00''$ West 23.00 feet; and North $86^{\circ} 29' 34''$ East 2,139.70 feet, to the Point of Beginning.

All bearings are based on Grid North.

Containing 1827.13 acres of land, more or less.

The above parcel designated as Tract 110-11, Big Thicket National Preserve, is part of the same land acquired by East Texas Pulp and Paper Company from Southwestern Settlement and Development Corporation by deed dated June 6, 1956 and filed for record June 6, 1956 in Book 169, page 228; is also part of the same land acquired by Eastex, Incorporated from East Texas Pulp and Paper Company by Certificate of Name Change dated August 23, 1965 and filed for record April 29, 1966 in Book 214, page 518; and is also part of the same land acquired by Temple-Eastex Incorporated from Eastex Incorporated by Certificate of Ownership and Merger merging Temple Industries, Inc. and Eastex Incorporated dated December 4, 1974 and filed for record February 13, 1965 in Book 299, page 259, all in the Deed Records of Polk County, Texas.

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STATE: Texas
 COUNTY: Polk
 Tract: POL-4
 LATS: 4237306770[0011, 3041]
 Tax Parcel No.:
 Compartment No.: 00011, 03041
 Fee: Leasehold: _____

All of that certain lot, tract or parcel of land, in the I & G.N.R.R. Survey, Section No. 26, A-677, in Polk County, Texas, more fully described as follows:

In Polk County, known as Sur No. 26 on the waters of School Creek, a tributary of Neches River, about 17 mile, S 70° E from Livingston; by virtue of Land Scrip No 3861 issued by the Comr. of the Genl. Land Office, May 24, 1875. Beginning at a stake on S.E. b'dy line of the Francisca Castaneda League, the S.W. cor of See 24 a pine 25 ins S. 6 vrs. Do 18 ins N 30° W 8 vrs. Thence east with the S.B. line said No. 24 at 1559vrs, the S.E. cor same on W.B. line of E. Davis Pre. Sur. a white oak 15 ins. S. 27° W 6 vrs. R.O. 12 ins E 10 vrs. Thence south with said line at 1562 vrs cor. Thence West 2738 vrs. stake on N.E.B. line of T.C. Davis Sur of 320 acres. Thence N 20° W at 295 vrs stake on S.E.B. line said Castaneda League pine 15 ins. S 41° E 3 vrs. Pine 15 ins. N. 11° W 3 vrs. Thence N 45° E with league line at 1819 vrs. the beginning.

Save & Except the West 80 acres of the following:

BEGINNING at the S. W. corner of E. Davis Survey;

THENCE West 950 vrs. a stake from which a pine brs. 4 vrs. West;

THENCE South 950 vrs. to stake a pine X bears North 83 deg.

West 80 varas;

THENCE East 950 vrs. a stake on W. B. line of Section No. 28,
 a pine marked X bears North 5 deg. East 13 varas, do South 45 West
 10 varas;

THENCE North 950 varas to beginning, containing 180 acres in
 the S. E. corner of No. 28, I. & G. N. Ry. Co. Survey

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Save & Except 2.10 acres described in deed from Southwestern Settlement and Development to Jay Lilley et al, dated June 14, 1955, Deed Records of Polk County, Texas, more particularly described as follows:

2.) **BEING** 2.10 acres, more or less, out of and a part of Auct. 477, T88N Section 27;

BEGINNING at the Northeast corner of Section 27 and the Northeast corner of Section 25, same being the Northeast corner of the First Tract heretofore described;

THENCE North with the East line of Section 26 and West line of Section 25, 80.13 varas to the Southeast corner of the W. W. Hendrix 160 acre tract, a concrete monument No. P-39 from which an 11" Pine bears North $55^{\circ} 03'$ West 8.5 varas; a 10" Pine bears North $1^{\circ} 43'$ East 13.2 varas; and a 12" Pine bears South $80^{\circ} 37'$ East 22.4 varas;

THENCE South $89^{\circ} 40'$ West with the South line of said Hendrix 160 acres, 149.3 varas to stake from which a 13" Pine bears North $71^{\circ} 50'$ East 29.65 varas; a 14" Pine bears South $74^{\circ} 32'$ West 24.5 varas; and a 13" Red Oak bears South $48^{\circ} 21'$ East 17.0 varas;

THENCE South 80.56 varas to stake in the South line of Section 26, same being the Northwest corner of the First Tract heretofore described;

THENCE North $89^{\circ} 30'$ East with the South line of Section 26, 149.3 varas to the place of beginning, containing 2.12 acres, more or less, save and except .02 acres in a public road.

Save & Except

All that certain lot, tract, or parcel of land lying and situated in Polk County, Texas, within the I. & G. N. R. R. SURVEY A-677, out of and a part of that certain 80 acre tract which was conveyed from Bertha S. Quinn, et al, to Temple Industries, Inc. by deed dated August 12, 1969 and recorded in Volume 240, on Page 688 of the Deed Records of Polk County, Texas, to which reference is hereby made for any and all purposes, being more particularly described by metes and bounds as follows, to wit:

BEGINNING in the W.B.L. of said 80 acre tract at a point located N 00deg. 30min. 57sec. W 1115.46 feet from a 1" iron pipe for the Southwest corner of same, at a 5/8" iron rod set for corner from which a 5" Pine brs. S 53deg. E 24.30 feet, a 10" Pine brs. S 72deg. E 39.20 feet, and a 16" Blackjack brs. N 45deg. W 45.40 feet;

THENCE N 00deg. 30min. 57sec. W at 406.93 feet intersect the Southwest right-of-way line of State F.M. Road No. 1276, set a 5/8" iron rod for corner from which a 14" Pine brs. S 38deg. W 29.90 feet, a 12" Pine brs. N 52deg. E 83.80 feet, and a 10" Sweetgum brs. N 39deg. E 82.70 feet;

THENCE S 49deg. 31min. 15sec. E with said right-of-way line, at 382.92 feet set a 5/8" iron rod for corner from which a 16" Pine brs. N 78deg. W 29.40 feet, a 12" Pine brs. S 23deg. W 36.35 feet, and a 14" Post Oak brs. S 33deg. W 29.75 feet;

THENCE S 61deg. 09min. 58sec. W 328.30 feet to the point and place of beginning and containing 1.350 acres of land.

Save & Except

Shine & Johnston, Inc.

J. Gilbert Johnston, President, RPLS
Steve Butz, RPLS

(409) 385-5266
Fax (409) 385-0936

STATE OF TEXAS X

COUNTY OF POLK X

Field notes describing a 2.327 acre tract of land out of a Temple Industries, Inc. 80 acre tract, out of the I. & G.N.R.R., Section 26, Abstract 677, Polk County, Texas.

NOTE: Bearings herein are oriented to the call bearing (South) along the west line of a called 62.39 acre tract as described in Volume 266, Page 365 of the Deed Records of Polk County, Texas. (See accompanying plat)

BEGINNING at the 4" concrete monument stamped "W.W. Hendrix S.W. Cor." found at the southwest corner of the W.W. Hendrix Survey, Abstract 859, the northwest corner of the I. & G. N. R. R., Section 28, Abstract 684, the northwest corner of a called 62.39 acre tract in the east line of the I. & G. N. R. R., Section 26, Abstract 677. Said 62.39 acre tract is more particularly described in a deed dated December 29, 1964 from Southern Neches Corporation to the Veterans Land Board of Texas and recorded in Volume 266, Page 365 of the Deed Records of Polk County, Texas.

THENCE South along and with the west line of said Section 28, the west line of said 62.39 acre tract and the east line of said Section 26 a distance of 1648.33 feet to a 3/8" iron rod found at the southwest corner of said 62.39 acre tract in the north right-of-way line of F.M. Highway 1276 and on a curve to the right.

THENCE northwesterly along and with said right-of-way line and said curve to the right 123.24 feet to a 5/8" iron rod set for corner. Said curve to the right has a central angle of 04°55'46", a radius of 1432.39 feet and a chord which bears N 54°15'40" W 123.20 feet.

THENCE North 976.39 feet to a 5/8" iron rod set for corner.

THENCE S 89°59'22" E 100.00 feet to the PLACE OF BEGINNING, containing 2.327 acres of land.

I, Steven Butz, Registered Professional Land Surveyor Number 4319 in the State of Texas, do hereby certify that the above field notes reflect an actual survey made by me, or under my supervision, that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing field notes just as I found them on the ground.

Given under my hand and seal this 29th day of October, 2002.

020907.doc

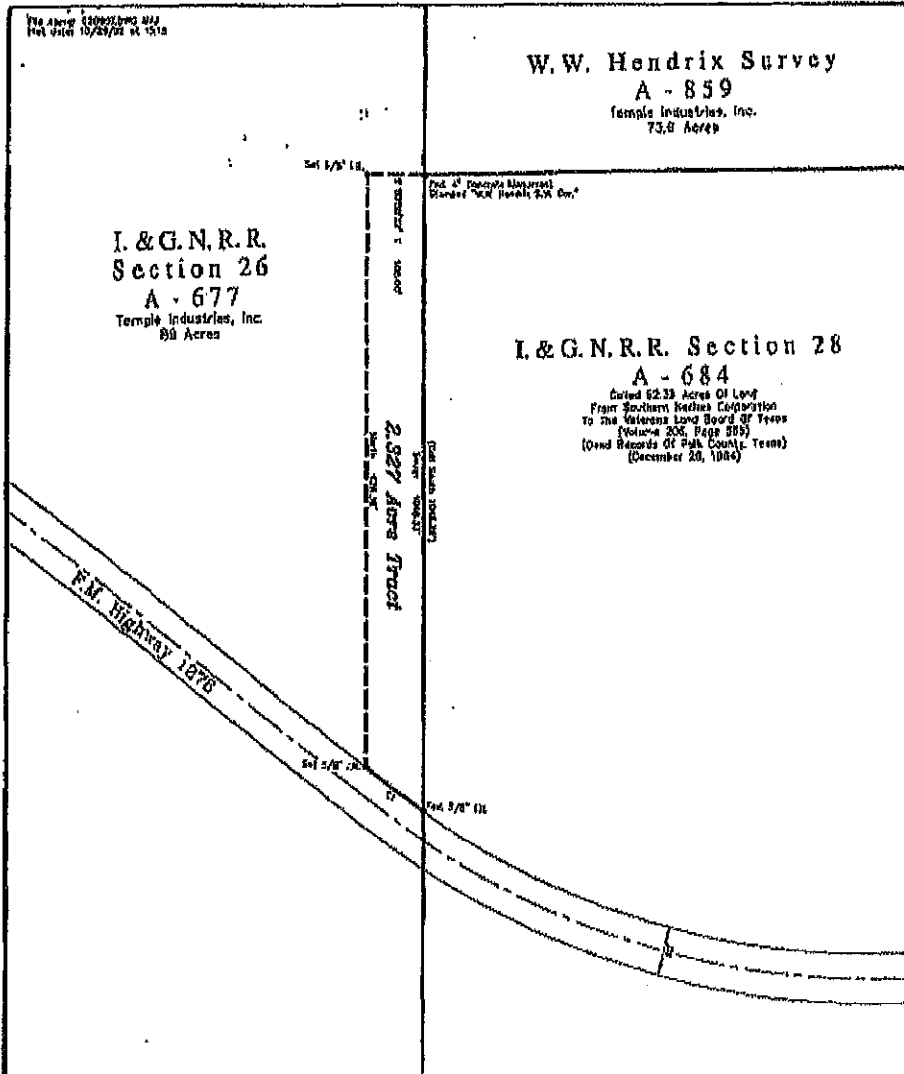


Steven Butz
Steven Butz
Registered Professional Land Surveyor No. 4319

EXHIBIT "A"

P.O. Box 391 • 145 East Avenue H • Silsbee, Texas 77656

RECORDER'S MEMORANDUM
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Curve Data

CURVE	BORER	BEAR	ARC	TANGENT	CHORD	CHORD
1	(107)°	65°34'	112'	112'	112'	112'

NOTES
 BEARINGS HEREON ARE ORIENTED TO THE CAL. BEARING
 (SOUTH) ALONG THE WEST LINE OF THE CALLED 62.39 ACRE
 TRACT, VOL. 208, PG. 008 D.M.P.C.T.
 THIS PLAT IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL.
 SEE ACCOMPANYING FIELD NOTES

Survey Plat Showing A
2.327 Acre Tract
 Out Of A
 Temple Industries, Inc.
 20 Acre Tract
 Out Of The
I. & G. N. R. R., Section 26
Abstract 677
 Pull County, Texas
 October 28, 2002 H&A

[Signature]
 Steven Dale Boytz
 Registered Professional Land Surveyor No. 4519



SCALE: 1" = 300'

Steve E. Johnston, Inc.
 P.O. Box 331
 Sallis, Texas 77856
 (409) 395-5266
 Fax (409) 395-0926

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Save & Except all that certain tract or parcel of land lying and situated in the County of Polk, Texas, being 665.52 acres, more or less, in the I.G.N.R.R. Survey 30, A-699, 640.52 acres, more or less, in the I.G.N.R.R. Survey 29, A-667, 313.96 acres, more or less in the I.G.N.R.R. Survey 27, A-676, and 207.13 acres, more or less in the I.G.N.R.R. Survey 26, A-677, and being more particularly described as follows:

Beginning at a concrete monument marking the northeast corner of the I. & G. N. R. R. Survey 30, A-699, from which a Government marker bears South $02^{\circ} 58' 26''$ East 2.00 feet, a 15" Pine bears South $84^{\circ} 15' 00''$ West 70.00 feet, and a 12" Pine bears South $05^{\circ} 30' 00''$ East 56.58 feet, said Point of Beginning having Texas Central Zone Grid Co-ordinates of N 391, 278.13 and E 3, 791, 230.21;

Thence with the east line of said I. & G. N. R. R. Survey 30 and with the Boundary Line of Big Thicket National Preserve, South $02^{\circ} 58' 26''$ East at 1, 451.33 feet a Government marker, a total distance of 2, 849.41 feet to a concrete monument marking its most easterly southeast corner from which a Government marker bears South $87^{\circ} 04' 13''$ West 2.00 feet, a 6" Pine bears North $24^{\circ} 00' 00''$ East 9.90 feet, a 6" Pine bears North $85^{\circ} 30' 00''$ West 20.50 feet, an 8" Sweet Gum bears South $29^{\circ} 30' 00''$ West 10.20 feet, and an 18" Pine bears South $78^{\circ} 00' 00''$ East 18.70 feet;

Thence with the most northerly south line of said I. & G. N. R. R. Survey 30 and continuing with said Boundary Line South $87^{\circ} 04' 13''$ West 283.84 feet to a concrete monument, marking the northeast corner of the Washington Sumrall Survey, A-546, from which a Government marker bears South $02^{\circ} 48' 04''$ East 2.00 feet, a 14" Pine bears North $55^{\circ} 14' 00''$ East 10.20 feet, a 6" Pine bears South $42^{\circ} 30' 00''$ East 10.80 feet, and a 6" Sweet Gum bears South $70^{\circ} 30' 00''$ West 14.20 feet;

Thence leaving said Boundary Line and continuing with the most northerly south line of said I. & G. N. R. R. Survey 30 and with the north line of said Sumrall Survey South $87^{\circ} 03' 45''$ West 2, 649.49 feet, more or less, to an interior corner of said I. & G. N. R. R. Survey 30 and northwest corner of said Sumrall Survey;

Thence with an east line of said I. & G. N. R. R. Survey 30 and west line of said Sumrall Survey South $02^{\circ} 45' 56''$ East 2, 656.92 feet, more or less, to an interior corner of said I. & G. N. R. R. Survey and southwest corner of said Sumrall Survey;

Thence with the most southerly north line of said I. & G. N. R. R. Survey 30 and south line of said Sumrall Survey North $87^{\circ} 05' 34''$ East 336.64 feet, more or less, to the most southerly northeast corner of said I. & G. N. R. R. Survey 30 and northwest corner of the M. McCormick Survey, A-439;

Thence with the northeast line of said I. & G. N. R. R. Survey 30 and southwest line of said McCormick Survey South $23^{\circ} 30' 26''$ East 3, 440.44 feet, more or less, to the most southerly southeast corner of said I. & G. N. R. R. Survey 30 and southwest corner of said McCormick Survey;

Thence with the southeast line of said I. & G. N. R. R. Survey 30 South 65° 35' 29" West at 272.00 feet, more or less, the west corner of the J. E. Williford Survey, A-823, and north corner of the Mary Thomas Survey, A-75, a total distance of 2,660.31 feet, more or less, to the south corner of said I. & G. N. R. R. Survey 30, and southeast corner of the I. & G. N. R. R. Survey 29, A-667;

Thence with the southeast line of said I. & G. N. R. R. Survey 29, South 65° 56' 34" West 1,342.22 feet, more or less, to the most southerly southwest corner of said I. & G. N. R. R. Survey 29 and southeast corner of the Abel Cain Survey, A-183;

Thence with the southwest line of said I. & G. N. R. R. Survey 29 and northeast line of said Cain Survey North 23° 10' 56" West 4,213.33 feet, more or less, to an interior corner of said I. & G. N. R. R. Survey 29 and northeast corner of said Cain Survey;

Thence with the most northerly southeast line of said I. & G. N. R. R. Survey 29 and northwest line of said Cain Survey South 66° 14' 58" West 3,333.83 feet, more or less, to the most northerly southwest corner of said I. & G. N. R. R. Survey 29 and northwest corner of said Cain Survey;

Thence with the most westerly southwest line of said I. & G. N. R. R. Survey 29 and northeast line of the Henry W. Augustine Survey, A-13, North 24° 38' 56" West 3,085.42 feet, more or less, to the northwest corner of said I. & G. N. R. R. Survey 29 and south corner of the W. J. S. Coulter Survey, A-182;

Thence with the northwest line of said I. & G. N. R. R. Survey 29 and southeast line of said Coulter Survey, North 64° 42' 38" East 3,737.50 feet, more or less, to a concrete monument marking

the southeast corner of said Coulter Survey and southwest corner of the I. & G. N. R. R. Survey 27, A-676, at an angle point in the line of said I. & G. N. R. R. Survey 29;

Thence with the southwest line of said I. & G. N. R. R. Survey 27, and northeast line of said Coulter Survey, and the John C. Davis Survey, A-222, North 24° 14' 19" West 6,845.96 feet to a concrete monument marking the northwest corner of said I. & G. N. R. R. Survey 27 and southwest corner of the I. & G. N. R. R. Survey 26, A-677;

Thence with the southwest line of said I. & G. N. R. R. Survey 26 and northeast line of said Davis Survey, North 24° 14' 22" West 818.03 feet to a concrete monument marking the northwest corner of said I. & G. N. R. R. Survey 26 and north corner of said Davis Survey;

Thence with the northwest line of said I. & G. N. R. R. Survey 26 and southeast line of the Francisca Castanedo Survey, A-13 as follows:

North 40° 13' 46" East 3,433.38 feet to a concrete monument; and

North 40° 05' 46" East 1,557.66 feet to a concrete monument

from which a Government marker bears South 05° 10' 07" East

2.00 feet, a 6" Pine bears North 31° 00' 00" East 17.10 feet and

8" Pine bears North 71° 00' 00" West 13.20 feet, a 7" Pine bears

South 36° 00' 00" East 10.00 feet, and a 12" Pine bears North

10° 00' 00" West 29.10 feet;

Thence leaving said survey line and crossing the lands of grantor and with the Boundary Line of Big Thicket National Preserve South $05^{\circ} 10' 07''$ East at 987.66 feet a Government marker, at 2,438.36 feet a Government marker, at 4,032.45 feet a Government marker, at 4,332.00 feet, more or less, the common line between I. & G.N.R.R. Survey 26 and I. & G.N.R.R. Survey 27, at 5,041.40 feet a Government marker, at 6,396.60 feet a Government marker, a total distance of 7,722.80 feet to a concrete monument marking an interior corner of said I. & G.N.R.R. Survey 27 and northwest corner of said I. & G.N.R.R. Survey 30 from which a Government marker bears North $86^{\circ} 31' 01''$ East 2.00 feet, a 15" Pine bears South $50^{\circ} 30' 00''$ East 38.10 feet, a 17" Pine bears South $15^{\circ} 30' 00''$ West 28.70 feet and a 14" Pine bears North $65^{\circ} 00' 00''$ East 21.75 feet;

Thence with the north line of said I. & G.N.R.R. Survey 30 and continuing with said Boundary Line as follows:

North $86^{\circ} 31' 01''$ East at 1,333.57 feet a Government marker, at 2,155.83 feet a Government marker, at 2,544.52 feet a Government marker, at 3,352.25 feet a Government marker, a total distance of 4,312.96 feet to a concrete monument from which a Government marker bears North $86^{\circ} 29' 34''$ East 2.00 feet, a 16" Pine bears South $36^{\circ} 15' 00''$ West 16.60 feet, and a 14" Pine bears South $72^{\circ} 00' 00''$ West 23.00 feet; and North $86^{\circ} 29' 34''$ East 2,139.70 feet, to the Point of Beginning.

RECORDER'S MEMORANDUM
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STATE: Texas
COUNTY: POLK
Tract: POL-10
LATS: 4237306930
Tax Parcel No:
Compartment NO: 0004; 0009
Fee: x Leasehold

I & GNRR CO. A-693
SEs

In Polk County,
known as sec. 24 on the letters of School Creek a tributary of Leches River about 17 miles
S 74° E from Livingston by virtue of Land Scrip No 2059 issued by the Genl. of the Genl.
Land office May 24th 1875. Beginning at the S.W. cor of section No 23 stake pine 13 ins
bra S 60° E 4 yrs. 24 S ins S 10° E 3 yrs. thence north at 600 yds the S.E. cor of sec 20
beginning with the S.W. line of same at 1854 yrs S.W. cor same on N.E. line of Francisco
Castaneda league. Thence S 45° E with same at 2096 yrs the E. cor of same, black oak 14 ins
S 10° E 7 yrs. pine 20 ins S 72° E 40 yrs. thence S 45° W with said league line at 1805
yrs stake a. pine 20 ins S 6 yrs to 10 ins N 50° E 3 yrs. thence E at 1019 yrs stake on E.
line of M. Davis 300 yds white oak 12" S 17° W 3 yrs red oak 12" east 10 yrs. thence N
with N.E. line of Davis & Killarsy preemption survey at 2613 yrs stake on N.E. line of sec.
No 23. thence west with same all yrs the beginning. bearings and x No On All.

SEE ATTACHED FOR SAVE & EXCEPTS

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SAVE & EXCEPT

O.R. 743 PAGE 411

EXHIBIT "A"

SALE TRACT NO. 744

Being 5.87 acres of land in Polk County, Texas, within the I. & G. N. R.R. SURVEY, A-683, described as follows:

BEGINNING at the North or Northwest corner of that certain 10 acre tract which was conveyed from Southwestern Settlement and Development Company to Hobby Hendrix by deed dated September 1, 1940, found a 1" iron pipe for corner in the N.B.L. of said survey, from which 14" Pine brs. N 36deg. W 31.4 feet, a 10" BlackJack brs. N 80deg. E 64.2 feet, and a 6" Sweetgum brs. S 80deg. E 43.2 feet;

THENCE N 45deg. 15min. 27sec. E with said survey line, at 1227.51 feet found a concrete monument for corner;

THENCE N 44deg. 29min. 52sec. E 50.10 feet to a 5/8" iron rod set for corner from which an 18" White Oak brs. S 12deg. W 5.6 feet, a 12" White Oak brs. S 75deg. W 18.95 feet, and a concrete monument brs. N 44deg. 29min. 52sec. E 520.12 feet;

THENCE S 13deg. 58min. 43sec. W 463.46 feet to a 5/8" iron rod set for corner from which a 6" Sweetgum brs. N 42deg. W 12.7 feet and a 10" Red Oak brs. N 50deg. W 26.8 feet;

THENCE S 45deg. 49min. 26sec. W at 374.25 feet intersect the N.B.L. of said Hendrix 10 acre tract, set a 5/8" iron rod for corner from which a 12" Pine brs. N 53deg. E 74.7 feet, an 18" Pine brs. East 71.0 feet, and a pine knot brs. S 48deg. 11min. 28sec. E 582.54 feet;

THENCE N 46deg. 11min. 28sec. W 212.79 feet to the place of beginning.

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SAVE & EXCEPT

Being ten (10) acres, more or less, out of and a part of Abst. 691, T&M Section 24, Fulk County, Texas, and more fully described by notes and bounds, as follows:

Beginning S. 43° 03' W. 1,480.65' var. from the East corner of the Frenchman Casanado League and 1/4 corner of L&M Section 24, a stake for corner in the dividing line of said surveys, from which a Pine stump 15" in dia. brs. S. 18° 55' W. 8.6' var., Do 19" in dia. brs. S. 83° 40' E. 9.9' var., Pine 15" in dia. brs. N. 51° 43' E. 3.3' var.;

Thence S. 43° 03' W. with said dividing line 290.74' var. to a stake for corner in the North-east right-of-way line of Farm Highway No. 2276, from which a Pine 16" in dia. brs. N. 79° 57' E. 14.22' var., Do 9" in dia. brs. N. 23° 10' W. 16.95' var., Do 9" in dia. brs. S. 18° 46' W. 89.1' var.;

Thence with said right-of-way line as follows: (1) S. 44° 45' E. 175.61' var.; (2) S. 39° 52' N. 31.29' var. to stake for corner from which a Post Oak 8" in dia. brs. N. 35° 23' E. 4.5' var., Do 6" in dia. brs. N. 65° 04' E. 3.85' var., Pine 12" in dia. brs. East 7.05' var.;

27° 57' W. 2.65' var., Do 10" in dia. brs. S. 55° 13' E. 30.45' var., Do 7" in dia. brs. S. 12° 25' W. 16.5' var.;

Thence N. 45° 57' E. 281.61' var. to the place of beginning.

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