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GLO-R-056 (3-91)

11/6/2004
D. J. H.

Scrap File

N 80 W 8 miles

File number SF-16566

Hays County

838 Abstract No.

The Herman F. Heep and Minnie Belle Heep
Texas A&M University Foundation
(Good Faith Claimant)

7.65 Acres

Survey/Section No.

Survey/Section No.

Block Tsp. Cert.

Endorsements

Sec Hays Co. Rld. Sk. 31

*Reg. Mkd. Ptd.
Map mrd. Ptd.*

*CORRECT ON MAP 7.65 ACRES 12/21/01 CBT
F/Notes ok to Patent 6/13/02 RUM*

VACANCY APPROVED

February 14, 2002

PATENT TO: HERMAN F. HEEP AND MINNIE BELLE
HEEP TEXAS A&M UNIVERSITY FOUNDATION

David Dewhurst

David Dewhurst
Texas Land Commissioner

MINERALS RESERVED

~~_____~~
~~_____~~
~~_____~~
~~_____~~

PATENTED *8/8/02*

NO. *46* VOL. *48-B*

MAILED CO. CLK. *8/8/02*

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APR 25 2001

Lee Carlisle

COUNTY CLERK

<p>Please do not write in this space</p> <p>S.F.No. <u>16566</u> M.A. No. _____ M.F. No. _____</p> <p>Date Filed: <u>5-1-01</u> Applicant: <u>Heep Texas A&M Univ. Foundation</u> County: <u>Hays</u></p>	<p>Approved: _____, 2001 Rejected: _____, 2001</p> <p>_____ Commissioner</p>
---	--

APPLICATION TO PURCHASE OR LEASE VACANT LAND

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I, James B. Bond, President of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Foundation") hereby apply, on behalf of the Foundation, to purchase the following described area, which I believe to be unsurveyed public school land, under the provisions of TEX. NAT. RES. CODE ANN. §51.171 *et seq.* (Vernon Supp. 1994).
2. I, on behalf of the Foundation, do claim status as a Good-Faith Claimant.
3. The said tract of land is situated in Hays County, Texas, about eight (8) miles N 80° West from San Marcos, Texas, the county seat, and is bounded as follows, to-wit:
 - on the north by the Rueben Pierce Survey, A-378, on the east by the W.D. Moore Survey, A-330, on the south by the G.W.A. Colton Survey, A-95, and on the west by the Henry Pettit Survey No. 7, A-375.
4. List the names and addresses of all owners of land adjoining, possessing and/or enclosing any party of the property described above and all persons with any other interest in the property of any character, as ascertained from personal knowledge and from the office of the County Clerk and tax rolls of Hays County, indicating whether any of the persons listed are good-faith claimants.

Name:

Address:

The Herman F. Heep & Minnie Bell Heep
Texas A&M University Foundation*

410 George Bush Drive, College Station
Texas 77840-2811

*- Good Faith Claimant

Rec. 5/1/01 9:05AM RUM

STATEMENT UNDER OATH

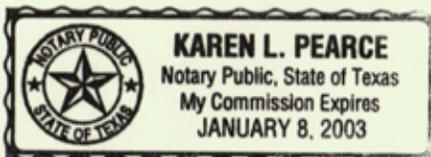
After a reasonably diligent investigation, as required by the provisions of §51.172(5) of the Texas Natural Resources Code, I do not have knowledge of any interested persons (as defined by the aforesaid provision) other than those listed above.

Applicant: Mr. James B. Bond, President of the Foundation

Address: 401 George Bush Drive
College Station, Texas 77840-2811

ACKNOWLEDGMENT

Sworn to and subscribed before me, this the 6th day of April, A.D. 2001.



Karen L. Pearce
Commission expires: 01-08-03

IMPORTANT NOTICE!

This application must be filed in duplicate originals with the County Surveyor, if there is no County Surveyor, with the County Clerk of the county in which any part of the land is situated.

One original application, showing the exact hour and date of filing with the County Surveyor or County Clerk and accompanied by a filing fee of **One Hundred (\$100.00) Dollars**, must be filed with the Commissioner of the General Land Office, Austin, Texas, **within ten (10) days** after the date of filing with the County Surveyor or County Clerk.

§

I, Kelly Kilber, County Surveyor of Hays County, Texas, hereby certify that the above and foregoing application was filed for record on the 25th day of April, 2001, at 2:00 o'clock P.M. and recorded in Volume 11, Page 261-272 in the County Surveyor's Office, Hays County, Texas.

Kelly Kilber
Hays County Surveyor

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STATEMENT UNDER OATH

After a reasonably diligent investigation, as required by the provisions of Art. 1222 of the Texas Natural Resources Code, I do not have knowledge of any interested person (as defined by the aforesaid provision) other than those listed above.

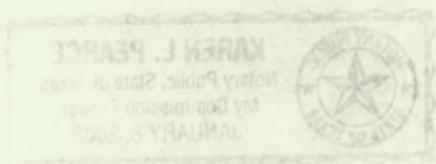
Applicant: Mr. James R. Bond, President of the Foundation

Address: 401 George Bush Drive
County Station, Texas 75701

ACKNOWLEDGMENT

Sworn to and subscribed before me, this the 15th day of April, A.D. 2001.

Karen J. Pearce
Commissioner Expires: 01-01-02



IMPORTANT NOTICE

This application must be filed in duplicate original with the County Surveyor, if there is no County Surveyor, with the County Clerk of the county in which any part of the land is situated. One original application, showing the exact point and date of filing with the County Surveyor or County Clerk, and accompanied by a filing fee of One Hundred (\$100.00) Dollars, must be filed with the Commissioner of the General Land Office, Austin, Texas, within ten (10) days after the date of filing with the County Surveyor or County Clerk.

File No. SF-16566
Hayes County
Application
Date Filed: 5-1-01
By: S. SUGAREK
David Dewhurst, Commissioner

R# 38741
\$100.00
Rec'd. 5-1-01

County Surveyor's Office, Hayes County, Texas
5:20 P.M. and recorded in Volume 11
above and foregoing application was filed for record on the 15th day of April, A.D. 2001.

①

APR 25 2001

Questionnaire For Applicant

Lee Carlisle
COUNTY CLERK

Name: James B. Bond, President of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Foundation")

Address: 401 George Bush Drive, College Station, Texas 77840-2811

Please complete and return with the file-marked application and \$100.00 application filing fee.

1. Do you claim the land in question? Yes, on behalf of the Foundation. If so, please answer the following:
 - a. How long have you claimed the land in question? The Foundation has claimed the subject property (or its undivided interest therein) since the date such property was conveyed to the Foundation, as follows:
 - (i) Minnie Belle Heep and the Foundation acquired an undivided interest in and to the subject property pursuant to Partition Deed dated November 20, 1991, recorded in Volume 908, Pages 1-20 of the Official Public Records of Hays County, Texas;
 - (ii) an undivided 20.5% interest in and to the subject property was apportioned to the Foundation and an undivided 79.5% interest in and to the subject property was apportioned to Minnie Belle Heep, as set forth in that certain Memorandum of Ownership Percentages executed by Minnie Belle Heep and the Foundation dated November 20, 1991, recorded in Volume 11606, Pages 302-310 of the Deed Records of Travis County, Texas and Volume 908, Pages 21-28 of the Official Public Records of Hays County, Texas; and
 - (iii) Minnie Belle Heep's undivided 79.5% interest in and to the subject property was conveyed to the Foundation by Special Warranty Deed dated November 9, 1994, recorded in Volume 12312, Pages 448-459 of the Real Property Records of Travis County, Texas and in Volume 1115, Pages 69-81 of the Official Public Records of Hays County, Texas;said instruments described in (i)-(iii) above are referred to hereafter as the "Deeds."
 - b. What taxes have you paid on the land in question? (give dates) The Foundation has paid all ad valorem taxes assessed against the Foundation's interest in and to the land since the date of the Deeds referenced in (a) above.

- c. How did you acquire what you believe to be the title to the land? (deed, inheritance, etc.) The Foundation acquired what was believed to be title to the land pursuant to the Deeds described in (a) above.
- d. How have you used the land during the time you believe you held title? (give dates). The Foundation has used the land (or authorized the use of the land) for grazing and other livestock purposes since the date of the Deeds described in (a) above, until present.
2. Do you claim land adjoining the alleged vacancy? Yes, the Foundation claims adjoining land. If so, describe the location of your land to the alleged vacancy. The Foundation's land surrounds the alleged vacancy on all sides, according to the recent survey of the vacancy prepared by William O'Hara, L.S.L.S., of Loomis Austin (see summary of Mr. O'Hara's findings in the letter dated February 28, 2001, attached hereto).
3. Explain all mineral activity during the period that you have claimed the land, giving dates and type of mineral activity.

There has been no mineral activity conducted on the land during the period that the Foundation has claimed the land.

4. Provide any comments or additional information that you believe might be helpful:

Pursuant to a recent survey of the Foundation's land prepared by Kyle Smith, R.P.L.S. No. 5307, of Byrn & Associates, Inc., dated September 25, 2000, as revised on October 26, 2000 (a copy of which is attached hereto), the alleged vacancy was discovered. In order to determine whether the vacancy existed and whether the Foundation's land surrounded the alleged vacancy or if any other party's land adjoined the vacancy, the Foundation requested a survey of the alleged vacancy by a Licensed State Land Surveyor. William O'Hara, L.S.L.S., of Loomis Austin, has researched the records of the General Land Office (GLO) and conducted a survey of the alleged vacancy to determine whether the vacancy exists and, if so, the parties owning land adjacent to the vacancy. Attached is a summary of Mr. O'Hara's findings in this regard. A survey plat of the vacancy is being prepared by Mr. O'Hara and will be available within the next few weeks. Ben Thomson, of the GLO Surveying Division, has also been contacted concerning this matter. To my knowledge, the GLO has begun a working sketch of the alleged vacancy and has commenced researching this matter.

LOOMIS AUSTIN

LAND • WATER • PROPERTY

February 28, 2001

Ms. Lenora Dubose
Attorney at Law
Fulbright & Jaworski L.L.P.
600 Congress Ave., Suite 2400
Austin, Texas 78701

Re: Suspected Vacancy in Hays County, Texas
LAI Job No. 001109

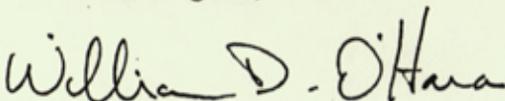
Dear Ms. Dubose:

This report concerns my findings regarding the suspected vacancy situated within the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation 1,676.25 acre tract of land in Hays County, Texas as recently surveyed by Kyle Smith, Registered Professional Land Surveyor with Byrne and Associates. Mr. Smith showed the suspected vacancy on his survey plat. Based on my research of the Texas General Land Office records, the Hays County Deed Records and the survey records of Metcalfe and Sanders Surveying Company pertinent to this matter, and an on-the-ground survey made by me and under my supervision, it is my professional opinion that a vacancy does exist. It is bounded on the north by the Rueben Pierce Survey, A-378, on the east by the W.D. Moore Survey, A-330, on the south by the G.W.A Colton Survey, A-95, and on the west by the Henry Pettit Survey No. 7, A-375. I find the vacancy to be 950 varas by 106 varas and contain approximately 17.8 acres of land. The suspected vacancy is wholly within the boundaries of the said 1,676.25 acre tract as surveyed by Kyle Smith.

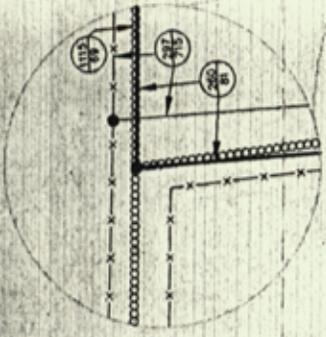
I am currently finalizing my surveyor's report which will include a history of the surveys in the area, a discussion of the monuments found, the basis of my construction of the survey lines and my conclusions. This report will accompany a sketch based on the survey. The Land Commissioner, presently the Honorable David Dewhurst, must make a formal ruling regarding the existence or non-existence of the vacancy. A ruling can't be made until the Land Office staff has reviewed all of the information. To begin the process, it will be necessary to complete and file an application with the Hays County Surveyor's office. I can be of assistance in preparing the application.

Please call me if you any questions regarding this letter.

With kindest regards,



William D. O'Hara
Licensed State Land Surveyor

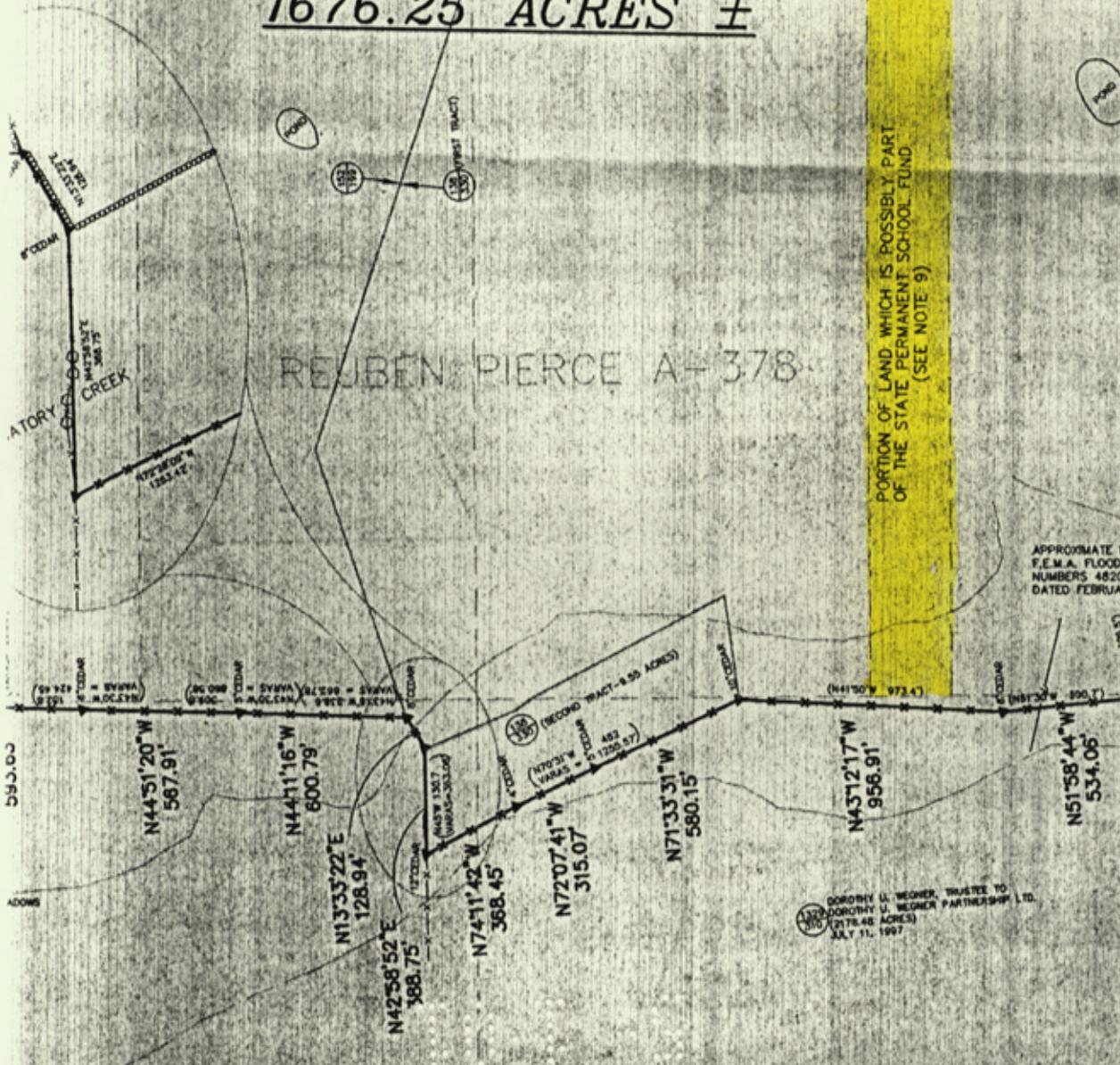


WILLIS MOORE A-330

1676.25 ACRES ±

REUBEN PIERCE A-378

PORTION OF LAND WHICH IS POSSIBLY PART OF THE STATE PERMANENT SCHOOL FUND (SEE NOTE 9)



APPROXIMATE 1 F.E.M.A. FLOOD NUMBERS 482C DATED FEBRUARY

DOROTHY U. WEGNER, TRUSTEE TO DOROTHY U. WEGNER PARTNERSHIP LTD. (178.48 ACRES) JULY 11, 1987

REVISED OCTOBER 26, 2000
 CLIENT: HEEP FOUNDATION
 DATE: SEPTEMBER 25, 2000
 OFFICE: WILLIAMSON, SMITH, SCHULTE
 CREW: EVERETT, ENRIGHT, LEMMON, SCHULTE
 FB/P.C. 564/8, 565/1 AND 566/1
 PLAT NO. S 24949-00-9

2

File No. SF-16566
HAYS County

Questionnaire

Date Filed: 5-1-01

By: David Dewhurst, Commissioner
S. Sugar



NET 25 ACRES ±

SECTION 10, T12N, R10E



FILED
HAYS COUNTY, TEXAS
at 2:00 o'clock P.M.

STATE OF TEXAS
COUNTY OF BRAZOS

§
§
§

APR 25 2001

Lee Carlisle

COUNTY CLERK

**AFFIDAVIT
(Good faith Claimant)**

Before me the undersigned authority on this day personally appeared JAMES B. BOND, who after being duly sworn did depose and say:

"My name is James B. Bond. I am over the age of 18 and am a resident of College Station, Brazos County, Texas. I am the President of the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (hereinafter referred to as the "Foundation"), with its address at 401 George Bush Drive, College Station, Texas 77840-2811."

"On behalf of the Foundation, I claim status as a good-faith claimant of approximately 17.8 acres of an alleged vacancy in Hays County, Texas, filed by me on behalf of the Foundation. A plat depicting the vacancy for which I claim, on behalf of the Foundation, status as a good-faith claimant is attached to this Affidavit as Exhibit A."

"The Foundation has occupied or used the vacancy, or to the best of my knowledge, the Foundation's predecessors in interest have occupied or used the vacancy, for purposes other than exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the vacancy for a period of ten (10) or more years. Specifically, the Foundation has used the vacancy at the following times for the following purposes:

for grazing and livestock purposes, since the date on which the Foundation acquired an interest in and to the subject property (November 20, 1991) to the present."

"To my knowledge, the Foundation has never used the vacancy for the purpose of exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the vacancy."

"To the best of my knowledge, the Foundation or the Foundation's predecessors in interest have had the vacancy enclosed or within definite recognized boundaries and in possession for a period of 10 or more years with a good-faith belief that the vacancy was included inside the boundaries of the survey or surveys that were previously titled, awarded or sold under circumstances that led the Foundation to believe that the Foundation owned the vacancy."

"The Foundation acquired the property surrounding the vacancy in the following manner:

- (i) Minnie Belle Heep and the Foundation acquired an undivided interest in and to the subject property pursuant to Partition Deed dated November 20, 1991, recorded in Volume 908, Pages 1-20 of the Official Public Records of Hays County, Texas;
- (ii) an undivided 20.5% interest in and to the subject property was apportioned to the Foundation and an undivided 79.5% interest in and to the subject property was apportioned to Minnie Belle Heep, as set forth in that certain Memorandum of Ownership Percentages executed by Minnie Belle Heep and the Foundation dated November 20, 1991, recorded in

Volume 11606, Pages 302-310 of the Deed Records of Travis County, Texas and Volume 908, Pages 21-28 of the Official Public Records of Hays County, Texas; and

(iii) Minnie Belle Heep's undivided 79.5% interest in and to the subject property was conveyed to the Foundation by Special Warranty Deed dated November 9, 1994, recorded in Volume 12312, Pages 448-459 of the Real Property Records of Travis County, Texas and in Volume 1115, Pages 69-81 of the Official Public Records of Hays County, Texas;

said instruments described in (i)-(iii) above are referred to hereafter as the "Deeds."

"The Foundation paid the following taxes on the vacancy:

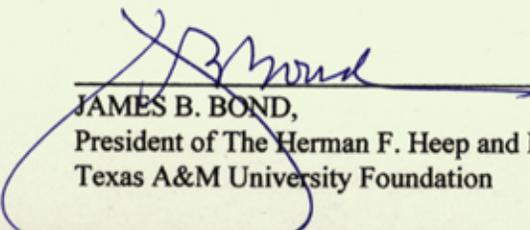
ad valorem taxes assessed against the subject property (or the Foundation's interest therein), commencing on the date the Foundation acquired an interest in and to the subject property, to present."

"The Foundation's property adjoins and surrounds the vacancy in the following manner:

Per the recent survey of the vacancy prepared by William D. O'Hara, L.S.L.S., of Loomis Austin (see attached summary of findings dated February 28, 2001), the vacancy is bounded on the north by the Rueben Pierce Survey, A-378, on the east by the W.D. Moore Survey, A-330, on the south by the G.W.A. Colton Survey, A-95, and on the west by the Henry Pettit Survey No. 7, A-375. Per Mr. O'Hara's survey, the vacancy is wholly within the boundaries of the 1,676.25 acre tract conveyed to the Foundation by the Deeds referenced above."

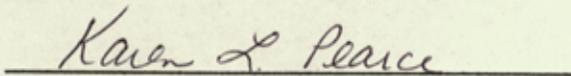
Additional Comments:

[None]

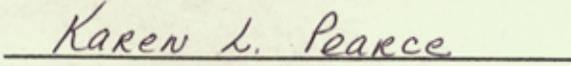


JAMES B. BOND,
President of The Herman F. Heep and Minnie Belle Heep
Texas A&M University Foundation

SUBSCRIBED AND SWORN TO BEFORE ME by the said James B. Bond, on the 6th day
of April, 2001, to certify which, witness my hand and seal of office.



Notary Public, State of Texas



(Printed or Stamped Name of Notary)
My Commission Expires: 01-08-03

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Before me, the undersigned authority, on this day personally appeared James B. Bond, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as President of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation, a Texas non-profit corporation, on behalf of said corporation, for the purposes and consideration therein expressed.

Karen L. Pearce
Karen L. Pearce
(Printed or Stamped Name of Notary)
My Commission Expires: 01-08-03



CERTIFICATE OF SERVICE

I, James B. Bond, as President of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation, do hereby certify that a true and correct copy of the foregoing Affidavit has been mailed, adequate postage prepaid, certified mail, return receipt requested, to the following interested parties at the address indicated:

Name:

Address:

[None]

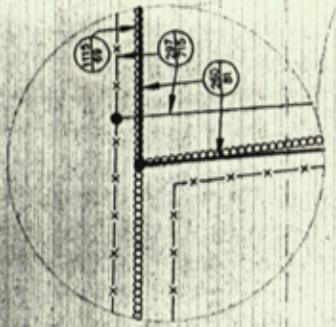
[None]

APPLICANT INFORMATION

Name: The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation, a Texas non-profit corporation

Address: 410 George Bush Drive
College Station, Texas 77840-2811

tabbies



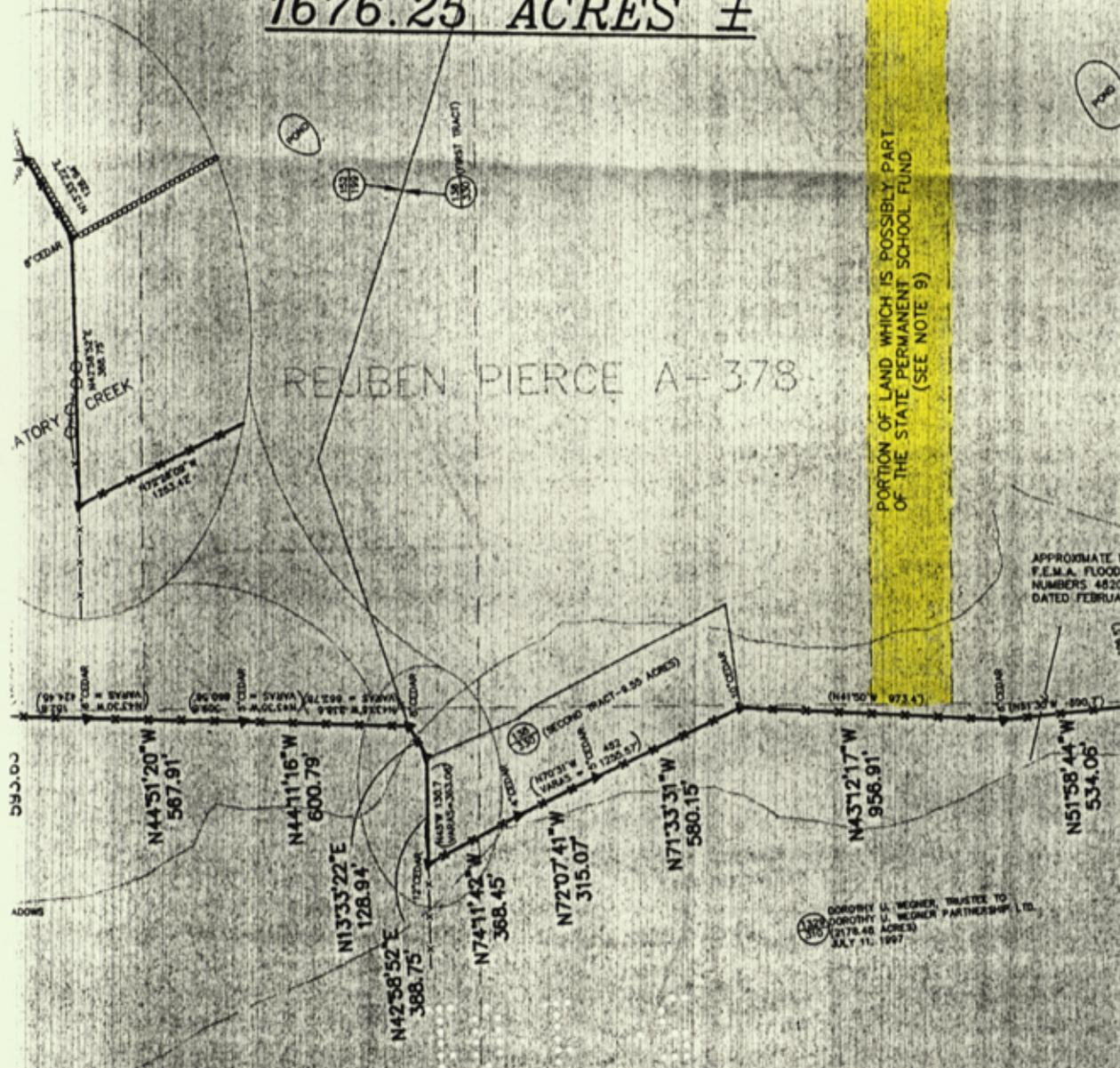
WILLIS MOORE A-330

1676.25 ACRES ±

REUBEN PIERCE A-378

PORTION OF LAND WHICH IS POSSIBLY PART OF THE STATE PERMANENT SCHOOL FUND (SEE NOTE 9)

APPROXIMATE 1 F.E.M.A. FLOOD NUMBERS 482C DATED FEBRUARY 1987



DOROTHY U. WEAVER, TRUSTEE TO DOROTHY U. WEAVER PARTNERSHIP, L.P. (278.48 ACRES) JULY 11, 1997

REVISOR OCTOBER 28, 2000
CLIENT: HEEP FOUNDATION
DATE: SEPTEMBER 25, 2000
OFFICE: WILLIAMSON, SMITH, SCHULTE
CREW: EVERETT, ENRIGHT, LENAMORE, SCHULTE
P/S/P/C: 564/8, 565/1 AND 566/1
PLAT NO. S 24949-00-d

LOOMIS AUSTIN

LAND • WATER • PROPERTY



February 28, 2001

Ms. Lenora Dubose
Attorney at Law
Fulbright & Jaworski L.L.P.
600 Congress Ave., Suite 2400
Austin, Texas 78701

Re: Suspected Vacancy in Hays County, Texas
LAI Job No. 001109

Dear Ms. Dubose:

This report concerns my findings regarding the suspected vacancy situated within the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation 1,676.25 acre tract of land in Hays County, Texas as recently surveyed by Kyle Smith, Registered Professional Land Surveyor with Byrne and Associates. Mr. Smith showed the suspected vacancy on his survey plat. Based on my research of the Texas General Land Office records, the Hays County Deed Records and the survey records of Metcalfe and Sanders Surveying Company pertinent to this matter, and an on-the-ground survey made by me and under my supervision, it is my professional opinion that a vacancy does exist. It is bounded on the north by the Rueben Pierce Survey, A-378, on the east by the W.D. Moore Survey, A-330, on the south by the G.W.A Colton Survey, A-95, and on the west by the Henry Pettit Survey No. 7, A-375. I find the vacancy to be 950 varas by 106 varas and contain approximately 17.8 acres of land. The suspected vacancy is wholly within the boundaries of the said 1,676.25 acre tract as surveyed by Kyle Smith.

I am currently finalizing my surveyor's report which will include a history of the surveys in the area, a discussion of the monuments found, the basis of my construction of the survey lines and my conclusions. This report will accompany a sketch based on the survey. The Land Commissioner, presently the Honorable David Dewhurst, must make a formal ruling regarding the existence or non-existence of the vacancy. A ruling can't be made until the Land Office staff has reviewed all of the information. To begin the process, it will be necessary to complete and file an application with the Hays County Surveyor's office. I can be of assistance in preparing the application.

Please call me if you any questions regarding this letter.

With kindest regards,

William D. O'Hara
Licensed State Land Surveyor

6-2-2016
10-8-2000
2-2001
David Dewhurst, Commissioner
2-1-01
1-1-01
2-11-2001
3

**LOOMIS
AUSTIN**

LAND • WATER • PROPERTY

February 28, 2001

Ms. Lenora Dubose
Attorney at Law
Polbright & Jaworski, L.P.
600 Congress Ave., Suite 2400
Austin, Texas 78701

Re: Suspected Vacancy in Hays County, Texas
LAI Job No. 001103

Dear Ms. Dubose:

This report concerns my findings regarding the suspected vacancy situated within the Herman H. Heep and Minnie Belle Heep Texas A&M University Foundation 1,676.25 acre tract of land in Hays County, Texas as recently surveyed by Kyle Smith, Registered Professional Land Surveyor with Byrnes and Associates. Mr. Smith showed the suspected vacancy on his survey plat. Based on my research of the Texas General Land Office records, the Hays County Deed Records and the survey records of Metcalfe and Sanders Surveying Company pertinent to this matter, and an on-the-ground survey made by me and under my supervision, it is my professional opinion that a vacancy does exist. It is bounded on the north by the Rubeen Price Survey, A-378, on the east by the W.D. Moore Survey, A-330, on the south by the G.W.A. Colton Survey, A-95, and on the west by the Henry Pettit Survey No. 7, A-375. I find the vacancy to be 950 yards by 106 yards and contain approximately 17.8 acres of land. The suspected vacancy is wholly within the boundaries of the said 1,676.25 acre tract as surveyed by Kyle Smith.

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Please call me if you any questions regarding this letter.

With kindest regards,



William D. O'Hara
Licensed State Land Surveyor

File No. SF-116 S66
HAYS County
GFC Affidavit
Date Filed: 5-1-01
By S. Sugarc
David Dewhurst, Commissioner

\$25.00 rec'd. 7-12-01
R# S0168

3

Texas General
Land Office



David Dewhurst
Commissioner

ACKNOWLEDGMENT OF RECEIPT
VACANCY APPLICATION

May 1, 2001

Mr. James B. Bond, President of the Foundation
401 George Bush Drive
College Station, Texas 77840-2811

Re: Hays County Vacancy Application

Dear Mr. Bond:

This is to acknowledge receipt of the Application to Purchase or Lease Vacant Land and related documents submitted on behalf of The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation (the "Foundation"). All documents are now being reviewed by the General Land Office staff for conformity with the requirements of the vacancy statute (Texas Natural Resources Code Annotated § 51.171 *et seq.* (Vernon Supp. 1999)).

After the review process, the application, if complete, will be officially filed with the General Land Office. If the documents submitted are not complete you will be informed of the deficiencies and what is required to correct them, before they can be officially filed.

If you have any questions, please feel free to call me at (512) 463-5161.

Sincerely,

Susan K. Sugarek
Asset Management Division
Dispositions/Uplands

Stephen F. Austin Building

1700 North
Congress Avenue

Austin, Texas
78701-1495

512-463-5001

2. Sugarek
Date Recd: 2-1-01
Date Filed: 10-1-01
Hays County
10-1-01
2
2021-22

2

5

File No. SF-16566

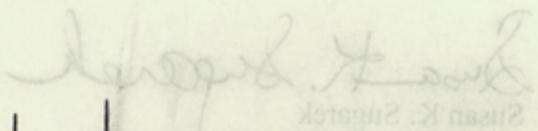
HAYS County

S-1-01 Acknowledgement Ltr

Date Filed: 5-1-01

By S. Sugarek
David Dewhurst, Commissioner

Dispositions/lands
Asset Management Division
Susan K. Sugarek



Sincerely,

If you have any questions, please feel free to call me at (512) 463-2161.
correct them, before they can be officially filed.
complete you will be informed of the deficiencies and what is required to
filed with the General Land Office. If the documents submitted are not
After the review process, the application, if complete, will be officially
(Vermon supp. 1999).
statute (Texas Natural Resources Code Annotated § 21.161 et seq.
Land Office staff for conformity with the requirements of the vacancy
"Foundation"). All documents are now being reviewed by the General
Heep and Minnie Belle Heep Texas A & M University Foundation (the
Vacant Land and related documents submitted on behalf of The Herman F.

This is to acknowledge receipt of the Application to Purchase or Lease
Dear Mr. Bond

Re: Hays County Vacancy Application

Mr. James B. Bond, President of the Foundation
401 George Bush Drive
College Station, Texas 77840-2811

May 1, 2001

VACANCY APPLICATION
ACKNOWLEDGMENT OF RECEIPT

Texas General
Land Office



David Dewhurst
Commissioner

212-463-2001
12:00-1:00
Austin, Texas
Capital Avenue
1700 North
Stephen F. Austin Building

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

TELEPHONE: 512/474-5201
FACSIMILE: 512/536-4598

INTERNET ADDRESS:
LEDUBOSE@FULBRIGHT.COM

DIRECT DIAL NUMBER:
512/536-4585

HOUSTON
WASHINGTON, D.C.
AUSTIN
SAN ANTONIO
DALLAS
NEW YORK
LOS ANGELES
MINNEAPOLIS
LONDON
HONG KONG

May 21, 2001

Ms. Susan Sugarek
Texas General Land Office
1700 Congress Avenue
Austin, Texas 78701

VIA HAND DELIVERY

Re: Vacancy Application filed by James B. Bond, on behalf of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Foundation"), on May 1, 2001, relating to an approximately 17.8-acre vacancy surrounded by real property (the "Property") owned by the Foundation, situated in Hays County, Texas

Dear Susan:

It has been quite a long time since I've seen you and others at the Texas General Land Office ("GLO"). I hope all is going well. As you know, we represent the Foundation in connection with the referenced Vacancy Application. Bill O'Hara, of Loomis Austin, Inc., has performed research and conducted a survey of the suspected vacancy. Bill informed me that you recently requested information concerning ownership of the mineral estate in and to the referenced Property in order to continue processing the Vacancy Application. Per your request, enclosed please find the following documents which evidence (i) title to the surface and mineral estates in and to the Property and (ii) previous uses of the Property by the Foundation's predecessor. This information should be sufficient to evidence the Foundation's status as a good faith claimant pursuant to Texas Natural Resources Code §51.192 and 31 TAC §13.76:

(i) a copy of the Commitment for Title Insurance (the "Commitment") issued as of September 28, 2000, by The Hays County Abstract Company, as agent for Stewart Title Guaranty Company;

(ii) a certified copy of Special Warranty Deed dated November 9, 1994, from B. Pat Carlisle and Texas Commerce Bank National Association, as independent co-executors of the Last Will and Testament of Minnie Belle Heep, to the Foundation recorded in Volume 1115, Page 69 of the Official Public Records of Hays County, Texas;

May 21, 2001

Page 2

(iii) a certified copy of the Partition Deed dated November 20, 1991, by and among Minnie Belle Heep, the Foundation, and Austin Trust Company (as trustee of the Herman F. Heep Trusts Nos. 1 and 2) recorded in Volume 908, Page 1 of the Official Public Records of Hays County, Texas;

(iv) a copy of the Memorandum of Undivided Ownership Percentages dated November 20, 1991, by and between Minnie Belle Heep and the Foundation recorded in Volume 908, Page 21 of the Official Public Records of Hays County, Texas;

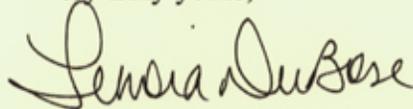
(v) a certified copy of the Deed from Conroe Drilling Company to Herman F. Heep dated March 31, 1950, recorded in Volume 147, Page 309 of the Official Public Records of Hays County, Texas;

(vi) a copy of the Deed from M.E. Ruby and Willie F. Ruby to Herman F. Heep, dated January 15, 1952, recorded in Volume 152, Page 199 of the Official Public Records of Hays County, Texas; and

(vii) Affidavit of B. Pat Carlisle, concerning prior conveyances of the Property and use of the Property by the Foundation's predecessor.

Please review the enclosed information and contact me if you have any questions or need additional information. I am looking forward to working with you on this matter.

Very truly yours,



Lenora DuBose

LD/
Enclosures

cc: James B. Bond – via facsimile transmission (w/out encls.)

2: good check
Date filed: 2-21-01
2-21-01 Apr.
4002
25-78208
10

6

File No. SF-16566
Hays County
5-21-01 Hk.
Date Filled: 5-21-01

David Dewhurst, Commissioner
by S. Sugar

cc: James B. Bond - via facsimile transmission (w/out encls.)

Enclosures
LD

Leon Dufosse

Very truly yours,

additional information. I am looking forward to working with you on this matter. Please review the enclosed information and contact me if you have any questions or need

(vii) Affidavit of B. Pat Carlisle, concerning prior conveyances of the property and use of the property by the Foundation's predecessor.

(vi) a copy of the Deed from M.E. Ruby and Willie F. Ruby to Herman F. Heep, dated January 12, 1922, recorded in Volume 122, Page 199 of the Official Public Records of Hays County, Texas; and

(v) a certified copy of the Deed from Conroe Drilling Company to Herman F. Heep dated March 21, 1950, recorded in Volume 147, Page 309 of the Official Public Records of Hays County, Texas;

(iv) a copy of the Memorandum of Undivided Ownership Percentages dated November 20, 1991, by and between Minnie Belle Heep and the Foundation recorded in Volume 908, Page 21 of the Official Public Records of Hays County, Texas;

(iii) a certified copy of the Partition Deed dated November 20, 1991, by and among Minnie Belle Heep, the Foundation, and Austin Trust Company (as trustee of the Herman F. Heep Trust Nos. 1 and 2) recorded in Volume 908, Page 1 of the Official Public Records of Hays County, Texas;

10011201

SF- 16566 MA- _____

COUNTY- HAYS

**CHECKLIST FOR VACANCY APPLICATION
To Purchase/Lease Vacant Land**

Vacancy Clerk (VC)

Initials

Filed With the County Surveyor (a) Yes No

SLB

Filed With the County Clerk (b) Yes No

SLB

Received by GLO w/in 10 days of filing with (a) or (b) Yes No

SLB

GLO File No. assigned: (SF or MA) Yes No

Acknowledgment Letter for Receipt of Application Mailed Yes No

5-1-01

Interested Party List is Sufficient Yes No

Purchase or Lease Designation (Circle One) Yes No

SLB

Surveying Division (SD)

Date Application received by the GLO 5-1-01

Date sent to Surveying Division 5-01-01

Date received from Surveying Division 5-01-01

Adequately Describes Vacant Land Yes No

OST

Good Faith Claimant (GFC) Designation Yes No

OST

Sufficiency of GFC Affidavit Yes No

OST No mention of mineral interest.

Vacancy Clerk

Area Noted on County Map Yes No

D.H. 11-7-01

COMMENTS: _____

\$ REMITTANCE DISTRIBUTION - DO NOT FILE \$

NAME	REMITTANCE DESCRIPTION					FISCAL YEAR	REGISTER NUMBER	AMOUNT
	REFER	TYPE	MO.	DAY	YEAR			
FULBRIGHT ETAL ASSET MGMT (00) (C)	156	C	05	01	2001	2001	38741	100.00

FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER	CONTROL NO.	AMOUNT
SF-16566	30181	\$100. ⁰⁰			

8-16-01
JH

Date Filed: 2-2-02
 2001
 2001-72
 2001
 2001-72
 2001
 2001-72

(B)

4

File No. SF-16566
HAYS County
Distrib Slip
 Date Filed: 5-1-01

By S. Sugarek
 David Dewhurst, Commissioner

REMITTANCE DISTRIBUTION - DO NOT FILE

AMOUNT	REMITTANCE NUMBER	FISCAL YEAR	REMITTANCE DESCRIPTION				CONTROL NO.	AMOUNT	CONTROL NO.	REMITTANCE NUMBER
			TYPE	ACC	TAX	YEAR				
100.00	38741	2001	SEC	C	02	01	2001	30181	25-16200	

25-16200
 30181
 100.00
 1/0

8-16-01
 Jdk

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

**COMMITMENT FOR TITLE INSURANCE
ISSUED BY**



Sacrosanct of Contract

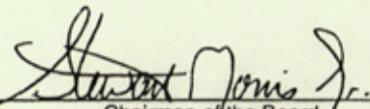
**STEWART TITLE
GUARANTY COMPANY**

We, STEWART TITLE GUARANTY COMPANY, will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule B and Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

In witness whereof, the Company has caused this commitment to be signed and sealed as of the effective date of commitment as shown in Schedule A, the commitment to become valid and binding only when countersigned by an authorized signatory.

**STEWART TITLE
GUARANTY COMPANY**


Chairman of the Board

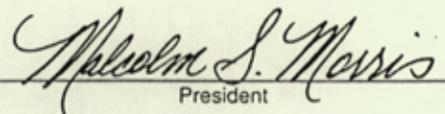
Countersigned by:


Authorized Signatory Wm. Z. Fitzgerald, Vice-President

THE HAYS COUNTY ABSTRACT COMPANY
Company

SAN MARCOS, TEXAS
City, State




President

Sacrosanct of Contract

CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment, that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

STEWART TITLE
GUARANTY COMPANY

MAY. -07' 01 (MON) 11:41 HAYS CO. ABSTRACT

TEL: 512 392 1671

P. 02

Form: Commitment for Title Insurance

Form Prescribed by Texas Department of Insurance (Revised 1/1/93)

SCHEDULE A

GF No. or File No.:	20009076	Effective Date of Commitment:	September 13, 2000	at 8:00 a.m.
		Issued:	September 28, 2000	at 8:00 a.m.

1. The policy or policies to be issued are:

(a) OWNER POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount: \$4,200,000.00
PROPOSED INSURED: SABINE INVESTMENT COMPANY OF TEXAS, INC.

(b) TEXAS RESIDENTIAL OWNER POLICY OF TITLE INSURANCE
—ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)
Policy Amount:
PROPOSED INSURED:

(c) MORTGAGEE POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:

(d) MORTGAGEE TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount:
PROPOSED INSURED:

Proposed Borrower:

(e) OTHER
Policy Amount:
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:

Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:

THE HERMAN F. HEEP and MINNIE BELLE HEEP TEXAS A&M UNIVERSITY FOUNDATION

4. Legal description of land:

Being 1676.25 acres of land, more or less, out of various surveys in Hays County, Texas, and being more particularly described by metes and bounds attached as Exhibit "A".

FIRST TRACT: This is a tract of 957.84 acres of land, a part of an original tract of 963.04 acres of land which was heretofore conveyed by is described in a deed, dated September 10, 1934, from Thomas Dix and wife Maggie Dix, to G. L. Boozer and wife, which deed is of record in Volume 108, pages 287-289, of the Deed Records of Hays County, Texas; and this First Tract is here further described as follows, that is:

3.03 acres out of the Gideon Bowditch Survey, 2.12 acres out of the Henry Pettit Survey, 134.73 acres out of the Reuben Pierce Survey, 31.39 acres out of the W. A. Moore Survey, 292.86 acres out of the Jesse Huffm Survey, all of the G. W. A. Galton Survey, and 7.9 acres out of the Wm. Burke Survey, bounded as follows:

BEGINNING at the intersection of an old rock fence for the NW line of the original 1979.68-acre tract with an old rock fence running through said tract, the intersection being the west corner of the part of said original tract taken by B. F. Herndon;

EXHIBIT "A"

THENCE with rock fence, S 45° 8' W 1731.2 feet to end of rock fence;
THENCE with wire fence S 52° W 1649 feet to fence post for south corner of C. B. Crawford's tract;
THENCE with wire fence N 61° 27' W 663.5 feet to fence post for corner;
THENCE with wire and rock fence S 30° 40' W 94.3 feet to fence post for corner;
THENCE with wire and rock fence N 59° 6' W 436 feet to stake and stone mound, from which a live oak 36 inches in dia. brs. S 85° 35' W 113.3 feet;
THENCE S 12° 10' W 747.2 feet to corner in old rock fence;
THENCE with rock fence around old field as follows:
S 21° 23' W 492.5 feet, fence post;
S 40° 20' W 197.8 feet, fence post;
S 46° W 139 feet, fence post;
S 12° 35' W 325.5 feet, fence post and stone mound, Wegner & Eiband's West corner;
THENCE S 58° 55' E 44.2 feet, fence post;
S 68° 50' E 298 feet, fence post;
S 74° 58' E 575.6 feet, fence post;
THENCE S 71° 25' E 311 feet to fence post for corner;
THENCE with wire fence crossing Purgatory Creek, S 36° 45' W 385. feet to fence post for corner;
THENCE with wire fence S 41° 50' E 973.4 feet to fence post;
THENCE with old rock fence S 51° 30' E 390.7 feet to fence post;
THENCE with wire fence S 52° E 109.5 feet to Live Oak 4 in. in diameter in angle of fence;
THENCE with fence S 37° 10' E 646.2 feet, fence post;
THENCE with wire fence S 41° 35' E 106.9 feet, fence post;

THENCE crossing Purgatory Creek, S 42° 50' E 140.3 feet to a point on rock bank of same;

THENCE S 74° 48' E 253.6 feet to end of old rock fence;

THENCE with rock fence S 45° 20' E 2283.8 feet to post in wire fence;

THENCE with wire fence S 51° 40' E 661.2 feet to fence post;

THENCE with wire fence S 53° 10' E 181.5 feet to old Live Oak stump

THENCE with wire fence S 20° 35' E 248.3 feet to an Elm tree 24 inches in diameter in bed of Purgatory Creek;

THENCE with wire fence S 3° 40' E 52 feet to an Elm tree 14 inches diameter on SE bank of Purgatory Creek;

THENCE with wire fence S 25° 55' E 84 feet to fence post;

THENCE with wire fence S 46° 10' E 188 feet to fence post;

THENCE with wire fence S 44° 25' E 314 feet to fence post for S corner of this tract, west corner of Kyle tract in NE line of Wegner & Eiband tract;

THENCE with wire fence and Kyle's NW line N 46° 11' E 2914.4 feet to fence post;

THENCE with Kyle's line and wire fence N 52° 24' E 1864.6 feet to Cedar tree 12 in. in diameter for east corner of this tract;

THENCE with wire fence crossing Purgatory Creek, N 28° 56' W 374.6 feet to point of intersection of rock fence with wire fence;

THENCE with said rock fence N 67° 29' E 308.4 feet to an angle in same;

THENCE with rock fence N 44° 49' E 628.8 feet to stake for east corner of this tract and the S corner of the tract taken by B. F. Herndon out of the original 1979.68-acre tract, from which a Live Oak 8 in. in diameter, marked x, bears S 46° W 1 foot;

THENCE with the division line of said original tract for said Herndon's SW line, N 48° 45' W 7281.2 feet to the place of beginning.

The metes-and-bounds description hereinabove shown covers said tract of 963.04 acres of land; but there is excepted therefrom a tract of 5.2 acres, which was heretofore conveyed by and is described in a deed, dated May 20, 1943, from G. L. Boozer and wife to M. E. Ruby, which deed is r

of record in Volume 127, pages 36-38, of the Deed Records of Hays County, Texas.

Both of the above-described deeds, together with their said respect records, are here referred to and made part hereof for a more particular description of this tract of land, and for all other pertinent purposes.

SECOND TRACT: 9.55 acres of land, more or less, out of the north part of Survey No. Seven in the name of Henry Pettit, more particularly described as follows, that is:

BEGINNING at a pile of rocks and corner of fence on the SW line of land formerly owned by G. L. Boozer, made for the north corner of said Henry Pettit Survey;

THENCE with existing fence as follows:

S 68° 25' E 130.8 varas;

S 81° 50' E 29.7 varas;

S 73° 15' E 280.9 varas;

S 37° 50' W 139 varas, crossing Purgatory Creek, to a fence po for corner;

THENCE N 70° 31' W 452 varas to a stake in the northwest line and northwest fence line of said Henry Pettit Survey for the West corner of this tract;

THENCE with said NW line N 45° E 130.7 varas, to the place of beginning.

This is the identical real property which was heretofore conveyed by and described in a deed, dated June 8, 1935, from Rudolph Wegner and his wife, Minnie Wegner, which deed is now of record in Volume 109, page 534-535, of said Deed Records of Hays County, Texas, and the same is, together with its said record, here referred to and made part hereof for all pertinent purposes.

THIRD TRACT: 5.2 acres of land, more or less, of which about 1.18 acres is a portion of the Reuben Pierce Survey No. 27 in conflict with the Gideon Bowditch Survey No. 11, about 2.92 acres is a portion of the Reuben Pierce Survey No. 27 without conflict, and about 1.10 acres is a portion of the W. A. Moore Survey, which said 5.2 acres is more particular described by metes and bounds as follows, that is:

BEGINNING at a stake in an old rock wall on the common boundary line

MAY. -07' 01 (MON) 11:43 HAYS CO. ABSTRACT

TEL:512 392 1671

P. 07

between land owned by G. L. Boozer and M. E. Ruby, said stake being on Reuben Pierce Survey No. 27, in conflict with the Gideon Bowditch Survey No. 11, S 61° 49' E 114.7 varas distant from the northeast corner of an abandoned field owned by said Boozer, said corner being S 44° 35' E 179 varas, N 26° 34' E 371.2 varas, and N 62° 47' E 334.5 varas distant from beginning corner of that 1800-acre tract of land, which was conveyed by Charles B. Crawford to M. E. Ruby by deed now of record in Volume 124, 193-198, of the Deed Records of Hays County, Texas, and from which beginning corner the west corner of the Jesse Huffman Survey No. 21, as evidenced by the end of an old rock fence, bears N 62° 47' E 604.7 varas, and N 46° E 123.5 varas, and from which stake and beginning corner a Live Oak 7 inches in diameter marked \bar{x} bears N 32° 05' W 31.7 varas, and a Live Oak 6 inches in diameter marked \bar{z} bears N 41° 15' E 41.3 varas;

THENCE with the old rock fence S 61° 49' E 123.8 varas, to a fence corner;

THENCE with the fence N 52° E 544.8 varas to a post, from which post the west corner of the Jesse Huffman Survey No. 21, as used and as evidenced by the end of an old rock fence, bears N 46° 17' E 123.5 varas, and from which post a Live Oak 11 in. in diameter marked \bar{y} bears S 67° W 32.8 varas and a Live Oak 6 in. in diameter marked \bar{z} bears N 0° 45' E 4.7 varas;

THENCE S 62° 47' W 604.7 varas to the place of beginning.

This is the identical real property heretofore conveyed by and described in a deed, dated May 20, 1943, from M. E. Ruby and his wife to G. L. Boozer, which deed is now of record in Volume 127, at pages 40-41, of said Deed Records; and the same is, together with its said record, here referred to and made part hereof for all pertinent purposes.

All of the property conveyed by this deed is the identical real property heretofore conveyed by and described in a deed, dated August 16, 1943, from G. L. Boozer and his wife, Minnie Mae Boozer, to the grantor herein, M. E. Ruby, which deed is now of record in Volume 127, pages 40-41 of said Hays County Deed Records, and the same is, together with its said record, here referred to and made a part hereof for all pertinent purposes.

MAY. -07' 01 (MON) 11:44 HAYS CO. ABSTRACT

TEL: 512 392 1671

P. 08

704.22 acres of land, about 144.87 acres being a portion of the Martha E. Andrews Survey #1, about .33 of one acre being a portion of the John Huffman Survey #22 and being enclosed with and used as part of the Martha E. Andrews Survey #1, about 11.48 acres being a portion of the W. A. Moore Survey (without conflict), about 411.38 acres being a portion of the Gideon Bowditch Survey #11 (without conflict), about 75.78 acres being a portion of the W. A. Moore Survey in conflict with the Gideon Bowditch Survey #11, and about 60.38 acres being a portion of the Reuben Pierce Survey #27 in conflict with the Gideon Bowditch Survey #11, all in Hays County, Texas, which 704.22 acres of land is described by metes and bounds thus:

BEGINNING at a corner of the fence and the most westerly corner of that portion of an 1800-acre tract of land, which lies southwest of the old San Marcos-Hugo-Blanco Road, and from which fence corner the beginning corner of said 1800-acre tract of land, which was conveyed by C. E. Crawford to M. E. Ruby, by deed of record in Hays County Deed Records in Book 124, pages 193-198, bears N 47° 17' W. 7.4 varas;

THENCE with the south lines of the old county road, as fenced, in accordance with the following courses numbered 1 to 10, inclusive:

- | | |
|------------------------------|------------------------------|
| (1) N 56° 31' E 659.1 varas; | (6) N 66° 17' E 189.6 varas; |
| (2) S 75° 50' E 71.5 varas; | (7) N 65° 09' E 420.7 varas; |
| (3) S 68° 35' E 212.1 varas; | (8) N 85° 11' E 114.7 varas; |
| (4) N 83° 05' E 72.0 varas; | (9) N 84° 02' E 331.5 varas; |
| (5) N 72° 55' E 95.3 varas; | (10) N 62° 24' E 58.5 varas; |
- (11) THENCE N 53° 01' E 421.1 varas to the most westerly corner of a 40-acre tract of land reserved by M. E. Ruby;
- (12) THENCE S 27° 49' W 481.0 varas to a stake for its most southerly corner and from which a Live Oak 6" in diameter bears N 7° 30' W 3.0 varas and a Live Oak 12" in diameter bears S 61° 45' W 14.4 varas;
- (13) THENCE N 62° 11' E 460.0 varas to a stake and from which a Live Oak 8" in diameter bears S 89° 00' W 2.8 varas and an Elm 10" in diameter bears S 83° 20' E 3.2 varas;
- (14) THENCE N 27° 49' W 507.3 varas to a stake in the southeast line of the Hugo-San Marcos Road;
- | |
|-------------------------------|
| (15) N 55° 35' E 163.6 varas; |
| (16) N 56° 25' E 215.8 varas; |
| (17) N 83° 12' E 224.7 varas; |
| (18) N 75° 50' E 321.6 varas; |

EXHIBIT "B"

- (19) THENCE still with the south line of the old county road, N 72° 29' E 189.04 varas to a stake at the intersection of the south line of Texas State Highway #80;
- (20) THENCE with the south line of the Texas State Highway #80, N 71° 17' E 128.8 varas;
- (21) THENCE with the south line of Texas State Highway #80, N 74° 18' E 75.6 varas to a concrete monument;
- (22) THENCE with the south line of Texas State Highway #80, N 84° 49' E 36.5 varas to a concrete monument;
- (23) THENCE with the south line of Texas State Highway #80, N 73° 56' E 114.6 varas to a corner fence post and from which post a Live Oak 6" in diameter marked \bar{x} bears S 26° 10' W 17.7 varas and a Live Oak 8" in diameter marked \bar{x} bears N 65° 40' W 28.2 varas;
- (24) THENCE leaving the Highway and following the fence, S 77° 54' E 214.6 varas to a large Live Oak with old marks, probably one of the original bearing trees of the John Huffman Survey #22 but now used for the east corner of the land enclosed by Charles B. Crawford;
- (25) THENCE with the fence, S 29° 05' W 106.6 varas to the west face of a Live Oak 22" in diameter;
- (26) THENCE with the old rock fence, N 42° 42' W 36.7 varas to a stake and rock mound set at the old fence corner, and from which stake a Live Oak 10" in diameter marked \bar{x} bears N 59° 00' E 18.9 varas and a Live Oak 6" in diameter marked \bar{x} bears N 14° 50' W 24.1 varas;
- (27) THENCE with the average line of the old rock fence S 44° 40' W at about 2210 varas pass the south corner of the Martha E. Andrews Survey #1, in all 2736.3 varas to the end of the rock fence and the recognized west corner of the Jesse Huffman Survey #21;
- (28) THENCE with a post and wire fence, S 46° 17' W 123.5 varas to an iron stake and rock mound which is the most easterly corner of that 5.2-acre tract of land which was conveyed by M. E. Ruby to G. L. Boozer by deed now of record in Hays County Deed Record in Book 127, page 40, and from which post a Live Oak 11" in diameter marked \bar{x} bears S 67° 00' W 32.8 varas and a Live Oak 6" in diameter marked \bar{x} bears N 0° 45' E 4.7 varas;
- (29) THENCE S 62° 47' W 604.7 varas to the most westerly corner of the aforementioned 5.2-acre tract of land and to the most easterly corner of that 5.2-acre tract of land which was conveyed by G. L. Boozer to M. E. Ruby by deed now of record in Hays County Deed Record in Book 127, page 36, and from which stake a Live Oak 7" in diameter marked \bar{x} bears N 32° 05' W 31.7 varas and a Live Oak 8" in diameter marked \bar{x} bears N 41° 15' E 41.3 varas;
- (30) THENCE S 62° 47' W 321.5 varas to the southwest corner of the M. E. Ruby 5.2-acre tract of land and to the easterly terminus of a line which is described in a boundary-line agreement by and between M. E. Ruby and G. L. Boozer, as recorded in Hays County Deed Records in Book 127, page 38;
- (31) THENCE with the said line as established by agreement, S 62° 47' W 13.0 varas to a stake and rock mound, and from which a Live Oak 38" in diameter marked \bar{x} bears S 34° 40' E 19.3 varas and

from which a Live Oak 18" in diameter marked \bar{x} bears S 1° 20' E 20. varas;

(32) THENCE S 26° 34' W 371.2 varas to the most southerly corner of that 1800-acre tract of land which was conveyed by C. B. Crawford to M. E. Ruby by deed now of record in Hays County Deed Records in Book 124, pages 193-198, and from which stake a Live Oak 10" in diameter marked \bar{x} bears S 21° 10' E 2.5 varas and a Live Oak 8" in diameter marked \bar{x} bears N 64° 45' W 18.1 varas;

THENCE with the fence and with the east line of the land enclosed by Frank Posey according to the following courses numbered 3 to 44, inclusive:

(33)	N 43° 15' W 238.6 varas;	(39)	N 21° 46' W 57.3 varas
(34)	N 43° 35' W 309.8 varas;	(40)	N 29° 09' W 88.5 varas
(35)	N 43° 30' W 152.8 varas;	(41)	N 50° 27' W 125.8 varas
(36)	N 44° 01' W 66.7 varas;	(42)	N 57° 11' W 78.9 varas
(37)	N 41° 43' W 124.1 varas;	(43)	N 51° 10' W 182.5 varas
(38)	N 42° 48' W 46.4 varas;	(44)	N 47° 48' W 150.9 varas

(45) THENCE still with the fence and with the northeast line of land enclosed by Frank Posey, N 47° 17' W 173.0 varas to the place of beginning, containing 704.22 acres of land, according to field notes prepared by Orin E. Metcalfe, Licensed Land Surveyor, based upon surveys made by Orin E. Metcalfe, March 1942 and May 1943, and a survey made by T. A. Breeze in 1950.

The 704.22 acres of land above described was a portion of the property previously conveyed by J. C. Ruby and wife, Louise Walter Ruby, to M. E. Ruby by deed dated May 22, 1950, now of record in Volume 146, page 543, et seq., of said Hays County Deed Records; and that deed, together with its said record, is referred to, incorporated herein, and made part hereof for all pertinent purposes.

Form: Commitment for Title Insurance

Form Prescribed by Texas Department of Insurance (Revised 1/1/93)

Attached to and made a part of STEWART TITLE GUARANTY COMPANY Commitment for Title Insurance

GF No. 20009076

SCHEDULE B EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your policy will not cover loss, costs, attorney's fees and expenses resulting from:

1. ~~The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):~~ DELETED
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. (Applies to the Owner Policy only.)
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 rights of access to that area or easement along and across that area.
(Applies to the Owner Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year 2000 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 terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Mortgagee Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Mortgagee Policy only.)
9. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):

MAY. -07' 01 (MON) 11:47 HAYS CO. ABSTRACT

TEL:512 392 1671

P. 12

Form: Commitment for Title Insurance

Form Prescribed by Texas Department of Insurance (Revised 1/1/93)

Attached to and made a part of STEWART TITLE GUARANTY COMPANY Commitment for Title Insurance

GF No. 20009076

- a) Rights of Parties in Possession. (Owners Title Policy)
- b) Easement from Minnie Belle Heep, et al. to upper San Marcos Watershed Reclamation and Floor Control District, dated January 10, 1980, recorded in Volume 338, page 355, Hays County Deed Records.
- c) Utility line along portion of North line, as shown on survey dated September 25, 2000, by Byrn & Associates, Inc.
- d) Possible state vacancy as shown on surveyor's plat dated September 25, 2000, by Byrn & Associates, Inc.

Schedule B of this Commitment consists of 2 page(s)

STEWART TITLE GUARANTY COMPANY

FORM: Commitment for Title Insurance

From Prescribed by Texas Department of Insurance (Revised 1/1/93)

GF No. 20009076

SCHEDULE C

Your Policy will not cover loss, costs, attorneys fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - all standby fees, taxes, assessments and charges against the property have been paid,
 - all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialman's liens have attached to the property,
 - there is legal right of access to and from the land,
 - (on a Mortgagee Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. Note: Procedural Rule P-27 as provided for in Article (9.39 A of the Texas Insurance Code requires that "Good Funds" be received and deposited before a Title Agent may disburse from its Trust Fund Account.
6. We should be furnished satisfactory evidence of the authority of the individuals who are acting on behalf of Texas A&M University Foundation; together with a copy of the Corporate Charter.
7. We require that all taxes be paid through 1999.

MAY. -07' 01 (MON) 11:48 HAYS CO. ABSTRACT

TEL: 512 392 1671

P. 14

FORM: Commitment for Title Insurance

Form Prescribed by Texas Department of Insurance (10/30/92)

GF Number: 20009076

SCHEDULE D

The information contained in this Schedule (D) does not affect title to or the lien upon the land described in Schedule A hereof, to be insured in any policy(ies) of title insurance to be issued in accordance with this Commitment.

As to Stewart Title Guaranty Company, the Underwriter herein, the following disclosures are made:

A-1. Shareholders owning, controlling or holding, either personally or beneficially, 10% or more of the shares of Stewart Title Guaranty Company as of the last day of the year preceding the date hereinabove set forth are as follows:

Stewart Information Services Corporation -100%

A-2. The members of the Board of Directors of Stewart Title Guaranty Company as of the last day of the year preceding the date hereinabove set forth are as follows: Carlross Morris, Stewart Morris, Stewart Morris, Jr., Malcolm S. Morris, Max Crisp, C.M. Hudspeth, Eugene Mohler, Bruce Belin and Nita Hanks.

A-3. The four designated officers of Stewart Title Guaranty Company as of the last day of the year preceding the date hereinabove set forth are as follows: President: Malcolm S. Morris, Executive Vice President: Bert B. Corkill, Secretary: Sue M. Nolz, Treasurer: Ken Anderson, Jr.

As to HAYS COUNTY ABSTRACT COMPANY (Title Insurance Agent), the following disclosures are made:

B-1. The names of any shareholders, individuals, partnerships, corporations, trusts or other entities owning ten percent (10%) or more of the Title Insurance Agent are as follows:

Zeb H. Fitzgerald Lois G. Fitzgerald Wm. Z. Fitzgerald

B-2. The names of any directors, president, executive or senior vice president, secretary and treasurer if any of the Title Insurance Agent are as follows:

Zeb H. Fitzgerald, Director and President
Wm. Z. Fitzgerald, Director and Vice President
Jay S. Fitzgerald, Director and Secretary/Treasurer

C-1. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving any sum from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated* title premium is:

Owner Policy	\$23,124.00
Mortgagee Policy	_____
Endorsement Charges	_____
Total	\$23,124.00

Of this total amount \$ _____ or 15% (complete one only) will be paid to STEWART TITLE GUARANTY COMPANY; \$ _____ or 45% (complete one only) will be retained by Title Insurance Agent; and any remainder of the estimated premium will be paid to other parties as follows:

Amount			
\$ _____ or 40%	% (complete one only)	Paid to	Services
\$ _____ or _____	% (complete one only)	<u>Fitzgerald, Majors & Stevens</u>	<u>Title Examination</u>
\$ _____ or _____	% (complete one only)	_____	_____

*The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the State Board of Insurance.

Handwritten notes and stamps:
2001-05-07
25-11-2001
Title Examination
Fitzgerald, Majors & Stevens
25-11-2001
Title Examination

1

File No. SF-16566
HAYS County
Commitment fm. Title Insur.
 Date Filed: 7-12-01
 By David Dewhurst, Commissioner
S. Sugarek

Total	\$20,124.00
Entitlement Charges	\$20,124.00
Manager Policy	
Owner Policy	\$20,124.00

You are further advised that the estimated title premium is:

Q-4 You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm, corporation receiving any sum from the settlement of this transaction will be disclosed on the closing or settlement statement.

B-2 The names of any directors, president, executive or senior vice president, secretary and treasurer of any of the Title Insurance Agent are as follows:

Joe H. Fitzgerald	Director and Secretary/Treasurer
Wm. S. Fitzgerald	Director and Vice President
Joe H. Fitzgerald	Director and President

B-1 The names of any shareholders, individuals, partnerships, corporations, trusts or other entities owning ten percent (10%) or more of the Title Insurance Agent are as follows:

Joe H. Fitzgerald	
Joe S. Fitzgerald	
Wm. S. Fitzgerald	

A-3 The four designated officers of Stewart Title Guaranty Company as of the last day of the year preceding the date hereabove set forth are as follows: President: Malcolm G. Monte; Executive Vice President: Ben B. Cottle; Secretary: Sue M. Holt; Treasurer: Ken Anderson, Jr.

A-2 The members of the Board of Directors of Stewart Title Guaranty Company as of the last day of the year preceding the date hereabove set forth are as follows: Charles M. Jones; Stewart Monte; Stewart Monte, Jr.; Malcolm S. Monte; Max Chapp, C.M.; Hubert E. Eugene; Walter Bruce Bean and his heirs.

A-1 Shareholders owning, controlling or holding, either personally or beneficially, 10% or more of the stock of Stewart Title Guaranty Company as of the last day of the year preceding the date hereabove set forth are as follows:

Stewart Information Services Corporation - 100%

As to Stewart Title Guaranty Company, the Underwriter herein, the following disclosures are made:

The information contained in this Schedule (D) does not affect this to or the lien upon the land described in Section A hereof, to be insured in any policy of title insurance to be issued in accordance with this Commitment.

SCHEDULE D

Form Commitment for Title Insurance
 OR Number 2008970

Form Prescribed by Texas Department of Insurance (1000-001)

MAY - 07 (MON) 11:48 HAYS CO ABSTRACT

TEL: 817 391 1871

Received 07/07/2001 15:32 in 12465 on line (L) for 002512 printed 07/07/2001 15:32 + P1 14121

1115

03

DOC# 370383

FILM CODE

00005220368

SPECIAL WARRANTY DEED

THE STATE OF TEXAS]
COUNTY OF TRAVIS]

KNOW ALL MEN BY THESE PRESENTS:

3:06 PM 3919

3:06 PM 3919

3:06 PM 3919

25.00 INDX
2 4 11/10/94
5.00 RECM
2 4 11/10/94
1.00 SEC
2 4 11/10/94
97.71-CHK

WHEREAS, MINNIE BELLE HEEP (the "Decedent") died testate in Travis County, Texas, on March 21, 1993, and her Last Will and Testament, dated December 17, 1990 (the "Will"), was duly admitted to probate by Order of the Court dated April 19, 1993, in Cause No. 61,117, Probate Court No. 1, Travis County, Texas, and styled "Estate of Minnie Belle Heep, Deceased" (the "Estate");

WHEREAS, TEXAS COMMERCE BANK NATIONAL ASSOCIATION (successor by merger to TEXAS COMMERCE BANK-AUSTIN, NATIONAL ASSOCIATION) and B. PAT CARLISLE of Travis County, Texas (sometimes hereinafter the "Independent Co-Executors") were appointed to serve as the Independent Co-Executors without bond of said Estate by Order of the Court entered April 19, 1993, in which capacity said Independent Co-Executors remain qualified and continue to serve;

WHEREAS, said Independent Co-Executors qualified as such on April 19, 1993, in which capacities said Independent Co-Executors remain qualified and continue to serve;

WHEREAS, the property hereinafter specifically described is the same real property partitioned to Minnie Belle Heep by Partition Deed dated November 20, 1991 executed by Minnie Belle Heep, Austin Trust Company, the Duly Appointed and Acting Successor Trustee of The Herman F. Heep Trusts Nos. 1 and 2; The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation and Kathleen Ebert Viesca, Guardian of the Person and Estate of Mary Lou Heep Henderson, which Deed was recorded in Volume 11,606, pages 0282-0301 of the Deed Records of Travis County, Texas, and in Volume 908, pages 1-20 of the Deed Records of Hays County, Texas, to which deed and the records thereof reference is here made for all purposes;

WHEREAS, by Memorandum of Ownership Percentages executed by Minnie Belle Heep and The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation dated November 20, 1991 and recorded in Volume 11,606, pages 0302-0310 of the Deed Records of Travis County, Texas in Volume 908, pages 21-28 of the Deed Records of Hays County, Texas, to which Memorandum of Undivided Ownership Percentages and the records thereof reference is here made for all purposes, the said Minnie Belle Heep was the owner of an undivided 79.5% interest and The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation was the owner of an undivided 20.5% interest in and to the property described in Exhibit "A" attached hereto for all purposes;

b:heepdeed.doc10/21/94

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

OFFICIAL PUBLIC RECORDS
Hays County, Texas

12312 0448

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lachey

WHEREAS, said Independent Co-Executors have the power and authority to transfer to The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation its undivided 79.5% interest in the hereafter described property;

NOW, THEREFORE, in consideration of the premises, B. PAT CARLISLE and TEXAS COMMERCE BANK NATIONAL ASSOCIATION (the "Grantors") acting herein solely in their capacities as the Independent Co-Executors of the Last Will and Testament of Minnie Belle Heep, Deceased, and not otherwise, by virtue of the power, duty and authority conferred upon Grantors by law and by the provisions of said Last Will and Testament of Minnie Belle Heep, Deceased, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto THE HERMAN F. HEEP AND MINNIE BELLE HEEP TEXAS A & M UNIVERSITY FOUNDATION, whose mailing address is John B. Connally Building, 301 Tarrow, 7th Floor, College Station, Texas 77843-1122, the following described property located in Travis and Hays Counties, Texas, to-wit:

All those certain tracts or parcels of land, in Travis and Hays Counties, Texas, described on Exhibit "A" attached hereto and incorporated herein for all purposes.

The conveyance is made and accepted subject to any and all liens securing the payment of ad valorem taxes assessed against the aforesaid property, and any and all other valid liens, restrictions, covenants, conditions, leases, rights-of-way, easements, and oil, gas and other mineral reservations or exceptions of record, if any, affecting said property or any part thereof, including any valid easements which are visible and apparent or otherwise notorious, and all zoning laws, regulations and ordinances of any municipality or other governmental authority.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, including the right, title and interest of Grantors as Independent Co-Executors of the Estate of Minnie Belle Heep, Deceased, in and to adjacent roads, streets, rights-of-way or easements for ingress or egress to and from the aforesaid property unto the Grantee, the Grantee's successors and assigns forever; and Grantors, as Independent Co-Executors of the Estate, do hereby bind the Grantors, their successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the said premises unto Grantee, the Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantors but not otherwise.

b:heepdeed.doc10/21/94

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0449

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

EXECUTED this 9th day of NOVEMBER, 1994.

TEXAS COMMERCE BANK
National Association
Independent Co-Executor

By: [Signature]
Richard D. Miller,
Senior Vice President

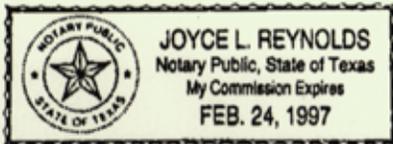
[Signature]
B. PAT CARLISLE,
Independent Co-Executor

THE STATE OF TEXAS]

COUNTY OF TRAVIS]

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD D. MILLER, Senior Vice President of Texas Commerce Bank National Association, Independent Co-Executor of the Estate of Minnie Belle Heep, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 9th day of November, 1994.



[Signature]
Notary Public In and For the State of Texas

b:hccpdeed.doc10/21/94

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0450

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

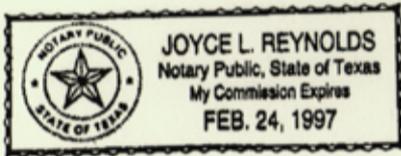
[Signature]

THE STATE OF TEXAS]

COUNTY OF TRAVIS]

BEFORE ME, the undersigned authority, on this day personally appeared B. PAT CARLISLE, Independent Co-Executor of the Estate of Minnie Belle Heep, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 9th day of November, 1994.



Joyce L. Reynolds
Notary Public In and For the State of Texas

After recording, return to
Grantee:

The Herman F. Heep and Minnie Belle Heep
Texas A & M University Foundation
c/o Mr. Frank W. Denius
700 Lavaca, Suite #700
Austin, TX 78701-3102

b:heepdeed.doc10/21/94

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0451

I, LEE CARLISLE, COUNTY CLERK,
MAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

EXHIBIT "A"

HERMAN F. HEEP RANCH

Block "E-1a"

A tract of land containing 35.00 acres, more or less, in Travis and Hays County, Texas, out of the J.S. Irvine Survey, the Henry M. Downman Survey and the George Herder Survey, more fully described by metes and bounds in Schedule 1 which is attached hereto and made a part hereof for all purposes.

Block "F"

All of the following Tracts of land:

Woods Third Tract and Woods Fourth Tract - All of the property more fully described as Third Tract and Fourth Tract in the deed from W.M. Woods, et ux, to Herman F. Heep, dated July 29, 1937, recorded in Book 570, Page 300, Real Property Records of Travis County, Texas, and Book 247, Page 621, Real Property Records of Hays County, Texas, which is all of the property described in and conveyed by said deed which lies south of the centerline of Turnersville Road.

Cardwell Tract - 86.85 acres of land, more or less, in Travis and Hays Counties, Texas, out of George Herder Survey No. 537 and the Henry Downman Survey No. 536, being three tracts more fully described in and conveyed by the deed from Annie Cardwell Biggs, et al, to Herman F. Heep, dated October 24, 1946, recorded in Book 831, Page 56, Real Property Records of Travis County, Texas, and in Book 136, Page 480, Real Property Records of Hays County, Texas, and also by the deed from Clarence Cardwell, et ux, to Herman F. Heep, dated September 6, 1940, recorded in Book 654, Page 462, Real Property Records of Travis County, Texas, and in Book 121, Page 51, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tracts to the State of Texas.

Davis Tract - 78.27 acres of land, more or less, in Travis County, Texas, out of the George Herder Survey, being all of that certain 83.27 acres of land more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated May 10, 1938, recorded in Book 588, Page 202, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, that certain five acres of land conveyed by deed from Herman F. Heep, et ux, to United Gas Pipe Line Co., dated March 6, 1942, and recorded in Book 693, Page 483, Real Property Records of Travis County, Texas.

Satterwhite Tract - 157.67 acres of land, more or less, in Travis County, Texas, out of the George Herder, D.C. Burleson, William Porter and George W. Turner Surveys, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 747, Page 718, Real Property Records of Travis County, Texas.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0452

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

Union Central Tract - 141.00 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 42, Real Property Records of Travis County, Texas, and in Book 130, Page 626, Real Property Records of Hays County, Texas.

Gracy Tract - 109.00 acres of land, more or less, in Travis County and possibly Hays County, Texas, out of the William Porter Survey, being two tracts more fully described as and conveyed by the deed from W.M. Woods to Herman F. Heep, dated February 3, 1938, recorded in Book 659, Page 333, Real Property Records of Travis County, Texas.

Parker Tract - 84.98 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter and Jackson Hammett Surveys, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 748, Page 339, Real Property Records of Travis County, Texas, and in Book 143, Page 148, Real Property Records of Hays County, Texas.

Hodges Tract - 70.00 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 747, Page 714, Real Property Records of Travis County, Texas.

Guess Tract - 126.50 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 39, Real Property Records of Travis County, Texas, and in Book 130, Page 620, Real Property Records of Hays County, Texas.

Federal Land Bank (Barber Tract) - 60.00 acres of land, more or less, in Hays County, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated February 26, 1938, recorded in Book 121, Page 138, Real Property Records of Hays County, Texas.

Howe Tract - 139.55 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, being two tracts more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 749, Page 127, Real Property Records of Travis County, Texas, and in Book 130, Pages 622-624, Real Property Records of Hays County, Texas.

Howe Tract - 80.2 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 38, Real Property Records of Travis County, Texas, and in Book 130, Page 622, Real Property Records of Hays County, Texas.

Patterson Tract - 147.73 acres of land, more or less, in Hays County, Texas, out of the William Porter, George Herder, D.C. Burleson and Trinidad Varcinas Surveys, being all of that certain 148.2 acres of land more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 130, Page 624, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0453

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

Watson Tract - 981.24 acres of land, more or less, in Hays County, Texas, out of the William Porter Survey, being all of that certain 982.25 acres more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 130, Page 619, Real Property Records of Hays County, Texas. SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas and to J.V. Bricker.

Gas Plant Tract - 5.0 acres of land, more or less, in Travis County, Texas, out of the George Herder Survey, being more fully described in and conveyed by the deed from Valero Transmission Company to the Herman F. Heep Trusts Nos. 1 and 2, and Minnie Belle Heep, dated February 20, 1984, recorded in Book 8485, Page 382, Real Property Records of Travis County, Texas.

Said Tracts being all of the property owned by Mrs. Heep, the Foundation, or the Trusts which is bounded by the centerline of Turnersville Road on the north, Hays County Road 118 and Niederwald Road on the west, Satterwhite Road on the south and South Turnersville Road on the east, as such roads are currently located.

ROCKING "H" RANCH

All of the following Tracts of land:

Boozer Ranch - 972.59 acres of land, more or less, in Hays County, Texas, out of the Gideon Bowditch, Henry Pettit, Reuben Pierce, W.A. Moore, Jesse Huffman, G.W.A. Colton and William Burke Surveys, more fully described in and conveyed by the deed from M.E. Ruby, et ux, to Conroe Drilling Co., dated June 12, 1947, recorded in Book 138, Page 330, Real Property Records of Hays County, Texas, and by the deed from Conroe Drilling Co. to Herman F. Heep, dated March 31, 1950, recorded in Book 147, Page 309, Real Property Records of Hays County, Texas.

Ruby Place - 704.22 acres of land, more or less, in Hays County, Texas, out of the Martha E. Andrews, John Huffman, W.A. Moore, Gideon Bowditch and Reuben Pierce Surveys, more fully described in and conveyed by the Correction Deed from M.E. Ruby, et ux, to Herman F. Heep, dated January 15, 1952, recorded in Book 152, Page 199, Real Property Records of Hays County, Texas, as clarified by the Correction Deed executed by Minnie Belle Heep, George R. Snowden and Charles S. Nichols, Trustees of the Herman F. Heep Trusts Nos. 1 and 2, Edgar E. Ash, Nola W. Ash, Willie Fisher Ruby, and Tom G. Oliver, Jr., dated June 28, 1972, recorded in Book 252, Page 33, R. Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Said Tracts being all of the property owned by Mrs. Heep, the Foundation or the Trusts which is south of Highway 12 running between San Marcos and Dripping Springs.

• • •

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, the 40% Tracts shall not include any portion of any property described in this Exhibit "B" which has been conveyed to the State of Texas, Travis County or Hays County, and shall not include any mineral interests or mineral reservations of any kind or character out of any of the property described in this Exhibit "B" which have previously been reserved or conveyed by any document of record in the Real Property Records of Travis County, Texas, or Hays County, Texas.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0454

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

SCHEDULE 1
FIELD NOTES FOR BLOCK E-1a

35.000 ACRES
J.S. IRVINE SURVEY NO. 4
HENRY H. DOWNMAN SURVEY NO. 536
HAYS AND TRAVIS COUNTY, TEXAS

FN 91-134R(JTB)
OCTOBER 22, 1991
BPI JOB NO. 480-01.90

DESCRIPTION

OF A 35.000 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE J.S. IRVINE SURVEY NO. 4 AND THE HENRY H. DOWNMAN SURVEY NO. 536 CT WHICH 26.923 ACRES ARE SITUATED IN HAYS COUNTY, TEXAS AND 8.077 ACRES ARE SITUATED IN TRAVIS COUNTY, TEXAS, SAID 35.000 ACRES BEING A PORTION OF THE REMAINDER OF THAT ORIGINAL 4.97 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 115, PAGE 52, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 150.7 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 539, PAGE 564, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 114, PAGE 499 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 659.1 ACRES TRACT, KNOWN AS FIRST TRACT, CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 570, PAGE 300, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 247, PAGE 621 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 35.000 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete highway monument found in the easterly right-of-way line of Interstate Highway 35 (ROW varies) at northeasterly cut-back line of Turnerville Road at Engineer Centerline Highway Station 12+16.7, 180 feet left (from tangent line) and from which a concrete highway monument found in the westerly right-of-way line of Interstate Highway 35 at the northwesterly cut-back of Turnerville Road bears, N 73°58'33"W, a distance of 356.42 feet;

THENCE, N 20°47'32"E, along the easterly right-of-way line of Interstate Highway 35, for a distance of 1159.36 feet to a concrete highway monument found marking the Hays/Travis County line, and from which a concrete highway monument found in the westerly line of Interstate Highway 35 marking said county line bears, N 51°39'15"W, a distance of 371.05 feet;

THENCE, N 21°42'04"E, continuing along said easterly right-of-way line, for a distance of 170.51 feet to a 1/2 inch iron rod set for the northwesterly corner hereof;

THENCE, S 68°17'56"E, leaving said easterly right-of-way line for a distance of 957.61 feet to a 1/2 inch iron rod set for the northeasterly corner hereof;

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0455

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

THENCE, along an existing north-south barb wire fence being the apparent common line of said Parcel 2 and said Parcel 3, the following three (3) courses and distances:

- 1) N02°42'25"W, a distance of 254.54 feet to a 1/2 inch iron rod set at a fence corner post for an angle point;
- 2) S88°50'51"W, a distance of 22.25 feet to a cut "X" set in top of a rock column for an angle point;
- 3) N02°54'21"W, a distance of 889.33 feet to a PK nail set in concrete at the base of a fence post in the apparent northwesterly corner of said Parcel 3 and the apparent northeasterly corner of said Parcel 2, same being in the apparent southerly line of the remainder of that 96.54 acre tract, known as First Tract, conveyed to Herman F. Keep by deed of record in Volume 573, Page 301, of the Deed Records of Travis County, Texas, said PK nail set being the northwesterly corner hereof;

THENCE, along the aforementioned existing east-west barb wire fence being the apparent common line of said Parcel 3 and said First Tract, the following two (2) courses and distances:

- 1) S81°20'00"E, a distance of 799.50 feet to a PK nail set in concrete at the base of a fence post for an angle point;
- 2) S81°27'00"E, a distance of 568.64 feet to the POIN. BEGINNING, CONTAINING an area of 32.350 acres of land, more or less, within these metes and bounds.

STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 18th DAY OF OCTOBER, 1991. A.D.

BURY & PITTMAN, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

Lynn R. Savory
LYNN R. SAVORY, R.P.L.S.
NO. 4598
STATE OF TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0456



I, LEE CARLISLE, COUNTY CLERK, HAYS COUNTY, TEXAS do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

THE THREE TRACTS

1. Heep Tract - 382.343 acres of land, more or less, in Travis County, Texas, being all of those certain tracts of land described as "Tract 1", "Tract 2" and "Tract 3" of Share No. 2 (less conveyances in fee to the State of Texas) allotted and conveyed to Herman L. Heep in the partition deed dated November 20, 1928, between Alma Heep, Herman L. Heep, et ux, and Boone H. Heep, et ux, recorded in Book 428, Page 614, Real Property Records of Travis County, Texas, wherein "Tract 1" of said Share No. 2 is described as being 238 acres, more or less, out of the northwest corner of the Henry M. Downman Survey; "Tract 2" is described as being 50 acres, more or less, out of the Trinidad Varcinas Survey, described by metes and bounds calling for 49 acres in the deed from James A. Chandler, et al, to F.A. Heep, dated February 1, 1883, recorded in Book 54, Page 505, Real Property Records of Travis County, Texas; and "Tract 3" is described as being that certain 62.65 acres described by metes and bounds in the deed from Isabella Piper to F.A. Heep, dated December 19, 1898, recorded in Book 154, Page 332, Real Property Records of Travis County, Texas, and 77.25 acres of which is described in the deed from W.L. Piper, Administrator of the Estate of Isabel Piper, Deceased, to F.A. Heep, dated February 16, 1906, recorded in Book 207, Page 290, Real Property Records of Travis County, Texas.
2. Powell Tract - 306.669 acres of land, more or less, in Travis County, Texas, being those certain three tracts of land more fully described in and conveyed by the deed from John C. Bybee, et ux, to Herman F. Heep, dated July 25, 1935, recorded in Book 573, Page 301, Real Property Records of Travis County, Texas, less conveyances in fee to the State of Texas, wherein "First Tract" is described as being 96.54 acres out of the Trinidad Varcinas and S.F. Slaughter Surveys; "Second Tract" is described as being 212 acres, more or less, out of the Santiago Del Valle and S.F. Slaughter Surveys; and "Third Tract" is described as being 3 acres out of the S.F. Slaughter Survey.
3. Pearson Tract - 142.916 acres of land, more or less, in Travis County, Texas, out of the Trinidad Varcinas and Santiago Del Valle Surveys, being all of that certain 160 acres, less conveyances in fee to the State of Texas, more fully described in and conveyed by the deed from John C. Bybee, and wife, to Herman F. Heep, dated November 20, 1935, recorded in Book 573, Page 303, Real Property Records of Travis County, Texas.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0457

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

THE DESIGNATED RESIDENCE

32.350 ACRES
HEEP RESIDENCE TRACT

FN 91-131 (JTB)
OCTOBER 18, 1991
BPI JOB NO. 480-01.90

DESCRIPTION

OF A 32.350 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE TRINIDAD VARCINAS SURVEY NO. 535 SITUATED IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT 62.25 ACRES OF LAND, KNOWN AS PARCEL 3 OF SHARE NO. TWO CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 428, PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 32.350 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch rod set in the existing westerly right-of-way line of Interstate Highway 35 being at the intersection of the easterly projection of an existing east-west barb wire fence and from which a 5/8 inch iron rod found at Engineer's Centerline Highway Station of 11450+00, 150.00 feet right bears, N17°59'15"E, a distance of 9.92 feet, said 1/2 inch iron rod set being the northeasterly corner hereof;

THENCE, S17°59'15"W, along the existing westerly right-of-way line of Interstate Highway 35, for a distance of 990.08 feet to a brass highway disc in concrete found at Engineer's Centerline Highway Station 11460+00, 150.00 feet right;

THENCE, S 26°44'55"W, leaving said existing westerly right-of-way line along the proposed westerly right-of-way of Interstate Highway 35 as per SDHPT Right-of-Way Map CSJ No. 0016-01-066, for a distance of 528.00 feet to a 1/2 inch iron rod set for the southeasterly corner hereof, and from which a brass highway disc in concrete found bears, S26°44'55"W, a distance of 329.19 feet;

THENCE, leaving said proposed right-of-way line, over and across said Parcel 3 of Share No. Two, the following two (2) courses and distances:

- 1) N48°17'05"W, a distance of 710.00 feet to a 1/2 inch iron rod set for an angle point;
- 2) N88°55'36"W, a distance of 200.00 feet to a PK nail set in concrete at the base of a fence post in the apparent westerly line of said Parcel 3 being the easterly line of a 50 acre tract, known as Parcel 2 of Share No. Two of aforementioned Volume 428, Page 614 of the Deed Records of Travis County, Texas, said 1/2 inch iron rod set being the southwesterly corner hereof;

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0458

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

THENCE. S 01°34'00"E, passing the Hays/Travis County Line at a distance of 570.59 feet and continuing for a total distance of 1124.83 feet to a 1/2 inch iron rod set in an existing barb wire fence marking the northerly line of Turnerville Road for the southeasterly corner hereof:

THENCE, along said existing barb wire fence marking the northerly line of Turnerville Road the following two (2) courses and distances:

- 1) S 88°26'00"W, a distance of 450.00 feet to a 1/2 inch iron rod set at a fence post for an angle point;
- 2) N 81°03'00"W, a distance of 893.00 feet to a concrete highway monument found in the northeasterly right-of-way cut-back of Interstate Highway 35;

THENCE, N 29°56'37"W, along said right-of-way cut-back for a distance of 126.47 feet to the POINT OF BEGINNING, CONTAINING an area of 35.000 acres of land, more or less, within these metes and bounds.

STATE OF TEXAS §
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS §

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 22nd DAY OF OCTOBER, 1991. A.D.

BURY & PITTMAN, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

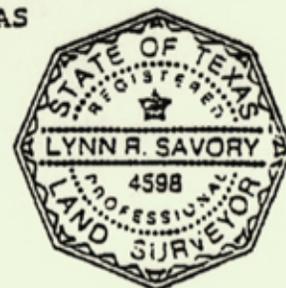
Lynn R. Savory
LYNN R. SAVORY, R.P.L.S.
NO. 4598
STATE OF TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me, and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on

FILED

94 NOV 10 PM 2:25

DANA DEBEAUVOR
COUNTY CLERK
TRAVIS COUNTY, TEXAS



NOV 10 1994



Dana Debeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12312 0459

I, LEE CARLISLE, COUNTY CLERK, HAYS COUNTY, TEXAS do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

1115 81

STATE OF TEXAS
COUNTY OF HAYS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me and was duly
RECORDED, in the Volume and Page of the named RECORDS
of Hays County, Texas, as stamped hereon by me.

NOV 22 1994



Danielle
COUNTY CLERK
HAYS COUNTY, TEXAS

FILED FOR RECORD
BOOK # 37034 P. 33
JAN 21 1994 10:23:34
DANIELLE
HAYS COUNTY

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:
Petucia J. Lackey

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Date Filed: 5-18-01
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File No. SF-16566
HAYS County
Spec. Warr. Deed
Date Filed: 7-12-01

By S. Sugar
David Dewhurst, Commissioner
\$25.00 Recd. 7-12-01
R# 50768

HAYS COUNTY
DAVID M. WELLS
COUNTY CLERK
FILED FOR RECORD

LEE CARLISLE COUNTY CLERK
WAM P. SOO
LEE CARLISLE COUNTY CLERK
BATEMAN
LEE CARLISLE COUNTY CLERK
WAM P. SOO



HAYS COUNTY, TEXAS
COUNTY CLERK
DAVID M. WELLS
FILED FOR RECORD



1115 81

PARTITION DEED

316820

THE STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT:

Minnie Belle Heep ("Mrs. Heep"), The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Foundation"), and Austin Trust Company, the Duly Appointed and Acting Successor Trustee of the Herman F. Heep Trusts Nos. 1 and 2 (the "Trusts") jointly own certain real estate which constitutes all or a portion of the Herman F. Heep Ranch and the Rocking H Ranch located in Travis and Hays Counties, Texas. The Trusts are testamentary trusts created under the will of Herman F. Heep (the "Will"), filed and admitted to probate in Cause No. 21, 226 in the County Court of Travis County, Texas. The portions of the two ranches which are jointly owned are more particularly described on Exhibits "A" and "B" attached hereto and made a part hereof for all purposes (the "Property").

Mrs. Heep, in addition to owning a fee simple interest in a portion of the Property, also holds and owns a life estate in the Trusts' interest in the Property and either a life estate in or the right to use and occupy those three tracts of land which are more particularly described on Exhibit "D" attached hereto and made a part hereof for all purposes (the "Three Tracts"), which life estate or right to use and occupy was devised to her under the terms and provisions of the Will. Mary Lou Heep Henderson ("Mrs. Henderson") also has a right to use and occupy a portion of the Three Tracts following Mrs. Heep's death or abandonment of her right to use and occupy such portion of the Three Tracts.

Pursuant to an Order Approving Settlement Agreement in Cause No. 381,893-A, in the 126th Judicial District Court of Travis County, Texas; a Final Judgment approving a settlement of the causes of action asserted in Cause No. 381,893, in the 261st Judicial District Court of Travis County, Texas, (the "Lawsuit"); and the binding arbitration relating to the partition of the Property confirmed in Cause No. 381,893-B, in the 261st Judicial District Court of Travis County, Texas, all styled In Re: The Herman F. Heep Trusts Nos. 1 and 2, the provisions of which are incorporated herein as if set forth at length, Mrs. Heep, the Foundation and the Trusts desire to partition the entire estate in the Property. In addition, except as provided in the following sentence, Mrs. Heep desires to waive her life estate in the portion of the Property which is partitioned to the Trusts and in the Three Tracts. However, Mrs. Heep desires to retain, and the Trusts and Kathleen Ebert Viesca, Guardian of Mrs. Henderson's Person and Estate (the "Guardian") desire to grant, Mrs. Heep a full life estate in the residence tract described below (hereinafter referred to as the "Designated Residence"), which constitutes a portion of the Three Tracts.

Partition Deed Page 1 of 5
I:\PS\PARGAMAB\82347.1

OFFICIAL PUBLIC RECORDS
Hays County, Texas

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Petunia J. Lackey

NOW, THEREFORE, Mrs. Heep, the Foundation, the Trusts, and the Guardian, for a valuable consideration paid by each to the others, have agreed to the following partition:

1. The Trusts, subject to the life estate of Mrs. Heep in the Designated Residence and the provisions of Paragraph 5, shall henceforth have, hold, possess and enjoy in severalty, as a portion of the principal of the Trusts, the portions of the Property which are more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Trusts' Parcel"), and Mrs. Heep and the Foundation, subject to the life estate of Mrs. Heep in the Designated Residence, do hereby grant, convey, release and confirm unto the Trusts the Trusts' Parcel, to have and to hold the Trusts' Parcel, together with all and singular the rights, hereditaments and appurtenances thereto in anywise belonging, and Mrs. Heep and the Foundation bind themselves and their heirs, successors, personal representatives and assigns to warrant and forever defend the Trusts' Parcel to the Trusts and their successors, personal representatives and assigns against every person lawfully claiming or to claim all or any part of the Trusts' Parcel, subject to the provisions stated above, by, through, or under Mrs. Heep and the Foundation, but not otherwise.

2. Mrs. Heep and the Foundation, subject to the provisions of Paragraph 5, shall henceforth have, hold, possess and enjoy, in undivided interests as between Mrs. Heep and the Foundation, in severalty, for themselves, their heirs, their successors, legal representatives and assigns, the portions of the Property which are more particularly described on Exhibit "B" attached hereto and made a part hereof for all purposes ("Mrs. Heep's Parcel"), and the Trusts do hereby grant, convey, release and confirm unto Mrs. Heep and the Foundation Mrs. Heep's Parcel, to have and to hold Mrs. Heep's Parcel, together with all and singular the rights, hereditaments and appurtenances thereto in anywise belonging, and the Trusts bind themselves and their heirs, successors, personal representatives and assigns against every person lawfully claiming or to claim all or any part of Mrs. Heep's Parcel, subject to the provisions stated above, by, through, or under the Trusts, but not otherwise.

3. Except as provided in Paragraph 4, below, Mrs. Heep has waived, quitclaimed and released, and by these presents does waive, quitclaim and release, to the Trusts, all of her right, title, and interest in and to the Three Tracts granted to Mrs. Heep under the Will, including specifically the life estate granted to Mrs. Heep in Paragraph 1(c) of the Will, to have and to hold all of their right, title and interest in and to the Three Tracts, together with all and singular the rights and appurtenances belonging in any way to her right, title and interest in and to the Three Tracts, to the Trusts, their successors or assigns forever, and neither Mrs. Heep nor her heirs, personal representatives, successors or assigns shall have, claim, or demand any right, title or interest in all or any part of the Three Tracts.

4. The Trusts and the Guardian have granted, sold and conveyed, and by these presents do grant, sell and convey, to Mrs. Heep an estate with the full possession, benefit and use for her life

Partition Deed Page 2 of 5
I:\PS\PARGAMAB\82347.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

in and to the real estate which is more particularly described by metes and bounds on Exhibit "C" attached hereto and made a part hereof for all purposes (the "Designated Residence"). Mrs. Heep shall hold the life estate in the Designated Residence of the same terms and conditions as are set forth in Paragraph 1(c) of the Will with respect to the life estate granted to Mrs. Heep in all of the Herman F. Heep Ranch and the Rocking H Ranch other than the "residential area" described in Paragraph 1(b) of the Will and shall be in full substitution of the life estate granted to Mrs. Heep under Paragraph 1(b) of the Will. The rights conferred upon Mrs. Henderson by Paragraph 1(b) of the Will to use and occupy the "residential area" as defined in the Will shall be subject to the life estate granted to Mrs. Heep herein, but the rights so conferred upon Mrs. Henderson by Paragraph 1(b) of the Will shall in no other way be altered, changed or modified by the conveyance or warranties contained herein.

5. The conveyances and warranties set forth above are made subject to all restrictions, easements and encumbrances of record in Travis and Hays Counties, Texas; any visible or apparent easements, leases affecting the properties, copies of which have been circulated among all parties hereto; and the covenants, restrictions, charges, easements and liens contained in the Covenants of even date herewith, executed by Mrs. Heep, the Foundation and the Trust, which are recorded in Book 907, Page 860, Real Property Records of Hays County, Texas, and also in the Real Property Records of Travis County, Texas.

IN TESTIMONY WHEREOF, this deed has been executed in triplicate, each copy of which is the same as an original, on the dates and at the places of the acknowledgments hereof, but effective as of the 20th day of November, 1991.

Minnie Belle Heep
Minnie Belle Heep

Austin Trust Company, the Duly Appointed and Acting Successor Trustee of the Herman F. Heep Trusts Nos. 1 and 2

By: William J. Hudspeth, Jr.
William J. Hudspeth, Jr.
Chairman and Chief Executive Officer

Partition Deed Page 3 of 5
I:\PS\PARGAMAB\82347.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

The Herman F. Heep and Minnie Belle Heep
Texas A&M University Foundation

By: John M. Lawrence III
John M. Lawrence, III
Special Assistant to the General Counsel

Executed for purposes of Paragraph 4 only:

Kathleen Ebert Viesca
Kathleen Ebert Viesca, Guardian of the Person
and Estate of Mary Lou Heep Henderson

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 13, 1991, by Minnie Belle Heep.

Franklin W. Denius
Notary Public, State of Texas

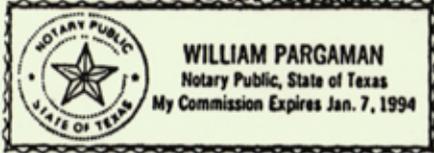
Date Commission Expires:
08/31/92

Franklin W. Denius
(Name - Typed or Printed)

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 13, 1991 by William J. Hudspeth, Jr., Chairman and Chief Executive Officer of Austin Trust Company, the Duly Appointed and Acting Successor Trustee of the Herman F. Heep Trusts Nos. 1 and 2, on behalf of said trusts.



William Pargaman
Notary Public, State of Texas

Date Commission Expires:

(Name - Typed or Printed)

Partition Deed Page 4 of 5
I:\PS\PARGAMAB\82347.1

I, LEE CARLISLE, COUNTY CLERK,
MAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:

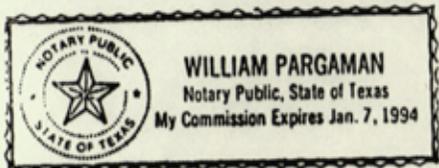


MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:
Patricia J. Lackey

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 13, 1991, by John M. Lawrence, III, Special Assistant to the General Counsel of the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation, on behalf of said foundation.



William Pargaman
Notary Public, State of Texas

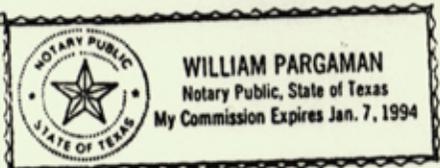
Date Commission Expires:

(Name - Typed or Printed)

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 13, 1991 by Kathleen Ebert Viesca, Guardian of the Person and Estate of Mary Lou Heep Henderson, on behalf of Mary Lou Heep Henderson



William Pargaman
Notary Public, State of Texas

Date Commission Expires:

(Name - Typed or Printed)

Partition Deed Page 5 of 5
I:\PS\PARGAMAB\82347.1

I, LEE CARLISLE, COUNTY CLERK, HAYS COUNTY, TEXAS do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

EXHIBIT "A"

PROPERTY PARTITIONED TO THE TRUSTS
(THE 60% TRACTS)

HERMAN F. HEEP RANCH

Block "A"

Boone Heep Tract - 181.52 acres of land, more or less, in Travis County, Texas, out of the J.S. Irvine Survey No. 4 and S.V.R. Eggleston Survey No. 3, more fully described in and conveyed by the deed from Boone H. Heep, et ux, to Herman F. Heep, dated June 30, 1943, recorded in Book 721, Page 436, Real Property Records of Travis County, Texas.

Block "B-2"

All of the following Tracts of land:

Part of the Severn Tract - That part of the Severn Tract (as described on Schedule 1 hereto) which lies west of U.S. Interstate Highway 35 and east of the Old San Antonio Highway.

Bohlender Tract - 13 acres of land, more or less, in Hays County, Texas, out of the J.S. Irvine Survey No. 4, more fully described in and conveyed by the deed from George R. Snowden to Herman F. Heep, dated August 6, 1937, recorded in Book 115, Page 424, Real Property Records of Hays County, Texas.

Block "B-3"

Part of the Severn Tract - That part of the Severn Tract (as described on Schedule 1 hereto) which lies west of the Old San Antonio Highway.

Block "D-1"

All of the following Tracts of land:

Baggett Tract - 49.041 acres of land, more or less, in Travis County, Texas, being all of that certain 50 acres, more or less, out of the Trinidad Varcinas Survey, more fully described in and conveyed by the deed from Melissa J. Baggett to Herman F. Heep, dated March 23, 1944, recorded in Book 737, Page 140, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Sayers Tract - 99.629 acres of land, more or less, in Travis County, Texas, being all of that certain 100 acres, more or less, out of the Trinidad Varcinas Survey, more fully described in and conveyed by the deed from Thomas G. Sayers, et al, to Herman F. Heep, dated January 12, 1940, recorded in Book 631, Page 577, Deed Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

First National Bank of San Marcos Tract - 120.079 acres of land, more or less, in Travis County, Texas, being all of that certain 121.15 acres, more or less, out of the Santiago Del Valle Grant and Trinidad Varcinas Survey, more fully described in and conveyed by the deed from First National Bank of San Marcos to Herman F. Heep, dated September 6, 1939, recorded in Book 628, Page 406, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas, to Travis County and to the Estate of W.E. Jones, Deceased.

Block "E-1"

All of the following Tracts of land:

Part of the Severn Tract - That part of the Severn Tract (as described on Schedule 1 hereto) which lies east of U.S. Interstate Highway 35, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas and that portion of said tract that is included within Block E-1a which is described by metes and bounds in Schedule 2, attached hereto and made a part hereof for all purposes.

Williams (Dixon) Tract - 98.423 acres of land, more or less, in Travis County, Texas, being all of that certain 99.26 acres out of the Henry M. Downman Survey Abstract No. 218, more fully described in and conveyed by the deed from W. G. Williams, et ux, to Herman F. Heep, dated December 7, 1937, recorded in Book 575, Page 557, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Salvation Army Tract - 99.576 acres of land, more or less, in Travis County, Texas, being all of that certain 100 acres out of the Henry M. Downman Survey Abstract No. 218, more fully described in and conveyed by the deed from The Salvation Army to Herman F. Heep, dated August 12, 1937, recorded in Book 570, Page 500, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Woods (Cochran) First Tract; Woods Second Tract; and Woods (Ziegerer) Fifth Tract - All of the property more fully described as First Tract, Second Tract and Fifth Tract in the deed from W.M. Woods, et ux, to Herman F. Heep, dated July 29, 1937, recorded in Book 570, Page 300, Real Property Records of Travis County, Texas, and Book 247, Page 621, Real Property Records of Hays County, Texas, which is all of the property described in and conveyed by said deed that lies north of the centerline of Turnersville Road, SAVE AND EXCEPT, HOWEVER, conveyances out of said tracts to the State of Texas and that portion of said tracts that is included within Block E-1a which is described by metes and bounds in Schedule 2, attached hereto and made a part hereof for all purposes.

Block "G"

All of the following Tracts of land:

Ruby Tract - 235.58 acres of land, more or less, in Travis and Hays Counties, Texas, out of the S.V.R. Eggleston Survey No. 3, more fully described in and conveyed by the deed from W. M. Woods to Herman F. Heep, dated January 20, 1942, recorded in Book 692, Page 396, Real Property Records of Travis County, Texas, and in Book 123, Page 463, Real Property Records of Hays County, Texas.

Rylander Tract - 270 acres of land, more or less, in Hays County, Texas, out of the S.V.R. Eggleston Survey No. 3, more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated November 23, 1941, recorded in Book 123, Page 460, Deed Records of Travis County, Texas.

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

Davidson Tract - 41.6 acres of land, more or less, in Hays County, Texas, out of the S.V.R. Eggleston Survey No. 3, more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated January 12, 1942, recorded in Book 123, Page 461, Real Property Records of Hays County, Texas.

Block "K"

All of the following Tracts of land:

Ewald Tract - 105.14 acres of land, more or less, in Travis County, Texas, out of the Elijah Caples Survey, more fully described in and conveyed by the deed from Fritz Ewald, et ux, to Herman F. Heep, dated October 9, 1957, recorded in Book 1866, Page 172, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Gault Tract - 141.94 acres of land, more or less, in Travis County, Texas, out of the Elijah Caples Survey, more fully described in and conveyed by the deed from Emmett Shelton to Herman F. Heep, dated June 18, 1956, recorded in Book 1782, Page 391, Real Property Records of Travis County, Texas.

Armbruster Tract - 50 acres of land, more or less, in Travis County, Texas, out of the William P. Corbin Survey, more fully described in and conveyed by the deed from Annie Armbruster, et al, to Herman F. Heep, dated March 3, 1958, recorded in Book 1909, Page 341, Real Property Records of Travis County, and by the Correction Deed from Annie Armbruster, et al, to Herman F. Heep, dated May 15, 1958, recorded in Book 1919, Page 151, Real Property Records of Travis County, Texas.

Gallant Tract - 155.8 acres of land, more or less, in Travis County, Texas, out of the William P. Corbin Survey, more fully described in and conveyed by the deed from Rayford Gallant, et ux, to Herman F. Heep, dated April 25, 1958, recorded in Book 1914, Page 108, Real Property Records of Travis County, Texas.

Riedel Tract - 74.28 acres of land, more or less, in Travis County, Texas, out of the William P. Corbin Survey, more fully described in and conveyed by the deed from Otto August Riedel, et al, to Herman F. Heep, dated August 26, 1958, recorded in Book 1957, Page 380, Real Property Records of Travis County, Texas.

Block "L"

New Tract - 177.68 acres of land, more or less, in Travis County, Texas, out of the Elijah Caples Survey, more fully described in and conveyed by the deed from Noble Connor, et ux, to Herman F. Heep, dated July 19, 1957, recorded in Book 1830, Page 475, Real Property Records of Travis County, Texas.

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lasky

Block "M"

All of the following Tracts of land:

Pope Tract - 639.4 acres of land, more or less, SAVE AND EXCEPT, HOWEVER, a 120-acre tract and 107.6-acre tract, all in Travis and Hays Counties, Texas, out of the William P. Corbin Survey, more fully described in and conveyed by the deed from Morgan L. Pearce, Trustee, to Herman F. Heep, dated September 29, 1959, recorded in Book 2099, Page 230, Real Property Records of Travis County, Texas, and in Book 179, Page 398, Real Property Records of Hays County, Texas.

Pope Tract - 120 acres of land, more or less, in Travis County, Texas, out of the William P. Corbin Survey, more fully described in and conveyed by a deed from the Veterans' Land Board of the State of Texas to Herman F. Heep, dated May 12, 1960, recorded in Book 2173, Page 448, Real Property Records of Travis County, Texas.

Pope Tract - 107.6 acres of land, more or less, in Travis County, Texas, out of the William P. Corbin Survey, more fully described in and conveyed by a deed from the Veterans' Land Board of the State of Texas to Herman F. Heep, dated May 12, 1960, recorded in Book 2173, Page 451, Real Property Records of Travis County, Texas.

• • •

The 60% Tracts are all of the property in Travis or Hays Counties, Texas, owned by Mrs. Heep, the Foundation or the Trusts except for the 40% Tracts described in Exhibit "B" attached to the document to which this Exhibit "A" is attached and the Three Tracts described in Exhibit "D" attached to the document to which this Exhibit "A" is attached.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, the 60% Tracts shall not include any portion of any property described in this Exhibit "A" which has been conveyed to the State of Texas, Travis County, or Hays County, and shall not include any mineral interests or mineral reservations of any kind or character out of any of the property described in this Exhibit "A" which have previously been reserved or conveyed by any document of record in the Real Property Records of Travis County, Texas, or Hays County, Texas.

Exhibit "A" Page 4 of 7
I:\PS\PARGAMAB\78621.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

908 · 10

SCHEDULE 1
SEVERN TRACT

The Severn Tract is the following property: 120.414 acres of land, more or less, in Travis and Hays Counties, Texas, and being all of that certain 150.7-acre tract of land, out of the J.S. Irvine Survey No. 4, more fully described in and conveyed by the deed dated April 26, 1937, from Nannie E. Severn to Herman F. Heep, recorded in Book 559, Page 564, Real Property Records of Travis County, Texas, and in Book 114, Page 499, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

I, LEE CARLISLE, COUNTY CLERK,
MAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

SCHEDULE 2
FIELD NOTES FOR BLOCK E-1a

35.000 ACRES
J.S. IRVINE SURVEY NO. 4
HENRY H. DOWNMAN SURVEY NO. 536
HAYS AND TRAVIS COUNTY, TEXAS

FN 91-134R(JTB)
OCTOBER 22, 1991
BPI JOB NO. 480-01.90

DESCRIPTION

OF A 35.000 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE J.S. IRVINE SURVEY NO. 4 AND THE HENRY H. DOWNMAN SURVEY NO. 536 OF WHICH 26.923 ACRES ARE SITUATED IN HAYS COUNTY, TEXAS AND 8.077 ACRES ARE SITUATED IN TRAVIS COUNTY, TEXAS, SAID 35.000 ACRES BEING A PORTION OF THE REMAINDER OF THAT ORIGINAL 4.97 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 115, PAGE 52, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 150.7 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 559, PAGE 564, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 114, PAGE 499 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 659.1 ACRE TRACT, KNOWN AS FIRST TRACT, CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 570, PAGE 300, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 247, PAGE 621 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 35.000 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete highway monument found in the easterly right-of-way line of Interstate Highway 35 (ROW varies) at the northeasterly cut-back line of Turnerville Road at Engineer Centerline Highway Station 12+16.7, 180 feet left (from tangent line) and from which a concrete highway monument found in the westerly right-of-way line of Interstate Highway 35 at the northwesterly cut-back of Turnerville Road bears, N 73°58'33"W, a distance of 356.42 feet;

THENCE, N 20°47'32"E, along the easterly right-of-way line of Interstate Highway 35, for a distance of 1159.36 feet to a concrete highway monument found marking the Hays/Travis County line, and from which a concrete highway monument found in the westerly line of Interstate Highway 35 marking said county line bears, N 51°39'15"W, a distance of 371.05 feet;

THENCE, N 21°42'04"E, continuing along said easterly right-of-way line, for a distance of 170.51 feet to a 1/2 inch iron rod set for the northwesterly corner hereof;

THENCE, S 68°17'56"E, leaving said easterly right-of-way line for a distance of 957.61 feet to a 1/2 inch iron rod set for the northeasterly corner hereof;

Exhibit "A" Page 6 of 7
I:\PS\PARGAMAB\78621.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lockett

908 · 12

THENCE, S 01°34'00"E, passing the Hays/Travis County Line at a distance of 570.59 feet and continuing for a total distance of 1124.83 feet to a 1/2 inch iron rod set in an existing barb wire fence marking the northerly line of Turnerville Road for the southeasterly corner hereof;

THENCE, along said existing barb wire fence marking the northerly line of Turnerville Road the following two (2) courses and distances:

- 1) S 88°26'00"W, a distance of 450.00 feet to a 1/2 inch iron rod set at a fence post for an angle point;
- 2) N 81°03'00"W, a distance of 893.00 feet to a concrete highway monument found in the northeasterly right-of-way cut-back of Interstate Highway 35;

THENCE, N 29°56'37"W, along said right-of-way cut-back for a distance of 126.47 feet to the POINT OF BEGINNING, CONTAINING an area of 35.000 acres of land, more or less, within these metes and bounds.

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
 COUNTY OF TRAVIS §

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 22ND DAY OF OCTOBER, 1991. A.D.

BURY & PITTMAN, INC.
 ENGINEERS-SURVEYORS
 3345 BEE CAVE ROAD, SUITE 200
 AUSTIN, TEXAS 78746

Lynn R. Savory

 LYNN R. SAVORY, R.P.L.S.
 NO. 4598
 STATE OF TEXAS

I, LEE CARLISLE, COUNTY CLERK,
 HAYS COUNTY, TEXAS do hereby certify that this
 is a true and correct copy as same appears of record
 in my office. Witness my hand and seal of office on:



MAY 9, 2001
 LEE CARLISLE
 COUNTY CLERK
 BY DEPUTY:

Patricia J. Lackey



EXHIBIT "B"PROPERTY PARTITIONED TO MRS. HEEP AND THE FOUNDATION
(THE 40% TRACTS)**HERMAN F. HEEP RANCH**Block "E-1a"

A tract of land containing 35.00 acres, more or less, in Travis and Hays County, Texas, out of the J.S. Irvine Survey, the Henry M. Downman Survey and the George Herder Survey, more fully described by metes and bounds in Schedule 1 which is attached hereto and made a part hereof for all purposes.

Block "F"

All of the following Tracts of land:

Woods Third Tract and Woods Fourth Tract - All of the property more fully described as Third Tract and Fourth Tract in the deed from W.M. Woods, et ux, to Herman F. Heep, dated July 29, 1937, recorded in Book 570, Page 300, Real Property Records of Travis County, Texas, and Book 247, Page 621, Real Property Records of Hays County, Texas, which is all of the property described in and conveyed by said deed which lies south of the centerline of Turnersville Road.

Cardwell Tract - 86.85 acres of land, more or less, in Travis and Hays Counties, Texas, out of George Herder Survey No. 537 and the Henry Downman Survey No. 536, being three tracts more fully described in and conveyed by the deed from Annie Cardwell Biggs, et al, to Herman F. Heep, dated October 24, 1946, recorded in Book 831, Page 56, Real Property Records of Travis County, Texas, and in Book 136, Page 480, Real Property Records of Hays County, Texas, and also by the deed from Clarence Cardwell, et ux, to Herman F. Heep, dated September 6, 1940, recorded in Book 654, Page 462, Real Property Records of Travis County, Texas, and in Book 121, Page 51, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tracts to the State of Texas.

Davis Tract - 78.27 acres of land, more or less, in Travis County, Texas, out of the George Herder Survey, being all of that certain 83.27 acres of land more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated May 10, 1938, recorded in Book 588, Page 202, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, that certain five acres of land conveyed by deed from Herman F. Heep, et ux, to United Gas Pipe Line Co., dated March 6, 1942, and recorded in Book 693, Page 483, Real Property Records of Travis County, Texas.

Satterwhite Tract - 157.67 acres of land, more or less, in Travis County, Texas, out of the George Herder, D.C. Burlison, William Porter and George W. Turner Surveys, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 747, Page 718, Real Property Records of Travis County, Texas.

Exhibit "B" Page 1 of 5
H:\PS\DAVISR\74609.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

908 · 14

Union Central Tract - 141.00 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 42, Real Property Records of Travis County, Texas, and in Book 130, Page 626, Real Property Records of Hays County, Texas.

Gracy Tract - 109.00 acres of land, more or less, in Travis County and possibly Hays County, Texas, out of the William Porter Survey, being two tracts more fully described as and conveyed by the deed from W.M. Woods to Herman F. Heep, dated February 3, 1938, recorded in Book 659, Page 333, Real Property Records of Travis County, Texas.

Parker Tract - 84.98 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter and Jackson Hammett Surveys, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 748, Page 339, Real Property Records of Travis County, Texas, and in Book 143, Page 148, Real Property Records of Hays County, Texas.

Hodges Tract - 70.00 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 747, Page 714, Real Property Records of Travis County, Texas.

Guess Tract - 126.50 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 39, Real Property Records of Travis County, Texas, and in Book 130, Page 620, Real Property Records of Hays County, Texas.

Federal Land Bank (Barber Tract) - 60.00 acres of land, more or less, in Hays County, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated February 26, 1938, recorded in Book 121, Page 138, Real Property Records of Hays County, Texas.

Howe Tract - 139.55 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, being two tracts more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 749, Page 127, Real Property Records of Travis County, Texas, and in Book 130, Pages 622-624, Real Property Records of Hays County, Texas.

Howe Tract - 80.2 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 38, Real Property Records of Travis County, Texas, and in Book 130, Page 622, Real Property Records of Hays County, Texas.

Patterson Tract - 147.73 acres of land, more or less, in Hays County, Texas, out of the William Porter, George Herder, D.C. Burleson and Trinidad Varcinas Surveys, being all of that certain 148.2 acres of land more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 130, Page 624, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

Watson Tract - 981.24 acres of land, more or less, in Hays County, Texas, out of the William Porter Survey, being all of that certain 982.25 acres more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 130, Page 619, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas and to J.V. Bricker.

Gas Plant Tract - 5.0 acres of land, more or less, in Travis County, Texas, out of the George Herder Survey, being more fully described in and conveyed by the deed from Valero Transmission Company to the Herman F. Heep Trusts Nos. 1 and 2, and Minnie Belle Heep, dated February 20, 1984, recorded in Book 8485, Page 382, Real Property Records of Travis County, Texas.

Said Tracts being all of the property owned by Mrs. Heep, the Foundation, or the Trusts which is bounded by the centerline of Turnersville Road on the north, Hays County Road 118 and Niederwald Road on the west, Satterwhite Road on the south and South Turnersville Road on the east, as such roads are currently located.

ROCKING "H" RANCH

All of the following Tracts of land:

Boozer Ranch - 972.59 acres of land, more or less, in Hays County, Texas, out of the Gideon Bowditch, Henry Pettit, Reuben Pierce, W.A. Moore, Jesse Huffman, G.W.A. Colton and William Burke Surveys, more fully described in and conveyed by the deed from M.E. Ruby, et ux, to Conroe Drilling Co., dated June 12, 1947, recorded in Book 138, Page 330, Real Property Records of Hays County, Texas, and by the deed from Conroe Drilling Co. to Herman F. Heep, dated March 31, 1950, recorded in Book 147, Page 309, Real Property Records of Hays County, Texas.

Ruby Place - 704.22 acres of land, more or less, in Hays County, Texas, out of the Martha E. Andrews, John Huffman, W.A. Moore, Gideon Bowditch and Reuben Pierce Surveys, more fully described in and conveyed by the Correction Deed from M.E. Ruby, et ux, to Herman F. Heep, dated January 15, 1952, recorded in Book 152, Page 199, Real Property Records of Hays County, Texas, as clarified by the Correction Deed executed by Minnie Belle Heep, George R. Snowden and Charles S. Nichols, Trustees of the Herman F. Heep Trusts Nos. 1 and 2, Edgar E. Ash, Nola W. Ash, Willie Fisher Ruby, and Tom G. Oliver, Jr., dated June 28, 1972, recorded in Book 252, Page 33, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Said Tracts being all of the property owned by Mrs. Heep, the Foundation or the Trusts which is south of Highway 12 running between San Marcos and Dripping Springs.

• • •

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, the 40% Tracts shall not include any portion of any property described in this Exhibit "B" which has been conveyed to the State of Texas, Travis County or Hays County, and shall not include any mineral interests or mineral reservations of any kind or character out of any of the property described in this Exhibit "B" which have previously been reserved or conveyed by any document of record in the Real Property Records of Travis County, Texas, or Hays County, Texas.

Exhibit "B" Page 3 of 5
H:\PS\DAVISR\74609.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS, do hereby certify that this
is a true and correct copy of the same as appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

908 . 16

SCHEDULE 1
FIELD NOTES FOR BLOCK E-1a

35.000 ACRES
J.S. IRVINE SURVEY NO. 4
HENRY H. DOWNMAN SURVEY NO. 536
HAYS AND TRAVIS COUNTY, TEXAS

FN 91-134R(JTB)
OCTOBER 22, 1991
BPI JOB NO. 480-01.90

DESCRIPTION

OF A 35.000 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE J.S. IRVINE SURVEY NO. 4 AND THE HENRY H. DOWNMAN SURVEY NO. 536 OF WHICH 26.923 ACRES ARE SITUATED IN HAYS COUNTY, TEXAS AND 8.077 ACRES ARE SITUATED IN TRAVIS COUNTY, TEXAS, SAID 35.000 ACRES BEING A PORTION OF THE REMAINDER OF THAT ORIGINAL 4.97 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 115, PAGE 52, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 150.7 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 559, PAGE 564, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 114, PAGE 499 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 659.1 ACRE TRACT, KNOWN AS FIRST TRACT, CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 570, PAGE 300, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 247, PAGE 621 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 35.000 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete highway monument found in the easterly right-of-way line of Interstate Highway 35 (ROW varies) at the northeasterly cut-back line of Turnerville Road at Engineer Centerline Highway Station 12+16.7, 180 feet left (from tangent line) and from which a concrete highway monument found in the westerly right-of-way line of Interstate Highway 35 at the northwesterly cut-back of Turnerville Road bears, N 73°58'33"W, a distance of 356.42 feet;

THENCE, N 20°47'32"E, along the easterly right-of-way line of Interstate Highway 35, for a distance of 1159.36 feet to a concrete highway monument found marking the Hays/Travis County line, and from which a concrete highway monument found in the westerly line of Interstate Highway 35 marking said county line bears, N 51°39'15"W, a distance of 371.05 feet;

THENCE, N 21°42'04"E, continuing along said easterly right-of-way line, for a distance of 170.51 feet to a 1/2 inch iron rod set for the northwesterly corner hereof;

THENCE, S 68°17'56"E, leaving said easterly right-of-way line for a distance of 957.61 feet to a 1/2 inch iron rod set for the northeasterly corner hereof;

THENCE, S 01°34'00"E, passing the Hays/Travis County Line at a distance of 570.59 feet and continuing for a total distance of 1124.83 feet to a 1/2 inch iron rod set in an existing barb wire fence marking the northerly line of Turnerville Road for the southeasterly corner hereof;

THENCE, along said existing barb wire fence marking the northerly line of Turnerville Road the following two (2) courses and distances:

- 1) S 88°26'00"W, a distance of 450.00 feet to a 1/2 inch iron rod set at a fence post for an angle point;
- 2) N 81°03'00"W, a distance of 893.00 feet to a concrete highway monument found in the northeasterly right-of-way cut-back of Interstate Highway 35;

THENCE, N 29°56'37"W, along said right-of-way cut-back for distance of 126.47 feet to the POINT OF BEGINNING, CONTAINING area of 35.000 acres of land, more or less, within these metes and bounds.

STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 22ND DAY OF OCTOBER, 1991. A.D.

BURY & PITTMAN, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

Lynn R. Savory
LYNN R. SAVORY, R.P.L.S.
NO. 4598
STATE OF TEXAS



I, LEE CARLISLE, COUNTY CLERK, HAYS COUNTY, TEXAS do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

908 · 18

Exhibit "C"

THE DESIGNATED RESIDENCE

32.350 ACRES
HEEP RESIDENCE TRACT

FN 91-131 (JTB)
OCTOBER 18, 1991
BPI JOB NO. 480-01.90

DESCRIPTION

OF A 32.350 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE TRINIDAD VARCINAS SURVEY NO. 535 SITUATED IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT 62.25 ACRES OF LAND, KNOWN AS PARCEL 3 OF SHARE NO. TWO CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 428, PAGE 614 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 32.350 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch rod set in the existing westerly right-of-way line of Interstate Highway 35 being at the intersection of the easterly projection of an existing east-west barb wire fence and from which a 5/8 inch iron rod found at Engineer's Centerline Highway Station of 11450+00, 150.00 feet right bears, N17°59'15"E, a distance of 9.92 feet, said 1/2 inch iron rod set being the northeasterly corner hereof;

THENCE, S17°59'15"W, along the existing westerly right-of-way line of Interstate Highway 35, for a distance of 990.08 feet to a brass highway disc in concrete found at Engineer's Centerline Highway Station 11460+00, 150.00 feet right;

THENCE, S 26°44'55"W, leaving said existing westerly right-of-way line along the proposed westerly right-of-way of Interstate Highway 35 as per SDHPT Right-of-Way Map CSJ No. 0016-01-066, for a distance of 528.00 feet to a 1/2 inch iron rod set for the southeasterly corner hereof, and from which a brass highway disc in concrete found bears, S26°44'55"W, a distance of 329.19 feet;

THENCE, leaving said proposed right-of-way line, over and across said Parcel 3 of Share No. Two, the following two (2) courses and distances:

- 1) N48°17'05"W, a distance of 710.00 feet to a 1/2 inch iron rod set for an angle point;
- 2) N88°55'36"W, a distance of 200.00 feet to a PK nail set in concrete at the base of a fence post in the apparent westerly line of said Parcel 3 being the easterly line of a 50 acre tract, known as Parcel 2 of Share No. Two of aforementioned Volume 428, Page 614 of the Deed Records of Travis County, Texas, said 1/2 inch iron rod set being the southwesterly corner hereof;

THENCE, along an existing north-south barb wire fence being the apparent common line of said Parcel 2 and said Parcel 3, the following three (3) courses and distances:

- 1) N02°42'26"W, a distance of 254.54 feet to a 1/2 inch iron rod set at a fence corner post for an angle point;
- 2) S88°50'51"W, a distance of 22.25 feet to a cut "X" set in top of a rock column for an angle point;
- 3) N02°54'21"W, a distance of 889.33 feet to a PK nail set in concrete at the base of a fence post in the apparent northwesterly corner of said Parcel 3 and the apparent northeasterly corner of said Parcel 2, same being in the apparent southerly line of the remainder of that 96.54 acre tract, known as First Tract, conveyed to Herman F. Heep by deed of record in Volume 573, Page 301, of the Deed Records of Travis County, Texas, said PK nail set being the northwesterly corner hereof;

THENCE, along the aforementioned existing east-west barb wire fence being the apparent common line of said Parcel 3 and said First Tract, the following two (2) courses and distances:

- 1) S81°20'00"E, a distance of 799.50 feet to a PK nail set in concrete at the base of a fence post for an angle point;
- 2) S81°27'00"E, a distance of 568.64 feet to the POINT BEGINNING, CONTAINING an area of 32.350 acres of land, more or less, within these metes and bounds.

STATE OF TEXAS
COUNTY OF TRAVIS

§
§ KNOW ALL MEN BY THESE PRESENTS
§

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 18th DAY OF OCTOBER, 1991. A.D.

BURY & PITTMAN, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

Lynn R. Savory
LYNN R. SAVORY, R.P.L.S.
NO. 4598
STATE OF TEXAS



Exhibit "C" Page 2 of 2
I:\PS\PARGAMAB\72241.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:
Patricia J. Lasky

Exhibit "D"

THE THREE TRACTS

1. **Heep Tract** - 382.343 acres of land, more or less, in Travis County, Texas, being all of those certain tracts of land described as "Tract 1", "Tract 2" and "Tract 3" of Share No. 2 (less conveyances in fee to the State of Texas) allotted and conveyed to Herman L. Heep in the partition deed dated November 20, 1928, between Alma Heep, Herman L. Heep, et ux, and Boone H. Heep, et ux, recorded in Book 428, Page 614, Real Property Records of Travis County, Texas, wherein "Tract 1" of said Share No. 2 is described as being 238 acres, more or less, out of the northwest corner of the Henry M. Downman Survey; "Tract 2" is described as being 50 acres, more or less, out of the Trinidad Varcinas Survey, described by metes and bounds calling for 49 acres in the deed from James A. Chandler, et al, to F.A. Heep, dated February 1, 1883, recorded in Book 54, Page 505, Real Property Records of Travis County, Texas; and "Tract 3" is described as being that certain 62.65 acres described by metes and bounds in the deed from Isabella Piper to F.A. Heep, dated December 19, 1898, recorded in Book 154, Page 332, Real Property Records of Travis County, Texas, and 77.25 acres of which is described in the deed from W.L. Piper, Administrator of the Estate of Isabel Piper, Deceased, to F.A. Heep, dated February 16, 1906, recorded in Book 207, Page 290, Real Property Records of Travis County, Texas.
2. **Powell Tract** - 306.669 acres of land, more or less, in Travis County, Texas, being those certain three tracts of land more fully described in and conveyed by the deed from John C. Bybee, et ux, to Herman F. Heep, dated July 25, 1935, recorded in Book 573, Page 301, Real Property Records of Travis County, Texas, less conveyances in fee to the State of Texas, wherein "First Tract" is described as being 96.54 acres out of the Trinidad Varcinas and S.F. Slaughter Surveys; "Second Tract" is described as being 212 acres, more or less, out of the Santiago Del Valle and S.F. Slaughter Surveys; and "Third Tract" is described as being 3 acres out of the S.F. Slaughter Survey.
3. **Pearson Tract** - 142.916 acres of land, more or less, in Travis County, Texas, out of the Trinidad Varcinas and Santiago Del Valle Surveys, being all of that certain 160 acres, less conveyances in fee to the State of Texas, more fully described in and conveyed by the deed from John C. Bybee, and wife, to Herman F. Heep, dated November 20, 1935, recorded in Book 573, Page 303, Real Property Records of Travis County, Texas.

I, LEE CARLISLE, COUNTY CLERK,
 HAYS COUNTY, TEXAS do hereby certify that this
 is a true and correct copy as same appears of record
 in my office. Witness my hand and seal of office on:

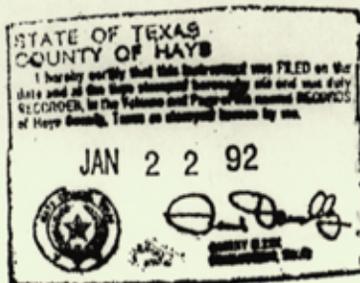


MAY 9, 2001

LEE CARLISLE
 COUNTY CLERK
 BY DEPUTY:

Patricia J. Lackey

FILED
 HAYS COUNTY, TEXAS
 '92 JAN 22 PM 12 19
 COUNTY CLERK



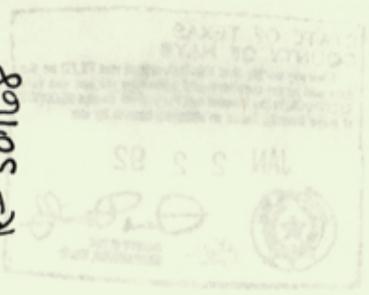
Handwritten notes and signatures at the bottom right of the page, including a date '1-22-92' and a signature.



9

File No. SF-116566
HAYS County
Partition Deed
 Date Filed: 7-12-01
 By David Dewhurst, Commissioner
S. S. Suggars
 \$ 25.00 Recd. 7-12-01
 R# 50168

FILED
 CLERK
 JUL 12 2001
 HAYS COUNTY TEXAS



LE CARLISLE COUNTY CLERK
 HAYS COUNTY TEXAS
 I am a notary public in and for the State of Texas
 My commission expires on
 MAY 9 2001
 LE CARLISLE
 COUNTY CLERK
 HAYS COUNTY TEXAS
 [Signature]



Partisan Tract - 142.910 acres of land, more or less, in Travis County, Texas, out of the Trinidad Varcinas and Santiago Del Valle Survey, being all of that certain 160 acre tract conveyed in fee to the State of Texas, more fully described in and conveyed by the deed from John C. Bybee, et ux, to Herman F. Heep, dated November 30, 1932, recorded in Book 303, Page 303, Real Property Records of Travis County, Texas.

Fourth Tract - 306.669 acres of land, more or less, in Travis County, Texas, being those certain three tracts of land more fully defined in and conveyed by the deed from John C. Bybee, et ux, to Herman F. Heep, dated July 25, 1932, recorded in Book 301, Page 301, Real Property Records of Travis County, Texas, less conveyances in fee to the State of Texas, wherein First Tract is described as being 96.24 acres out of the Trinidad Varcinas and S.F. Slaughter Survey; Second Tract is described as being 112 acres, more or less, out of the Santiago Del Valle and S.F. Slaughter Survey; and Third Tract is described as being 3 acres out of the S.F. Slaughter Survey.

Heep Tract - 382.343 acres of land, more or less, in Travis County, Texas, being all of those certain tracts of land described as Tract 1, Tract 2, and Tract 3 of State No. 2 less conveyances in fee to the State of Texas) allotted and conveyed to Herman L. Heep in the partition deed dated November 30, 1932, between Alma Heep, Herman L. Heep, et ux, and Boone H. Heep, et ux, recorded in Book 418, Page 614, Real Property Records of Travis County, Texas, wherein Tract 1 is described as being 238 acres, more or less, out of the northwest corner of the Henry M. Downman Survey; Tract 2 is described as being 30 acres, more or less, out of the Trinidad Varcinas Survey, described by metes and bounds calling for 49 acres in the deed from James A. Cassler, et al, to F.A. Heep, dated February 1, 1883, recorded in Book 54, Page 202, Real Property Records of Travis County, Texas; and Tract 3 is described as being that certain 0.65 acres described by metes and bounds in the deed from Isabelle Piper to F.A. Heep, dated December 19, 1898, recorded in Book 154, Page 322, Real Property Records of Travis County, Texas, and 77.25 acres of which is described in the deed from W.L. Piper, Administrator of the Estate of Isabel Piper, Deceased, to F.A. Heep, dated February 16, 1906, recorded in Book 107, Page 190, Real Property Records of Travis County, Texas.

THE THREE TRACTS

Exhibit 'B'

808 80

MEMORANDUM OF UNDIVIDED OWNERSHIP PERCENTAGES

316822

THE STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT:

By Special Warranty Deed dated September 22, 1986, recorded in Book 9888, Page 548, Real Property Records of Travis County, Texas, and Book 626, Page 539, Real Property Records of Hays County, Texas, Minnie Belle Heep ("Mrs. Heep") conveyed to The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Foundation") an undivided ten percent (10.0%) interest in a portion of the Herman F. Heep Ranch located in Travis and Hays Counties, Texas (the "Herman F. Heep Ranch"), and all of the Rocking H Ranch located in Hays County, Texas (the "Rocking H Ranch") (hereinafter referred to as the "Foundation's Interest"). The Foundation's Interest consists of an undivided ten percent (10.0%) interest in all of the property partitioned by Partition Deed among Mrs. Heep, the Foundation, and Austin Trust Company, the Duly Appointed and Acting Successor Trustee of the Herman F. Heep Trusts Nos. 1 and 2 (the "Trusts"), of even date herewith, recorded in the Real Property Records of Travis County, Texas, and Hays County, Texas (the "Partition Deed"), which partitioned property (hereinafter referred to as the "Partitioned Property") is described on Exhibits "A" and "B" to the Partition Deed, SAVE AND EXCEPT approximately 547.18 acres of land described as Block "G" on Page 3 of Exhibit "A" to the Partition Deed, consisting of the Ruby Tract, the Rylander Tract, and the Davidson Tract.

Pursuant to an Order Approving Settlement Agreement in Cause No. 381,893-A, in the 126th Judicial District Court of Travis County, Texas; and a Final Judgment approving a settlement of the causes of action asserted in Cause No. 381,893, in the 261st Judicial District Court of Travis County, Texas, (the "Lawsuit"); both styled In Re: The Herman F. Heep Trusts Nos. 1 and 2, the provisions of which are incorporated herein as if set forth at length, Mrs. Heep and the Foundation were determined to own jointly an undivided forty percent (40.0%) interest in the Partitioned Property.

Pursuant to the binding arbitration relating to the partition of the Partitioned Property confirmed in Cause No. 381,893-B, in the 261st Judicial District Court of Travis County, Texas, also styled In Re: The Herman F. Heep Trusts Nos. 1 and 2, and the Partition Deed executed pursuant to the binding arbitration, the provisions of which are incorporated herein as if set forth at length, Mrs. Heep and the Foundation were jointly granted full ownership of a portion of the Herman F. Heep Ranch and all of the Rocking H Ranch. The portions of the two ranches which are jointly owned by Mrs. Heep and the Foundation are more particularly described on Exhibit "B" to the Partition Deed, and on Exhibit "A" which is attached hereto and made a part hereof for all purposes (the "Jointly-Owned Property").

It has been the intent of Mrs. Heep and the Foundation throughout the settlement of the Lawsuit and the partition of the Partitioned Property by binding arbitration that the Foundation continue to own an interest in the Jointly-Owned Property equal in value to the Foundation's Interest in the

OFFICIAL PUBLIC RECORDS
Hays County, Texas

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY

Patricia J. Lackey

LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

908 · 22

Partitioned Property. During the course of the partition of the Partitioned Property by binding arbitration, two appraisals of the Partitioned Property were obtained which reflected an average value of \$742,450.00 for the Foundation's Interest. The average value (per the two appraisals) of the portion of the Partitioned Property to which Mrs. Heep and the Foundation were entitled under the binding arbitration is \$3,244,600.00. The average value (per the two appraisals) for the Jointly-Owned Property is \$3,622,250.00. In consideration of the excess value of the Jointly-Owned Property in the amount of \$377,650.00, Mrs. Heep (i) has made an assignment of an interest in oil and gas production with a value of \$270,000.00 to the Trusts, (ii) has reduced the size, and adjusted of the configuration, of Mrs. Heep's Designated Residence, and (iii) has made other concessions with a combined value of approximately \$377,650.00. Mrs. Heep and the Foundation by this instrument desire to clarify and set forth the undivided interests which each own in the Jointly-Owned Property, after taking into consideration (i) the change in the nature of their respective ownership interests in the Herman F. Heep Ranch and the Rocking H Ranch generated by the settlement of the Lawsuit and the partition of the Partitioned Property by binding arbitration and (ii) the transfers and concessions made by Mrs. Heep in satisfaction of the excess value of the Jointly-Owned Property.

NOW, THEREFORE, Mrs. Heep and the Foundation, for the pupose of clarifying their respective ownership interests in the Jointly-Owned Property, have agreed to the following:

1. Mrs. Heep shall henceforth have, hold, possess and enjoy an undivided seventy-nine and one-half percent (79.5%) interest for herself, her heirs, legal representatives and assigns, in the Jointly-Owned Property which is more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes ("Mrs. Heep's Portion"), and the Foundation does hereby grant, convey, release and confirm unto Mrs. Heep Mrs. Heep's Portion, to have and to hold Mrs. Heep's Portion, together with all and singular the rights, hereditaments and appurtenances thereto in anywise belonging, and the Foundation binds itself and its successors, legal representatives and assigns against every person lawfully claiming or to claim all or any part of Mrs. Heep's Portion, subject to the provisions stated above, by, through, or under the Foundation, but not otherwise.

2. The Foundation shall henceforth have, hold, possess and enjoy an undivided twenty and one-half percent (20.5%) interest for itself, its successors, legal representatives and assigns, in the Jointly-Owned Property which is more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes ("the Foundation's Portion"), and Mrs. Heep does hereby grant, convey, release and confirm unto the Foundation the Foundation's Portion, to have and to hold the Foundation's Portion, together with all and singular the rights, hereditaments and appurtenances thereto in anywise belonging, and Mrs. Heep binds herself and her heirs, personal representatives and assigns against every person lawfully claiming or to claim all or any part of the Foundation's Portion, subject to the provisions stated above, by, through, or under Mrs. Heep, but not otherwise.

3. The conveyances and warranties set forth above are made subject to all covenants, restrictions, easements and encumbrances of record in Travis and Hays Counties, Texas; any visible or apparent easements, and leases affecting the Jointly-Owned Property.

IN TESTIMONY WHEREOF, this memorandum has been executed in duplicate, each copy of which is the same as an original, on the dates and at the places of the acknowledgments hereof, but effective as of the 20th day of November, 1991.

Minnie Belle Heep
Minnie Belle Heep

The Herman F. Heep and Minnie Belle Heep
Texas A&M University Foundation

By: *John M. Lawrence III*
John M. Lawrence, III
Special Assistant to the General Counsel

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 13, 1991, by Minnie Belle Heep.

Franklin W. Denius
Notary Public, State of Texas

Franklin W. Denius

(Name - Typed or Printed)

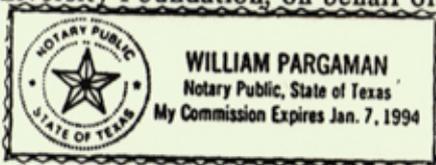
Date Commission Expires:

08/31/92

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 13, 1991, by John M. Lawrence, III, Special Assistant to the General Counsel of the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation, on behalf of said foundation.



William Pargaman
Notary Public, State of Texas

Date Commission Expires:

(Name - Typed or Printed)

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

908 · 24

EXHIBIT "A"

JOINTLY-OWNED PROPERTY

HERMAN F. HEEP RANCH

Block "E-1a"

A tract of land containing 35.00 acres, more or less, in Travis and Hays County, Texas, out of the J.S. Irvine Survey, the Henry M. Downman Survey and the George Herder Survey, more fully described by metes and bounds in Schedule 1 which is attached hereto and made a part hereof for all purposes.

Block "F"

All of the following Tracts of land:

Woods Third Tract and Woods Fourth Tract - All of the property more fully described as Third Tract and Fourth Tract in the deed from W.M. Woods, et ux, to Herman F. Heep, dated July 29, 1937, recorded in Book 570, Page 300, Real Property Records of Travis County, Texas, and Book 247, Page 621, Real Property Records of Hays County, Texas, which is all of the property described in and conveyed by said deed which lies south of the centerline of Turnersville Road.

Cardwell Tract - 86.85 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey No. 537 and the Henry Downman Survey No. 536, being three tracts more fully described in and conveyed by the deed from Annie Cardwell Biggs, et al, to Herman F. Heep, dated October 24, 1946, recorded in Book 831, Page 56, Real Property Records of Travis County, Texas, and in Book 136, Page 480, Real Property Records of Hays County, Texas, and also by the deed from Clarence Cardwell, et ux, to Herman F. Heep, dated September 6, 1940, recorded in Book 654, Page 462, Real Property Records of Travis County, Texas, and in Book 121, Page 51, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tracts to the State of Texas.

Davis Tract - 78.27 acres of land, more or less, in Travis County, Texas, out of the George Herder Survey, being all of that certain 83.27 acres of land more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated May 10, 1938, recorded in Book 588, Page 202, Real Property Records of Travis County, Texas, SAVE AND EXCEPT, HOWEVER, that certain five acres of land conveyed by deed from Herman F. Heep, et ux, to United Gas Pipe Line Co., dated March 6, 1942, and recorded in Book 693, Page 483, Real Property Records of Travis County, Texas.

Satterwhite Tract - 157.67 acres of land, more or less, in Travis County, Texas, out of the George Herder, D.C. Burlson, William Porter and George W. Turner Surveys, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 747, Page 718, Real Property Records of Travis County, Texas.

Union Central Tract - 141.00 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 42, Real Property Records of Travis County, Texas, and in Book 130, Page 626, Real Property Records of Hays County, Texas.

Gracy Tract - 109.00 acres of land, more or less, in Travis County and possibly Hays County, Texas, out of the William Porter Survey, being two tracts more fully described as and conveyed by the deed from W.M. Woods to Herman F. Heep, dated February 3, 1938, recorded in Book 659, Page 333, Real Property Records of Travis County, Texas.

Parker Tract - 84.98 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter and Jackson Hammett Surveys, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 748, Page 339, Real Property Records of Travis County, Texas, and in Book 143, Page 148, Real Property Records of Hays County, Texas.

Hodges Tract - 70.00 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 747, Page 714, Real Property Records of Travis County, Texas.

Guess Tract - 126.50 acres of land, more or less, in Travis and Hays Counties, Texas, out of the William Porter Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 39, Real Property Records of Travis County, Texas, and in Book 130, Page 620, Real Property Records of Hays County, Texas.

Federal Land Bank (Barber Tract) - 60.00 acres of land, more or less, in Hays County, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from W.M. Woods to Herman F. Heep, dated February 26, 1938, recorded in Book 121, Page 138, Real Property Records of Hays County, Texas.

Howe Tract - 139.55 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, being two tracts more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 749, Page 127, Real Property Records of Travis County, Texas, and in Book 130, Pages 622-624, Real Property Records of Hays County, Texas.

Howe Tract - 80.2 acres of land, more or less, in Travis and Hays Counties, Texas, out of the George Herder Survey, more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 750, Page 38, Real Property Records of Travis County, Texas, and in Book 130, Page 622, Real Property Records of Hays County, Texas.

Patterson Tract - 147.73 acres of land, more or less, in Hays County, Texas, out of the William Porter, George Herder, D.C. Burlison and Trinidad Varcinas Surveys, being all of that certain 148.2 acres of land more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 130, Page 624, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Watson Tract - 981.24 acres of land, more or less, in Hays County, Texas, out of the William Porter Survey, being all of that certain 982.25 acres more fully described in and conveyed by the deed from Conroe Drilling Co. to Herman F. Heep, dated September 30, 1944, recorded in Book 130, Page 619, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas and to J.V. Bricker.

Exhibit "A" Page 2 of 5
I:\PS\PARGAMAB\82357.1

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

Gas Plant Tract - 5.0 acres of land, more or less, in Travis County, Texas, out of the George Herder Survey, being more fully described in and conveyed by the deed from Valero Transmission Company to the Herman F. Heep Trusts Nos. 1 and 2, and Minnie Belle Heep, dated February 20, 1984, recorded in Book 8485, Page 382, Real Property Records of Travis County, Texas.

Said Tracts being all of the property owned by Mrs. Heep and the Foundation which is bounded by the centerline of Turnersville Road on the north, Hays County Road 118 and Niederwald Road on the west, Satterwhite Road on the south and South Turnersville Road on the east, as such roads are currently located.

ROCKING "H" RANCH

All of the following Tracts of land:

Boozer Ranch - 972.59 acres of land, more or less, in Hays County, Texas, out of the Gideon Bowditch, Henry Pettit, Reuben Pierce, W.A. Moore, Jesse Huffman, G.W.A. Colton and William Burke Surveys, more fully described in and conveyed by the deed from M.E. Ruby, et ux, to Conroe Drilling Co., dated June 12, 1947, recorded in Book 138, Page 330, Real Property Records of Hays County, Texas, and by the deed from Conroe Drilling Co. to Herman F. Heep, dated March 31, 1950, recorded in Book 147, Page 309, Real Property Records of Hays County, Texas.

Ruby Place - 704.22 acres of land, more or less, in Hays County, Texas, out of the Martha E. Andrews, John Huffman, W.A. Moore, Gideon Bowditch and Reuben Pierce Surveys, more fully described in and conveyed by the Correction Deed from M.E. Ruby, et ux, to Herman F. Heep, dated January 15, 1952, recorded in Book 152, Page 199, Real Property Records of Hays County, Texas, as clarified by the Correction Deed executed by Minnie Belle Heep, George R. Snowden and Charles S. Nichols, Trustees of the Herman F. Heep Trusts Nos. 1 and 2, Edgar E. Ash, Nola W. Ash, Willie Fisher Ruby, and Tom G. Oliver, Jr., dated June 28, 1972, recorded in Book 252, Page 33, Real Property Records of Hays County, Texas, SAVE AND EXCEPT, HOWEVER, conveyances out of said tract to the State of Texas.

Said Tracts being all of the property owned by Mrs. Heep and the Foundation which is south of Highway 12 running between San Marcos and Dripping Springs.

* * *

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, the Jointly-Owned Property shall not include any portion of any property described in this Exhibit "A" which has been conveyed to the State of Texas, Travis County or Hays County, and shall not include any mineral interests or mineral reservations of any kind or character out of any of the property described in this Exhibit "A" which have previously been reserved or conveyed by any document of record in the Real Property Records of Travis County, Texas, or Hays County, Texas.

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lacey

SCHEDULE 1
FIELD NOTES FOR BLOCK E-1a

35.000 ACRES
J.S. IRVINE SURVEY NO. 4
HENRY H. DOWNMAN SURVEY NO. 536
HAYS AND TRAVIS COUNTY, TEXAS

FN 91-134R(JTB)
OCTOBER 22, 1991
BPI JOB NO. 480-01.90

DESCRIPTION

OF A 35.000 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE J.S. IRVINE SURVEY NO. 4 AND THE HENRY H. DOWNMAN SURVEY NO. 536 OF WHICH 26.923 ACRES ARE SITUATED IN HAYS COUNTY, TEXAS AND 8.077 ACRES ARE SITUATED IN TRAVIS COUNTY, TEXAS, SAID 35.000 ACRES BEING A PORTION OF THE REMAINDER OF THAT ORIGINAL 4.97 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 115, PAGE 52, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 150.7 ACRE TRACT CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 559, PAGE 564, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 114, PAGE 499 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO A PORTION OF THE REMAINDER OF THAT ORIGINAL 659.1 ACRE TRACT, KNOWN AS FIRST TRACT, CONVEYED TO HERMAN F. HEEP BY DEED OF RECORD IN VOLUME 570, PAGE 300, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BY AN IDENTICAL DEED OF RECORD IN VOLUME 247, PAGE 621 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 35.000 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete highway monument found in the easterly right-of-way line of Interstate Highway 35 (ROW varies) at the northeasterly cut-back line of Turnerville Road at Engineer's Centerline Highway Station 12+16.7, 180 feet left (from tangent line) and from which a concrete highway monument found in the westerly right-of-way line of Interstate Highway 35 at the northwesterly cut-back of Turnerville Road bears, N 73°58'33"W, a distance of 356.42 feet;

THENCE, N 20°47'32"E, along the easterly right-of-way line of Interstate Highway 35, for a distance of 1159.36 feet to a concrete highway monument found marking the Hays/Travis County line, and from which a concrete highway monument found in the westerly line of Interstate Highway 35 marking said county line bears, N 51°39'15"W, a distance of 371.05 feet;

THENCE, N 21°42'04"E, continuing along said easterly right-of-way line, for a distance of 170.51 feet to a 1/2 inch iron rod set for the northwesterly corner hereof;

THENCE, S 68°17'56"E, leaving said easterly right-of-way line for a distance of 957.61 feet to a 1/2 inch iron rod set for the northeasterly corner hereof;

Exhibit "A" Page 4 of 5
I:\PS\PARGAMAB\75673.1

LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:
Patricia J. Lacey

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:
Patricia J. Lackey

908 . 28

THENCE, S 01°34'00"E, passing the Hays/Travis County Line at a distance of 570.59 feet and continuing for a total distance of 1124.83 feet to a 1/2 inch iron rod set in an existing barb wire fence marking the northerly line of Turnerville Road for the southeasterly corner hereof;

THENCE, along said existing barb wire fence marking the northerly line of Turnerville Road the following two (2) courses and distances:

- 1) S 88°26'00"W, a distance of 450.00 feet to a 1/2 inch iron rod set at a fence post for an angle point;
- 2) N 81°03'00"W, a distance of 893.00 feet to a concrete highway monument found in the northeasterly right-of-way cut-back of Interstate Highway 35;

THENCE, N 29°56'37"W, along said right-of-way cut-back for a distance of 126.47 feet to the POINT OF BEGINNING, CONTAINING an area of 35.000 acres of land, more or less, within these metes and bounds.

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS	§	

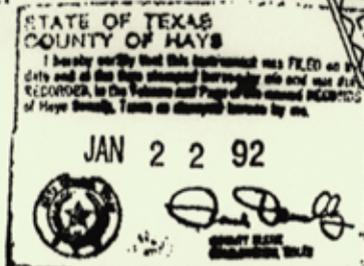
THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 22nd DAY OF OCTOBER, 1991. A.D.

BURY & PITTMAN, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

Lynn R. Savory
LYNN R. SAVORY, R.P.L.S.
NO. 4598
STATE OF TEXAS

92 JAN 22 PM 12 19
HAYS COUNTY, TEXAS
FILED



10

File No. SF-1656k

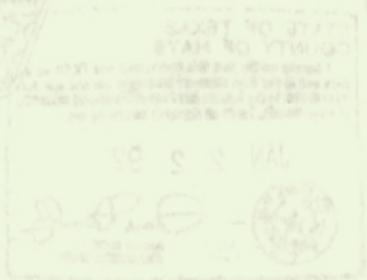
HAYS County

Memorandum of Und. Ownership.

Date Filed: 7-12-01

David Dewhurst, Commissioner

By: D. Sugand



STATE OF TEXAS
COUNTY OF HAYS
JAN 2 2 01
BURY & PITTMAN, INC.
ENGINEERS-SURVEYORS
1345 BEE CAVE ROAD
AUSTIN, TEXAS 78748
ST. W. 22 W. 28

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 22ND DAY OF OCTOBER, 1901. A.D.

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS

THENCE, N 29°55'37"W, along said right-of-way cut-back for a distance of 126.47 feet to the POINT OF BEGINNING, CONTAINING an area of 25,000 acres of land, more or less, within these acres and bounds.

- 1) S 82°26'00"W, a distance of 450.00 feet to a 1/2 inch iron rod set at a land corner for an angle point;
- 2) N 81°03'00"W, a distance of 891.00 feet to a concrete highway monument found in the northwesterly right-of-way cut-back of Interstate Highway 35;

THENCE, along said existing barbed wire fence marking the northerly line of Turnerville Road the following two (2) courses and distances:

THENCE, S 01°34'00"E, passing the Hays/Travis County line at a distance of 570.55 feet and continuing for a total distance of 1124.81 feet to a 1/2 inch iron rod set in an existing barbed wire fence marking the northerly line of Turnerville Road for the southeasterly corner hereof;

28 808

Attorney J. Jackson
MAY 9 2001
LEE CARLISLE
COUNTY CLERK
BY APPOINTMENT



LEE CARLISLE COUNTY CLERK
HAYS COUNTY, TEXAS
BY APPOINTMENT

or title to the aforesaid premises or appurtenances, or any part thereof.

WITNESS my hand at _____, this 2nd day of August, A.D. 1950.

/signed/ James J. Allbright, Jr.

VOL. 147
Pg. 309

THE STATE OF CALIFORNIA
COUNTY OF BUTTE

BEFORE ME, the undersigned authority, in and for said County and State, on this day personally appeared James J. Allbright, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this 2nd day of August, 1950.

(SEAL)

/signed/ H. D. Hintz
Notary Public, Butte County
State of California

Filed for record August 5, A.D., 1950, at 9:50 o'clock A.M.

Recorded August 31st, A.D., 1950, at 10:50 o'clock A.M.

Sarah Reed

SARAH REED, COUNTY CLERK, HAYS COUNTY, TEXAS.

-----oOo-----

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT Conroe Drilling Company, a Texas Corporation, hereinafter called "Grantor", for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to it in hand paid by Herman F. Heep, hereinafter called "Grantee", the receipt of which is hereby acknowledged, has BARGAINED, SOLD, TRANSFERRED, ASSIGNED and CONVEYED, and by these presents does BARGAIN, SELL, TRANSFER, ASSIGN and CONVEY unto the said Grantee the following described property situated in Hays County, Texas, to-wit:

That certain 972.59 acres of land, and all other rights, titles, and interests as conveyed by M. E. Ruby and wife, Willie Fisher Ruby, to Conroe Drilling Company by deed dated June 12, 1947, recorded in Volume 138, Pages 330-333, Deed Records of Hays County, Texas.

TO HAVE AND TO HOLD the above described property, together with, all and singular, the rights and appurtenances thereunto in any wise belonging unto Grantee, his heirs and assigns forever, and Grantor agrees to warrant and forever defend, all and singular, the said property unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

IN EVIDENCE WHEREOF this instrument is executed by Grantor on this 31st day of March, 1950.

/s/ CONROE DRILLING COMPANY
By George R. Snowden
Vice President

(CORPORATE SEAL)
ATTEST:
/s/ Charles S. Nichols
SECRETARY

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared George R. Snowden, Vice President of CONROE DRILLING COMPANY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of said CONROE DRILLING COMPANY, and as the Vice President thereof, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of March, A.D., 1950.

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

(SEAL)

/signed/

B. Pat Carlisle
Notary Public in and for Travis
County, Texas.

VOL. 147
Pg. 340

Filed for record August 5, A.D., 1950, at 10:00 o'clock A.M.

Recorded August 31st, A.D., 1950, at 11:05 o'clock A.M.

Sarah Reed
SARAH REED, COUNTY CLERK, HAYS COUNTY, TEXAS.

-----oOo-----

THE STATE OF TEXAS |

COUNTY OF HAYS | KNOW ALL MEN BY THESE PRESENTS:

That we, Eliseo Guerrero, Sr., and Elizabeth Guerrero, husband and wife, of the County of Hays and State of Texas, for the consideration hereinafter shown and stated, to us paid and to be paid by Simon Costillo and Epifania G. Costillo, have GRANTED, SOLD, AND CONVEYED, and by these presents do GRANT, SELL, AND CONVEY, unto the said Simon Costillo and Epifania G. Costillo, husband and wife, of the said County and State, all that certain real property known, designated, and identified as all of Lot No. Twelve (12) of Guerrero's Re-Subdivision of the Southwestern one-half (1/2) of Lot or Tract No. Three (3) of A. F. Weatherford's Subdivision of a tract of 162.3 acres in the J. M. Veramendi League No. One (1) in Hays County, Texas, the said Weatherford Subdivision being according to map or plat thereof duly of record in Vol. 131, pages 446-447, Hays County Deed Records, and the said Guerrero Re-Subdivision being according to map or plat thereof duly of record in Vol. 146, page 639, Hays County Deed Records, and the said maps or plats, together with their respective records, are here referred to and made a part hereof for all pertinent, legal, and descriptive purposes.

The total consideration for this conveyance is the sum of Two Hundred Dollars (\$200.00). Of the said total consideration, the sum of One Hundred Dollars (\$100.00) is here now paid in cash by grantees to grantors, and grantors hereby acknowledge the receipt and sufficiency of the said cash payment.

The entire balance and remainder of the consideration in the sum and amount of One Hundred Dollars (\$100.00) is evidenced by one certain promissory note of even date herewith, payable to the order of Eliseo Guerrero, Sr., executed and delivered as makers by Simon Costillo and Epifania G. Costillo, due and payable on or before six (6) months after date, bearing interest at the rate of six per cent (6%) per annum from date until maturity, such interest payable at the time of the payment of the principal, payable in the City of San Marcos, in Hays County, Texas, secured by the vendor's lien hereinafter retained, said note containing the usual and customary ten per cent (10%) attorney's fees clause and other provisions.

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 Simon Costillo and Epifania G. Costello, 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 Simon Costillo and Epifania G. Costillo, 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.

The grantors reserve to themselves, their heirs and assigns, the right, privilege, and easement to construct, maintain, reconstruct, and repair a private sewer line upon a strip of

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 9, 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Patricia J. Lackey

677 20108
10-01-1 809 20-20
2-25-11-01
Dues 11/01
Dues for Conroe Twp
11/01
25-11-01
11

101 122
9310

Recorded August 1952, A.D. 1952, at 10:00 o'clock A.M.
Filed for record August 5, A.D. 1952, at 10:00 o'clock A.M.

[Handwritten signature]

THE STATE OF TEXAS
COUNTY OF HAYS
I, _____, County Clerk, do hereby certify that the within and foregoing instrument was duly recorded in my office on the _____ day of _____, 1952, at _____ o'clock _____ of the said day, and that the same is a true and correct copy of the original as the same appears in my office.

File No. SF-16566
Hays County
Deed fm. Conroe Drlg.
Date Filed: 7-12-01

By S. SUGAREK
David Dewhurst, Commissioner

\$25.00 Recd. 7-12-01
R# 50168

①

Patricia J. Jolley
MAY 19 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY
LEE CARLISLE
COUNTY CLERK



STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

Heretofore, by a deed dated June 1, 1950, M. E. Ruby and wife, Willie F. Ruby, did convey to Herman F. Heep certain real property lying and being situated in the County of Hays and State of Texas, therein described as 704.5 acres of land, more or less, a part of the Gideon Bowditch Survey No. 11, Abstract No. 69, and other surveys: all as is shown by said deed which is now of record in Volume 146, at page 547 et seq., of the Deed Records of Hays County, Texas, and is, together with its said record, now here referred to and made part hereof for all pertinent purposes, and particularly for the purpose of describing said real property.

By mutual mistake of fact, said real property was not truly, accurately, and properly described in the manner desired and intended by the parties grantor and grantee in the deed hereinabove mentioned; and this instrument is now executed by the said M. E. Ruby and wife, Willie F. Ruby, and by the said Herman F. Heep for the purpose of truly, accurately, and properly describing the property intended to be conveyed by said deed and a certain portion of the original tract, containing 40 acres of land, which was not conveyed by that deed but retained by the grantors therein.

Now, in consideration of the premises, and for the purpose of accurately and properly describing the property to be conveyed by said deed, as well as said 40-acre tract being retained by said Ruby and wife and not conveyed thereby, and for other good, valuable, and sufficient consideration to the parties moving, receipt of all of which is by each of the parties heretofore fully acknowledged and confessed, the said M. E. Ruby and his wife, Willie F. Ruby, have granted, sold, and conveyed, and by these presents do grant, sell, and convey, unto the said Herman F. Heep that certain tract of land, being 704.22 acres of land, now here properly described as follows, that is:

704.22 acres of land, about 144.87 acres being a portion of the Martha E. Andrews Survey #1, about .33 of one acre being a portion of the John Huffman Survey #22 and being enclosed with and used as a part of the Martha E. Andrews Survey #1, about 11.48 acres being a portion of the W. A. Moore Survey (without conflict), about 411.38 acres being a portion of the Gideon Bowditch Survey #11 (without conflict), about 75.78 acres being a portion of the W. A. Moore Survey in conflict with the Gideon Bowditch Survey #11, and about 60.38 acres being a portion of the Reuben Pierce Survey #27 in conflict with the Gideon Bowditch Survey #11, all in Hays County, Texas, which 704.22 acres of land is described by metes and bounds thus:

BEGINNING at a corner of the fence and the most westerly corner of that portion of an 1800-acre tract of land, which lies southwest of the old San Marcos-Hugo-Blanco Road, and from which fence corner the beginning corner of said 1800-acre tract of land, which was conveyed by C. B. Crawford to M. E. Ruby, by deed of record in Hays County Deed Records in Book 124, pages 193-198, bears N. 47° 17' W. 7.4 varas;

THENCE with the south lines of the old county road, as fenced, in accordance with the following courses numbered 1 to 10, inclusive:

- (1) N. 56° 31' E. 659.1 varas;
- (2) S. 75° 50' E. 71.5 varas;
- (3) S. 68° 35' E. 212.1 varas;
- (4) N. 83° 05' E. 72.0 varas;
- (5) N. 72° 55' E. 95.3 varas;
- (6) N. 66° 17' E. 189.6 varas;
- (7) N. 65° 09' E. 420.7 varas;
- (8) N. 85° 11' E. 114.7 varas;
- (9) N. 84° 02' E. 331.5 varas;
- (10) N. 62° 24' E. 58.5 varas;

- (11) THENCE N. 53° 01' E. 421.1 varas to the most westerly corner of a 40-acre tract of land reserved by M. E. Ruby;
- (12) THENCE S. 27° 49' W. 481.0 varas to a stake for its most southerly corner and from which a Live Oak 6" in diameter bears N 7° 30' W 3.0 varas and a Live Oak 12" in diameter bears S 61° 45' W 14.4 varas;
- (13) THENCE N 62° 11' E 460.0 varas to a stake and from which a Live Oak 8" in diameter bears S 89° 00' W. 2.8 varas and an Elm 10" in diameter bears S. 83° 20' E. 3.2 varas;

COUNTY CLERK
HAYS COUNTY TEXAS

1950

LEE CARLISLE
COUNTY CLERK
BY DEPUTY



[Handwritten signatures and notes]

My L.C.L. 101

KNOW ALL MEN BY THESE PRESENTS:

Hereafter, by a deed dated June 1, 1920, M. E. Rupp and wife, Willie F. Rupp, do convey to Herman F. Heep certain real property lying and being situated in the County of Hays and State of Texas, therein described as 70+2 acres of land, more or less, a part of the Gibson Bowditch Survey No. 11, Abstract No. 69, and other surveys; all as is shown by said deed which is now of record in Volume 146, at page 247 et seq., of the deed records of Hays County, Texas, and is, together with the said record, now here referred to and made part hereof for all pertinent purposes, and particularly for the purpose of describing said real property.

By mutual mistake of fact, said real property was not truly, accurately, and properly described in the manner desired and intended by the parties grantor and grantee in the deed hereinafter mentioned; and this instrument is now executed by the said M. E. Rupp and wife, Willie F. Rupp, and by the said Herman F. Heep for the purpose of truly, accurately, and properly describing the property intended to be conveyed by said deed and a certain portion of the original tract, containing 60 acres of land, which was not conveyed by that deed but retained by the grantors therein.

Now, in consideration of the premises, and for the purpose of accurately and properly describing the property to be conveyed by said deed, as well as said 60-acre tract being retained by said Rupp and wife and not conveyed thereby, and for other good, valuable, and sufficient consideration to the parties moving, receipt of all of which is by each of the parties hereto truly acknowledged and confessed, the said M. E. Rupp and his wife, Willie F. Rupp, have granted, sold, and conveyed, and by these presents do grant, sell, and convey, unto the said Herman F. Heep that certain tract of land, being 70+22 acres of land, being 70+22 acres of land, now here properly described as follows, to-wit:

70+22 acres of land, about 14+57 acres being a portion of the Martin E. Andrews Survey #1, about .33 of one acre being a portion of the John William Survey #22 and being enclosed with and used as a part of the Martin E. Andrews Survey #1, about 11.98 acres being a portion of the W. A. Moore Survey (without conflict), about 11.55 acres being a portion of the Gibson Bowditch Survey #11 (without conflict), about 25.78 acres being a portion of the W. A. Moore Survey in conflict with the Gibson Bowditch Survey #11, and about 60.38 acres being a portion of the Herman Heep Survey #27 in conflict with the Gibson Bowditch Survey #11, all in Hays County, Texas, which 60-acre tract of land is described as follows:

- beginning at a corner of the fence and the east westerly corner of that portion of an 1800-acre tract of land, which is southwest of the old San Marcos-Hugo-Blanco Road, and from which fence corner the beginning corner of said 1800-acre tract of land, which was conveyed by C. A. Crawford to M. E. Rupp, by deed of record in Hays County Deed Records in Book 124, pages 192-198, bears N. 77° 17' W. 7.47 acres; thence with the south line of the old county road, as fenced, in accordance with the following courses numbered 1 to 10, inclusive:
- (1) N. 56° 31' E. 699.17 varas;
 - (2) S. 75° 50' E. 71.5 varas;
 - (3) S. 88° 31' E. 212.1 varas;
 - (4) N. 83° 07' E. 23.0 varas;
 - (5) N. 73° 57' E. 92.3 varas;
 - (6) N. 66° 17' E. 189.6 varas;
 - (7) N. 66° 09' E. 40.7 varas;
 - (8) N. 88° 11' E. 114.7 varas;
 - (9) N. 84° 08' E. 331.5 varas;
 - (10) N. 62° 24' E. 28.5 varas;
 - (11) thence N 72° 01' E 421.1 varas to the most westerly corner of a 60-acre tract of land reserved by M. E. Rupp;
 - (12) thence S 81° 00' W 81.0 varas to a stake for its most
 - (13) from which a live oak 6" in diameter bears
 - (14) and a live oak 12" in diameter bears 2
 - (15) 11' E 60.0 varas to a stake and from
 - (16) in diameter bears 8 3/4" W. 2.8 varas and
 - (17) bears N. 30° 20' E. 2.3 varas;

I, LEE CARLISLE, COUNTY CLERK;
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 18 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Bobbie E. Coley

(14) THENCE N 27° 49' W 507.3 varas to a stake in the south-east line of the Hugo-San Marcos Road;

(15) N 55° 35' E 163.6 varas;

(16) N 56° 25' E 215.8 varas;

(17) N 83° 12' E 224.7 varas;

(18) N 75° 50' E 321.6 varas;

(19) THENCE still with the south line of the old county road, N 72° 29' E 189.04 varas to a stake at the intersection of the south line of Texas State Highway #80;

(20) THENCE with the south line of the Texas State Highway #80, N 71° 17' E 128.8 varas;

(21) THENCE with the south line of Texas State Highway #80, N 74° 18' E 75.6 varas to a concrete monument;

(22) THENCE with the south line of Texas State Highway #80, N 84° 49' E 36.5 varas to a concrete monument;

(23) THENCE with the south line of Texas State Highway #80, N 73° 56' E 114.6 varas to a corner fence post and from which post a Live Oak 6" in diameter marked X bears S 26° 10' W 17.7 varas and a Live Oak 8" in diameter marked X bears N 65° 40' W 28.2 varas;

(24) THENCE leaving the Highway and following the fence, S 77° 54' E 214.6 varas to a large Live Oak with old marks, probably one of the original bearing trees of the John Huffman Survey #22 but now used for the east corner of the land enclosed by Charles B. Crawford;

(25) THENCE with the fence, S 29° 05' W 106.6 varas to the west face of a Live Oak 22" in diameter;

(26) THENCE with the old rock fence, N 42° 42' W 36.7 varas to a stake and rock mound set at the old fence corner, and from which stake a Live Oak 10" in diameter marked X bears N 59° 00' E 18.9 varas and a Live Oak 6" in diameter marked X bears N 14° 50' W 24.1 varas;

(27) THENCE with the average line of the old rock fence S 44° 40' W at about 2210 varas pass the south corner of the Martha E. Andrews Survey #1, in all 2736.3 varas to the end of the rock fence and the recognized west corner of the Jesse Huffman Survey #21;

(28) THENCE with a post and wire fence, S 46° 17' W 123.5 varas to an iron stake and rock mound which is the most easterly corner of that 5.2-acre tract of land which was conveyed by M. E. Ruby to G. L. Boozer by deed now of record in Hays County Deed Records in Book 127, page 40, and from which post a Live Oak 11" in diameter marked X bears S 67° 00' W. 32.8 varas and a Live Oak 6" in diameter marked X bears N 0° 45' E 4.7 varas;

(29) THENCE S 62° 47' W 604.7 varas to the most westerly corner of the aforementioned 5.2-acre tract of land and to the most easterly corner of that 5.2-acre tract of land which was conveyed by G. L. Boozer to M. E. Ruby by deed now of record in Hays County Deed Records in Book 127, page 36, and from which stake a Live Oak 7" in diameter marked X bears N 32° 05' W 31.7 varas and a Live Oak 8" in diameter marked X bears N 41° 15' E 41.3 varas;

(30) THENCE S 62° 47' W 321.5 varas to the southwest corner of the M. E. Ruby 5.2-acre tract of land and to the easterly terminus of a line which is described in a boundary-line agreement by and between M. E. Ruby and G. L. Boozer, as recorded in Hays County Deed Records in Book 127, page 38;

(31) THENCE with the said line as established by agreement, S 62° 47' W 13.0 varas to a stake and rock mound, and from which a Live Oak 38" in diameter marked X bears S 34° 40' E 19.3 varas and from which a Live Oak 18" in diameter marked X bears S 1° 20' E 20.0 varas;

(32) THENCE S 26° 34' W 371.2 varas to the most southerly corner of that 1800-acre tract of land which was conveyed by C. B. Crawford to M. E. Ruby by deed now of record in Hays County Deed Records in Book 124, pages 193-198, and from which stake a Live Oak 10" in diameter marked X bears S 21° 10' E 2.5 varas and a Live Oak 8" in diameter marked X bears N 64° 45' W 18.1 varas;

THENCE with the fence and with the east line of the land enclosed by Frank Posey according to the following courses numbered 33 to 44, inclusive;

(33) N 43° 15' W 238.6 varas;	(39) N 21° 46' W 57.3 varas;
(34) N 43° 35' W 309.8 varas;	(40) N 29° 09' W 88.5 varas;
(35) N 43° 30' W 152.8 varas;	(41) N 50° 27' W 125.8 varas;
(36) N 44° 01' W 66.7 varas;	(42) N 57° 11' W 78.9 varas;
(37) N 41° 43' W 124.1 varas;	(43) N 51° 10' W 182.5 varas;
(38) N 42° 48' W 46.4 varas;	(44) N 47° 48' W 150.9 varas;

(45) THENCE still with the fence and with the northeast line of land enclosed by Frank Posey, N 47° 17' W 173.0 varas to the place of beginning, containing 704.22 acres of land, according to field notes prepared by Orin E. Metcalfe, Licensed Land Surveyor, based upon surveys made by Orin E. Metcalfe, March 1942 and May 1943, and a survey made by T. A. Breeze in 1950.

The 704.22 acres of land above described was a portion of the property previously conveyed by J. C. Ruby and wife, Louise Walter Ruby, to M. E. Ruby by deed dated May 22, 1950, now of record in Volume 146, page 543 et seq., of said Hays County Deed Records; and that deed, together with its said record, is referred to, incorporated herein, and made part hereof for all pertinent purposes.

(1) THENCE with the south line of the old county road, N 70° 29' E 128.0' varies to a stake at the intersection of the south line of Texas State Highway 480;

(2) THENCE with the south line of Texas State Highway 480, N 71° 14' E 128.6' varies;

(3) THENCE with the south line of Texas State Highway 480, N 70° 18' E 75.0' varies to a concrete monument;

(4) THENCE with the south line of Texas State Highway 480, N 84° 40' E 60.7' varies to a concrete monument;

(5) THENCE with the south line of Texas State Highway 480, N 73° 58' E 111.8' varies to a corner large post and iron which post a live oak 8" in diameter marked X bears N 70° 10' E 17.7' varies and a live oak 8" in diameter marked X bears N 65° 40' W 28.2' varies;

(6) THENCE leaving the Highway and following the fence, S 70° 51' E 214.8' varies to a large live oak with old marks probably one of the original bearing trees of the land enclosed survey 482 but now used for the east corner of the land enclosed by Charles D. Crawford;

(7) THENCE with the fence, S 29° 02' W 106.8' varies to the west face of a live oak 25" in diameter;

(8) THENCE with the old road fence, N 45° 42' W 36.7' varies to a stake and rock mound set at the old fence corner, and from which bears a live oak 10" in diameter marked X bears N 70° 00' E 18.9' varies and a live oak 8" in diameter marked X bears N 14° 30' W 24.1' varies;

(9) THENCE with the average line of the old rock fence S 40' W 40' varies about 27.0' varies past the south corner of the Harris E. Andrews Survey 47, to all 178.3' varies to the end of the rock fence and the recognized west corner of the lease William Survey 481;

(10) THENCE with a post and wire fence, S 46° 17' W 123.2' varies to an iron stake and rock mound which is the most easterly corner of that 2.5-acre tract of land which was conveyed by M. E. Ruby to G. L. Ruby by deed now of record in Hays County Deed Records in Book 127, page 10, and from which post a live oak 12" in diameter marked X bears S 0° 45' E 4.7' varies and a live oak 8" in diameter marked X bears N 0° 45' E 4.7' varies;

(11) THENCE S 62° 47' W 60.7' varies to the most westerly corner of the aforementioned 2.5-acre tract of land and to the east easterly corner of that 2.5-acre tract of land which was conveyed by G. L. Ruby to M. E. Ruby by deed now of record in Hays County Deed Records in Book 127, page 10, and from which stake a live oak 7" in diameter marked X bears N 30° 02' W 31.7' varies and a live oak 8" in diameter marked X bears N 41° 12' E 41.3' varies;

(12) THENCE S 62° 47' W 32.1' varies to the southwest corner of the M. E. Ruby 2.5-acre tract of land and to the easterly terminus of a line which is described in a boundary-line agreement made by and between M. E. Ruby and G. L. Ruby, as recorded in Hays County Deed Records in Book 127, page 10;

(13) THENCE with the said line as established by agreement, S 62° 47' W 13.0' varies to a stake and rock mound, and from which stake a live oak 18" in diameter marked X bears S 34° 40' E 19.3' varies and from which a live oak 12" in diameter marked X bears S 1° 20' E 20.0' varies;

(14) THENCE S 62° 47' W 37.1' varies to the most southerly corner of that 2.5-acre tract of land which was conveyed by G. L. Ruby to M. E. Ruby by deed now of record in Hays County Deed Records in Book 127, page 10, and from which stake a live oak 10" in diameter marked X bears S 21° 10' E 2.2' varies and a live oak 8" in diameter marked X bears N 64° 45' W 18.1' varies;

THENCE with the fence and with the east line of the land enclosed by Frank Posey according to the following courses:

(15) N 43° 15' W 238.8' varies;

(16) N 43° 00' W 309.8' varies;

(17) N 43° 30' W 123.8' varies;

(18) N 44° 01' W 66.7' varies;

(19) N 41° 43' W 124.1' varies;

(20) N 42° 48' W 46.4' varies;

THENCE still with the fence and with the northeast line of land enclosed by Frank Posey, N 70° 17' W 173.0' varies to the place of beginning, containing 70.32 acres of land, according to field notes prepared by Olin E. Metcalfe, Licensed Land Surveyor, survey made by Olin E. Metcalfe, March 1942, a survey made by T. A. Preece in 1920.

I, LEE CARLISLE, COUNTY CLERK, HAYS COUNTY, TEXAS do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on:



MAY 18 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Bobbie E. Colby

conveyed by deed dated May 21, 1920, to M. E. Ruby by deed dated May 21, 1920, of said Hays County Deed Records; and that deed, together with the incorporated herein, and made part hereof for

TO HAVE AND TO HOLD the above-described property, together with, all and singular, the rights and appurtenances thereunto in anywise belonging, unto the said HERMAN F. HEEP, his heirs and assigns forever; and we, the said M. E. Ruby and Willie F. Ruby, hereby bind ourselves, our heirs, executors, and administrators to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said HERMAN F. HEEP, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

All of the property so conveyed by the said J. C. Ruby and wife to the said M. E. Ruby was intended to be conveyed by the deed hereinabove mentioned, from M. E. Ruby and wife to Herman F. Heep, save and except a tract of 40 acres of land, retained by the said M. E. Ruby and wife and not conveyed by said deed to the said Herman F. Heep, and that 40 acres of land is now here described by metes and bounds thus:

40 acres of land consisting of 2 acres of land out of the Martha E. Andrews Survey, and 38 acres out of the Gideon Bowditch Survey No. 11, and more particularly described as follows:

BEGINNING at a large Live Oak tree with old marks at the north corner of the John Huffman Survey No. 22, which tree stands in the fence corner as the fence is now located the 25th day of May, 1950;

THENCE along the present deer-proof fence N 77° 14' W 214.6 varas to a point in the south line of Ranch Highway No. 12 (old State Highway No. 80);

THENCE along the location of the old fence S 73° 56' W 114.6 varas;

S 84° 49' W 36.5 varas;

S 74° 18' W 75.6 varas;

S 71° 17' W 128.9 varas;

S 72° 29' W 189.04 varas;

S 75° 50' W 321.6 varas;

S 83° 12' W 224.7 varas;

S 56° 25' W 215.8 varas;

THENCE S 53° 35' W 163.6 varas to an iron pipe for the north corner of this 40-acre tract;

THENCE S 27° 49' E 507.3 varas to an iron pipe for the southeastern corner of this 40-acre tract from which an 8" Live Oak marked X bears S 89° W. 2.8 varas, and a 10" Elm bears S 83° 20' E 3.2 varas;

THENCE S 62° 11' W 460 varas to an iron pipe for corner from which a 6" Live-Oak marked X bears N 7° 30' W. 3 varas and a 12" Live-Oak marked X bears S 61° 45' W 14.4 varas;

THENCE N 27° 49' W 481.0 varas to an iron pipe in the present fenceline, same being along the south line of the old Hugo-San Marcos-Blanco Road;

THENCE N 53° 01' E 99 varas to an angle in fence;

THENCE N 62° 11' E 129.6 varas to an angle in fence;

THENCE N 59° 08' E at 9 varas the center of a cattle guard as it is now located (this May 25, 1950). The center of the present location of the M. E. Ruby home, a rock house, bears S 29° 45' E 148.7 varas;

THENCE continuing the same course, N 59° 08' E, for a total of 148 varas;

THENCE N 53° 35' E 89.6 varas to the place of beginning.

The said Herman F. Heep does hereby release, discharge, quit-claim, and acquit unto the said M. E. Ruby any right, title, interest, equity, claim, or estate in or to the above-described 40-acre tract of land, or any portion thereof, and executes this instrument for such purpose: so that the said M. E. RUBY, his heirs, executors, administrators, and assigns shall hereafter forever HAVE, HOLD, and possess said 40-acre tract of land free and clear of any right, title, interest, equity, claim, or estate in favor of the said Herman F. Heep.

This instrument is executed by all parties for the purpose of clarifying the record and title to the respective properties above described; and there is attached hereto, as a part hereof, a map or plat of the 40-acre tract of land owned by the said M. E. Ruby which was not conveyed by the deed from said Ruby and wife to said Heep.

By this instrument, all of the terms and provisions of the original deed from said M. E. Ruby and wife to the said Herman F. Heep are by all of the parties hereto fully ratified and confirmed, and all of those terms and provisions shall be and remain in full force and effect as though they were included herein, save and except, only, that the description of the

TO HAVE AND TO HOLD the above-described property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said HERMAN F. REEP, his heirs and assigns forever; and we, the said M. E. RUBY and Willie F. RUBY, hereby bind ourselves, our heirs, executors, and administrators to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said HERMAN F. REEP, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

All of the property so conveyed by the said J. C. RUBY and wife to the said M. E. RUBY was intended to be conveyed by the said HERMAN F. REEP, his heirs and assigns to HERMAN F. REEP, his heirs and assigns except a tract of 40 acres of land, retained by the said M. E. RUBY and wife and not conveyed by said deed to the said HERMAN F. REEP, and said 40 acres of land is now more particularly described by notes and bounds as follows:

40 acres of land consisting of 2 acres of land out of the Martha K. Andrews Survey and 38 acres out of the Gibson Bowditch Survey No. 11, and more particularly described as follows:

BEGINNING at a large live oak tree with old marks at the north corner of the John H. Adams Survey No. 25, which tree stands in the corner as the fence is now located the 25th day of May, 1900;

THENCE along the present best-pool fence N 72° 14' W 214.6 yards to a point in the corner line of Ranch Highway No. 12, said Ranch Highway No. 12;

THENCE along the location of the old fence S 73° 25' W 114.6 yards;

S 84° 10' W 36.2 yards;

S 74° 18' W 72.4 yards;

S 71° 10' W 142.8 yards;

S 72° 01' W 142.04 yards;

S 73° 01' W 211.8 yards;

S 73° 12' W 211.7 yards;

S 50° 57' W 211.8 yards;

THENCE S 52° 31' W 155.0 yards to an iron pipe for the north corner of this 40-acre tract;

THENCE S 20° 42' E 207.3 yards to an iron pipe for the southeasterly corner of this 40-acre tract from which an 8" live oak marked X bears S 89° W 2.8 yards, and a 10" live oak bears S 89° 20' E 2.1 yards;

THENCE S 89° 11' W 460 yards to an iron pipe for corner from which a 6" live oak marked X bears N 70° 30' W 3 yards and a 12" live oak marked X bears S 81° 52' W 11.5 yards;

THENCE N 27° 42' W 411.0 yards to an iron pipe in the present location, same being along the south line of the old Hog-Gan Harrow-Bridge Road;

THENCE W 22° 01' E 90 yards to an angle in fence;

THENCE N 82° 11' E 159.6 yards to an angle in fence;

THENCE S 20° 08' E at 9 yards the center of a cattle guard as it is now located (this May 22, 1900). The center of the present location of the M. E. RUBY home, a rock house, bears S 87° 42' E 148.7 yards;

THENCE easterly along the east course of the 40-acre tract of 40 acres;

THENCE N 73° 37' E 89.6 yards to the place of beginning.

The said HERMAN F. REEP does hereby release, discharge, quit-claim, and acquit unto the said M. E. RUBY any right, title, interest, equity, claim, or estate in or to the above-described 40-acre tract of land, or any portion thereof, and executes this instrument for such purpose so that the said M. E. RUBY, his heirs, executors, administrators, and assigns shall hereafter forever HAVE, HOLD, and possess said 40-acre tract of land free and clear of any claim, title, interest, equity, claim, or estate in favor of the said HERMAN F. REEP.

This instrument is executed by all parties for the purpose of clarifying the record and title to the respective properties above described, and there is attached hereto, as a part hereof, a true and correct copy as same appears of record in my office. Witness my hand and seal of office on:

I, LEE CARLISLE, COUNTY CLERK, HAYS COUNTY, TEXAS do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on:



MAY 18 2001
LEE CARLISLE
COUNTY CLERK
BY DEPUTY:

Bobbie E. Coley

property shall be made to conform to the description of the 704.22 acres of land and the 40 acres of land as described in this instrument.

WITNESS OUR HANDS on this the 15th day of January, A. D., 1952.

/signed/ M. E. Ruby
/signed/ Willie F. Ruby
/signed/ Herman F. Heep

STATE OF TEXAS |
COUNTY OF HAYS |

BEFORE ME, the undersigned authority, on this day personally appeared M. E. RUBY and his wife, WILLIE F. RUBY, known to me to be the persons whose names are subscribed to the foregoing instrument, and severally acknowledged to me that they executed the same for the purposes and consideration therein expressed; and, the said WILLIE F. RUBY having been examined by me privily and apart from her husband, and having the same fully explained to her by me, she, the said WILLIE F. RUBY, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th day of January, A. D., 1952.

(SEAL)

/signed/ R. B. McRell
Notary Public in and for Hays County,
Texas.
My Commission Expires June 1, 1953

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority, on this day personally appeared HERMAN F. HEEP, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed.

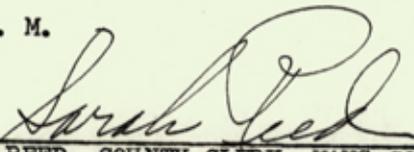
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30 day of January, A. D., 1952.

(SEAL)

/signed/ Glynda H. Cobb
Notary Public in and for Travis
County, Texas.

Filed for record February 1, A. D., 1952 at 2:15 o'clock P. M.

Recorded on February 20, A. D., 1952 at 3:00 o'clock P. M.


SARAH REED, COUNTY CLERK, HAYS COUNTY, TEXAS.

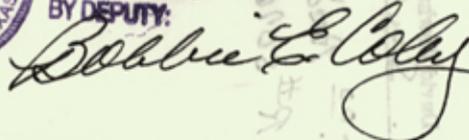
-----oOo-----

I, LEE CARLISLE, COUNTY CLERK,
HAYS COUNTY, TEXAS do hereby certify that this
is a true and correct copy as same appears of record
in my office. Witness my hand and seal of office on:



MAY 18 2001

LEE CARLISLE
COUNTY CLERK
BY DEPUTY:



Handwritten notes and stamps in the bottom right corner, including a date stamp 'MAY 18 2001' and a signature 'Bobbie L. Colby'. There are also some illegible handwritten notes and a stamp that says 'COUNTY CLERK'.

File No. SF-16566
Hays County
Deed fm Ruby
 Date Filed: 7-12-01

By S. Sugg Arek
 David Dewhurst, Commissioner

\$25.00 Rec'd 7-12-01
 R# 50168

THE CLERK OF THE COUNTY CLERK
 COUNTY CLERK
 MAY 1 8 2001
 COUNTY CLERK
 BY DEPUTY



BARBAR REED, COUNTY CLERK, HAYS COUNTY, TEXAS

Recorded on February 30, A. D., 1952 at 3:00 o'clock P. M.
 Filed for record February 1, A. D., 1952 at 2:15 o'clock P. M.

County, Texas.
 Hays Public in and for Travis
 County, Texas.

GIVEN UNDER MY HAND AND SEAL ON NOVICE, this the 30 day of January, A. D., 1952.

known to me to be the person whose name is subscribed to the foregoing instrument, and acknow-
 ledged to me that he executed same for the purposes and consideration therein expressed.
 BEFORE ME, the undersigned authority, on this day personally appeared HERMAN F. HERR,

COUNTY OF TRAVIS
 STATE OF TEXAS

My Commission Expires June 1, 1953
 Notary Public in and for Hays County,
 Texas.
 A. B. Merrill

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th day of January, A. D., 1952.

she had willingly signed the same for the purposes and consideration therein expressed, and that
 she said WILLIE F. RUBY, acknowledged said instrument to be her son and heir, and declared that
 he was living and apart from her husband, and having the same fully explained to her by me, and
 purposes and consideration therein expressed; and the said WILLIE F. RUBY having been examined
 foregoing instrument, and severally acknowledged to me that they executed the same for the
 his wife, WILLIE F. RUBY, known to me to be the person whose name is subscribed to the
 HERMAN F. HERR, the undersigned authority, on this day personally appeared M. E. RUBY and

COUNTY OF HAYS
 STATE OF TEXAS

signed
 signed
 signed
 M. E. Ruby
 Willie F. Ruby
 Herman F. Ruby

WITNESS OUR HANDS on this the 15th day of January, A. D., 1952.

of land as described in this instrument.
 Property shall be made to conform to the description of the 70.32 acres of land which is more

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

AFFIDAVIT

Before me the undersigned authority on this day personally appeared B. PAT CARLISLE, who after being duly sworn did depose and say:

"My name is Pat Carlisle. I am over the age of 18 and am a resident of Travis County, Texas. I was employed by Mr. Herman F. Heep and Mrs. Minnie Belle Heep in 1949 and worked for them as chief accountant and business manager until Mrs. Heep's death in 1994. Since Mrs. Heep's death, I have acted as co-trustee of her estate."

"That certain real property (the "Property") situated in Hays County, Texas, known as the 'Rocking H Ranch', as more particularly described on Exhibit A and depicted on Exhibit B attached hereto and made a part hereof (including, without limitation, that portion of such property suspected to be a vacancy), was used and occupied by Mr. and Mrs. Heep (or their tenant or lessee) for grazing and hunting purposes from the time that the Property was acquired by Mr. and Mrs. Heep, until it was conveyed to The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Foundation")."

"To my knowledge, Mr. and Mrs. Heep never used or authorized use of the Property (including the suspected vacancy) for purposes of exploring for or removing oil, gas, sulphur, other minerals or geothermal resources."

"To my knowledge, the Property (including the suspected vacancy) was fenced following acquisition of the Property by Mr. and Mrs. Heep and remained in the Heeps' possession for a period of more than ten (10) years."

"To my knowledge, both the mineral and surface estates in and to the Property (which consists of both the "Boozzer Ranch" and the "Ruby Place," described below) were conveyed to and acquired by Mr. and Mrs. Heep, and later conveyed to the Foundation, as follows:

(i) During his marriage to Minnie Belle Heep, Herman F. Heep acquired approximately 972.59 acres of land situated in Hays County, Texas (known as the "Boozzer Ranch") by deed from Conroe Drilling Company, recorded in Volume 147, Page 309 of the Deed Records of Hays County, Texas;

(ii) During his marriage to Minnie Belle Heep, Herman F. Heep acquired approximately 704.22 acres of land situated in Hays County, Texas (known as the "Ruby Place") by deed from M.E. Ruby and wife, Willie F. Ruby, recorded in Volume 152, Page 199 of the Deed Records of Hays County, Texas;

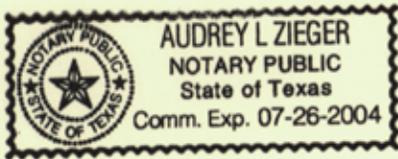
(iii) After Mr. Heep's death, the Boozzer Ranch and the Ruby Place (among other property) were owned jointly by Minnie Belle Heep, the Foundation and Austin Trust Company, the trustee of the Herman F. Heep Trusts Nos. 1 and 2, and such parties partitioned their interests in and to such property by Partition Deed recorded in Volume 908, Page 1 of the Official Public Records of Hays County, Texas, and in accordance with the percentage interests set forth in that

certain Memorandum of Ownership Percentages recorded in Volume 908, Page 21 of the Official Public Records of Hays County, Texas; and

(iv) Following Mrs. Heep's death, Texas Commerce Bank National Association and I, as Co-Executors of the Last Will and Testament of Minnie Belle Heep, conveyed Mrs. Heep's interest in and to the Boozer Ranch and Ruby Place to the Foundation, by Special Warranty Deed recorded in Volume 1115, Page 69 of the Official Public Records of Hays County, Texas.

B. Pat Carlisle
B. PAT CARLISLE

SUBSCRIBED AND SWORN TO BEFORE ME by the said B. PAT CARLISLE, on the 16th day of MAY, 2001, to certify which, witness my hand and seal of office.



Audrey L. Zieger
Notary Public, State of Texas

AUDREY L. ZIEGER
(Printed or Stamped Name of Notary)
My Commission Expires: 07-26-04

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared B. Pat Carlisle, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Printed or Stamped Name of Notary)
My Commission Expires: _____

Handwritten notes:
15-15-15
27200-6009-1-10-0
27200-6009-1-10-0
J. J. ...
15-15-15
15-15-15
27200-6009-1-10-0
15-15-15

13

File No. SF-16566

HAYS County

Affid. of B. Pat Carlisle

Date Filed: 7-12-01

David Dewhurst, Commissioner

By S. Suggarek

\$25.00 Recd. 7-12-01

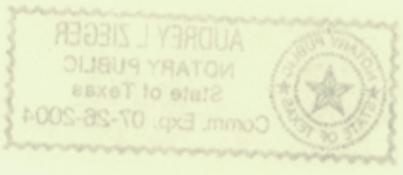
Reg.# 50168

Before me, the undersigned authority, on this day personally appeared B. Pat Carlisle, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

STATE OF TEXAS
COUNTY OF _____

ACKNOWLEDGMENT

My Commission Expires: 07-28-04
(Printed or Stamped Name of Notary)
Audrey J. Zieger
Notary Public, State of Texas



day of MAY, 2001, to certify which, witness my hand and seal of office.
SUBSCRIBED AND SWORN TO BEFORE ME by the said B. PAT CARLISLE, on the 10

B. Pat Carlisle
B. PAT CARLISLE

Page 69 of the Official Public Records of Hays County, Texas.
Place to the Foundation, by Special Warranty Deed recorded in Volume 112, Belle Heep, conveyed Mrs. Heep's interest in and to the Booxer Ranch and Ruby Association and I, as Co-Executors of the Last Will and Testament of Maimie (iv) Following Mrs. Heep's death, Texas Commerce Bank National certain Memorandum of Ownership Percentages recorded in Volume 908, Page 31 of the Official Public Records of Hays County, Texas; and

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

01050768

TELEPHONE: 512/474-5201
FACSIMILE: 512/536-4598

INTERNET ADDRESS:
LEDUBOSE@FULBRIGHT.COM

DIRECT DIAL NUMBER:
512/536-4585

HOUSTON
WASHINGTON, D.C.
AUSTIN
SAN ANTONIO
DALLAS
NEW YORK
LOS ANGELES
MINNEAPOLIS
LONDON
HONG KONG

July 12, 2001

Ms. Susan Sugarek
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

VIA HAND DELIVERY

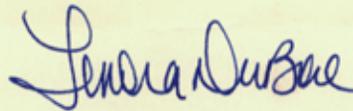
Re: Vacancy Application filed by James B. Bond, on behalf of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Applicant") on May 1, 2001, relating to an approximately 17.8 acre vacancy situated in Hays County, Texas

Dear Susan:

Per your voice mail message to me on July 10, 2001, I am forwarding to you a check, payable to the Texas General Land Office, in the amount of One Hundred Fifty and No/100 Dollars (\$150.00) for additional filing fees relating to the referenced Vacancy Application. Per your message, these additional fees are for filing the Applicant's Affidavit of Good Faith Claimant, deeds and other documents relating to the Vacancy Application.

Please contact me if you have any questions or comments concerning the above, or if any additional fees and/or information are required in connection with the Vacancy Application.

Very truly yours,



Lenora DuBose

LD/

Enclosure

cc: James B. Bond - via facsimile transmission (w/out encls.)

*2. 2nd check
to file application documents
Date filed: 7-13-01
J-B Bond, Applicant
Hays Co
401201-32
17*

114

File No. SF-16566
County Hays
7-12-01
Date Filed: 7-12-01

by David Dewhurst, Commissioner
S. Sugar K

James B. Bond

Very truly yours,

additional fees and/or information are required in connection with the Vacancy Application. Please contact me if you have any questions or comments concerning the above, or if any Claimant, deeds and other documents relating to the Vacancy Application.

Your message, these additional fees are for filing the Applicant's Affidavit of Good Faith Dollars (\$150.00) for additional filing fees relating to the referenced Vacancy Application. For payable to the Texas General Land Office, in the amount of One Hundred Fifty and No/100 Per your voice mail message to me on July 10, 2001, I am forwarding to you a check.

Dear Susan:

Re: Vacancy Application filed by James B. Bond, on behalf of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Applicant") on May 1, 2001, relating to an approximately 17.8 acre vacancy situated in Hays County, Texas

Austin, Texas 78701
1700 N. Congress Avenue
Texas General Land Office
Ms. Susan Sugar K

VIA HAND DELIVERY

July 12, 2001

01020768

DIRECT DIAL NUMBER
214-259-4499
FACSIMILE 214-259-4498
TELEPHONE 214-259-4499
INTERNET ADDRESS
LEOUB@FULBRIGHT.COM
LEOUB@FULBRIGHT.COM

FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
800 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

HONG KONG
LONDON
MINNEAPOLIS
LOS ANGELES
NEW YORK
DALLAS
SAN ANTONIO
AUSTIN
WASHINGTON, D.C.
HOUSTON

01020768

\$ REMITTANCE DISTRIBUTION - DO NOT FILE \$-

1.1

NAME	REMITTANCE DESCRIPTION					FISCAL YEAR	REGISTER NUMBER	AMOUNT
	REFER	TYPE	MO.	DAY	YEAR			
FULBRIGHT ETAL ASSET MGMT (00) (C)	156	C	07	12	2001	2001	50768	150.00

FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER	CONTROL NO.	AMOUNT
SF16566	30181	\$150. ⁰⁰			
					8-16-01

NCR Systemmedia Group 96-124453-B

Date Filed: 8-16-01
 Date: 9-12-01
 File No: 2E19286
 21

(15)

File No. SF-16566
Hays County
Dist. Slip
Date Filed: 7-12-01

By D. Sogark
David Dewhurst, Commissioner

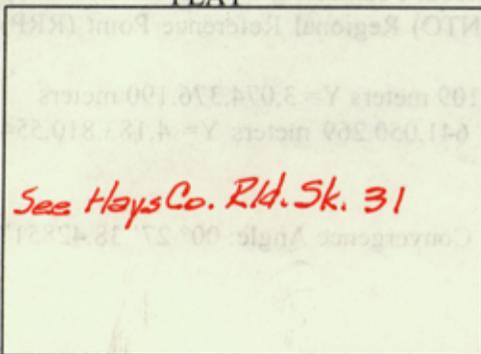
REMITTANCE DISTRIBUTION - DO NOT FILE

NAME	REMITTANCE DESCRIPTION			RECAL YEAR	REMITTANCE YEAR	AMOUNT	CONTROL NO.	FILE NUMBER
	POST. DATE	DATE	YEAR					
FULBRIGHT ET AL ASSET MGMT - 1009	188 C	07-12-2001	2001	2001	120.00		30181	24122

DEC 18 2001

THE STATE OF TEXAS

PLAT



Lee Carlisle

COUNTY CLERK

Survey

County of

[No. _____]

[Blk. _____]

[Tsp. _____]

[Cert. _____]

HAYS

FIELD NOTES

Description of a survey of 7.65 acres of land made for the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation by virtue of its application with the Commissioner of the General Land Office on May 1, 2001. Said land is situated in Hays County, about 8 miles N 80° W from the city of San Marcos, the County Seat, and described by metes and bounds as follows, to-wit:

Beginning at N = 4,995,504.526 varas E = 815,788.463 varas, a stone mound found for the west corner of ~~John~~ Huffman Survey No. 21, A-228, Hays County, Texas, being an ell corner of the W.A. Moore Survey, A-330, Hays County, Texas, from which the stump of a dead 34-inch Black Jack Oak bears S 50° 44' 31" W a distance of 44.4 varas;

THENCE S 46° 20' 01" E, with the southwest line of said Huffman Survey No. 21, same being the northeast line of said Moore Survey, and generally along an old wire fence and rock fence, a distance of 557.44 varas to a calculated point for the southern east corner of said Moore Survey;

THENCE S 43° 39' 59" W, leaving the southwest line of said Huffman Survey No. 21, with the southeast line of said Moore Survey, same being the northwest line of said G.W.A. Colton Survey, a distance of 394.00 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in an open pasture, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the south corner of said Moore Survey, being in the northwest line of said Colton Survey and being the east corner and true **POINT OF BEGINNING** of the tract described herein, said corner having the following coordinates: N = 4,994,834.717 varas, E = 815,919.645 varas;

THENCE S 43° 39' 59" W, continuing with the northwest line of said Colton Survey, at a distance of 912 varas pass the center of Purgatory Creek, continuing for a total distance of 950.00 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in a lightly wooded area, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the west corner of said Colton Survey and for the south corner of the tract described herein;

THENCE N 46° 20' 01" W a distance of 45.44 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in a lightly wooded area, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the south corner of the Rueben Pierce Survey, A-378, Hays County, Texas, and being the west corner of the tract described herein;

THENCE N 43° 39' 59" E, with the southeast line of said Pierce Survey, at a distance of 55 varas pass the center of Purgatory Creek, continuing for a total distance of 950.00 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in a lightly wooded area near the edge of a pasture, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the east corner of said Pierce Survey, being in the southwest line of said Moore Survey, and being the north corner of the tract described herein, from which a 59-inch live oak bears N 66° 04' 00" E a distance of 35.3 varas;

THENCE S 46° 20' 01" E, with the southwest line of said Moore Survey, a distance of 45.44 varas to the true **POINT OF BEGINNING** and containing 7.65 acres of land, more or less.

Bearings and Coordinates shown hereon are Texas Coordinate System, South Central Zone, NAD 83, GRID. Distances are SURFACE.

(OVER)

See Letter of Correction
Content No. 18, 2/12/02 AUB

RECEIVED
DEC 18 2001
11:30 AM
Lee Carlisle
County Clerk
Hays County, Texas
Survey
No. _____
Blk. _____
Tsp. _____
Cert. _____

FILED
HAYS COUNTY, TEXAS
11:30 o'clock A.M.
DEC 18 2001

THE STATE OF TEXAS

This survey is tied to the following N.G.S. stations utilizing Global Positioning System (GPS) survey data and post-processing: Austin (AUS5) and San Antonio (ANTO) Regional Reference Point (RRP) Continually Operating Reference Stations (CORS).

AUS5 Published Coordinates (Texas Central Zone): X= 947,833.109 meters Y= 3,074,376.190 meters
ANTO Published Coordinates (Texas South Central Zone): X= 641,050.269 meters Y= 4,183,810.554 meters

Zone: Texas Coordinate System, Texas South Central
Combined Scale Factor: 0.999870

Convergence Angle: 00° 27' 38.42851"

GLO-SD-40(2-98)

October 1, 2001
Date of Survey

Mike Kelley, Kelly McCombs,
Brian McCluer
Field Survey Personnel

I, William D. O'Hara Licensed State Land-County Surveyor of _____ County, Texas, do hereby certify that the foregoing survey was made by me on the ground, according to law, on the date and with field personnel aforesaid, and that the limits, comers, and boundaries with the marks of the same, natural and artificial, are truly and correctly described and set forth in the foregoing plat and field notes, just as I found or set them on the ground.

William D. O'Hara
Licensed State Land Surveyor

Filed for record in my office, the 18th day of Dec, 2001.
At 11:30 o'clock A M., and duly recorded the 18th day of Dec, 2001 in Book 11, Page 273-275 of the County Surveyors Records of HAYS County, Texas.

[Signature]
County Surveyor / County Clerk

DO NOT WRITE BELOW THIS LINE
FOR GENERAL LAND OFFICE USE ONLY

File No. SF 16566 County _____
School Land Field Notes
Date Filed: 14 Jan. 2002
By [Signature]
Current on map for 7.65 acres
Field Notes OK TO Patent. 6/13/02 RVM

RECEIVED AS STATED
\$25.00
DATE 1/14/2002
REG. NO. 17105 CBT
GENERAL LAND OFFICE

16

LOOMIS AUSTIN

LAND • WATER • PROPERTY

Surveyor's Report

Page 1 of 6

Regarding the survey and location of un-surveyed public domain within the boundaries of the 1,676.25 acre Herman F. and Minnie Belle Heep Texas A&M University Foundation property in Hays County, Texas

Approximately 8 miles N 80° W of San Marcos

Respectfully submitted to:
The Honorable David Dewhurst,
Texas Land Commissioner
Texas General Land Office
1700 North Congress Ave.
Austin, Texas 78701

Surveyor's Certificate

I, William D. O'Hara, Licensed State Land Surveyor, do hereby certify that I have prepared the report herein containing this cover and pages 1-5 inclusive.

Witness my hand and seal on this date *Dec. 17, 2001*

William D. O'Hara

William D. O'Hara
Licensed State Land Surveyor

LAI Job No. 001109

This report concerns my findings concerning the suspected vacancy in Hays County, Texas, which I was hired to investigate. The suspected vacancy is bounded on the north by the Rueben Pierce Survey, A- 378, on the east by the W.A. Moore Survey, A-330 , on the south by the G.W.A Colton Survey, A-95, and on the west by the Henry Pettit Survey No. 7, A-375.

I have researched the records of the Texas General Land Office to include the original survey files in the Archives and Records Division and the Sketch Files, Working Sketch Files, Rolled Sketch Files and historic maps in the Surveying Division. A current working sketch of the area was obtained from the General Land Office and limited research of the Hays County Deed Records concerning this project was performed. I researched the records of Metcalfe and Sanders, a land surveying firm located in Austin, Texas. Orin E. Metcalfe had performed a large survey in this area in 1942. I also contacted Mr. Kyle Smith, Registered Professional Land Surveyor concerning this project. Kyle has recently completed a survey of the 1,676.25 acre tract, which surrounds the suspected vacancy and provided me with copies of information he obtained while making his survey.

HISTORY OF THE AREA

Three surveyors are credited with locating the original surveys in this area of Hays County. John L. Lynch made a system of eight surveys in 1839, all were in the Bastrop Land District and located by virtue of a Bounty or Donation certificate. Six of the eight surveys (numbers 1, 2, 3, 4, 7 and 8) were accepted by the General Land Office and are shown on the Hays County map. Two of the eight surveys in the system (numbers 5 and 6) apparently were not accepted. All eight surveys appear on the earliest Hays County map of 1852. However, all of the subsequent county maps do not show surveys number 5 and 6. The 1852 Hays County map shows survey number 5 to be in the name of J. Zambrano. The map is old and somewhat decayed, and the name of the grantee for survey number 6 cannot be read. I searched for the name Zambrano in all of the Land Office indexes but did find record of a grant in that name.

The surveys in Lynch's system were in two tiers, four to the north and four to the south. The surveys are four sided, called to contain 1,280 acres, 2,688 varas to a side, and oriented 45-degrees from North. Surveys number 5 and 6 were in the center of the northern tier.

In January 1871, B.C. Hardin located the Jesse Huffman Survey No. 21, a second class grant of 640 acres. The Huffman Survey, by its calls, covers the northeast one-half of survey number five in the Lynch system. Hardin's field notes for the Huffman survey begin at the common northern corner of the William Burke Survey No. 4 and the William T.M. Smithson Survey No. 3, both in the Lynch system. The witness tree called for by Hardin at the beginning point is the same witness tree called for by Lynch at the north corner of the Burke Survey. I believe Hardin was at Lynch's corner where he began the Jesse Huffman Survey. Mr. Hardin then continues S 45° W, the same bearing called for in the field notes for the Burke Survey, however, Hardin does not make an adjoinder call to the Burke. At a distance of 1,344 varas, Hardin calls for a stone mound set in the channel of Purgatory Creek with two witness trees. He does not make an adjoinder call to the Burke Survey at this corner either. The field notes then continue N 45° W a distance of 2,688 varas to a stone mound with a 24-inch Black Jack oak tree for witness. (The stone mound and the Black Jack oak tree, now dead with a trunk of approximately 40 inches, have been located during this survey.) Here, Hardin does not call to adjoin the Gideon Bowditch Survey No. 11, a 1,280 acre survey located by Mr. Lynch in 1839. The Bowditch Survey does not appear to be a part of the previously mentioned eight-survey system. However, the south corner of the Bowditch Survey calls to adjoin the north corner of the Henry Pettit Survey No. 7, and the east corner of the Bowditch Survey calls to adjoin the north corner of Survey No. 6. Therefore,

Hardin's position of the west corner of the Huffman Survey should be in the southeast line of the said Bowditch Survey. The Jesse Huffman Survey then continues N 45° E a distance of 1,344 varas to a 6-inch cedar tree with a stone mound around it on the north bank of a ravine in a grove of cedar trees. Again, Hardin made no calls to adjoin the Bowditch Survey. Hardin may have found the Lynch system of surveys to be excessive in the north-south direction and when running his line N 45° W did not reach the Bowditch Survey. Two subsequent surveys, to be discussed later in this report, have been placed between the Jesse Huffman and Gideon Bowditch Surveys.

In May 1872, surveyor B.C. Hardin located the Reuben Pierce Survey, a pre-emption grant. The Pierce Survey is partly in conflict with the Gideon Bowditch Survey and covers a portion of one of the two surveys located by Lynch, which were not accepted by the Land Office. Hardin begins the Pierce Survey at a point 394 varas S 45° W from the west corner of the Jesse Huffman Survey No. 21, no monument or witness trees called for. Hardin then proceeds S 45° E a distance of 512 varas to a stone mound with witness trees called for. Hardin continues S 45° W a distance of 950 varas to the south corner and N 45° W a distance of 950 varas to the west corner. Hardin's calls to the south and west corners should place the southwesterly line of the Pierce Survey in the same position as the Henry Pettit Survey (a Bounty grant located by Lynch in 1838), and the William Perry Survey (also a Bounty grant located in 1880 by Joe C. Eve and resurveyed in 1889 by Otto Groos). However, Hardin does not make a call to adjoin these surveys in his field notes. Hardin then continues N 45° E a distance of 950 varas and S 45° E a distance of 438 varas to the beginning point.

In August 1874, surveyor B.C. Hardin located the G.W.A. Colton Survey, a first class grant. Hardin begins the description of the Colton Survey at the south corner of the Jesse Huffman Survey, no call to adjoin the Burke. Hardin proceeds S 45° W a distance of 1,344 varas to a stone mound, no witness trees called for, and makes an adjoinder call for the west corner of the said Burke survey. This call ties Hardin's work to Lynch's location of the northwesterly line of the southern tier of surveys. Hardin then proceeds N 45° W a distance of 2,070 varas to the west corner, N 45° E a distance of 1,344 varas to the north corner and then to the beginning point. Using the original calls in the field notes, the north corner of the Colton Survey is S 45° E a distance of 618 varas from the west corner of the Jesse Huffman Survey.

EVIDENCE OF ORIGINAL SURVEY CORNERS FOUND

Following my evaluation of the records obtained from the General Land Office, the Hays County Deed Records, the Metcalfe survey records and Mr. Smith, I went to the field to search for evidence of original survey corners. I began my search by looking for the west corner of Gideon Bowditch Survey No. 11. Orin Metcalfe surveyed 1,800 acres in this area in 1942. In his field notes description and on his survey plat, he calls for a rock mound and the original witness tree found for the west corner of the Bowditch Survey. He also makes a reference call for a stone mound and witness tree at an old deeded tract corner. I found the stone mound and hollowed remains of the witness tree at the tract corner. Using Metcalfe's calls I calculated a bearing and distance from the found stone mound to his location of the west corner of the Bowditch survey. Using an old transit and chain, I then ran a rough traverse to the location of the Bowditch west corner and began a search for the stone mound and witness trees. The area is on a hill, covered with rock out-cropping, many live oak trees and thick cedar undergrowth (the original field notes call for live oak for witness trees). I did find one very large, very old, live oak tree I believe may be the original witness tree called for by surveyors Lynch and Metcalfe. I backed-up the bearing and distance call to the witness tree and searched for the stone mound but did not find it. The

traverse I ran to this area of the west corner of the Bowditch Survey is rough and, therefore, I have not tied the tree to my survey.

Next, I went to the north corner of the John Huffman Survey No. 22. In Mr. Metcalfe's field notes description of the 1,800 acre tract in 1942, he calls for a large live oak tree at the southeast corner of the 1,800 acres and he notes that the tree may be the original witness tree called for in the John Huffman Survey No. 22 field notes. The tree is still standing and scarred but with no discernable markings. Presently it is being used as a fence corner. I used the bearing and distance calls from the original survey field notes to search for the original stone mound but did not find it. The area has been cleared of brush and is covered with rock out-cropping. I believe this tree to be the original witness tree to the Huffman Survey No. 22.

I then proceeded to walk along the northwest line of the said Huffman Survey No. 22 and the Jesse Huffman Survey No. 21, a compass bearing of S 45° W. At approximately 75 varas I passed the north corner of a very old, dry-stacked, rock wall/fence. The rock wall/fence, made up of large rocks and approximately four feet high and two feet wide, continued in a straight line along the line I was walking. I estimate the wall to be more than one hundred years old and believe that it was built along the northwest line of the Huffman surveys. The wall appears to have been built with large stones cleared from nearby fields and piled up along the line for stacking. There are several remnants of piles remaining on the ground near and along the wall. An old wire fence runs along the west side of the rock fence. At approximately 1,370 varas I came to a deep ravine. The common west corner of the John Huffman and Jesse Huffman Surveys is called by surveyor Hardin to be marked with a stone mound in a cedar grove on the north bank of a ravine. Hardin also called for a six-inch cedar for witness. I made several unsuccessful searches in this area for the witness tree and stone mound. The area is heavily covered with rock out-cropping and cedar trees.

When the original field notes are plotted, the common west corner of the Huffman surveys is 83 varas southeast of the said Bowditch Survey east corner. The 83 vara gap between the Huffman and Bowditch corners is covered by a portion of the M.E. Andrews Survey located by Otto Groos in 1887.

I continued along the old rock wall in a southwesterly direction for approximately 818 varas, the called distance from the north corner of the Jesse Huffman Survey No. 21 to the southeast corner of the said Andrews Survey. Groos called for a rock mound at this corner. Groos also calls for a rock mound at the southwest corner of the Andrews Survey N 45° W a distance of 83 varas from the southeast corner. I searched unsuccessfully for both rock mounds.

Continuing along the old stone wall/fence in the direction of S 45° W, I came to the end of the wall. This put me in the vicinity of the west corner of the Jesse Huffman Survey No. 21. A search in this area produced a stone mound. Hardin's field notes call for a Black Jack witness tree. The witness tree, now dead with an approximate eight feet tall stump, was also found. The south corner of the Jesse Huffman Survey No. 21 is called to be in the center of Purgatory Creek. We located the center of Purgatory Creek, a wide, grassy-bottomed creek in this vicinity, so as to later fix the location of Huffman Survey south corner.

We found a witness tree called for at the north corner of the W.A. Moore Survey but did not find the stone mound called for.

Purgatory Creek also traverses the west side of the G.W.A. Colton Survey and the Rueben Pierce Survey. Original field notes for Pierce Survey, prepared by C.B. Hardin, has passing calls for the creek centerline. We located nearly a mile of the creek centerline in this area.

CONSTRUCTION OF SURVEY LINES

For our survey ties on this project we used the horizontal control established by Kyle Smith. Bearings are oriented to Texas Coordinate System, South Central Zone, grid north.

I began construction of the survey lines by first connecting the found monuments and evidence. I calculated the position of the north corner of the John Huffman Survey No. 22 record bearing and distance from the original witness tree. I then connected the found stone mound at the west corner of the Jesse Huffman Survey No. 21 to the calculated north corner of the John Huffman Survey No. 22 and determined a course of N 43° 39' 59" E a distance of 2,827.96 varas. The combined call across the northern line of the Huffman surveys, according to the original Hardin field notes, is N 45° E a distance of 2,688 varas. Therefore, the northern line of the John Huffman Survey No. 22 and the Jesse Huffman Survey No. 21 is excessive by approximately 140 varas, or 70 varas per survey.

To construct the western line of the Jesse Huffman Survey No. 21, I ran a line from the found stone mound, perpendicular to the Huffman northern line, in a southerly direction to the center of Purgatory Creek. The course is S 46° 20' 01" E a distance of 2,627.44 varas. The original field notes by surveyor Hardin call for a course of S 45° E a distance of 2,644 varas along this line. This construction leaves the western line of the Jesse Huffman Survey No. 21 16.56 varas short.

Next, I constructed the Reuben Pierce Survey, A-378. I ran a line from the stone mound found for the west corner of the Jesse Huffman Survey No. 21, S 43° 39' 59" W a distance of 394 varas to a point in the eastern line of the Pierce. The bearing used is an extension of the northern line of the Huffman surveys as found, and the distance used is that called for in the original field notes by C.B. Hardin. This point in the eastern line of the Pierce is the point of beginning for the field notes by Mr. Hardin. I then constructed the Pierce Survey per the calls in the field notes, 950 varas per side, and parallel and perpendicular to the reference tie. The Reuben Pierce Survey is clearly in conflict with the Gideon Bowditch Survey No. 11.

The G.W.A. Colton Survey, A-95, and the W.A. Moore Survey, A-330, were both made by C.B. Hardin in 1874. The W.A. Moore field notes have a survey date of July 1874 indicated on the notes. The G.W.A. Colton field notes have a signed date of August 17, 1874 on the notes. However, the Moore field notes make calls to adjoin the Colton Survey, and the Colton field notes do not call to adjoin the Moore Survey. I have concluded the Colton survey was actually placed on the ground prior to the Moore Survey. Mr. Hardin apparently failed to put the date of survey on his field notes of the Colton Survey. For my construction of these survey lines I consider Colton senior to Moore.

The G.W.A. Colton Survey, A-95, was constructed next. The east corner of the Colton is common with the south corner of the Jesse Huffman Survey No. 21, being in the center of Purgatory Creek. From this corner I ran N 46° 20' 01" W, along the west line of the Huffman Survey No. 21, a called distance of 2,070 varas, to a calculated point for the north corner of the Colton. The west corner of the Colton was constructed S 43° 39' 59" W (perpendicular to its eastern line), a called distance of 1,344 varas.

(2)
2022-22
The remaining survey to construct is the W.A. Moore Survey. According to the calls in the original field notes of the Moore Survey, the west corner of the Moore adjoins the north corner of the Pierce, and the southern east corner of the Moore adjoins the north corner of the Colton. Therefore, these two corners of the Moore are fixed by the construction of the adjacent senior surveys. The most northern corner of the Moore Survey was constructed from an original witness tree found (a large double live oak). From the calculated position of the Moore most northern corner I ran a perpendicular line (S46° 20' 01" E) to the north line of the Jesse Huffman No. 21. The distance along this line is 444.33 varas compared to an original call of 437 varas. Also, from the calculated position of the Moore most northern corner I connected to the calculated north corner of the Rueben Pierce Survey and determined a bearing of N 43° 16' 22" E a distance of 920.74 varas. The bearing is 0° 23' 37" from parallel with the north line of said Huffman Survey No. 21, and the original call distance is 920 varas.

The west line of the Colton and the southern portion of the west line of the Pierce adjoin the east line of the Henry Pettit Survey No. 17, A-375. The south corner of the Colton Survey calls to adjoin the north corner of the Pettit. Although the Colton Survey field notes do not make an adjoinder call along the eastern line of the Pettit, the bearing leaving their common corner is identical. Therefore, my construction joins those two survey lines. The east-west dimensions across the Pierce and Moore surveys equal the east-west dimension of the Colton Survey, so I place the south corner of the Pierce Survey in the eastern line of the Pettit.

With the surveys constructed in this manner, there is an area of unappropriated public domain containing 7.65 acres lying between the Henry Pettit Survey No. 7, A-375, to the west, the Rueben Pierce Survey, A-378, to the north, the G.W.A. Colton Survey, A-95, to the south, and the W.A. Moore Survey, A-330, to the east. The dimensions are 950 varas by 45.44 varas. The corners of this unappropriated area have been marked with a one-inch galvanized iron pipe stamped "COR. 7.65 AC." and "LAI" up six inches in a stone mound set.

A survey plat and field notes description of the 7.65 acre tract based upon the survey made by me and under my supervision accompanies this report.

17

File No. SF 16566

Hays County

Surveyors Report

Date Filed: 14 Jan. 2002

By David Deppert, Commissioner
DB Deppert

The following survey is conducted in the manner, there is an area of unappropriated public domain containing 7.03 acres lying between the Henry Pettit Survey No. 2, A-12, to the west, the Ruben Fricke Survey A-172, to the north, the G.W.A. Colton Survey A-92, to the south, and the W.A. Moore Survey A-230, to the east. The dimensions are 930 yards by 12.44 yards. The corners of the unappropriated area have been marked with a one-inch galvanized iron pipe stamped "O.C." and "L.A." and are set in a stone mound set.

A survey plat and field notes description of the 7.03 acre tract based upon the survey made by me and under my supervision accompanies this report.

With the survey conducted in the manner, there is an area of unappropriated public domain containing 7.03 acres lying between the Henry Pettit Survey No. 2, A-12, to the west, the Ruben Fricke Survey A-172, to the north, the G.W.A. Colton Survey A-92, to the south, and the W.A. Moore Survey A-230, to the east. The dimensions are 930 yards by 12.44 yards. The corners of the unappropriated area have been marked with a one-inch galvanized iron pipe stamped "O.C." and "L.A." and are set in a stone mound set.

A survey plat and field notes description of the 7.03 acre tract based upon the survey made by me and under my supervision accompanies this report.

the Colton and the southern portion of the west line of the Fricke Survey to the east. (W.A. Moore Survey No. 2, A-12). The south corner of the Colton Survey calls to the corner of the Pettit. Although the Colton Survey field notes do not make an explicit mention of the Fricke, the bearing leaving their common corner is 100° 15' 30" N 10' 00" W, which is the same as the east-west line of the Fricke Survey, so I have set the corner of the Fricke Survey in the eastern line of the Pettit.

the corner of the Moore Survey and determined a bearing of N 43° 10' 52" E for a distance of 44.73 yards compared to an original call of 43 yards. The bearing is 0° 33' 37" from parallel with the north line of said line, and the original call distance is 930 yards.

the calculated position of the Moore Survey. From the calculated position of the Moore Survey, I ran a perpendicular line (S 46° 20' 01" E) to the north line of the Jesse Hillman Survey along the line is 44.73 yards compared to an original call of 43 yards. The bearing is 0° 33' 37" from parallel with the north line of said line, and the original call distance is 930 yards.

the calculated position of the Moore Survey was constructed from an original survey. The most northerly corner of the Moore Survey was constructed from an original survey. The most northerly corner of the Moore Survey was constructed from an original survey. The most northerly corner of the Moore Survey was constructed from an original survey.

LOOMIS AUSTIN

LAND • WATER • PROPERTY

LETTER OF CORRECTION

February 12, 2002

The Honorable David Dewhurst, Land Commissioner
Texas General Land Office
1700 Congress Ave.
Austin, Texas 78701

Re: SF 16566 Hays County, Texas

Dear Commissioner Dewhurst:

I have made a survey of the suspected vacancy in Hays County bounded on the north by the Rueben Pierce Survey, A- 378, on the east by the W.A. Moore Survey, A-330 , on the south by the G.W.A Colton Survey, A-95, and on the west by the Henry Pettit Survey No. 7, A-375. This file has been assigned file number SF 16566. I prepared a field notes description, survey plat and a surveyor's report, all of which were filed with the General Land Office. The field notes and a reduced copy of the survey plat were filed in the Hays County Surveyor's records.

It has come to my attention that I made an error in the field notes description. In the second paragraph the beginning point call is at the west corner of the John Huffman Survey No. 21, A-288. The description must be corrected to read "the west corner of the Jesse Huffman Survey No. 21, A-288".

I acknowledge this error and request the General Land Office staff make the correction in red ink on the original field notes document on file. I will also send this letter of correction to the Hays County Clerk and request the correction be made to the field notes filed in the County Surveyor's records.

Please accept my apology for this mistake. I appreciate your assistance in making the correction.

Sincerely,



William D. O'Hara
Licensed State Land Surveyor

Cc: Lee Carlisle, County Clerk
Hays County, Texas

Loomis
Austin

LAND & WATER PROPERTY

LETTER OF CORRECTION

February 13, 2002

The Honorable David Dewhurst, J and C Commissioner
Texas General Land Office
1700 Congress Ave
Austin, Texas 78701

Re: SF 16566 Hays County, Texas

Dear Commissioner: Dear Sir:

I have made a survey of the disputed survey in Hays County bounded on the north by the Koster
Farm Survey, A-375, on the east by the W. A. Hays Survey, A-300, on the south by the G.W.A. Cotton
Survey, A-97, and on the west by the Hays Farm Survey, No. 31, A-288. The file has been assigned the
number SF 16566. I prepared this notice describing survey plat and a surveyor's report all of which
were filed with the General Land Office. The first copy and a related copy of the survey plat were
filed in the State Surveyor's records.

If the surveyor is notified that I made an error in the field notes description in the second paragraph
the boundary point will be at the west corner of the John Hays Survey, No. 31, A-288. The
description must be corrected to read "the west corner of the John Hays Survey, No. 31, A-288."

I acknowledge the error and request the General Land Office staff make the correction in red ink on the
original field notes document on file. It is also sent this letter of correction to the Hays County Clerk
and request the correction be made in the field notes filed in the County Surveyor's records.

Please accept my apology for this mistake. I appreciate your assistance in making the correction.



cc: The County Clerk
Hays County, Texas

18

File No. SF-16566
Hays County
Letter of Correction
Date Filed: Feb 13, 2002
By David Dewhurst, Commissioner
R.V. Malone

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ON THE
APPLICATION TO PURCHASE VACANT LAND, GLO FILE NO. SF-16566,
ISSUED PURSUANT TO THE PROVISIONS OF §51.192 OF THE TEXAS
NATURAL RESOURCES CODE**

After review of 1) the survey information (survey report, field notes, and plat), 2) the written recommendations of the staff of the General Land Office (GLO), and 3) all pertinent publicly available records of the GLO (a list of which shall be placed in the archive file for this matter), the undersigned, David Dewhurst, Commissioner of the General Land Office ("Commissioner"), makes the following findings of fact and conclusions of law and enters his order relative to the above referenced matter.

FINDINGS OF FACT

1. The applicant, The Herman F. Heep and Minnie Bell Heep Texas A & M University Foundation (the "Foundation"), filed an Application to Purchase or Lease Vacant Land (the "Application") with the County Surveyor of Hays County on April 25, 2001.
2. The applicant filed the Application and the accompanying Questionnaire with the General Land Office on May 1, 2001.
3. The applicant filed an affidavit as Good Faith Claimant with the General Land Office on May 1, 2001.
4. The statements contained in the Applicant's affidavit as Good-Faith Claimant, the legal description in the Applicant's deed of ownership, and the Survey show that the Applicant's property surrounds the vacancy as described in the Application to Purchase Land.
5. The tract claimed to be vacant is adequately described in the Application and the Application conforms in all other regards to the requirements of §51.173 of the Texas Natural Resources Code (TNRC).
6. The records of the General Land Office show no previous application or prior subsisting application for the tract described in the Application.
7. William D. O'Hara, a Licensed State Land Surveyor of Travis County, filed a survey report, field notes, and survey plat for the tract described in the Application with the General Land Office on January 14, 2002 (the "Survey").
8. The Survey correctly follows all applicable rules for such surveys.
9. The Survey establishes the following:
 - A. That there exists a tract of 7.65 acres bounded on the northwest by the Reuben Pierce Survey, Abstract No. 378, GLO file Travis P-96 1/2, on the northeast by the W. A. Moore Survey, Abstract No. 330, GLO file Travis

- D-700, on the southeast by the G. W. A. Colton Survey, Abstract No. 95, GLO file Travis 1-516, and on the southwest by the Henry Pettit Survey, Abstract No. 375, GLO file Bastrop B-17.
- B. That this tract is not covered by any other valid survey.
 - C. That this tract is entirely surrounded by lands owned by the Applicant as prescribed by §51.192 of the TNRC and the applicable rules.

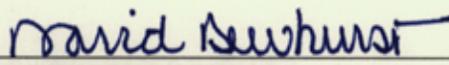
CONCLUSIONS OF LAW

- A. The Commissioner of the General Land Office has jurisdiction to consider the Application pursuant to the provisions of §51.192 of TNRC.
- B. Applicant has fulfilled all requirements under the law to be considered a Good Faith Claimant and is a Good Faith Claimant.
- C. A vacancy, as defined in §51.172 of TNRC, exists as described in the Survey.

ORDER

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law are adopted, that a vacancy exists as described in the Survey, and that the Applicant is a Good Faith Claimant. This order is effective the date on which it is signed. The wrapper for the above numbered file shall be endorsed "Vacancy Approved, February 14, 2002.

Signed by order and authority of the Commissioner of the General Land Office on February 14, 2002.



DAVID DEWHURST
COMMISSIONER, GENERAL LAND OFFICE

501115
 2002
 2002 11-72
 50-3-3-03
 2002 11-72
 2002 11-72
 2002 11-72
 2002 11-72
 2002 11-72

PL

19

File No. SF-16566
HAYS County

Final Order of Comm. dtd 2/14/02

Date Filed: 4-23-02

By S. Sugar
David Dewhurst, Commissioner

COMMISSIONER, GENERAL LAND OFFICE
DAVID DEWHURST
David Dewhurst

February 14, 2002

Signed by order and authority of the Commissioner of the General Land Office on

February 14, 2002. for the above numbered file shall be endorsed "Vacancy Approved February 14, 2002." The wrapper Good Faith Claimant. This order is effective the date on which it is signed. The applicant is a adopted, that a vacancy exists as described in the survey, and that the Applicant is a IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law are

ORDER

- C. A vacancy, as defined in §21.172 of TNRC, exists as described in the survey.
- B. Applicant has fulfilled all requirements under the law to be considered a Good Faith Claimant and is a Good Faith Claimant.
- A. The Commissioner of the General Land Office has jurisdiction to consider the Application pursuant to the provisions of §21.192 of TNRC.

CONCLUSIONS OF LAW

- C. That this tract is entirely surrounded by lands owned by the Applicant as prescribed by §21.192 of the TNRC and the applicable rules.
- B. That this tract is not covered by any other valid survey.
- A. Abstract No. 375, GLO file Batrop H-17, GLO file Tracts I-216, and on the southwest by the Henry Pettit Survey, Abstract No. 92, D-700, on the southeast by the G. W. A. Cotton Survey, Abstract No. 92.

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

TELEPHONE: 512/474-5201
FACSIMILE: 512/536-4598

INTERNET ADDRESS:
LEDUBOSE@FULBRIGHT.COM

DIRECT DIAL NUMBER:
512/536-4585

HOUSTON
WASHINGTON, D.C.
AUSTIN
SAN ANTONIO
DALLAS
NEW YORK
LOS ANGELES
MINNEAPOLIS
LONDON
HONG KONG

February 14, 2002

Ms. Susan Sugarek
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

VIA HAND DELIVERY

Re: Vacancy Application filed by James B. Bond, on behalf of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation, on May 1, 2001, relating to a 7.65 acre vacancy situated in Hays County, Texas

Dear Susan:

In accordance with our telephone conference earlier this week, I am forwarding to you a check, payable to the Texas General Land Office (GLO), in the amount of Five Hundred and No/100 Dollars (\$500.00) for the costs of an appraisal of the referenced vacancy discovered in Hays County, Texas.

The GLO's appraiser may contact either of the following persons with questions concerning the vacancy or to accompany the appraiser to the subject property:

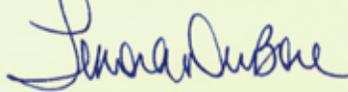
- (i) Ms. Eleanor Tuttle (Realtor)
Randall Morris & Associates
333 Cheatham Street
San Marcos, Texas 78666
Mobile Tele. No.: 512/753-9080
Office Tele. No.: 512/353-1776
Fax No.: 512/353-1773
- (ii) Mr. Bill O'Hara, R.P.L.S., L.S.L.S. (Surveyor)
Loomis Austin
3103 Bee Caves Road, Suite 225
Austin, Texas 78746
Mobile Tele. No.: 512/587-7190
Office Tele. No.: 512/327-1180
Fax No.: 512/327-4062

Ms. Susan Sugarek
February 14, 2002
Page 2

Please have the GLO appraiser give the contact persons above as much advance notice as is possible concerning the date and time the appraiser desires to inspect the subject property.

Thank you for your assistance. If you have any questions or need additional information, please let me know.

Very truly yours,



Lenora DuBose

LD/
Enclosure

cc: Mr. James B. Bond – via facsimile transmission (w/out encls.)
Ms. Eleanor Tuttle – via facsimile transmission (w/out encls.)
Mr. William D. O'Hara – via facsimile transmission (w/out encls.)



DATE TYPED: 2/14/02
DATE RECEIVED: 2/14/02
BY: [Signature]
FILE NO: 2002-01-72
COUNT: 1
RECEIVED BY: [Signature]

20

File No. SF-16566

HAYS County

Wm. L. DuBose dtd 2-14-02

Date Filed: 4-23-02

David Dewhurst, Commissioner

By S. Sugar

Ms. Susan Sugar
February 14, 2002
Page 2

Please have the GEO appraiser give the contact persons above as much advance notice as possible concerning the date and time the appraiser desires to inspect the subject property.
Thank you for your assistance. If you have any questions or need additional information, please let me know.

Very truly yours,

Lenora DuBose

LDV
Enclosure

cc: Mr. James B. Bond - via facsimile transmission (w/out encls.)
Ms. Eleanor Tuttle - via facsimile transmission (w/out encls.)
Mr. William D. O'Hara - via facsimile transmission (w/out encls.)



\$ REMITTANCE DISTRIBUTION - DO NOT FILE \$

NAME	REMITTANCE DESCRIPTION					FISCAL YEAR	REGISTER NUMBER	AMOUNT
	REFER	TYPE	MO.	DAY	YEAR			
FULBRIGHT ETAL ASSET MGMT (00) (C)	156	C	02	14	2002	2002	21935	500.00

FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER	CONTROL NO.	AMOUNT
SF-16566	30201	\$500 ⁰⁰			
		Appraisal Fee			

JPR
2-21-02

©NCR Systemwide Group 96-124453-B

2. [Signature]
DATE PAID: 4-23-03
APPROVAL: [Signature]
DATE PAID: 4-23-03
APPROVAL: [Signature]
DATE PAID: 4-23-03
APPROVAL: [Signature]

(5)

21

File No. SF-116566

HAYS County

Appr. Fee Rec'd. 2-14-02

Date Filed: 4-23-02

David Dewhurst, Commissioner

By S. Sugruek

REMITTANCE DISTRIBUTION - DO NOT FILE

AMOUNT	REGISTER NUMBER	REGISTRATION YEAR	REMITTANCE DISTRIBUTION				NAME	AMOUNT	CONTROL NO.	FILE NUMBER
			YEAR	MO.	DAY	AMOUNT				
800.00	51232	2002	02	14	2002	FULBRIGHT ETAL (C)		30201	27-10200	

2002

Appr Fee

104602

HEEP FOUNDATION

THE HERMAN F. HEEP and MINNIE BELLE HEEP
TEXAS A&M UNIVERSITY FOUNDATION

JAMES B. BOND
PRESIDENT

401 George Bush Drive
College Station, Texas 77840-2811
Telephone: 979-845-8161, ext 198
Facsimile: 979-458-3590
Email: bond@tamu.edu

February 19, 2002

MEMORANDUM

TO: Ms. Susan Sugarek, GLO

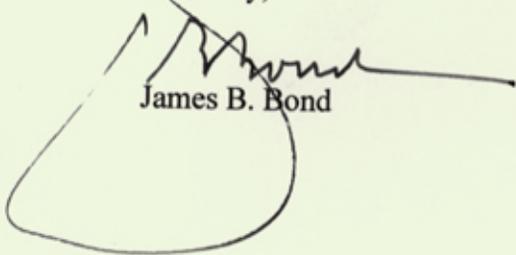
SUBJECT: Appraisal of Rocking H Ranch, Hays County, Texas

Per your instructions from Lenora DuBose, I am furnishing the recent appraisal of the entire ranch of 1676 acres as completed by Frederick & Hornsby, Austin, Texas.

If I can assist your appraiser in any manner, please ask him to make direct contact with me. We really need the expedited help that might get this before the next decision point in mid- March if at all possible.

Thanks for your assistance in this matter.

Sincerely,


James B. Bond

RECEIVED

FEB 20 2002

GENERAL LAND OFFICE

A NON-PROFIT CORPORATION

22

File No. SF-16566

HAYS County

TRANS. HR. fm. J. Bond dtd. 2-19-02

Date Filed: 4-23-02

By S. Sugarek
David Dewhurst, Commissioner

HEEP FOUNDATION

THE HERMAN F. HEEP and MARGIE BELLE HEEP
TEXAS A&M UNIVERSITY FOUNDATION

JAMES R. BOND
PRESIDENT

Thanks for your assistance in the matter.

Sincerely,

James R. Bond

Texas General
Land Office



David Dewhurst
Commissioner

February 20, 2002

Mr. James B. Bond, President of the Foundation
The Herman F. Heep & Minnie Bell Heep
Texas A&M University Foundation
401 George Bush Drive
College Station, TX 77840-2811

Re: Copy of the Final Order of the Commissioner, for the "Foundation", SF-16566, Hays County

Dear Mr. Bond:

Enclosed, please find a copy of the Final Order of the Commissioner in the above referenced case.

If you have any questions, please feel free to call me at 512-463-5161 or Tom Cengel at (512) 475-4251.

Sincerely,

A handwritten signature in black ink that reads "Susan K. Sugarek".

Susan K. Sugarek
Asset Management Division
Dispositions/Uplands

Enclosure

cc: Lenora DuBose, attorney (cover ltr. & enclosure)
Priscilla Hubenak, office of the Attorney General (cover ltr. & enclosure)

Mailing

Post Office Box 12873
Austin, Texas
78711-2873

Street

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

512.463.5001
1.800.998.4GLO
www.glo.state.tx.us

Handwritten notes and stamps in the bottom right corner, including a date stamp "FEB 20 2002" and a circled number "53".

23

File No. SF-116566
HAYS County
W. to J. Bond dtd. 2-20-02
Date Filed: 4-23-02
By S. Sugarek
David Dewhurst, Commissioner

Priscilla Hunsaker, Office of the Attorney General (cover in enclosure)
cc: Lenora Dabose, attorney (cover in enclosure)

Enclosure

Dispositions/Plans
Asset Management Division
Susan K. Sugarek
Susan K. Sugarek
Sincerely,

Tom Engel at (512) 475-1551
If you have any questions, please feel free to call me at 512-463-2161 or

above referenced case.
Enclosed, please find a copy of the Final Order of the Commissioner in the
Dear Mr. Bond:

10500 Hays County
Re: Copy of the Final Order of the Commissioner for the "Foundation," SF-

College Station, TX 77840-2811
401 George Bush Drive
Texas A&M University Foundation
The Herman E. Heep & Annie Bell Heep
Mr. James B. Bond, President of the Foundation

February 30, 2002

Texas General
Land Office



David Dewhurst
Commissioner

Post Office Box 12623
Austin, Texas
78711-2623

Stephen F. Austin Building
1100 North Congress Avenue
Austin, Texas 78701-1449

www.glo.state.tx.us
1 800 988 4600
512 463 2001

**Texas General
Land Office**



**David Dewhurst
Commissioner**

April 19, 2002

Mr. James B. Bond, President of the Heep Foundation
401 George Bush Drive
College Station, TX 77840-2811

Re: Notice of Intent to Purchase for Vacancy Application SF-16566, Hays
Co. Texas, Purchase of 7.65 acres

Dear Mr. Bond:

As you know, on February 14, 2002, the Land Commissioner issued his order establishing the existence of a vacancy in the above referenced application. The order also finds that the Heep Foundation has a preferential right to purchase the vacant parcel. The order was sent to you and the attorney representing the Foundation, Ms. Lenora DuBose.

In order to preserve the Foundation's preferential right to purchase, the enclosed NOTICE OF INTENT TO PURCHASE must be dated, signed and returned to this office. In order to expedite this transaction, please return the completed NOTICE to Texas General Land Office, PO Box 12873, Austin, Texas 78711-2873, Attention: Susan K. Sugarek on or before May 3, 2002.

If you have any questions, please feel free to contact me at (512) 463-5161.

Sincerely,

Susan K. Sugarek
Asset Management Division
Dispositions/Uplands

Enclosure

Mailing
Post Office Box 12873
Austin, Texas
78711-2873

Street
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

512.463.5001
1.800.998.4GLO
www.glo.state.tx.us

Handwritten notes and stamps in the bottom right corner, including a date stamp 'APR 23 2002' and a file number '27-16200'.

Handwritten number '37' in a circle.

(24)

File No. SF-116566

HAYS County

Notice of Intent 4-19-02

Date Filed: 4-23-02

David Dewhurst, Commissioner

By S. Sugrue

Disposition/Opinion
Assessment Division
Susan K. Spence

[Signature]

Enclosure

If you have any questions, please feel free to contact me at (512) 463-2161.

2002
Austin, Texas 78711-2875, Attention: Susan K. Spence or at her May 13
the completed NOTICE to Texas General Land Office, PO Box 12373,
and returned to this office. In order to expedite this transaction, please return
the enclosed NOTICE OF INTENT TO PURCHASE and be dated, signed
to apply to preserve the foundation's preferential right to purchase.
and they retaining the foundation, Mr. James Dewhurst.

As you know, on February 14, 2002, the Land Commissioner issued
his order, establishing the existence of a vacancy in the above referenced
application. The order also finds that the Hope Foundation has a preferential
right to purchase the vacant parcel. The order was sent to you and the
foundation retaining the foundation, Mr. James Dewhurst.

Dear Mr. Board:

Commissioner of Texas General Land Office
Vacancy Application 24-10566, Hays
College Station, TX 77840-3811
401 Kings Bush Drive
Mr. James B. Board, President of the Hope Foundation

April 19, 2002

Texas General
Land Office



David Dewhurst
Commissioner

www.glo.state.tx.us
1-800-252-1000
2002-001
Texas General Land Office
100 West Congress Avenue
Austin, Texas 78701-1000
24-10566
April 19, 2002
Enclosure



MEMORANDUM

Texas General Land Office • David Dewhurst • Commissioner

To: School Land Board Members
From: Susan K. Sugarek, Asset Management
Thru: Bob Blumberg, Director
Date: April 22, 2002
Re: Vacancy Sale of 7.65 acres in Hays County, SF-16566

Open session: Consideration and action on a request to purchase a 7.65 acre vacancy in Hays County, SF-16566, by the Good Faith Claimant (GFC), The Herman F. Heep and Minnie Bell Heep Texas A & M University Foundation (the "Foundation"), 410 George Bush Drive, College Station, TX 77840-2811

By Order dated February 14, 2002 the Land Commissioner determined that the vacancy exists and the "Foundation" is the Good Faith Claimant. The GFC is entitled to purchase the above referenced parcel. If approved, this will be a cash sale.

The appraised value of the 7.65 acres is \$2,500.00 per acre or a total value of \$19,125.00. The recommended sales price is: **\$19,125.00**

The estimated fair market value of the mineral estate for this tract is \$22.50 per acre or a total of \$170.00. Therefore, this vacancy does not qualify for any credit against the cost of the survey.

RECOMMENDATION: The staff recommends approval of this sale at \$2,500.00 per acre, with 100% of all minerals and geothermal resources and all leasing rights reserved to the Permanent School Fund pursuant to TNRC § 51.195 (c) (1). If this mineral reservation recommendation is approved, TNRC § 51.195 (f) (2) requires the board to award to the good faith claimant a nonparticipating royalty of 1/32 of the value of oil and gas and sulphur and 1 % of the value of all geothermal resources and all other minerals produced.

In addition, the purchaser will pay the sales price along with the 1½ % sales fee required by Section 32.110 of the Texas Natural Resources Code.

The staff further recommends that the sales proceeds be deposited into the escrow account as authorized by Texas Natural Resources Code, 51.401.

Attachments



MEMORANDUM

Texas General Land Office • David Dewhurst • Commissioner

DATE: April 17, 2002
TO: School Land Board
FROM: Peter Boone *PAB*
SUBJECT: Vacancy Tract, SF 16566, Hays County

.....

The staff recommends to the School Land Board that the captioned vacancy, consisting of 7.65 acres, be sold with 100% of all oil, gas, sulphur, other minerals, geothermal resources and **all** leasing rights reserved to the Permanent School Fund pursuant to TNRC §51.195 (c)(1). If this recommendation is approved, TNRC §51.195 (f)(2) requires the board to award to the good faith claimant a nonparticipating royalty of 1/32 of the value of oil and gas and sulphur and one percent of the value of all geothermal resources and all other minerals.

Oil & Gas

This vacancy lies within the Balcones Fault Zone of the Central Texas hill country. The most recent lease (1981) that can be used for comparison is approximately 20 miles to the north. That tract leased for \$15.00 per acre. There is very little potential for oil or gas production from this area. Currently there is no oil and gas production in Hays County.

Hard Minerals

None.

The estimated fair market value of the mineral estate is \$22.50 per acre or a total of \$170.00.



MEMORANDUM

Texas General Land Office • David Dewhurst • Commission

Date: April 18, 2002

To: Susan Sugarek
Asset Management

From: Mark McAnally 
Chief Appraiser

Subject: SF-16566 being a 7.65-acre "vacancy" tract located in Hays County
Applicant – Herman F. Heep and Minnie Belle Heep Texas A&M University
Foundation

The state-owned "vacancy" tract referenced above is situated entirely within a 1,676.81-acre ranch commonly referred to as the Rocking H Ranch and owned by the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation. Upon your request to estimate the market value of the state-owned "vacancy" tract we have completed a review of a recent appraisal by the firm of Frederick & Hornsby, Inc. of Austin, Texas.

The scope of work involved an inspection of the subject property, the comparable land sales, a review of the written appraisal report, and additional market research. Through this process, we have concluded that **the market value estimated in the Frederick & Hornsby appraisal, being \$2,500 per acre is a reasonable value indication.**

Based on the "vacancy" tract's highest and best use of assemblage with the adjoining land, its estimated market value would be commensurate or similar to that estimated for the larger parcel or parent tract, which is \$2,500 per acre. As a result, a reasonable market value of the 7.65-acre "vacancy" tract is as follows:

$$7.65 \text{ acres @ } \$2,500/\text{acre} = \$19,125$$

Please refer to the attached review and copy of the Frederick & Hornsby appraisal report for more details and analyses.

April 18, 2002

Mr. Mark McAnally, MAI
Chief Appraiser
Texas General Land Office
1700 North Congress Avenue, Rm. 735
Austin, Texas 78701-1495

RE: Review of an Appraisal Report, completed by Frederick & Hornsby, Inc., of a 1,676.81 acre tract of land located at the intersection of Ranch Road 12 and County Road 214 (Hugo Road), Hays County, Texas; same property being owned by the Herman F. Heep and Minnie Belle Heep Texas A&M Foundation; and a reviewer's opinion of value on a 7.65-acre "vacancy" tract.

(Project ID #4711)

Dear Mr. McAnally:

As requested, I have completed a review of the above referenced appraisal report to determine the reasonableness of the market value conclusion as it relates to a 7.65-acre state-owned "vacancy" situated within the subject property appraised. A copy of the appraisal report and other supporting data considered in this analysis is attached.

Date of Review

An inspection of the subject property was completed on April 10, 2002, which serves as the effective date of this review. The comparable sales included in the appraisal were inspected on April 12, 2002.

Identity of Client and Intended Use

The client in this matter is the Asset Management Division of the Texas General Land Office. The intended use of this review is to assist the client in establishing the reasonableness of the value estimate contained in the appraisal under review.

Purpose of Review

The purpose of this review assignment is to conclude an opinion as to the reasonableness of the market value of the 1,676.81-acre tract, which is the subject of the appraisal report under review, to assist the client with the possible disposition of a 7.65-acre state-owned "vacancy", which is part of and entirely included within the boundaries of the appraised subject property.

Subject Property of Appraisal under Review

The subject property of the appraisal under review is a 1,676.81-acre tract of land situated in southern Hays County about seven (7) miles west of the City of San Marcos at the intersection of Ranch Road 12 and County Road 214 (aka Hugo Road). The property is legally described as follows:

1,676.81 acres of land out of the Gideon Bowditch, Henry Pettit, Reuben Pierce, W. A. Moore, Jesse Huffman, G.W.A. Colton, Martha E. Andrews, and William Burkett Surveys, Hays County, Texas.

The property is commonly referred to as the "Rocking H Ranch" and is owned by the Herman F. Heep and Minnie Belle Heep Texas A&M Foundation.

Interested Appraised

The property rights appraised are the fee simple interest.

Effective Date of Valuation and Date of Report

The effective date of valuation is September 5, 2001 and the date of the report is September 13, 2001. Based on my review of the appraisal report, inspection of the comparable sales, and additional market research, it is my opinion that the market value estimate concluded in the appraisal report is considered to be reflective of current market conditions.

Appraisers

The appraisal report was completed by the firm of Frederick & Hornsby, Inc. of Austin, Texas. The signatories of the appraisal report are as follows:

Paul Hornsby, MAI, SRA, State Certified General
and
Steve Bryant, State Certified – Residential

Scope of Review

The scope of my work involved the following:

Inspection of the subject property.
Inspection of the comparable sales.
Review of the appraisal report.
Based upon the foregoing, formulate an opinion as to the reasonableness and accuracy of the appraisal report.

Analyses

The appraiser has concluded that the highest and best use of the subject property is interim holding used for agricultural and recreational purposes until demand would warrant subdivision

of the property, either into smaller large acreage tracts, or development as a rural residential subdivision. This use is consistent with surrounding properties and the comparable land sales included in the report. I concur with the highest and best use concluded by the appraiser.

The value of the subject property is based solely on the Sales Comparison Approach to value, which in my judgement is the most appropriate approach to value.

The appraisal includes six (6) comparable sales, all located in Hays County and ranging in size from 302.86 acres to 4,924.865 acres. The dates of the sales range from November 1999 to June 2001 with the unadjusted sale prices being from a low of \$2,998 per acre to a high of \$5,989 per acre.

It is noted that the subject property is improved with a small single-family residence, three barns, two water wells and perimeter fencing. All of these improvements are very old and in poor condition. The appraiser concludes that the subject's improvements have no significant contributory value. Based on my inspection of the subject property, I agree with the appraisers conclusion regarding the subject improvements. Therefore, the subject property is basically valued as vacant land. Sales 1, 3, 5, and 6 included improvements with value. The estimated contributory value of the improvements, on each of these sales, was deducted resulting in a land value only indication. Once the contributory value of improvements were deducted from all the sales the overall value range, for land only, indicated by the six sales is \$2,791 per acre to \$5,848 per acre.

In the comparative analysis presented by the appraisers, after deducting for the improvement contributions, adjustments are considered and made for such factors as conditions of sale, financing, market conditions, size, location, configuration/road frontage, utilities, and water frontage.

No adjustments are made for conditions of sale and financing. With regard to market conditions, all six sales are adjusted due to changing market conditions. Each of the sales was adjusted based on an annualized 10% increase in value up through December 2000; thereafter, each was adjusted downward at an annualized 10% decrease. As a result, Sales 1, 2, 3, and 4 are adjusted downward slightly (1% to 4%) while Sales 5 and 6 are adjusted upward 5% and 4%, respectively. Overall, the adjustments for market conditions have a minimal impact on the final value conclusion.

With regard to size, only Sale 1 at 1,778 acres is considered to be similar to the subject property. No adjustment is made to Sale 1 for size. Sales 3, 4, and 5 are all smaller than the subject size and are adjusted downward for this factor. Sale 3 and 4 are much smaller and a more significant downward adjustment was applied. Sales 2 and 6, being larger than the subject were each adjusted upward for size.

Location is a major factor impacting value within this market. The appraiser discusses the locational characteristics of each sale with consideration given to such factors as proximity to major population centers, access, frontage, and school districts. With regard to location, significant downward adjustments are made to Sales 1 and 2 due to their much closer proximity to the City of Austin. Sale 6 is also adjusted downward slightly due to its location within a superior school district. The remaining sales were each considered slightly inferior in location to

the subject and were adjusted downward accordingly. Sale 3 is situated on a secondary county road with inferior access, while Sales 4 and 5 are more remotely located from a major population center.

Like the subject, none of the sales had access to any public utilities and none were expected to obtain any in the short-term. All sales being similar, no adjustments were made for utilities.

The subject tract is somewhat irregular in shape; however, it has extensive road frontage with approximately 1,500 feet along the south side of Ranch Road 12 and 10,500 feet along Hugo Road. Sales 3 and 5 were considered to be similar to the subject with regard to configuration/road frontage and no adjustments were made. Sales 2 and 6 were rated as being slightly superior in configuration/road frontage and each was adjusted downward 5%. Sales 1 and 4 were each adjusted upward 5% for their inferior configuration/road frontage. Overall this feature was not a major factor impacting value as the adjustments made were only minimal.

The most significant or important physical feature impacting values within this market is water frontage. The subject property has no perennial water frontage. Only Sale 4 was considered to be similar to the subject with regard to water frontage and no adjustment was made. Sales 1 and 6, both have much superior water frontage and considerable downward adjustments were required. Sale 1 has over 3.5 miles of frontage along Onion Creek, which is considered to be one of the premier water features in Hays County. Sale 6 included 1.25 miles of frontage along the south side of the Blanco River and an additional 1.25 miles of frontage along both sides of the Blanco River along with spectacular views of this river basin. The Blanco River is the predominant water feature for the southern portion of Hays County. Both Sale 1 and Sale 6 were each adjusted downward 30% for their much preferred water frontage. Sales 2, 3, and 5 also had water frontage, but of somewhat less significance. As such they were each adjusted downward only 15%.

In conclusion, all of the adjustments made are considered to be reasonable, appropriate, and adequately supported and explained. After adjustments the sales data provides an adjusted value range of \$2,074 per acre to \$2,866 per acre.

With regard to the overall comparability of the sales, I offer the following observations:

Sales 1 and 2 are considered to be the least comparable to the subject property. The total net adjustments are significant due primarily to their superior locations being much closer to the City of Austin, and their water frontage. Additionally, it must be noted that Sale 1 was purchased by the City of Austin for a nature preserve; therefore, it is reasonable to assume that the price paid was somewhat influenced by this motivation.

Sales 3, 4, 5, and 6, are considered to be more similar to the subject property and as a result the total net adjustments are less. The adjusted sale prices of these four sales ranges from \$2,074 per acre to \$2,637 per acre.

In the process of completing the scope of work associated with this assignment I uncovered additional information relative to the subject's market value. The first item of relevance is that the subject property is presently offered for sale with an asking price of \$4,200,000. According to the listing broker, Ms. Eleanor Tuttle with Randall Morris and Associates in San Marcos, an

offer of \$4,000,000 has been rendered for the property. She also indicated that it is highly probable that the client would counter up to \$4,100,000, which is equivalent to \$2,445 per acre. Ms. Tuttle also reported that a 295-acre tract immediately adjoining the subject on the south side was also presently on the market with an asking price of \$3,000 per acre. This tract is very similar to the subject property in physical characteristics; however, it is considerably smaller in size.

I also uncovered two additional sales, which lend additional support to the concluded value. A 605.239-acre tract located in the southwestern corner of Hays County sold in June 2001, for a reported price of \$3,135 per acre. The tract is more specifically located along County Road 113 south of FM 2325. The tract has 100 feet of frontage along the county road and was purchased by an adjoining landowner. The tract was entirely game fenced and included two wells and three stock tanks. It was reported that the buyer, being an adjoining landowner was highly motivated to purchase this site and a considerable premium was paid. In comparison to the subject, this sale would require downward adjustments for conditions of the sale, size, and improvements (game fencing). These downward adjustments would be slightly offset by upward adjustments for location and limited road frontage.

Another sale of a 751-acre tract located in the eastern portion of Blanco County, sold in August 2000, for a price of \$1,996 per acre. This tract is located about seven miles northeast of the City of Blanco on County Road 410 just off of FM 165. This tract is very irregular in shape and terrain ranges from gently sloping to hilltops. The tract includes a small amount of frontage along the Middle Creek. The tract had a severe infestation of cedar. It included an old set of ranch headquarters valued at approximately \$50,000. The tract has since been developed into a subdivision known as Middle Creek Crossing and offers restricted acreage homesites ranging in size from approximately 25 acres to 40 acres. In comparison to the subject tract, this sale would require a downward adjustment for its smaller size, but upward for its more remote location.

Conclusions

Based upon my inspection of the subject property, the comparable land sales, a review of the written appraisal report, and a preponderance of the additional evidence uncovered during my field work, **it is my opinion that the market value concluded in the Frederick & Hornsby appraisal, being \$2,500 per acre is a reasonable value indication for the subject property.**

7.65-acre "Vacancy"

As requested, the primary purpose of reviewing the Frederick & Hornsby appraisal was to develop a reviewer's opinion of value on a 7.65-acre state owned "vacancy". This reviewer's opinion of value has been completed in compliance with Standard 1 and reported as outlined by Standard 3 of the Uniform Standards of Professional Appraisal Practice. All supporting documentation is retained in the appraiser's file.

Included within the boundaries of the 1,676.81-acre subject property, which is also identified as the Rocking H Ranch owned by the Heep Foundation, is a 7.65-acre state-owned "vacancy". This "vacancy" tract is entirely situated within the boundaries of the ranch owned by the Heep

Foundation, and has therefore, indirectly been included in the appraisal completed by Frederick & Hornsby.

The 7.65-acre "vacancy" is a long, narrow strip of land being 98 feet wide by 2,638.89 feet long. The "vacancy" tract is situated in the west-central portion of the ranch and is land-locked with no public or legal access. The tract is physically accessible via interior private ranch roads. These inferior physical features result in significant limitations on the use of the "vacancy" tract. As a result, the most feasible and highest and best use of the "vacancy" tract is assemblage with the adjoining land or parent tract, which in this case is the 1,676.81-acre Rocking H Ranch, owned by the Heep Foundation.

Based on the "vacancy" tract's highest and best use of assemblage with the adjoining land, its estimated market value would be commensurate or similar to that estimated for the larger parcel or parent tract, which based on the Frederick & Hornsby appraisal is \$2,500 per acre. As a result, a reasonable market value of the 7.65-acre "vacancy" tract is as follows:

$$7.65 \text{ acres @ } \$2,500/\text{acre} = \$19,125$$

Please refer to the attached copy of the Frederick & Hornsby appraisal for additional information and description of the parent tract (Rocking H Ranch).

Respectfully submitted,

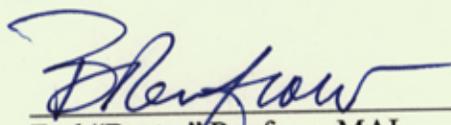


Earl "Buster" Renfrow, MAI
State Certified No. TX-1320496-G

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- the facts and data reported by the reviewer and used in the review process are true and correct.
- the analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.
- my analyses, opinions, and conclusions were developed and this review report was prepared, in conformity with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of The Appraisal Foundation, and the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
- as of the date of this report, I, Earl "Buster" Renfrow, have completed the requirements of the continuing education program of the Appraisal Institute.
- I certify that the use of this review report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I did personally inspect the subject property of the work under review.
- no one provided significant real property appraisal or appraisal review assistance to the person signing this certification.



Earl "Buster" Renfrow, MAI
Texas State Certified General - TX-1320496-G"

SUBJECT PHOTOGRAPHS



View of the east (northeast) corner of the 7.65-acre "vacancy.



View of the 7.65-acre "vacancy, facing southwest from near the northeast corner.



View of the southerly portion of the 7.65-acre "vacancy from near the southeast corner.



View of the 7.65-acre "vacancy facing southwest from near the center of the tract.



View of the 7.65-acre "vacancy", facing northeast from near the center of the tract.



Typical view of the interior portion of the parent tract (Rocking H Ranch).



Typical view of the interior portion of the parent tract (Rocking H Ranch).



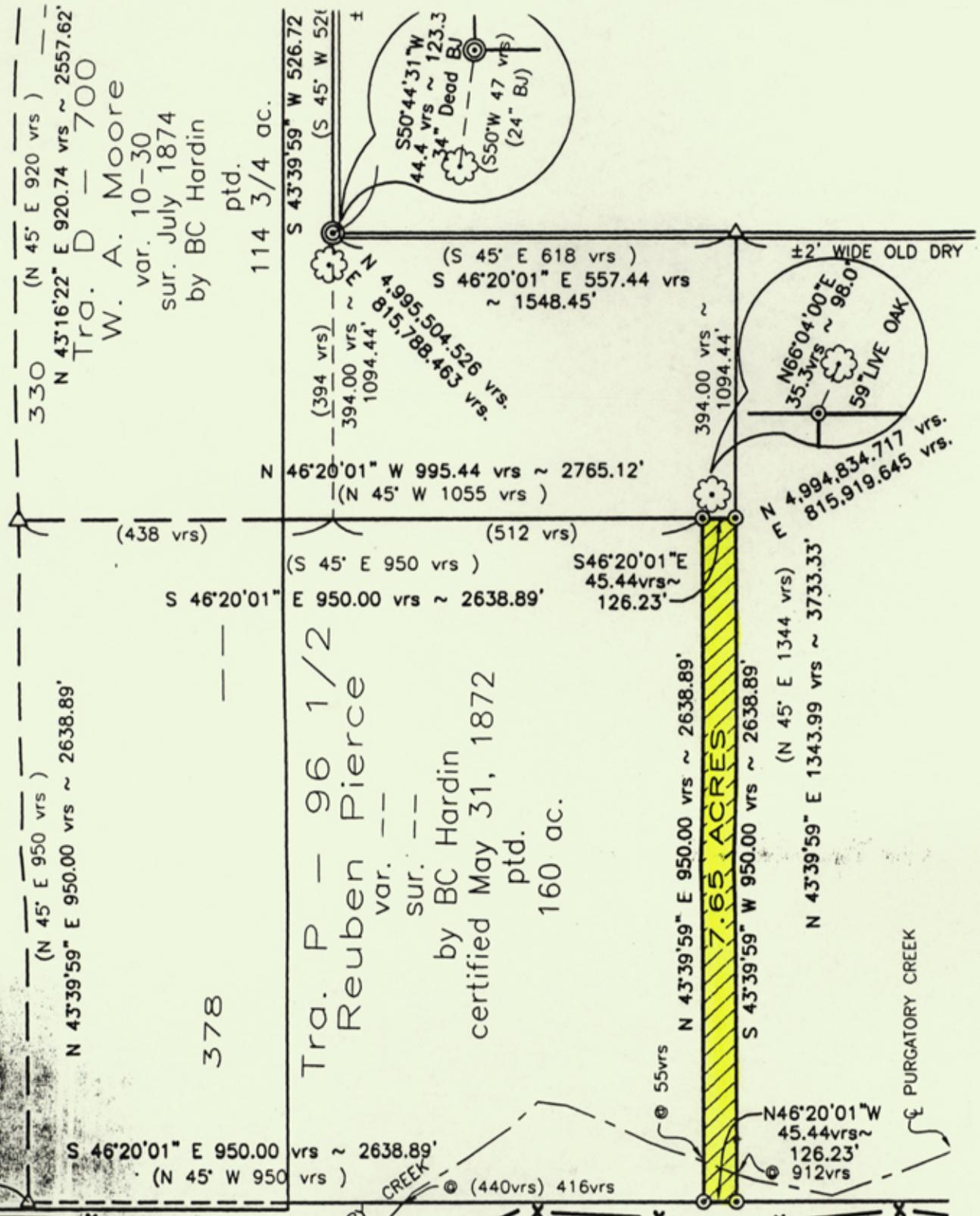
View of County Road 214 (aka Hugo Road), facing northeast with the parent tract on the right.



View of the For Sale sign situated along the parent tract's Ranch Road 12 frontage.

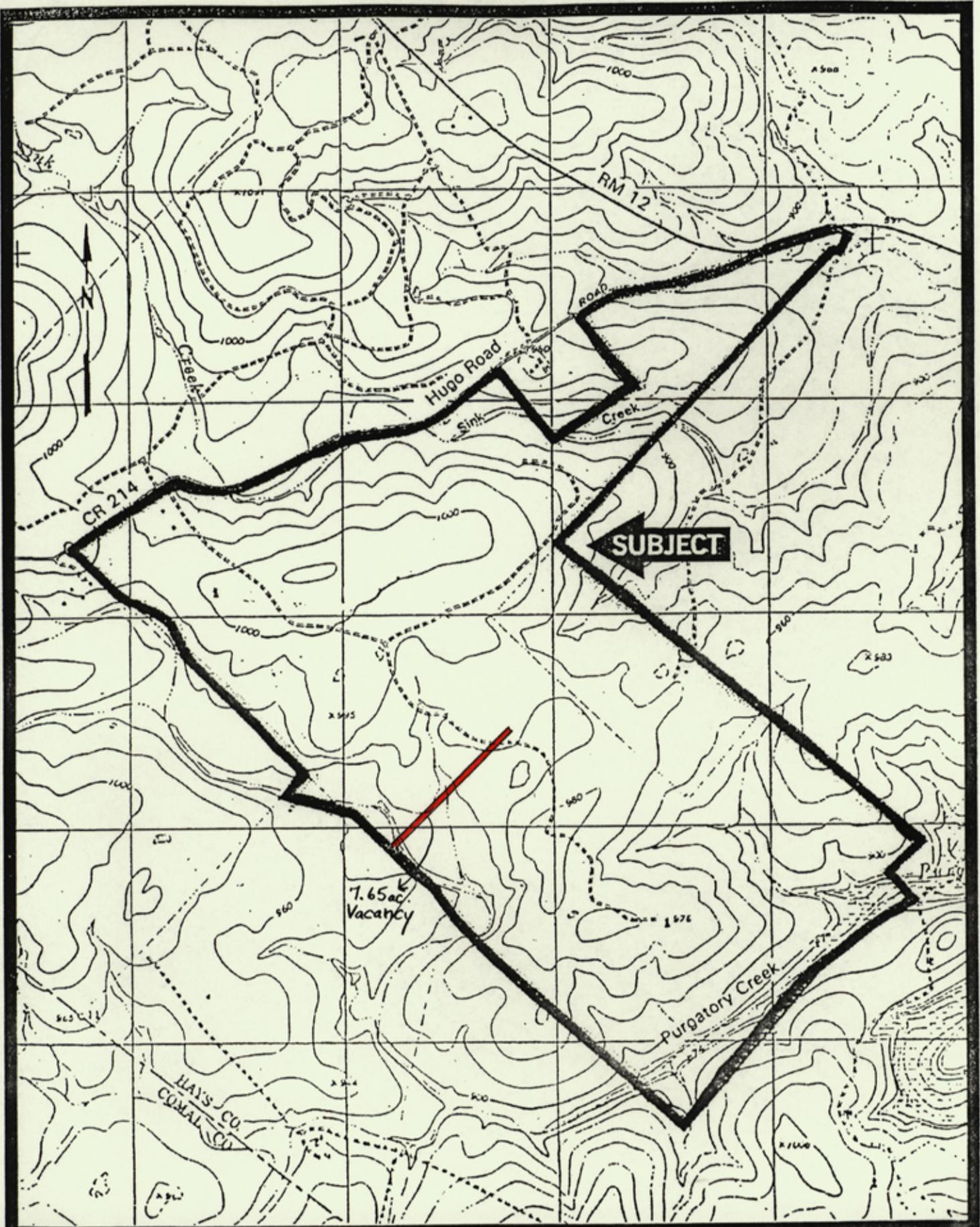
ON FILE

BOUNDARY LINE
25 ACRES± FROM
BY KYLE SMITH



3

(2178.48 ACRES)
DOROTHY U. WEGNER, TRU:
DOROTHY U. WEGNER PARTNE
JULY 11, 1997
VOLUME 170 PAGE 1



TOPOGRAPHICAL MAP

Frederick & Hornsby, Inc.

Real Estate Appraisers / Consultants
Investment Analysis / Counseling

September 13, 2001

Mr. James B. Bond, President
Heep Foundation
c/o Texas A&M Foundation
401 George Bush Drive
College Station, Texas 77840

Re: Complete Appraisal, Summary Appraisal Report of a $\pm 1,676.81$ acre tract of land situated at the intersection of Ranch Road 12 and County Road 214, about seven miles west of San Marcos, Hays County, Texas.

Dear Mr. Bond:

Pursuant to your request, we have undertaken a Complete Appraisal of the above-referenced property, the conclusions of which are set forth in this Summary Appraisal Report. The effective date of this appraisal and opinion of market value is September 5, 2001, the date of inspection. This report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice (USPAP) for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop our opinion of value. Detailed supporting documentation concerning the data, reasoning, and analyses is retained in our file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use of the report. We are not responsible for unauthorized use of this report.

We certify that, to the best of our knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.

We have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.

We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

Our engagement in this assignment was not contingent upon developing or reporting predetermined results.

Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

Our analyses, opinions, and conclusion were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by the Appraisal Standards Board of the Appraisal Foundation, the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Canons of Professional Ethics and Conduct of the Texas Real Estate Commission, and the minimum appraisal standards cited in Section 323.4 of Title XI of the Federal Financial Institution Reform, Recovery and Enforcement Act of 1989 (FIRREA).

Paul Hornsby and Steve Bryant have made a personal inspection of the property that is the subject of this report.

As of the date of this report, I, Paul Hornsby, have completed the requirements of the continuing education program of the Appraisal Institute.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

Based upon the market data and analyses summarized herein, the market value of the subject property as of September 5, 2001, was estimated to be:

FOUR MILLION TWO HUNDRED THOUSAND DOLLARS

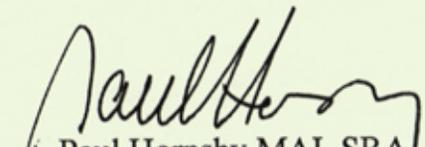
\$4,200,000

The market value estimate is based on a cash or cash-equivalent sale, within a six-to-twelve month exposure time, and is subject to the Assumptions and Contingent and Limiting Conditions listed in this report.

This transmittal letter and the following pages constitute our report, which summarizes the data and analyses utilized in formulating these opinions. If you should have any questions concerning this report, please do not hesitate to contact the undersigned.

Respectfully submitted,

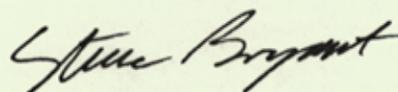
FREDERICK & HORNSBY, INC.



Paul Hornsby MAI, SRA

Certified App. #TX-1321761-G

Date: 11/2/01



Steve Bryant

Certified App. #TX-1329598-R

Date: 11/2/01

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GENERAL ASSUMPTIONS

This appraisal is subject to the following General Assumptions:

1. It is assumed that there are no easements or encroachments unless noted within the report.
2. It is assumed that there will be no substantial change in tax or insurance rates which could affect the cash position of the property.
3. It is assumed that there are no hidden or unapparent conditions of the property, sub-soils, or structures which would render them more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover such factors.
4. It is assumed that all necessary permits have been obtained and that there has been full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the appraisal report.
5. It is assumed that all applicable zoning and use regulations and restrictions are complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report.
6. It is assumed that the economy of the subject's market area will remain at approximately current levels for the near term. Furthermore, it is assumed that market conditions will prove consistent with those projected herein.
7. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
8. It is assumed that the property is free of any endangered species, their habitat, or any geological formation (i.e. caves) which might preclude development or otherwise affect the value of the property. No responsibility is assumed regarding the presence or

absence of such features and the client is urged to retain an expert in these fields, if desired, as the appraiser is not qualified to discover such conditions.

SPECIFIC ASSUMPTIONS

1. It is assumed that the size of the subject property (acreage or square footage) is correct as supplied. Should the size prove to be different than that set forth herein, we reserve the right to amend this report.

LIMITING CONDITIONS

This appraisal is subject to the following limiting conditions:

The legal description furnished our firm is assumed to be correct. We assume no responsibility for matters legal in character, nor render any opinion as to the title, which is assumed to be good. The property has been appraised as if under responsible ownership and competent management.

We have made no survey and assume no responsibility in connection with such matters. We believe that the information contained in this report is reliable, but assume no responsibility for its accuracy. No certification as to any of the physical aspects could be given unless a proper engineering study were made.

We are not required to give testimony or attendance in court by reason of this appraisal with reference to the property in question, unless arrangements have been made previously therefore.

Possession of this report or a copy thereof does not carry with it the right of publication. It may not be used for any purpose by anyone other than the addressee without the previous written consent of the appraiser.

Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media without the written consent and approval of the author, particularly as to valuation and conclusions, the identity of the appraiser or firm with which he is connected, or any reference to the Appraisal Institute, the SRA designation, or the MAI designation.

Our liability regarding the statements and conclusions reported herein is limited to the fee charged for the assignment.

SUMMARY OF IMPORTANT CONCLUSIONS

Subject Property:	±1,676.81 acre tract of land situated at the intersection of Ranch Road 12 and County Road 214, about seven miles west of San Marcos, Hays County, Texas.
Property Rights Appraised :	Fee simple interest
Effective Date of Appraisal:	September 5, 2001
Legal Description:	±1,676.81 acres out of the Gideon Bowditch, Henry Pettit, Reuben Pierce, W. A. Moore, Jesse Huffman, G.W.A. Colton, Martha E. Andrews and William Burket Surveys, Hays County, Texas.
Zoning:	None.
Highest and Best Use:	Interim holding until demand would warrant subdivision of the property, either into smaller large acreage tracts, or development as a rural residential subdivision.
Market Value Conclusion:	\$4,200,000 (\$2,505 per acre).
Exposure Time:	Six to twelve months

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the fee simple interest in the subject property as of the date of inspection.

INTENDED USE AND USER OF THE APPRAISAL

The intended use of this report is for asset valuation. The intended user is the client, the Heep Foundation.

MARKET VALUE DEFINED

“Market Value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised, and acting in what they consider their best interests;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”¹

¹The Appraisal Foundation, Uniform Standards of Professional Appraisal Practice, 2001 Edition, (The Appraisal Foundation, 2001), 199.

OWNER OF RECORD AND HISTORY OF THE PROPERTY

According to the Real Property Records of Hays County, 972.59 acres (the Boozer Ranch) transferred from M.E. Ruby, et ux, to Conroe Drilling Co., dated June 12, 1947, recorded in Book 138, Page 330. Conroe Drilling Co. transferred to Herman F. Heep on March 31, 1950, recorded in Book 147, Page 309. 704.22 acres (the Ruby Place Ranch) transferred from M.E. Ruby, et ux, to Herman F. Heep on January 15, 1952, recorded in Book 152, Page 199 of the Real Property Records of Hays County.

Reportedly, the owners have recently received an offer to purchase the property for \$3.5 million.

The recorded deeds indicate a total of 1,676.81 acres; however, HCAD records indicate a total of 1,673.18 acres. The 2001 assessed values for the property and estimated taxes for 2001 are summarized in the following two tables. Property taxes reflect agricultural exemptions, and are estimated based on 2000 tax rates. Taxes for 2001 are due on January 31, 2002.

Hays County Appraisal District - 2001 Assessed Values						
Parcel Number	Property ID	Acreage	Improved Value	Land	Agric. Value	Total
10-0068-0001-00001-3	R13141	7.90	\$0	\$0	\$400	\$400
10-0069-0002-00001-3	R13145	3.03	\$0	\$0	\$150	\$150
10-0069-0003-00001-3	R13147	0.64	\$750	\$1,120	\$0	\$1,870
10-0069-0005-00001-3	R13152	411.00	\$0	\$0	\$20,640	\$20,640
10-0095-0001-00001-3	R13348	485.81	\$0	\$0	\$24,400	\$24,400
10-0228-0001-00001-3	R15290	292.90	\$0	\$0	\$14,710	\$14,710
10-0229-0001-00000-3	R15294	0.35	\$0	\$0	\$20	\$20
10-0330-0001-00001-3	R16689	101.64	\$0	\$0	\$14,020	\$14,020
10-0375-0001-00001-3	R17361	11.67	\$0	\$0	\$590	\$590
10-0378-0001-00001-3	R17399	138.83	\$0	\$0	\$6,970	\$6,970
10-0378-0002-00001-3	R17401	74.60	\$0	\$0	\$3,750	\$3,750
10-0659-0003-00001-3	R19798	144.81	\$0	\$0	\$7,270	\$7,270
Total		1673.18	\$750	\$1,120	\$92,920	\$94,790

Ad Valorem Tax Estimate – 2001				
Jurisdiction	Code	Tax Rate (\$/100)	Assessed Value	Estimated Taxes
Hays County	GHA	0.3579	\$94,790	\$339
San Marcos ISD	SSM	1.4952	\$94,790	\$1,417
Special Road	RSP	0.0960	\$94,790	\$91
South Hays County Fire	FSO	0.0743	\$94,790	\$70
Upper San Marcos Watershed	WUS	0.0000	\$94,790	\$0
Edwards Underground Water District	WEU	0.0000	\$94,790	\$0
Total		2.0234		\$1,918

SCOPE OF WORK

- Inspection of site and improvements;
- Inspection of neighborhood;
- Review of plat, tax, deed, and flood plain records;
- Confirmation of land sales data;
- Application of the Sales Comparison Approach;
- Estimate of Market Value; and,
- Summary report preparation.

NEIGHBORHOOD ANALYSIS

A neighborhood is defined as being, "a group of complementary land uses. Social, economic, governmental, and environmental forces influence property values in the vicinity of a subject property which, in turn, directly affect the value of the subject property itself. Therefore, the boundaries of the area of influence must be delineated to conduct a thorough analysis. The area of influence is the area within which the forces affect all surrounding properties in the same way they affect the property being appraised. Although physical boundaries may be drawn, the significant boundaries are those that fix the limits of influences on property values. By coincidence, these limits may be physically observable."²

The purpose of a neighborhood analysis is to provide a bridge between the study of general influences on all property values and the analysis of the subject property. Neighborhood boundaries are identified by determining the area in which the four forces which affect value (social, economic, government, and environmental) operate in the same way they affect the subject property.

The subject property is located in south central Hays County, between the towns of San Marcos and Wimberley. The City of Austin is about 35 miles northeast of the site while San Antonio is approximately 45 miles to the southwest. They represent the major population centers in close proximity to the subject. These cities are connected by IH-35, which runs north-south through Hays County.

Hays County has experienced strong growth over the past several decades. The 1980 population was approximately 41,000, and it had grown to 65,614 in the 1990 census. The 2001 population is estimated to be about 100,000. The largest city in Hays County, San Marcos, grew from a population of 28,743 in 1990 to 39,871 in 2000.

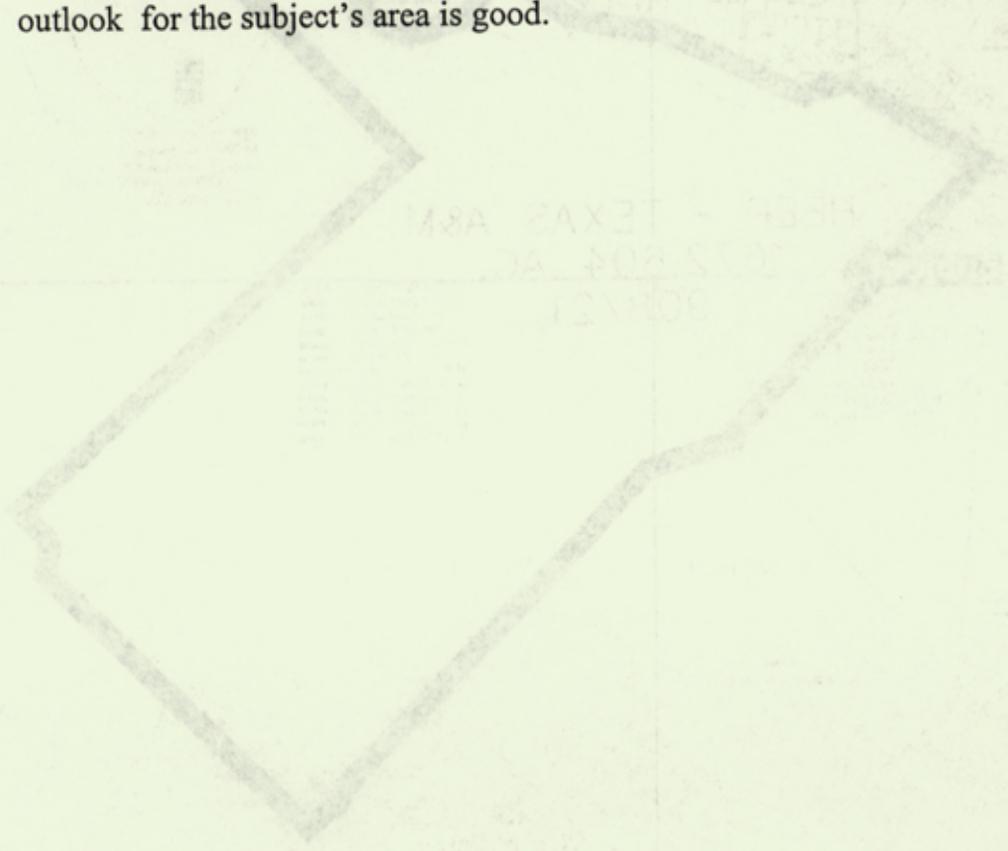
Major businesses are related to tourism and recreation, education, retirement, and manufacturing. Agricultural income is chiefly from beef cattle, sheep, goats, corn, grain, sorghum, and hay. Median household income in 1998 was \$32,177, and retail sales were at \$714,442,000. The combined retail sales tax rate is 8.25%.

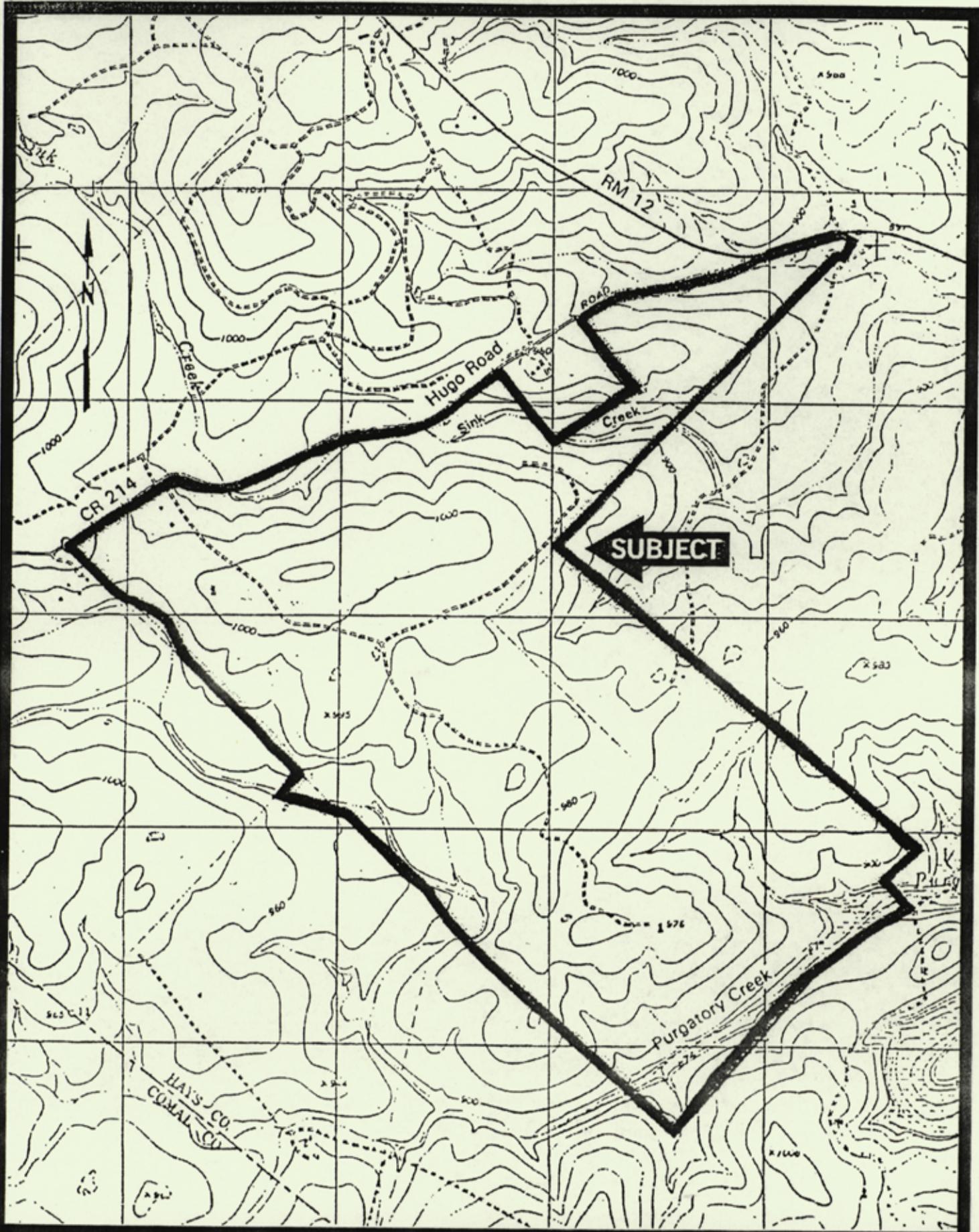
Southwest Texas State University, a four year college with a 2000 enrollment of 22,000, is located in San Marcos, and has a substantial economic impact on the city. The San Marcos Factory Shops and Tanger Factory Outlet Center are located on IH-35 along the southern edge of San Marcos. Reportedly, they comprise the largest factory outlet shopping center in Texas and employ approximately 1,000 people, and attract customers from all areas of Texas and Mexico.

² Appraisal Institute, The Appraisal of Real Estate, 11th ed. (Chicago: Appraisal Institute, 1992), 171.

Western Hays County is located in a geographical area known as the "Hill Country". This area is characterized by its rolling to hilly tree covered terrain with spring-fed streams, man-made lakes, and abundant native wildlife. The area has strong appeal for outdoor enthusiasts, weekend homesteads, and for retirement homes. The subject is located between San Marcos and Wimberley, in an area which has experienced little development other than rural homesteads on acreage tracts. Most of the surrounding area is utilized for ranch and recreational uses.

As the population base continues to grow, demand for tracts similar to the subject will increase. Tracts in the subject's area have been purchased for agricultural and recreational use, as well as for subdivision into smaller large acreage tracts or development of rural residential subdivisions. Based on the available data, the market does not appear to be making significant price adjustments between tracts with these uses. Overall, the long term outlook for the subject's area is good.





TOPOGRAPHICAL MAP

SITE ANALYSIS

“A land or site description is a detailed listing of factual data, including a legal description, other title and record data, and information on pertinent physical characteristics... a land or site analysis is a careful study of factual data in relation to the neighborhood characteristics that create, enhance, or detract from the utility and marketability of the land or site as compared with competing comparable land or sites.”³

The subject property contains approximately 1,676.81 acres of land located near the juncture of RR 12 and CR 214 (Hugo Road), in Hays County, Texas. The following briefly describes pertinent site attributes:

Location:	Approximately seven miles west of San Marcos, along the south line of RR 12 and the south line of Hugo Road in Hays County, Texas.
Parcel ID #:	Comprised of 12 parcel ID numbers, as detailed in the <u>Owner of Record and History of the Property</u> section of this report
Size:	±1,676.81 acres
Shape:	Irregular (see plat)
Frontage/Access:	The tract includes ±1,500' of frontage along RR 12 and ±10,500' of frontage along Hugo Road.
Easements/Deed Restrictions:	Absent a title policy, we were unable to confirm the existence of any adverse easements or restrictions; however, normal public utility easements are assumed. Our inspection of the subject site revealed no known easements that would be adverse to development of the subject to its highest and best use.
Topography/Drainage:	Relatively level to gently rolling terrain except steeper along banks of Sink and Purgatory creeks. Drainage from the site is facilitated by its natural topography and appears to be adequate.

³ Appraisal Institute, *The Appraisal of Real Estate*, 11th ed. (Chicago: Appraisal Institute, 1996), 219.

Soil/Subsoil Conditions:

The soil and subsoil conditions are assumed to be typical of those found in this area of Hays County. A geotechnical engineering study has not been completed; thus, information is not available on the surface and subsurface conditions of the subject property. We are not qualified to render an opinion as to the quality of the soils or feasibility for development. However, we do not anticipate major constraints to construction of improvements with respect to surface and subsurface stability.

Soils:

Soils on the subject property consist of the Comfort-Rumple-Eckrant series which ranges from very shallow to moderately deep, undulating to steep and hilly soils over indurated limestone: on uplands of Edwards Plateau. On the subject, this supports a moderate growth of native grasses, brush, oak, cedar, and mesquite. Soils appear to be shallow in many areas with fractured limestone showing and sparse vegetative cover.

Vegetation:

Meadows of native grasses and weeds; stands of oak and other native trees.

Flood Plain:

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Nos. 48209C0170-E and 48209C0190-E, dated February 18, 1998, a small portion of the property is impacted by the 100-year flood plain of Sink and Purgatory creeks.

Utilities:

Electricity and telephone service are available through Pedernales Electric Cooperative and Southwestern Bell, respectively. There is no public water, wastewater, or natural gas in the area. The site has on-site water wells and would require a private septic system.

Zoning:

None. The subject is located in Hays County.

Environmental:	<p>We were not provided an environmental site assessment report for the subject; however, during the site inspection we did not observe any evidence of recognized environmental conditions.</p> <p>No responsibility is assumed regarding the presence or absence of any endangered species habitat and the client is urged to retain an expert in these fields, if desired, as we are not qualified to discover such conditions.</p> <p>No evidence of hazardous waste and/or toxic materials was visible, and we have no knowledge of the existence of any such substances. However, we are not qualified to detect hazardous waste and/or toxic materials.</p>
Entitlements:	<p>We have not identified any development entitlements vested in the subject.</p>
Encroachments:	<p>None were noted during our inspection of the property.</p>
Political Boundaries:	<p>Hays County, Texas.</p>
School District:	<p>San Marcos Independent School District</p>
Improvements:	<p>Improvements on the site include a small single family residence, three barns, two water wells with windmills, and fencing. All of the improvements are very old and in poor condition. Due to their age and condition, the improvements are not considered to have any significant contributory value.</p>
Surrounding Land Uses:	<p>Surrounding land use is predominantly agricultural; in addition, just west of the subject (situated north and west of Hugo Road and south of RR 12) is a large scale rural residential subdivision. This subdivision (Falcon Wood) is</p>

- Surrounding Land Uses (cont.): one of a few such subdivisions which have been developed along RR 12 between San Marcos and Wimberley.
- Improvements: The subject is improved with a small single family residence, three barns, two water wells with windmills, and fencing. All of the improvements are very old and in poor condition. They have no significant contributory value.

HIGHEST AND BEST USE

The subject is located along RR 12 and Hugo Road, approximately seven miles west of San Marcos. The site contains $\pm 1,676.81$ acres, is irregular in shape, has good road frontage and access, and generally level to gently sloping terrain. Electricity is available from Pedernales Electric and water from private wells. There is no public wastewater service currently available to the area. Wastewater disposal is handled by septic systems. According to the available FEMA maps, a small portion of the subject is within the 100-year floodplain. Overall, the subject's physical characteristics are most suitable for residential development.

Legal restrictions applicable to land uses include public restrictions of zoning and may include private restrictions of record. No private restrictions are known to exist. The subject is not located within the corporate city limits of any municipality and is not zoned. It is, however, within Hays County. Thus, any development of the property would require compliance with Hays County's development regulations.

Determining what use is reasonably probable depends upon the conformity to the surrounding area. The subject is located in southern Hays County and, other than rural residential subdivisions and single family residences on acreage tracts, there is limited development in the immediate area. Most of the surrounding land is utilized for ranching or recreational uses.

The final step is to examine the economic feasibility of the development alternatives in light of its physically possible and legally permissible uses. As mentioned previously, most of the existing uses around the subject are for ranching, recreational, rural residential subdivisions, or single family residences on acreage tracts. Based on the surrounding development, it is likely that future demand for development in the subject's area, where it exists, will be focused on subdivision into smaller large acreage tracts for recreational use, or for development of rural residential subdivisions.

Summary

Based on the foregoing analysis, as well as on surrounding land uses and ongoing changes in land use patterns, we believe either continued use of the subject for agricultural and rangeland purposes, or subdivision in some form, are equally plausible as a highest and best use in the intermediate term. As the area population in San Marcos and Hays County continues to grow over the next few years, the subject will increasingly be considered for subdivision, either into smaller acreage tracts for recreational use, or as a rural residential subdivision.

SALES COMPARISON APPROACH, VACANT LAND

“In the Sales Comparison Approach, market value is estimated by comparing properties similar to the subject property that have recently sold, are listed for sale, or are under contract. A major premise of the Sales Comparison Approach is that the market value of a property is directly related to the prices of comparable, competitive properties.

The principle of substitution holds that the value of a property tends to be set by the price that would be paid to acquire a substitute property of similar utility and desirability within a reasonable amount of time. This principle implies that the reliability of the sales comparison approach is diminished if substitute properties are not available in the market.”⁴

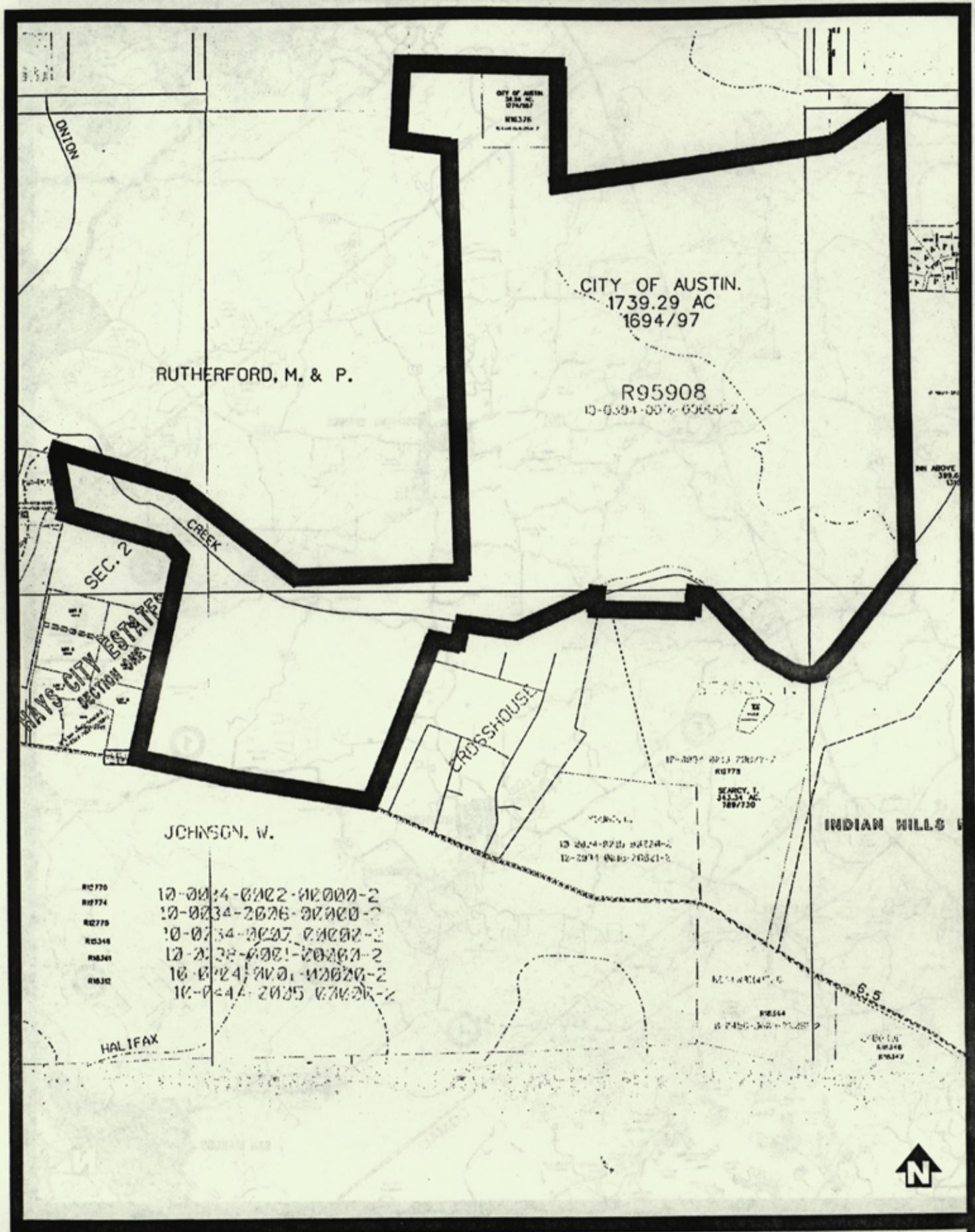
In performing the Sales Comparison Approach, we researched the Hays County Deed Records for information on recent sales of vacant land. Additionally, real estate brokers and property owners in the area were contacted for information pertaining to sites which would be in direct competition with the subject if they were offered for sale in the open market.

The sales used for comparison are summarized in the following pages.

⁴ Appraisal Institute, The Appraisal of Real Estate, 11th ed. (Chicago: Appraisal Institute, 1996), 397-398.



LAND SALES MAP



CITY OF AUSTIN
38.38 AC
07/19/87
M5326
11/11/1987

CITY OF AUSTIN.
1739.29 AC
1694/97

RUTHERFORD, M. & P.

R95908
10-0594-007-05900-2

SEC. 2

CREEK

HAYS CITY ESTATE
SECTION ONE

CROSSHOUSE

10-0074-0013-00000-2
R0775

SEARCY, T.
313.34 AC
189/730

JOHNSON, W.

INDIAN HILLS

10-0074-0013-00000-2
10-0074-0013-00001-3

- R0770 10-0074-0013-00000-2
- R0774 10-0074-0013-00001-3
- R0775 10-0074-0013-00002-4
- R0346 10-0074-0013-00003-5
- R0341 10-0074-0013-00004-6
- R0340 10-0074-0013-00005-7
- R0330 10-0074-0013-00006-8

HALIFAX

10-0074-0013-00000-2
R0544

6.5

10-0074-0013-00000-2
R0347



LAND SALE PLAT #1

LAND SALE NUMBER ONE

Location: The north side of FM 150, approximately 5 miles west of Kyle, Hays County, Texas.

Date of Sale: July 6, 2000

Recording Data: Document No. 9916536

Legal Description: 1,778.15 acres of land, more or less, out of the J. Beekam Survey, Abstract 34, the T.J. Gray Survey, Abstract 187, the T.W. Moore Survey, Abstract 304 and the M.B. Tatum Survey, Abstract 456, Hays County, Texas.

Grantor: Rutherford Ranch Ltd.

Grantee: City of Austin

Size: 1,778.15 acres

Consideration: \$10,650,000 (confirmed)

Price/Unit: \$5,989/acre

Terms: Cash to seller

Zoning: None. Hays County.

Topography: Gently rolling terrain with dense tree cover.

Shape: Irregular

Frontage: FM 150 and easement to FM 967.

Utilities: Electricity, private water wells, and septic.

Flood Plain: ±15% along Onion Creek.

Intended Use: Nature preserve.

Comments:

Tract has approximately 3 miles of frontage along both sides of Onion Creek, a perennial stream. There are several dams along the creek that create pools. Improvements include a 4,743 SF main house, YOC 1976, a 796 SF enclosed patio, a 700 SF game room, a 702 SF apartment and a tennis court. The improvements were in average condition and had an estimated value of \$250,000.

Confirmation:

Randall Kopfer, City of Austin (buyer); GS

Deed Reviewed:

12/00; GS

LAND SALE NUMBER TWO

Location: North side of FM 967, approximately 5 miles west of Kyle, Hays County, Texas.

Date of Sale: May 19, 2000

Recording Data: Document No. 99167110, Hays County Deed Records

Legal Description: \pm 2,724.14 acres of land, more or less, out of numerous surveys in Hays County, Texas

Grantor: Michael Giles Rutherford

Grantee: Cypress-Hays, L.P.

Size: 2,724.14 acres

Consideration: \$13,620,720

Price/Unit: \$5,000/acre

Terms: Note of \$11,314,982 to Grantor.

Zoning: None. Hays County.

Topography: Gently rolling terrain with dense tree cover.

Shape: Irregular

Frontage: FM 967 (\pm 5,000')

Utilities: Electricity, private water wells, and septic.

Flood Plain: \pm 10-15% along Little Bear Creek.

Intended Use: Investment. Buyer plans to develop with single-family residential use. However, the Nature Conservancy of Texas has an option to purchase the tract for \$19 million for a nature preserve.

Comments:

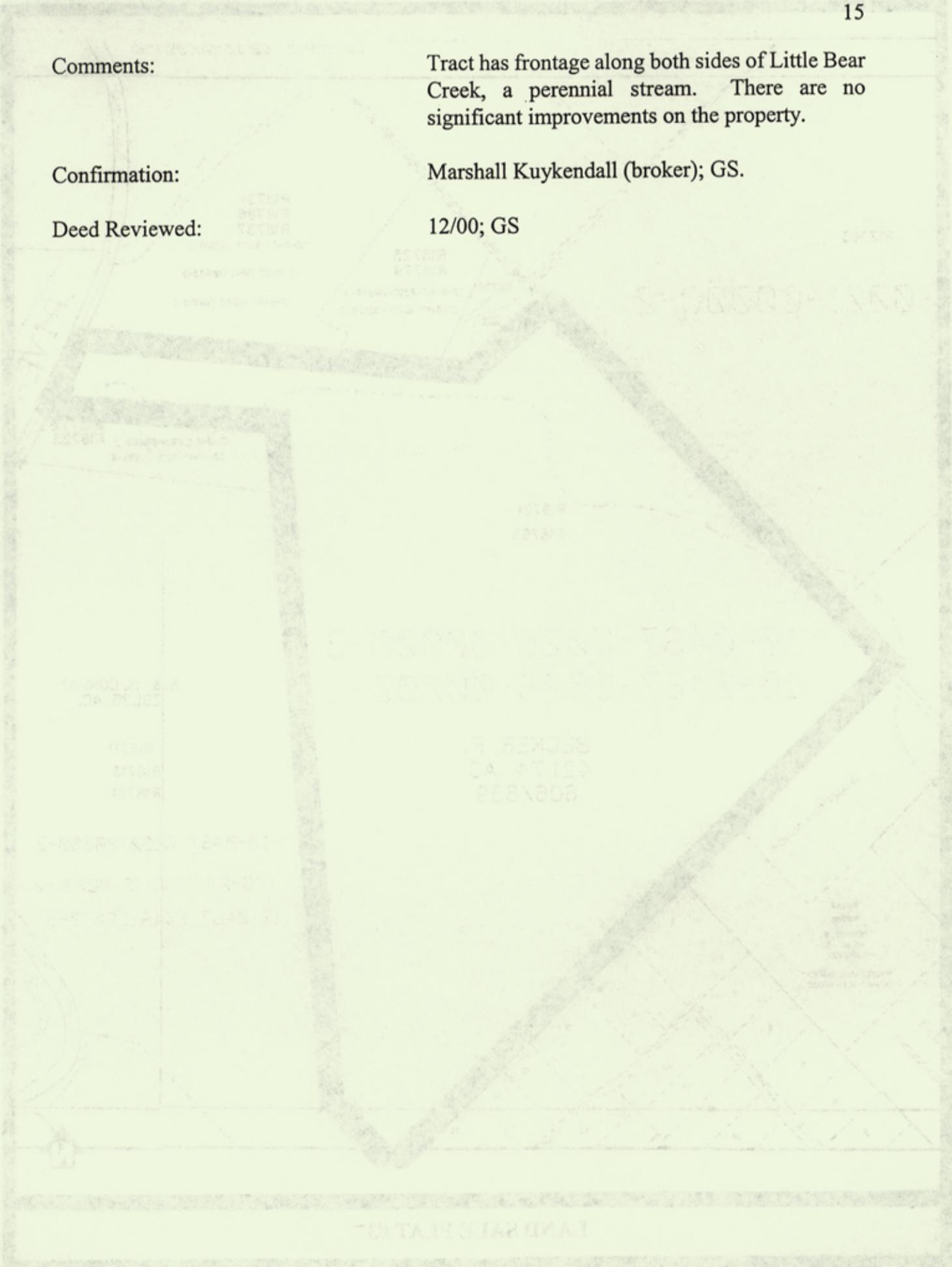
Tract has frontage along both sides of Little Bear Creek, a perennial stream. There are no significant improvements on the property.

Confirmation:

Marshall Kuykendall (broker); GS.

Deed Reviewed:

12/00; GS



LAND SALE NUMBER THREE

Location: North side of Lime Kiln Road and the south side of the Blanco River, approximately 6 miles north of San Marcos, Hays County, Texas.

Date of Sale: June 28, 2001

Recording Data: Not obtained.

Legal Description: ±421.74 acres of land, more or less, out of the William Ward Survey, Abstract 467, Hays County, Texas.

Grantor: F.H. Becker Jr. and Marie Becker.

Grantee: 2 individuals, Phillips and Hine.

Size: 421.74 acres

Consideration: \$1,380,000

Price/Unit: \$3,272/acre

Terms: Cash to seller.

Zoning: None. Hays County.

Topography: Gently rolling to sloping terrain. Native range land with dense cover.

Shape: Irregular

Frontage: Lime Kiln Road (±3,816')

Utilities: Electricity, private water wells, and septic.

Flood Plain: ±10% along Blanco River.

Intended Use: Buyer intends to use the property for recreational purposes.

Comments:

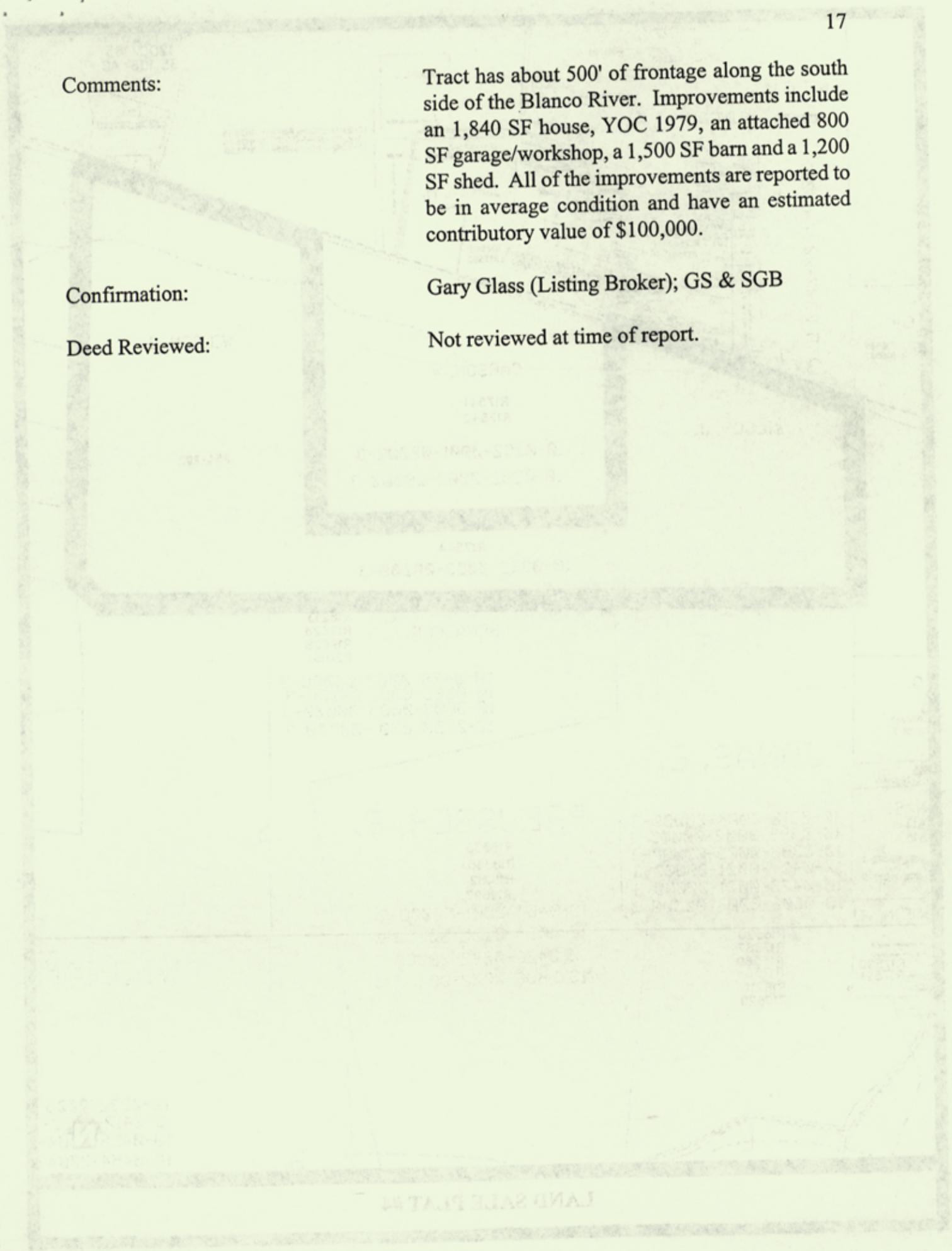
Tract has about 500' of frontage along the south side of the Blanco River. Improvements include an 1,840 SF house, YOC 1979, an attached 800 SF garage/workshop, a 1,500 SF barn and a 1,200 SF shed. All of the improvements are reported to be in average condition and have an estimated contributory value of \$100,000.

Confirmation:

Gary Glass (Listing Broker); GS & SGB

Deed Reviewed:

Not reviewed at time of report.



MATHEW M
1200/165
35.106 AC

S.W. 1/4 S.U.

R17578

LUNDQVIST, A.

CAROL J.

17-2392-0021-20070-3 R17546
17-2392-0022-20070-3 R17549
17-2392-0023-20070-3 R17550

TITLE 1.

JARZA, H.

CONZOS, LUPE & TANIA
11.38 AC
1289/799

R17569
R17560
R17561

R17562
R17563

WILSON, J.

CARSON, W

R17541
R17542

10-0392-2001-02000-3
10-0392-0002-20002-3

254-292

WILSON, J.

R17544

10-0392-2003-00200-3

SCHAEFER, L.

R18213
R19626
R19628
R20161

10-0426-2003-02000-3
10-0606-0001-00200-3
10-0606-0003-00200-3
10-2750-0001-00200-3

JONAS, E.

10-2312-2004-20003-3
12-2393-0002-20002-3
12-2393-0003-02000-3
10-0426-0001-20002-3
10-0426-0002-20002-3
10-0606-0004-00200-3

PREJSSER, E.

R18335
R18336
R18212
R19627

10-2454-2001-00200-3
10-2454-0002-00200-3
10-0426-0002-20002-3
10-2606-0002-00200-3

WILLIAM

R16520
R17587
R17589
R17586
R18211
R19629

R17590
R17591

10-2392-0025-
10-0412-0002-
10-0426-0004-
10-0454-2004-

LAND SALE PLAT #4

LAND SALE NUMBER FOUR

Location: South side of RR 32, approximately 1 mile west of intersection with RR 12, Hays County, Texas.

Date of Sale: April 3, 2001

Recording Data: Document No. 01007393, Hays County Deed Records

Legal Description: ±302.86 acres of land, more or less, out of the Cornelius Rooney Survey No. 9, Hays County, Texas

Grantor: George Lowe

Grantee: Juniper Hill I Limited Partnership

Size: 302.86 acres

Consideration: \$908,070

Price/Unit: \$2,998/acre

Terms: Cash to seller.

Zoning: None. Hays County.

Topography: Gently rolling terrain with dense tree cover.

Shape: Irregular

Frontage: RR 32 (±4,171')

Utilities: Electricity, private well, and septic.

Flood Plain: None.

Intended Use: Property has been subdivided into four parts. One part was sold immediately; two parts are scheduled to close week of September 10, 2001, last part is being actively marketed.

Comments:

Property has one well and electricity. There are no significant improvements on the property. Property includes a wet weather creek (Sink Creek).

Confirmation:

Kathy Johnson (Selling Agent), Ardis Barnett (Listing Agent) - Wimberley Land Co.; SGB

Deed Reviewed:

9/01; SGB (part)



LAND SALE NUMBER FIVE

Location: The south line of 2325, just west of County Road 218, Hays County, Texas.

Date of Sale: November 11, 1999

Recording Data: Document No. 9927995, Hays County Deed Records

Legal Description: \pm 1,146.63 acres of land, more or less, out of the J.J. Ploch Survey, Wm. B. Sweeney Survey, J.H. Edwards Preemption Survey, Day Land & Cattle Co. Survey No. 2, Hays County, Texas

Grantor: Kevin James Schwantz

Grantee: HCR Partners, L.P. (George Harrington)

Size: 1,146.63 acres

Consideration: \$3,700,000 (confirmed)

Price/Unit: \$3,227/acre

Terms: Cash to seller

Zoning: None. Hays County.

Topography: Gently rolling to sloping terrain with moderate to dense tree cover.

Shape: Irregular

Frontage: FM 2325 (\pm 1-1/2 mile)

Utilities: Electricity, private water well, and septic.

Flood Plain: \pm 10% floodplain.

Intended Use: Recreational ranch and investment.

Comments:

Approximately 4,000' of frontage along both sides of Wanslow Creek. This portion of Wanslow Creek has strong springs and provides perennial water. There is one large blue hole that provides swimming and fishing.

Improvements:

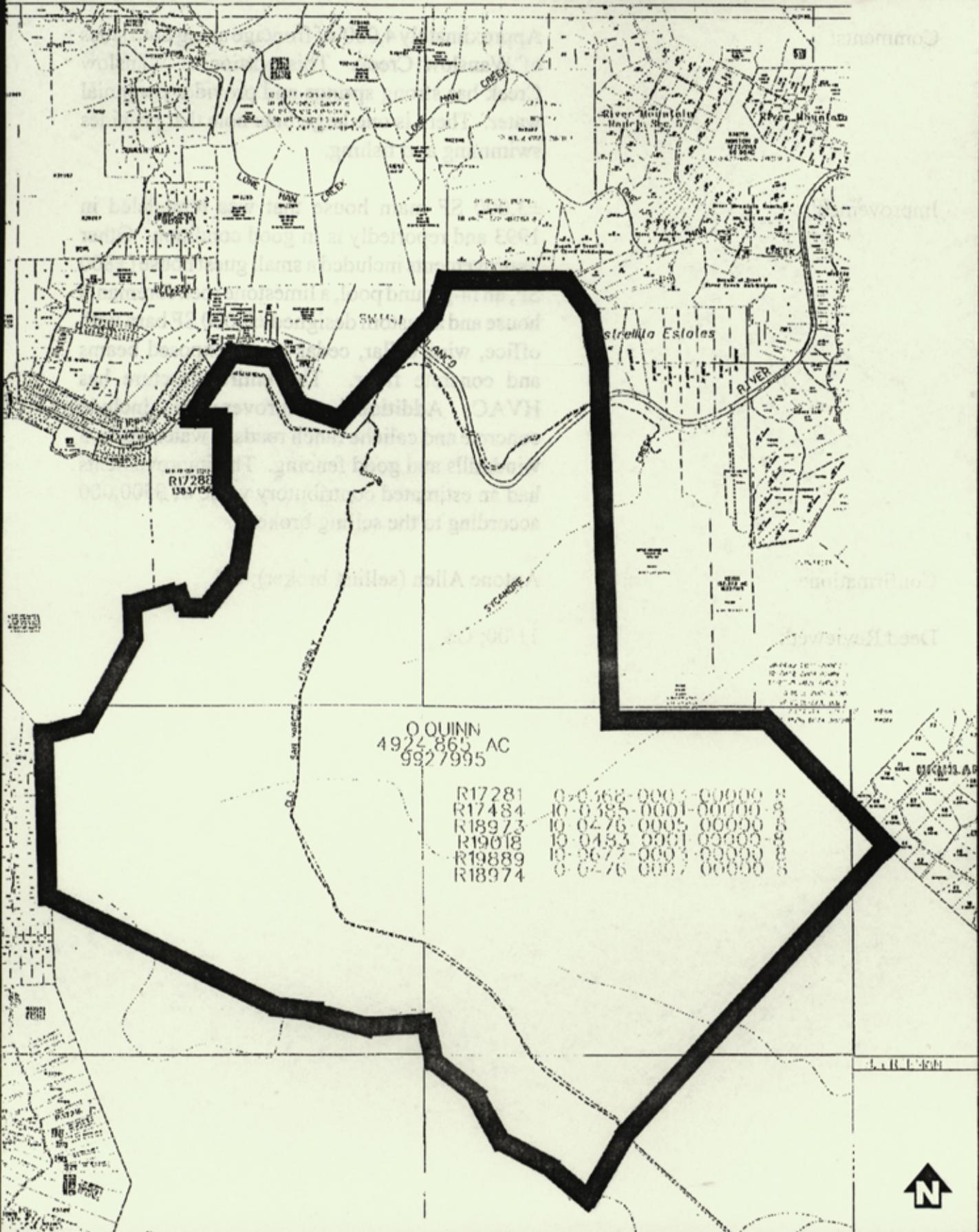
±3,000 SF main house that was remodeled in 1993 and reportedly is in good condition. Other improvements included a small guest house (±800 SF), an in-ground pool, a limestone rock foreman's house and a custom designed ±8,000 SF barn with office, wine cellar, cedar closet exposed beams and concrete floor. The entire structure has HVAC. Additional improvements include concrete and caliche ranch roads, 3 water wells, 3 windmills and good fencing. The improvements had an estimated contributory value of \$500,000 according to the selling broker.

Confirmation:

Antone Allen (selling broker); GS.

Deed Reviewed:

11/00; GS



R17280
1383/956

O QUINN
4924 865 AC
9927995

R17281	0-0368-0003-00000	3
R17484	10-0385-0001-00000	8
R18973	10-0476-0005-00000	8
R19018	10-0483-0001-00000	8
R19889	10-0677-0003-00000	3
R18974	0-0476-0007-00000	3



LAND SALE PLAT #6

LAND SALE NUMBER SIX

Location: Both sides of County Road 213 and both sides of the Blanco River, approximately 4 miles east of Wimberley, Hays County, Texas.

Date of Sale: November 29, 1999.

Recording Data: Document No. 9927995, Hays County Deed Records

Legal Description: ±4,929.883 acres of land, more or less, out of numerous surveys in Hays County, Texas

Grantor: McCoy Investment Ltd.

Grantee: O'Quinn Land & Cattle Co. Ltd.

Size: 4,929.865 acres.

Consideration: \$15,267,081

Price/Unit: \$3,100/acre

Terms: Cash to seller

Zoning: None. Hays County.

Topography: Gently rolling to sloping terrain. Native rangeland with dense cover.

Shape: Irregular

Frontage: County Road 213 and County Road 174.

Utilities: Electricity, private wells, and septic.

Flood Plain: ±10% along Blanco River.

Intended Use: Recreational use and investment. Buyer is an attorney out of Houston.

Comments:

Tract has about 1.5 miles of frontage along one side of the Blanco River and 1.75 miles of frontage along both sides of the river. Improvements include two old ranch houses that reportedly had no significant contributory value.

Confirmation:

Mark Smith - Broker; GS.

Deed Reviewed:

1/01; GS

COMPARATIVE ANALYSIS

In analyzing and comparing the market data to the subject, relatively few adjustments were required for dissimilar characteristics. Consideration was given to such items as conditions of sale (including financing), date of sale, size, location, utilities, flood plain, and configuration. In this instance, the primary unit of comparison abstracted from the market data and applied to the subject site was the sale price per acre.

The following is a brief summary of pertinent information regarding the most comparable transactions uncovered.

Land Sales Summary					
Sale #	Location	Sale Date	Sale Price	Size (Acre)	Price/Acre
1	N/S FM 150, E of CR 3237	7/6/00	\$10,650,000	1,778.15	\$5,989
2	N/S FM 967, E of FM 1826	5/19/00	\$13,620,720	2,724.14	\$5,000
3	N/S Lime Kiln Road, S/S Blanco River	6/28/01	\$1,380,000	421.74	\$3,272
4	976 RR 32 (S/S RR 32 ±1 mile W of RR 12)	4/3/01	\$908,070	302.86	\$2,998
5	S/S FM 2325, W of CR 218	11/11/99	\$3,700,000	1,146.63	\$3,227
6	McCoy Ranch, E/S & W/S CR 213	11/29/99	\$15,267,081	4,924.865	\$3,100
Subject	SWC RR 12 & CR 214	9/5/01 (effective)	NA	1,676.81	NA

The sales occurred between November 1999 and June 2001, and the sites range in size from 302.86 acres to 4,924.865 acres. The unadjusted sale prices range from \$2,998/acre to \$5,989/acre.

All of the sales are located within Hays County, south of US Hwy 290, and west of IH-35. They range in proximity to the subject from ±3 miles to ±16 miles. Two of the sales closed within the past six months. The comparables were chosen variously for their proximity to the subject, their size, and their development potential.

In the valuation process, attempts were made to abstract from the market specific percentages to support each of the dissimilarities among the comparable sales which could be applied in the analysis and adjustment process. To this end, paired sales analysis was attempted with the data whenever possible; however, in some instances consistent adjustments could not be derived by said pairings. One pairing would indicate a positive adjustment for a particular characteristic while another would indicate a negative adjustment for the same attribute. As such, the required adjustments are based on paired sales analysis as well as our historical observations.

Property Rights

Occasionally, less than 100% fee simple ownership is conveyed in a real estate transaction. When this happens, an appropriate adjustment must be made to obtain the price of a 100% fee simple title. All of the market data conveyed 100% fee simple ownership, so no adjustments were necessary.

Contributory Value of Improvements

The subject is improved with a small single family residence, three barns, two water wells with windmills, and fencing. All of the improvements are very old and in poor condition. They have no significant contributory value. The improvements on Sale #1 had an estimated contributory value of \$250,000; it was adjusted downward by this amount to arrive at its land value component. Sale #3 has improvements with an estimated contributory value of around \$100,000. Sale #5 has extensive improvements which the selling broker estimated had a contributory value of \$500,000. Sale #6 has a small house and a workshop, with these improvements estimated to have a contributory value of \$35,000. Each of these sales was adjusted down by the estimated contributory value of improvements. Sales #2 and #4 had no significant contributory improvements, and were not adjusted.

Conditions of Sale

After considering financing, we examined other conditions of sale. All of the sales were reported to be arm's-length, and did not appear to occur under duress. Additionally, no special conditions requiring adjustment were noted in conversations with the respective parties. Consequently, no adjustment was applied to these sales for special conditions.

Financing

All of the transactions were cash sales or had cash equivalent financing, and no adjustments were considered to be necessary.

Market Conditions

Next, an adjustment for changing market conditions was considered. The sales occurred between November 1999 and June 2001. Each of the sales was adjusted based on an annualized 10% increase in value through December 2000; thereafter, each was adjusted downward at an annualized 10% decrease. The adjustments were rounded to the nearest percent.

Size

The land size of the comparable sales was the next attribute considered. As mentioned, the subject property consists of 1,676.81 acres, while the comparables range from 302.86 acres

to 4,924.865 acres. Typically, there is an inverse relationship between size and price per acre. Sale #1 (1,778.15 acres) is considered similar to the subject and was not adjusted. Sales #3, #4, and #5, with sizes of 421.74 acres, 302.86, and 1,146.63 acres, respectively, are smaller than the subject, and considered superior for this attribute. Accordingly, each of these sales was adjusted downward based on 10% for each doubling of size. Sales #2 and #6 are considerably larger than the subject property; each was adjusted upward, also based on 10% for each doubling of size. The adjustments were rounded to the nearest percent.

Location

The subject is located at the intersection of Ranch Road 12 and County Road 214 in southern Hays County. It is approximately halfway between San Marcos and Wimberley (± 7 miles from each), and is located within the San Marcos Independent School District.

Sale #1 is located along the north line of CR 150, ± 10 miles northeast of the subject property. This sale is more centrally located between Austin and San Marcos than the subject; in addition, it is located along a primary county road with good access to IH-35, as well as good access to other primary county roads. It is located within the Hays Consolidated Independent School District. Overall, this sale is considered superior to the subject and was adjusted downward 25% accordingly.

Sale #2 is located along the north line of CR 967, ± 16 miles northeast of the subject property. It is considered to have a superior location to the subject. This sale is located just south of the Travis County line, much closer to Austin than the subject and other sales used for comparison. It is located along a primary county road which affords access to Austin via other primary county roads, and less directly via IH-35. It is located within the Hays Consolidated Independent School District. Due to its relatively much closer proximity to Austin, this sale was adjusted downward 35%.

Sale #3 is considered to have a slightly inferior location compared to the subject. It is located ± 9 miles east/northeast of the subject; it is north of San Marcos, south of the Blanco River, and slightly west of IH-35. This sale's geographic area is at the east margin of what typically is considered the hill country. While slightly closer to San Marcos, this sale is located along a secondary county road with considerably less visibility than the subject's location. Like the subject, this sale is located within the San Marcos Independent School District. Overall, it is considered to have an inferior location, and was adjusted upward 5%.

Sale #4 is located ± 4 miles west of the subject along the south line of CR 32. This sale is considered slightly inferior in location to the subject. While slightly more remote from San Marcos than the subject, it is located along a primary county road which affords good access to other primary county roads; due to its slightly more remote location, this sale was adjusted upward 5%. Like the subject, this sale is located within the San Marcos Independent School District.

Sale #5 is located in the southwest corner of Hays County, ± 15 miles northwest of the subject. Its location is more remote in terms of proximity to population centers and existing development. It is located in the Wimberley School District. Overall, this sale was adjusted upward 10% for its inferior location.

Sale #6 is located ± 3 miles north of the subject property. It is situated along both sides of CR 213. CR 213 is a secondary county road and for most of its frontage with this sale, is a gravel road. Although its accessibility is slightly more difficult than with the subject, it is still within a short distance of RR 12 and is more scenic than the subject due to its location within the Blanco River Valley (i.e. more expansive views). Also, this sale is located in the Wimberley Independent School District. Overall, it is considered slightly superior to the subject, and was adjusted down 5%.

Configuration/Road Frontage

The subject has an irregular shape. As mentioned, it has about 1/4 mile ($\pm 1,500'$) of frontage along RR 12, and about 2 miles ($\pm 10,500'$) of frontage along Hugo Road, corresponding to the majority of the property's north boundary. The extensive road frontage renders the irregular-shaped portion of the property (near the intersection of RR 12 and Hugo Road) more useful, and makes any potential subdivision of the site easier.

Sale #1 is highly irregular in its shape, and has somewhat more limited road frontage relative to its size (it includes $\pm 3/4$ mile of frontage along CR 150). Due to the irregularity of its shape and relatively less extensive road frontage, we have adjusted this sale upward 5%.

Sale #2 is basically rectangular and includes approximately one mile of frontage on CR 967. Although its road frontage is less extensive than the subject relative to its size, it is considered adequate for subdivision of the site. Overall, its more conventional shape makes it slightly superior to the subject. As such, this sale was adjusted down 5%.

Sale #3 has an irregular shape. While it has good road frontage relative to its size ($\pm 3/4$ mile), the irregular portion of the site is not substantively more accessible due to the extent of road frontage. As such, this sale is considered slightly inferior to the subject, and was adjusted upward 5%.

Sale #4 has an irregular, "horseshoe" shape, with the open ends of the horseshoe fronting CR 32. This sale has excellent road frontage relative to its size ($\pm 3/4$ mile), but has such an irregular shape that it was considered slightly inferior to the subject. As such, it was adjusted upward 5%.

Sale #5 has a somewhat irregular shape, and includes $\pm 1-1/4$ mile of frontage along CR 2325. Overall, it is considered similar to the subject, and was not adjusted.

Sale #6 has an irregular shape; however, the extremely large size makes the irregular shape insignificant. Its extensive road frontage, including 3-3/4 miles of frontage along both sides

of CR 213, and somewhat lesser frontage along CR 174, would support subdivision of the property into smaller acreage tracts. Overall, this sale is considered slightly superior to the subject in its configuration, as well as superior in its quantity of road frontage. As such, this sale was adjusted down 5%.

Utilities

The subject and each of the sales are reliant on private well and septic systems. In addition, none is expected to obtain public water and/or wastewater service in the short-term. No adjustments were considered to be necessary.

Water Frontage

The subject has no perennial water frontage. Perennial water is a highly desirable feature that has a significant influence on both demand and price. The subject has frontage along two wet weather creeks, Sink Creek and Purgatory Creek.

Sale #1 has $\pm 3\text{-}1/2$ miles of frontage along Onion Creek, much of it along both sides. This perennial stream is considered one of the premier water features in Hays County. In addition there are several dams along the creek with aesthetic swimming holes. We have adjusted this sale downward 30% due to the extent and quality of its water frontage.

Sale #2 has $\pm 1\text{-}3/4$ miles of frontage along both sides of Little Bear Creek in its south half. In addition, the north boundary is adjacent to Bear Creek for a short distance. This sale's water frontage is considered superior to the subject. As such, it was adjusted downward 15%.

Sale #3 has very limited frontage ($\pm 500'$) on the Blanco River. Due to the desirability of even limited frontage on the Blanco River, this sale was adjusted down 15%.

Sale #4 is considered similar to the subject and was not adjusted.

Sale #5 has frontage on both sides of Wanslow Creek, a perennial stream with a blue water hole on the property. This sale is considered superior to the subject and was adjusted down 15%.

Sale #6 has approximately 1-1/4 mile of frontage along one side of the Blanco River, and an additional 1-1/4 mile of frontage along both sides of the Blanco River. As such, this sale was adjusted down 30%.

The adjustments are summarized in the adjustment grid on the following page:

Adjustment Grid						
	Sale #1	Sale #2	Sale #3	Sale #4	Sale #5	Sale #6
Date	7/6/00	5/19/00	6/28/01	4/3/01	11/11/99	11/29/99
Size	1,778.15	2,724.14	421.74	302.86	1,146.63	4,924.865
Sale Price/Acre:	\$5,989	\$5,000	\$3,272	\$2,998	\$3,227	\$3,100
Property Rights	-0-	-0-	-0-	-0-	-0-	-0-
Contributory Value of Improvements	(\$250,000)	-0-	(\$100,000)	-0-	(\$500,000)	(\$35,000)
Land Component Price/Acre	\$5,848	\$5,000	\$3,036	\$2,998	\$2,791	\$3,093
Conditions/ Financing:	-0-	-0-	-0-	-0-	-0-	-0-
Adjusted Price/Acre:	\$5,848	\$5,000	\$3,024	\$2,998	\$2,791	\$3,093
Market Conditions:	-2%	-1%	-2%	-4%	5%	4%
Adjusted Price/Acre:	\$5,731	\$4,950	\$2,964	\$2,878	\$2,930	\$3,217
Size:	-0-	6%	-20%	-24%	-5%	15%
Location:	-25%	-35%	5%	5%	10%	-5%
Utilities:	-0-	-0-	-0-	-0-	-0-	-0-
Configuration/Road Frontage:	5%	-5%	-0-	5%	-0-	-5%
Water Frontage:	-30%	-15%	-15%	-0-	-15%	-30%
Net Adjustment:	-50%	-49%	-30%	-14%	-10%	-25%
Value Indication:	\$2,866	\$2,525	\$2,074	\$2,475	\$2,637	\$2,412
Mean:	\$2,498					

Conclusion:

The six sales used for comparison indicate an adjusted range from \$2,074 per acre to \$2,866 per acre, with a mean and median adjusted sale price of \$2,498 per acre and \$2,500 per acre, respectively. All of the sales were considered to provide reliable indications of market value for the subject property. Considering the central tendency of the sale data, it is our opinion that the market value of the subject property, as of September 5, 2001, was approximately as follows:

Market Value Estimate	
Value Per Acre	\$2,500
Total Acreage	x 1,676.81
Total Value	\$4,192,025
Rounded	\$4,200,000

Exposure Time

Exposure time is defined as the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of appraisal. Based upon recent sales in the local market and the relative health of the Austin market, it is our opinion that the subject could have been sold on the effective date had it been professionally marketed for the preceding six to twelve months.

QUALIFICATIONS OF PAUL HORNSBY MAI, SRA

Association Memberships

MAI Designation - Appraisal Institute, Certificate No. 7305
SRA Designation - Appraisal Institute
Past President, Director and Regional Committee Member - Austin Chapter of the
Appraisal Institute
Screener, Appraisal Institute
Texas Broker License #283369-05
General Real Estate Appraiser #TX-1321761-G
REALTOR - National Association of Realtors

Educational Background

University of Texas at Austin, B.B.A. Degree in Finance, August, 1977

In addition to numerous real estate seminars, Mr. Hornsby has successfully completed the requisite courses or respective exam equivalents sponsored by the American Institute of Real Estate Appraisers and the Society of Real Estate Appraisers (now known as The Appraisal Institute) to obtain both the MAI and SRA designations. Mr. Hornsby has also completed the requirements under the continuing education program of The Appraisal Institute.

Experience

Since 1980, Mr. Hornsby has been a practicing real estate appraiser in Austin, Texas. From 1986 to 1998, he owned and operated Southwest Property Consultants. In May of 1998, he joined with Jim Frederick in the formation of Frederick & Hornsby, Inc. which specializes in the valuation of complex and environmentally impacted properties, and in support of litigation proceedings.

Mr. Hornsby often serves in the capacity of expert witness in cases involving eminent domain, bankruptcy, civil litigation and ad valorem tax appeal. He is qualified as an appraisal expert in various county district courts, Federal District Court, U.S. Bankruptcy Court, and various commissioners courts and appraisal district review boards.

In addition to expert testimony, Mr. Hornsby is often involved in public speaking. Lecture topics included: real estate valuation at The University of Texas; the impact of hazardous materials on property value for the Texas Association of Appraisal Districts; and, regulatory takings on behalf of the International Right of Way Association. Mr. Hornsby has also served as an instructor for the Appraisal Institute.

QUALIFICATIONS OF STEVE BRYANT

Certified Real Estate Appraiser #TX-1329598-R

Education

M.B.A. - University of Colorado

B.B.A. - Finance, University of Texas

Course III, Sales Comparison Approach, Maryland Association of Realtors

Course IV, Cost and Income Approaches/ Valuation of Partial Interests, Maryland Association of Realtors

Course V, Appraisal Standards and Ethics, Maryland Association of Realtors

Various course work completed in Real Estate Law, Real Estate Finance, Investments and Economics.

Experience

13 years combined experience as a construction cost estimator, manager of construction project budgets, residential and commercial construction project manager, and real estate appraiser (1997-present).

SUBJECT PHOTOGRAPHS



EAST VIEW ALONG HUGO ROAD NEAR MAIN GATE



VIEW OF DILAPIDATED RESIDENCE/HUNTERS CABIN



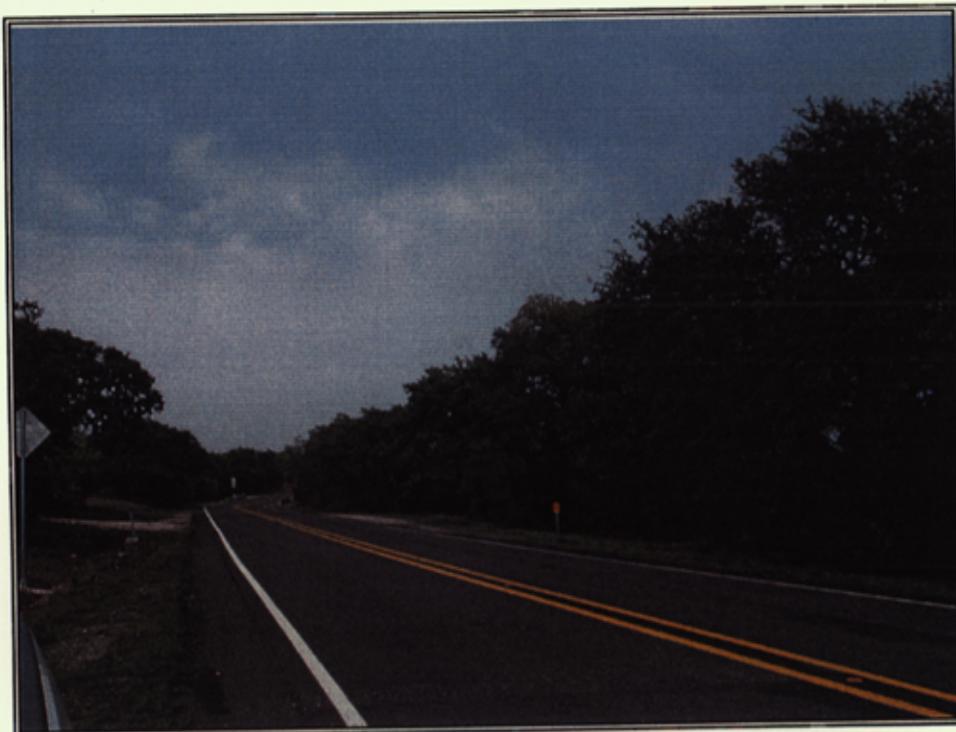
VIEW OF TANK IN CENTRAL PART



VIEW OF WINDMILL IN SOUTHEAST PART



WEST VIEW ALONG COUNTY ROAD 214 (HUGO ROAD) NEAR MAIN GATE



**TYPICAL VIEW ALONG RANCH ROAD 12 NEAR INTERSECTION
WITH HUGO ROAD**



VIEW TOWARD HUGO ROAD INSIDE MAIN GATE



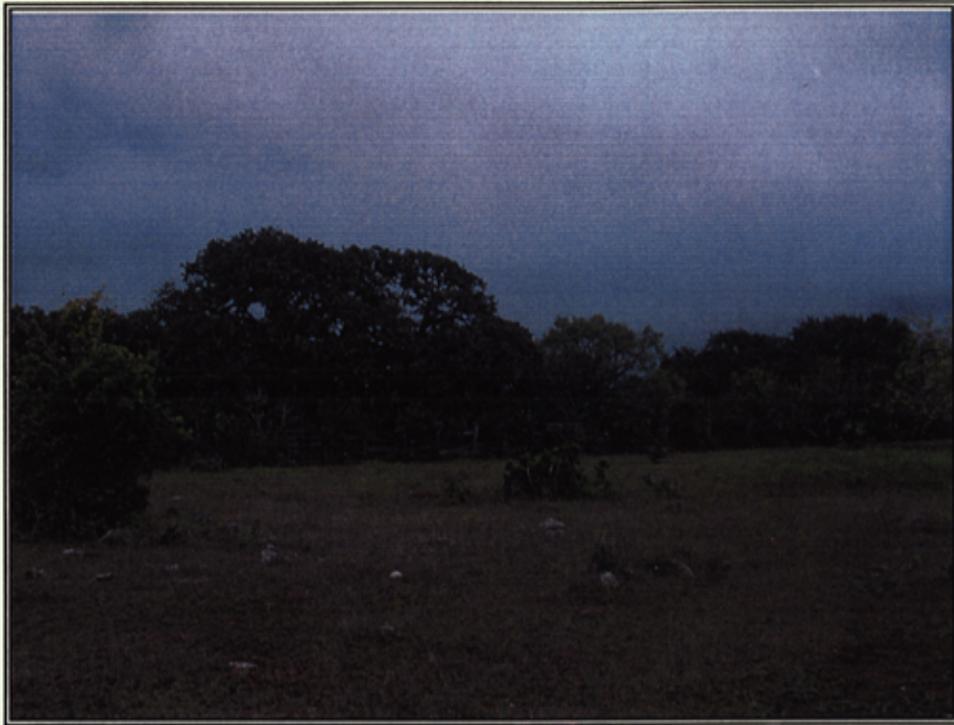
VIEW TOWARD WINDMILL IN SOUTHEAST PART



TYPICAL VIEW OF MAIN ROAD ON RANCH



VIEW OF SECOND DILAPIDATED BARN IN WEST PART



TYPICAL VIEW CENTRAL PART



SOUTHEAST VIEW NEAR NORTHEAST BOUNDARY



VIEW TOWARD PURGATORY CREEK NEAR SOUTHEAST BOUNDARY



SOUTHWEST VIEW FROM SOUTH CENTRAL PART



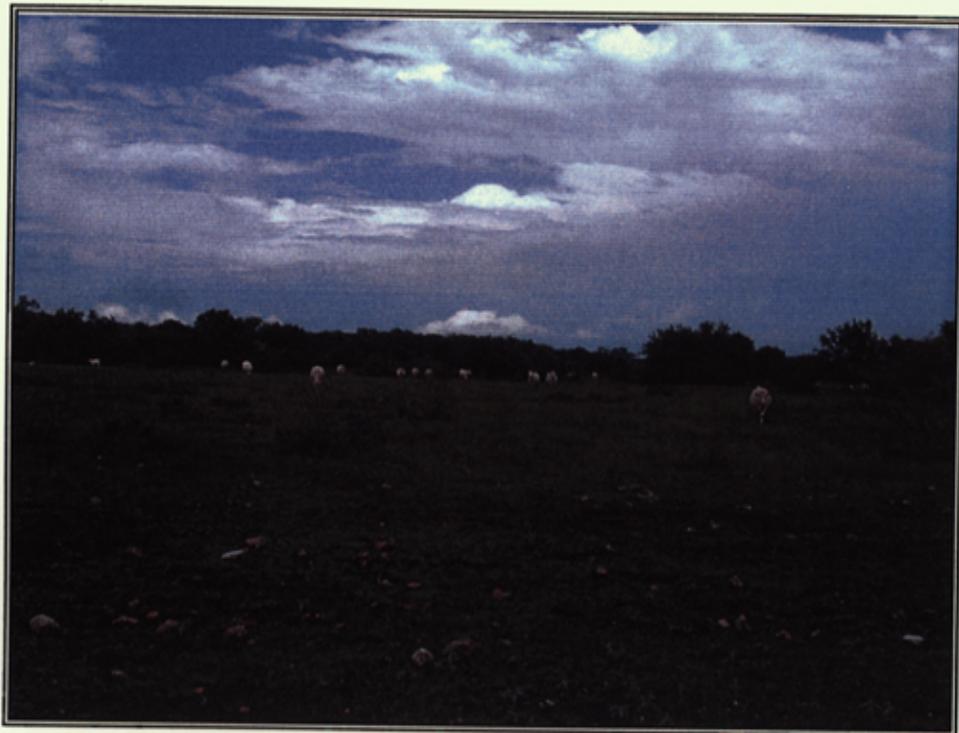
VIEW OF WINDMILL IN WEST PART



VIEW OF DILAPIDATED BARN IN WEST PART



VIEW OF TANK IN WEST CENTRAL PART



TYPICAL VIEW WEST CENTRAL PART

(25)

File No. SF-16566

Hays County

4/22/02 Memo to SLB w/ Appraisal

Date Filed: 6-12-02

David Dewhurst, Commissioner

By S. Singh

NOTICE OF INTENT TO PURCHASE A VACANCY (GOOD-FAITH CLAIMANT)

On February 14, 2002, the Commissioner of the General Land Office issued an order in SF-16566 establishing the existence of a vacancy and determining that The Herman F. Heep and Minnie Bell Heep Texas A & M University Foundation (the "Foundation") is the good-faith claimant having the preferential right to purchase the vacancy.

The Foundation, being the good-faith claimant so determined, hereby gives notice of intent to purchase the vacancy. The Foundation intends to purchase the entire vacancy.

[Describe here only if the intent is to purchase less than the entire vacancy] _____

THE FOUNDATION ACKNOWLEDGES AND UNDERSTAND THE FOLLOWING:

1. THIS NOTICE MUST BE FILED WITH THE GENERAL LAND OFFICE WITHIN NINETY (90) DAYS AFTER THE DATE OF THE ORDER ESTABLISHING THE VACANCY (DATE SHOWN ABOVE) OR THE PREFERENTIAL RIGHT TO PURCHASE THE VACANCY WILL EXPIRE.
- N/A 2. I AM REQUIRED TO MAIL A COPY OF THIS NOTICE TO THE APPLICANT (IF OTHER THAN MYSELF) AND TO ALL OTHER INTERESTED PERSONS WHO HAVE ASSERTED GOOD-FAITH CLAIMS AND DELIVER TO THE GENERAL LAND OFFICE PROOF OF MAILING.
- N/A 3. I AM REQUIRED TO REPAY TO THE APPLICANT (IF OTHER THAN MYSELF) THE APPLICANT'S REASONABLE EXPENSES INCURRED IN DETERMINING THE EXISTENCE OF THE VACANCY, EXCLUDING FILING AND ATTORNEY FEES, NOT LATER THAN THE DATE ON WHICH I PURCHASE THE VACANCY.
- N/A 4. FAILURE TO PAY THE EXPENSES, DESCRIBED IN 3 ABOVE, CANCELS MY PREFERENCE RIGHT AS A GOOD-FAITH CLAIMANT.
5. IF THE SCHOOL LAND BOARD DETERMINES THAT THE VACANCY SHALL BE SOLD, IT WILL SET THE TERMS OF THE SALE AND THE FOUNDATION WILL BE REQUIRED TO COMPLETE THE PURCHASE WITHIN SIXTY (60) DAYS THEREAFTER, UNLESS EXTENDED BY THE SCHOOL LAND BOARD, OR THE FOUNDATION'S PREFERENTIAL RIGHTS WILL EXPIRE.

DATE: April 23, 2002

The Herman F. Heep and Minnie Bell Heep
Texas A & M University Foundation

By: _____

Mr. James B. Bond

Authorized Representative

Title: President of the Foundation

26

File No. SF-16566
HAYS County

Notice of Intent to Purchase

Date Filed: 6-12-02

By: Patrick Dewhurst, Comptroller
S. Sengach

[Handwritten signature and initials]

[Handwritten signature]

10305

Texas General
Land Office



David Dewhurst
Commissioner

April 30, 2002

Mr. James B. Bond, President of the Heep Foundation
401 George Bush Drive
College Station, TX 77840-2811

Re: Vacancy sale of 7.65 acres, File No. SF-16566, Hays County, Texas

Dear Mr. Bond:

Today, the School Land Board approved the vacancy sale of the referenced tract at \$2,500.00 per acre, for a total purchase price of \$19,125.00, surface only. Also, a 1½ % statutory sales fee based on the sales price is due in the amount of \$286.88.

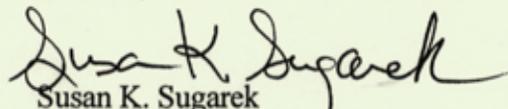
Please sign the Acceptance of Terms form, have it notarized, and then return it with the required total payment of \$19,411.88. The payment must be in the form of a cashier's check made payable to the Texas General Land Office. To ensure proper handling, please forward your correspondence to my attention @ Texas General Land Office, 1700 N. Congress Ave., Room 720, Austin, TX 78701-1495.

THE REQUIRED PAYMENT MUST BE RECEIVED BY THE GENERAL LAND OFFICE WITHIN 60 DAYS FOLLOWING THE April 30, 2002 SCHOOL LAND BOARD MEETING OR YOUR PREFERENTIAL RIGHT TO PURCHASE THE ABOVE STATED SURFACE ESTATE WILL EXPIRE.

When the General Land Office receives the required payment and the completed Acceptance of Terms form, you will be sent a LAND AWARD AND RECEIPT, which conveys the property to the Heep Foundation. **Please be aware that it is your responsibility to have the LAND AWARD recorded in the real property records of the Hays County Clerk's office.** In addition to the Land Award, some people wish to apply for a patent. For your reference, enclosed are brief instructions for patenting lands in case you are interested. For your convenience, I have highlighted the required patent fees in your case.

If you have any questions, please contact me at (512) 463-5161.

Sincerely,


Susan K. Sugarek
Asset Management Division
Dispositions

Mailing
Post Office Box 12873
Austin, Texas
78711-2873

Street
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

512.463.5001
1.800.998.4GLO
www.glo.state.tx.us

Enclosures

Handwritten notes and stamps in the bottom right corner, including a date stamp '4/30/02' and a circled number '55'.

21

File No. SF-116566
Hays County
SLB approval ltr. dtd 4-30-02
Date Filed: 6-12-02
By: S. Sugarch
David Dewhurst, Commissioner

Assistant
Dispositions
Division
Sugarch
Sincerely,
[Signature]

THE REQUIRED PAYMENT MUST BE RECEIVED BY THE
GENERAL LAND OFFICE WITHIN 60 DAYS FOLLOWING THE 30
30, 2002 SCHOOL LAND BOARD MEETING OR YOUR
PROPRIETARY RIGHT TO PURCHASE THE ABOVE STATED
SURFACE ESTATE WILL EXPIRE.

When the General Land Office receives the required payment and the
completed Acceptance of Terms form you will be sent a LAND AWARD
RECEIPT, which conveys the property to the Head of the
county that is your responsibility to have the LAND AWARD recorded in
the real property records of the Hays County Clerk's office.
The Land Award, some people wish to apply for a patent.
Follow the strict instructions for purchasing land in every year
for your convenience, have highlighted the required parts for
If you have any questions please contact me at (512) 261-1497.

Office: To ensure proper handling please forward your correspondence to my
attention @ Texas General Land Office, 1700 N. Congress, Austin, Room 710,
Austin, TX 78701-1497.

Please sign the Acceptance of Terms form, have it notarized, and
then return it with the required total payment of \$19,511.88. The payment
must be in the form of a cashier's check made payable to the Texas General Land
Office. Also a 1% statutory sales fee based on the sales price is due in
addition to the amount of \$19,511.88.

Today, the School Land Board approved the vacancy sale of the
estimated tract at \$2,500.00 per acre, for a total purchase price of \$19,125.00,
vacancy sale of 7.63 acres File No. SF-15266, Hays County, Texas

Dear Mr. Board:
Vacancy sale of 7.63 acres File No. SF-15266, Hays County, Texas
College Station, TX 77840-2811
401 George Bush Drive
Mr. James B. Board, President of the Hoop Foundation
April 30, 2002

Texas General
Land Office



David Dewhurst
Commissioner

1700 North Congress
Austin, Texas 78701
512-261-1497
www.glo.state.tx.us

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

TELEPHONE: 512/474-5201
FACSIMILE: 512/536-4598

INTERNET ADDRESS:
LEDUBOSE@FULBRIGHT.COM

DIRECT DIAL NUMBER:
512/536-4585

HOUSTON
WASHINGTON, D.C.
AUSTIN
SAN ANTONIO
DALLAS
NEW YORK
LOS ANGELES
MINNEAPOLIS
LONDON
HONG KONG

May 22, 2002

Ms. Susan Sugarek
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

VIA HAND DELIVERY

Re: Purchase of 7.65 Acre Vacancy by The Herman F. Heep and Minnie Belle Heep Texas
A&M University Foundation (the "Foundation"); File No. SF-16566, Hays County,
Texas

Dear Susan:

In accordance with your letter to Mr. James B. Bond, President of the Foundation, dated April 30, 2002, please find enclosed (i) the Acceptance of Terms of Sale of Unsurveyed School Land, executed and acknowledged on behalf of the Foundation; and (ii) a cashier's check, #A0990049250, in the amount of \$19,411.88, which amount includes the purchase price for the referenced vacancy in the amount of \$19,125.00 and the 1.5% statutory sales fee.

Please forward to me the land award and receipt which conveys the property from the State of Texas to the Foundation. Upon receipt of same, I will record the land award in the Official Records of Hays County, Texas.

The Foundation does intend to apply for a patent covering the vacancy property. I will forward a formal written request for a patent, along with the necessary fees, to you by separate correspondence.

Thank you for your assistance with this transaction. If you have any questions or need additional information, please let me know.

Very truly yours,

Lenora DuBose

LD/

Enclosures

cc: Mr. James B. Bond - via facsimile transmission (w/out encls.)

Handwritten notes in blue ink on the right side of the page, including a date stamp 'MAY 22 2002' and various initials and numbers.

Handwritten number '38' in a circle at the bottom right corner.

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

TELEPHONE: 512/474-4501
FACSIMILE: 512/738-4550
INTERNET ADDRESS:
F&J@FULBRIGHT.COM
DIRECT DIAL NUMBER:
512/738-4550

HONG KONG
LONDON
MINNEAPOLIS
LOS ANGELES
NEW YORK
DALLAS
SAN ANTONIO
AUSTIN
WASHINGTON, D.C.
HOUSTON

May 22, 2002

VIA HAND DELIVERY

Ms. Susan Sugarc
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

Re: Purchase of 7.65 Acre Vacancy by The Herman F. Heep and Minnie Belle Heep Texas
A&M University Foundation (the "Foundation"); File No. SF-16566, Hays County,
Texas

Dear Susan:

In accordance with your letter to Mr. James B. Bond, President of the Foundation, dated
April 30, 2002, please find enclosed (i) the Acceptance of Terms of Sale of Unsurveyed School
Land, executed and acknowledged on behalf of the Foundation; and (ii) a cashier's check,
#A0990040250, in the amount of \$19,411.88, which amount includes the purchase price for the
retained vacancy in the amount of \$19,125.00 and the 1.2% statutory sales fee.

Please forward to me the land award and receipt which conveys the property from the
State of Texas to the Foundation. Upon receipt of same, I will record the land award in the
Official Records of Hays County, Texas.

The Foundation does intend to apply for a patent covering the vacancy property. I will
forward a formal written request for a patent, along with the necessary fees, to you by separate
correspondence.

Thank you for your assistance with this transaction. If you have any questions or need
additional information, please let me know.

Very truly yours,

[Signature]
Loretta Dufosse

L.D.
Enclosures

cc: Mr. James B. Bond - via facsimile transmission (w/out encls.)

File No. SF-16566

County

Hays

State of Texas, Loretta Dufosse

Date Filed: 6-12-02

David Dewhurst, Commissioner

S. Sugarc

28

421820021

\$ REMITTANCE DISTRIBUTION - DO NOT FILE \$

NAME	REMITTANCE DESCRIPTION					FISCAL YEAR	REGISTER NUMBER	AMOUNT
	REFER	TYPE	MO.	DAY	YEAR			
HEEP HERMAN F ASSET MGMT (00) (C)	156	C	05	29 22	2002	2002	36196	19,411.88

FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER	CONTROL NO.	AMOUNT
SF-16566	34901	\$ 19,125.00			
"	30205	286.88			

[Handwritten signature]
5/25/02

Attn Susan Sigafoos

150

02036196

X 19,411.88

© NCR Systemedia Group 96-124453-B

JPMorgan Chase Bank AUSTIN, TEXAS 78789 Member FDIC			A 0990049250 DATE MAY 22 2002
CASHIER'S CHECK	REMITTER <input checked="" type="checkbox"/> HERMAN F. HEEP & MINNIE BELLE HEEP TEXAS A&M UNIVERSITY FOUNDATION		JP MORGAN CHASE BANK \$19,411.88
	PAY TO THE ORDER OF ***TEXAS GENERAL LAND OFFICE*** \$19,125.00 FOR PURCHASE PRICE \$286.88 AS 1 1/2% STATUTORY SALES FEE		
	A 60 day waiting period and an indemnifying Bond is required to replace this check.		
A 60 day waiting period and an indemnifying Bond is required to replace this check.		AUTHORIZED SIGNATURE	
MICR line: ⑈0990049250⑈ ⑆111001150⑆ ⑈00101999746⑈			

2. Gordon
David Sigafoos
 Date 5/22/02
 Copy of Day
 11/17/02
 25-10
 50

29

File No. SF-16566

HAYS County

Copy of Dist Slip rec'd 5-22-02

Date Filed: 6-12-02

David Dewhurst, Commissioner

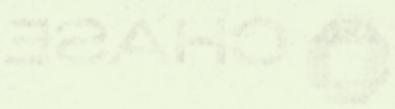
By S. Sogard

REMITTANCE DISTRIBUTION - DO NOT FILE

PAYER	DATE	AMOUNT	PROPERTY IDENTIFICATION				REGISTERED TO	REGISTERED YEAR
			TRACT NO.	SECTION	RANGE	TOWNSHIP		
SE-Help	3/27/01	19,125.00						
"	3/27/01	286.88						

0503ETAE

4/1/88



ORDER OF PAY TO THE ORDER OF "TRUST GENERAL LAND OFFICE" \$19,125.00 FOR MEMBER PRICE PERM BE

CASHIER'S CHECK

**ACCEPTANCE OF TERMS OF SALE
OF UNSURVEYED SCHOOL LAND
Good Faith Claimant**

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation (the "Foundation") hereby accept the terms of sale of the tract of unsurveyed school land hereinafter described as stated in your letter dated April 30, 2002 and apply to complete my application to purchase under the terms of the Acts 1993, 73rd Legislature, Regular Session, Ch. 991, Section 1, now codified as Chapter 51, Subchapter E, Sections 51.171, et. seq., Natural Resources Code, relating to the sale of vacant and unsurveyed public school land.

The land is situated in Hays County, Texas, about 8 miles N 80° W from San Marcos, the county seat of Hays County and is briefly described as follows:

Scrap File No.
16566

Acreage
7.65

The Foundation agrees to pay for said land the price of TWO THOUSAND FIVE HUNDRED AND NO/100 Dollars (\$2,500.00) per acre, and the Foundation hereby encloses the sum of NINETEEN THOUSAND ONE HUNDRED TWENTY-FIVE and NO/100 Dollars (\$19,125.00) as the full cash payment therefor, together with the 1 1/2% special sales fee of TWO HUNDRED EIGHTY-SIX and 88/100 Dollars (\$286.88) as required by Section 32.110, Natural Resources Code.

The Foundation further agrees that the sale to it is made upon the express condition that there is reserved unto the State of Texas for the use and benefit of the Permanent School Fund, all oil, gas, coal, lignite, salt, potash, uranium, thorium, and all other minerals in and under the land described above wherever located and by whatever method recovered, as well as the right to lease such minerals and the right of ingress and egress to explore for and produce the same. The Foundation understands that it will be awarded a non-participating royalty of 1/32 of the value of oil and gas and sulphur and one percent of the value of all geothermal resources and all other minerals produced.

GOOD FAITH CLAIMANT: The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation

By: _____

Print Name: _____

Title: _____

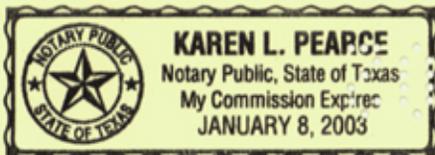
Mailing Address: _____

_____ College Station, TX 77840-2811

STATE OF TEXAS §

COUNTY OF Brazos §

This instrument was acknowledged before me on the 7th day of May, 2002 by James B. Bond as President of The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation, a Texas non-profit corporation, on behalf of said corporation.



Karen L. Pearce
(Printed or Stamped Name of Notary)
My Commission Expires: 01-08-03

30

File No. SF-116566
HAYS County

Acceptance of Terms

Date Filed: 6-12-02

By David Dewhurst, Commissioner

S. Sugarek

[Faint handwritten notes and signatures]

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0000
0000
0000
0000



Texas General
Land Office



David Dewhurst
Commissioner

June 12, 2002

Ms. Lenora DuBose
Attorney at Law
600 Congress Avenue, Suite 2400
Austin, TX 78701

Re: Land Award for Vacancy Sale of 7.65 acres in Hays County, Texas,
File No. SF-16566

Dear Ms. DuBose:

Enclosed is the Land Award and Receipt for the referenced sale to the Heep Foundation. **Please be aware that it is your responsibility to have this award recorded in the real property records of the Hays County Clerk's Office in order to protect the Foundation's rights in this property.**

In accordance with the Texas Natural Resources Code, Sec. 51.065, the General Land Office will notify the Hays County Clerk of the sale, the purchaser's name and address, and the price. This information will then become public record.

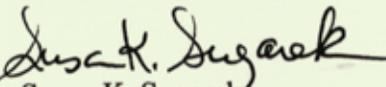
Although the award conveys clear title, some people wish to apply for a patent. The Land Award gives equitable title, whereas, the patent gives full legal title and must have patentable field notes on file in this office.

According to our Surveying Division, a patent may be issued for this tract based on the field notes of record in this office. For your reference, enclosed are brief instructions for patenting lands in case you are interested.

After considering these options, if you would like to obtain a patent, please address your correspondence and include the appropriate fees to: Texas General Land Office, Surveying Division, Roy Molina, Assistant Director of Surveying, PO Box 12873, Austin, Texas 78711-2873.

Please call me at (512) 463-5161 if I can answer any questions or provide additional information.

Sincerely,


Susan K. Sugarek
Asset Management Division
Dispositions/Uplands

Enclosures

Mailing
Post Office Box 12873
Austin, Texas
78711-2873

Street
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

512.463.5001
1.800.998.4GLO
www.glo.state.tx.us

Handwritten notes and stamps in the bottom right corner, including a date stamp 'JUN 12 2002' and a signature 'Roy Molina'.

Handwritten number '13' in a circle.

June 12, 2002

Texas General
Land Office



David Dewhurst
Commissioner

Ms. Lenora Dubose
Attorney at Law
600 Congress Avenue, Suite 2400
Austin, TX 78701

Re: Land Award for Vacancy Sale of 7.65 acres in Hays County, Texas.
File No. SF-16566

Dear Ms. Dubose:

Enclosed is the Land Award and Receipt for the referenced sale to the Hays Foundation. Please be aware that it is your responsibility to have this award recorded in the real property records of the Hays County Clerk's Office in order to protect the Foundation's rights in this property.

In accordance with the Texas Natural Resources Code, Sec. 51.065, the General Land Office will notify the Hays County Clerk of the sale, the purchaser's name and address, and the price. This information will then become public record.

Although the award conveys clear title, some people wish to apply for a patent. The Land Award gives equitable title, whereas, the patent gives full legal title and must have patentable field notes on file in this office.

According to our Surveying Division, a patent may be issued for this tract based on the field notes of record in this office. For your reference, enclosed are brief instructions for patenting lands in case you are interested.

After considering these options, if you would like to obtain a patent, please address your correspondence and include the appropriate fee to the General Land Office, Surveying Division, Roy Moore, Assistant Director of Surveying, PO Box 12873, Austin, Texas 78711-2873.

Please call me at (512) 463-5161 if I can answer any questions or provide additional information.

Sincerely,

Susan K. Sugar
Asset Management Division
Dispositional/Lands

David Dewhurst, Commissioner

By S. Sugar

File No. SF-16566

HAYS County

6-12-02 Land Sub. HR.

Date Filed: 6-12-02

(31)

Enclosures

www.glo.state.tx.us
1 800 988 4610
512 463 5001
Austin, Texas 78701-1497
500 North Congress Avenue
Steven F. Austin Building
78711-5073
Austin, Texas
Post Office Box 15873

LAND AWARD AND RECEIPT

Under the terms of Chapter 51, Subchapter E, Sections 51.171, et. seq., Texas Natural Resources Code, relating to the sale of vacant and unsurveyed public school land.

GENERAL LAND OFFICE
AUSTIN, TEXAS

FILE NO. SF-16566

WHEREAS, the Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation, (GOOD FAITH CLAIMANT), of 401 George Bush Drive, College Station, Texas 77840-2811, has in the manner and form prescribed by law, filed in this office a Notice of Intent to purchase the following school land, to-wit:

The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation Survey, in Hays County, Texas, containing 7.65 acres and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes;

The School Land Board having fixed the price, and the State having received NINETEEN THOUSAND ONE HUNDRED TWENTY-FIVE and NO/100 Dollars (\$19,125.00) as the full payment therefor, I do hereby award to The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation the land described above, subject to the following:

There is reserved unto the State of Texas for the use and benefit of the Permanent School Fund, all oil, gas, coal, lignite, sulphur, and other mineral substances from which sulphur may be derived or produced, salt, potash, uranium, thorium, geothermal resources, and all other minerals in and under the land described above wherever located and by whatever method recovered, as well as the right to lease such minerals and the right of ingress and egress to explore for and produce the same. The Good Faith Claimant will receive a nonparticipating royalty of 1/32 of the value of oil and gas and sulphur and 1 % of the value of all geothermal resources and all other minerals produced.

Further, said award is made subject to any and all easements, rights-of-way, and matters of record, or those visible and apparent on the ground, affecting or related to the said property.

APPROVED BY THE SCHOOL LAND BOARD: April 30, 2002
FULL PAYMENT RECEIVED: May 22, 2002
WITNESS MY HAND AND SEAL OF OFFICE.

APPROVED

Contents

Deputy Commissioner

Legal Services

Chief Clerk

BB
BH & RBT
ZOC
PS

David Dewhurst

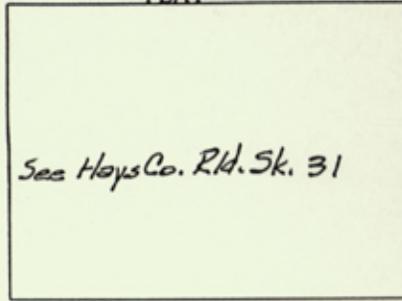
DAVID DEWHURST, COMMISSIONER
TEXAS GENERAL LAND OFFICE
CHAIRMAN, SCHOOL LAND BOARD

DATE: 6/11/2002

DEC 18 2001

THE STATE OF TEXAS

PLAT



County of

HAYS

Lee Carls

COUNTY CLERK

Survey

[No. _____]

[Blk. _____]

[Tsp. _____]

[Cert. _____]

FIELD NOTES

*See Letter of Certification
Contract No. 18, 2/12/02 RUD*

Description of a survey of 7.65 acres of land made for the Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation by virtue of its application with the Commissioner of the General Land Office on May 1, 2001. Said land is situated in Hays County, about 8 miles N 80° W from the city of San Marcos, the County Seat, and described by metes and bounds as follows, to-wit:

Beginning at N = 4,995,504.526 varas E = 815,788.463 varas, a stone mound found for the west corner of ~~John~~ Huffman Survey No. 21, A-228, Hays County, Texas, being an ell corner of the W.A. Moore Survey, A-330, Hays County, Texas, from which the stump of a dead 34-inch Black Jack Oak bears S 50° 44' 31" W a distance of 44.4 varas;

THENCE S 46° 20' 01" E, with the southwest line of said Huffman Survey No. 21, same being the northeast line of said Moore Survey, and generally along an old wire fence and rock fence, a distance of 557.44 varas to a calculated point for the southern east corner of said Moore Survey;

THENCE S 43° 39' 59" W, leaving the southwest line of said Huffman Survey No. 21, with the southeast line of said Moore Survey, same being the northwest line of said G.W.A. Colton Survey, a distance of 394.00 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in an open pasture, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the south corner of said Moore Survey, being in the northwest line of said Colton Survey and being the east corner and true **POINT OF BEGINNING** of the tract described herein, said corner having the following coordinates: N = 4,994,834.717 varas, E = 815,919.645 varas;

THENCE S 43° 39' 59" W, continuing with the northwest line of said Colton Survey, at a distance of 912 varas pass the center of Purgatory Creek, continuing for a total distance of 950.00 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in a lightly wooded area, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the west corner of said Colton Survey and for the south corner of the tract described herein;

THENCE N 46° 20' 01" W a distance of 45.44 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in a lightly wooded area, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the south corner of the Rueben Pierce Survey, A-378, Hays County, Texas, and being the west corner of the tract described herein;

THENCE N 43° 39' 59" E, with the southeast line of said Pierce Survey, at a distance of 55 varas pass the center of Purgatory Creek, continuing for a total distance of 950.00 varas to a one-inch outside diameter, 24-inch length, iron pipe in a rock mound set in a lightly wooded area near the edge of a pasture, pipe up six inches and stamped "COR 7.65 AC." and "LAI", for the east corner of said Pierce Survey, being in the southwest line of said Moore Survey, and being the north corner of the tract described herein, from which a 59-inch live oak bears N 66° 04' 00" E a distance of 35.3 varas;

THENCE S 46° 20' 01" E, with the southwest line of said Moore Survey, a distance of 45.44 varas to the true **POINT OF BEGINNING** and containing 7.65 acres of land, more or less.

Bearings and Coordinates shown hereon are Texas Coordinate System, South Central Zone, NAD 83, GRID. Distances are SURFACE.

(OVER)

EXHIBIT A

This survey is tied to the following N.G.S. stations utilizing Global Positioning System (GPS) survey data and post-processing: Austin (AUS5) and San Antonio (ANTO) Regional Reference Point (RRP) Continually Operating Reference Stations (CORS).

AUS5 Published Coordinates (Texas Central Zone): X= 947,833.109 meters Y= 3,074,376.190 meters
ANTO Published Coordinates (Texas South Central Zone): X= 641,050.269 meters Y= 4,183,810.554 meters

Zone: Texas Coordinate System, Texas South Central
Combined Scale Factor: 0.999870

Convergence Angle: 00° 27' 38.42851"

GLO-SD-40(2-98)

October 1, 2001
Date of Survey

Mike Kelley, Kelly McCombs,
Brian McCluer
Field Survey Personnel

I, William D. O'Hara Licensed State Land-County Surveyor of _____ County, Texas, do hereby certify that the foregoing survey was made by me on the ground, according to law, on the date and with field personnel aforesaid, and that the limits, comers, and boundaries with the marks of the same, natural and artificial, are truly and correctly described and set forth in the foregoing plat and field notes, just as I found or set them on the ground.

William D. O'Hara
Licensed State Land Surveyor

Filed for record in my office, the 18th day of Dec, 2001.
At 11:30 o'clock A M., and duly recorded the 18th day of Dec, 2001 in Book 11 Page 213-225 of the County Surveyors Records of HAYS County, Texas.

[Signature]
County Surveyor / County Clerk

DO NOT WRITE BELOW THIS LINE
FOR GENERAL LAND OFFICE USE ONLY

File No. SF 16566 County HAYS
School Land Field Notes
Date Filed: 14 Jan. 2002
By: [Signature]
Current on map for 7.65 acres

RECEIVED AS STATED

\$25.00
DATE 1/14/2002
REG. NO. 17105 CBT
GENERAL LAND OFFICE

EXHIBIT A

2. Landmark
10-12-01
17105 CBT
17105
25-10210
35

Texas General
Land Office



David Dewhurst
Commissioner

June 13, 2002

Mr. Lee Carlisle
Hays County Clerk, Records Bldg.
137 N. Guadalupe St.
San Marcos, TX 78666

Re: Sale of state owned land, File No. SF-16566

Dear Mr. Carlisle:

In accordance with Section 51.065 of the Texas Natural Resources Code, (V.T.C.A.), this is to inform you that the Texas General Land Office has sold 7.65 acres of land in Hays County described as:

The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation Survey in Hays County, Texas containing 7.65 acres and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes;

Purchaser: The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation
401 George Bush Drive
College Station, TX 77840-2811

Date of School Land Board Approval: April 30, 2002

Full Payment Received: May 22, 2002

Purchase Price: \$19,125.00

Please make a notation of the issuance of this LAND AWARD in your records. If you have any questions you may contact me at (512) 463-5161.

Sincerely,

Susan K. Sugarek
Asset Management Division
Dispositions

Enclosure

Mailing
Post Office Box 12873
Austin, Texas
78711-2873

Street
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

512.463.5001
1.800.998.4GLO
www.glo.state.tx.us

Handwritten notes and stamps in the bottom right corner, including a date stamp '6-13-02' and a signature 'Susan K. Sugarek'.

June 13, 2002

Mr. Lee Carlisle
Hays County Clerk, Records Bldg.
137 N. Guadalupe St.
San Marcos, TX 78666

Re: Sale of state owned land, File No. SF-16566

Dear Mr. Carlisle:

In accordance with Section 51.055 of the Texas Natural Resources Code (V.T.C.A.), this is to inform you that the Texas General Land Office has sold 7.65 acres of land in Hays County described as:

The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation Survey in Hays County, Texas containing 7.65 acres and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes;

Purchaser: The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation
401 George Bush Drive
College Station, TX 77840-2811

Date of School Land Board Approval: April 30, 2002
Full Payment Received: May 22, 2002
Purchase Price: \$19,125.00

Please make a notation of the issuance of this LAND AWARD in your records. If you have any questions you may contact me at (512) 463-5161.

Sincerely,

Susan K. Sugar
Susan K. Sugar
Asset Management Division
Dispositions

David Dewhurst, Commissioner

By *S. Sugar*

Enclosure

Texas General
Land Office



David Dewhurst
Commissioner

Post Office Box 12873
Austin, Texas
78711-2873

Stephen F. Austin Building
1700 Hoffa Congress Avenue
Austin, Texas 78701-1485

212.463.5001
1.800.988.4610
www.glo.state.tx.us

File No. SF-16566

Hays County

Co. CLK. Hr. dtd. 6-13-02

Date Filed: 6-13-02

33

Texas General
Land Office



David Dewhurst
Commissioner

June 13, 2002

Ms. Luanne Caraway
Hays County Tax Assessor-Collector, Annex Bldg.
102 N. LBJ Drive
San Marcos, TX 78666

Re: Sale of state owned land, File No. SF-16566

Dear Ms. Caraway:

In accordance with Section 51.065 of the Texas Natural Resources Code, (V.T.C.A.), this is to inform you that the Texas General Land Office has sold 7.65 acres of land in Hays County described as:

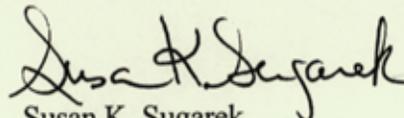
The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation Survey, in Hays County, Texas containing 7.65 acres and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes;

Purchaser: The Herman F. Heep and Minnie Belle Heep Texas A & M University Foundation
401 George Bush Drive
College Station, TX 77840-2811

Date of School Land Board Approval: April 30, 2002
Full Payment Received: May 22, 2002
Purchase Price: \$19,125.00

The abstract number is 838 and this information will be carried in abstract supplement K, when published. If you have any questions, you may contact me at (512) 463-5161.

Sincerely,


Susan K. Sugarek
Asset Management Division
Dispositions

Enclosure

Mailing
Post Office Box 12873
Austin, Texas
78711-2873

Street
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

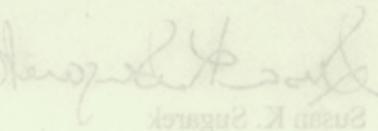
512.463.5001
1.800.998.4GLO
www.glo.state.tx.us

Handwritten notes:
DATE FILED: 6-13-02
FILE NO: 25-10209
Hand
COUNTY

Handwritten circled number: 37

34

File No. SF-16566
Hays County
TAX - Assessa HR. dtd. 6-13-02
 Date Filed: 6-13-02
 By: David Dewhurst, Commissioner
S. Sugarak

Dispositions
 Asset Management Division
 Susan K. Sugarak
 Sincerely,


The abstract number is 838 and this information will be carried
 abstract supplement K when published. If you have any questions, you may
 contact me at (512) 463-2161.

Purchase Price: \$19,125.00
 Full Payment Received: May 22, 2002
 Date of School Land Board Approval: April 30, 2002

Purchaser: The Herman F. Heep and Minnie Belle Heep Texas A & M
 University Foundation
 401 George Bush Drive
 College Station, TX 77840-2811

purpose:
 bounds in Exhibit "A" attached hereto and incorporated herein for all
 7.65 acres and being more particularly described by metes and
 University Foundation Survey, in Hays County, Texas containing
 The Herman F. Heep and Minnie Belle Heep Texas A & M

has sold 7.65 acres of land in Hays County described as:
 Code (V.T.C.A.), this is to inform you that the Texas General Land Office
 In accordance with Section 51.065 of the Texas Natural Resources

Dear Ms. Caraway:

Re: Sale of state owned land, File No. SF-16566

San Marcos, TX 78666
 102 N. LBJ Drive
 Hays County Tax Assessor-Collector, Annex Bldg.
 Ms. Luanne Caraway

June 13, 2002

Texas General
 Land Office



David Dewhurst
 Commissioner

Post Office Box 12873
 Austin, Texas
 78711-2873

Stephen F. Austin Building
 1700 North Congress Avenue
 Austin, Texas 78701-1432

www.gls.state.tx.us
 1 800 988 4610
 512 463 2001

Enclosure



Special Handling Receipt

Texas General Land Office
CA-28 (8/92)

HANDLE THIS ITEM AS INDICATED

I Veteran Service Fund

O Hold Undeposited For:

Insurance

Not Endorsed

Post Dated

Lomas

Direct Return

(reason) _____

Special

(route to) _____

Other

Q Recording Fee Account

M Trustee/Land Vacancy Acct.

T Travel Advance Account

02039299

FULBRIGHT & JAWORSKI L.L.P. ✓

VENDOR: 151860 TEXAS GENERAL LAND OFFICE

CHECK NO: 11112

APPR#	INVOICE#	DATE	AMOUNT	DESCRIPTION	VOUCHER#
09515	0613200209515	06-13-02	15.50	Patent recording and handling fee - 06-13-02 / 10021720	10282422
RECEIVED JUN 13 2002 RECEIVER'S OFFICE				02039299	
				X 15.50	156 Q



Receipt

Texas General Land Office
David Dewhurst, Commissioner

Register #

002966

Date: 6-23-02 Dept. # 156 (C)

Dollars \$ 15.50

Received From

Furnight +
ARSOBSKI

For

Recording Fee

Phone # _____

Cash		
Check	<u>15.50</u>	
Money Order		
Other		

Received by

Texas General Land Office Receiver

FULBRIGHT & JAWORSKI L.L.P. ✓

VENDOR: 151860 TEXAS GENERAL LAND OFFICE

CHECK NO: 11113

APPR#	INVOICE#	DATE	AMOUNT	DESCRIPTION	VOUCHER#
09515	0613200209515	06-13-02	55.50	Patent fee and registered postage fee - 06-13-02 / 10021720	10282424

RECEIVED
JUN 13 2002
RECEIVER'S OFFICE

156
X 55.50
02039300



Receipt

Texas General Land Office
David Dewhurst, Commissioner

Register #

002965

Date: 6-23-02

Dept. # 1542

Dollars \$ 55.50

Received From

F20 bright +
JANOSBSKI

For

P2722

Phone # _____

Cash		
Check	55	50
Money Order		
Other		

Received by

[Signature]
Texas General Land Office Receiver

LENORA DuBOSE
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

Mr. Roy Molina
Assistant Director of Surveying Division
Texas General Land Office
1700 N. Congress Avenue
Austin, TX 78701

2010

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

TELEPHONE: 512/474-5201
FACSIMILE: 512/536-4598

INTERNET ADDRESS:
LEDUBOSE@FULBRIGHT.COM

DIRECT DIAL NUMBER:
512/536-4585

HOUSTON
WASHINGTON, D.C.
AUSTIN
SAN ANTONIO
DALLAS
NEW YORK
LOS ANGELES
MINNEAPOLIS
LONDON
HONG KONG

June 13, 2002

Mr. Roy Molina
Assistant Director of Surveying Division
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

VIA HAND DELIVERY

Re: **Request for Patent** –covering 7.65 acres situated in Hays County, Texas, awarded to The Herman F. Heep and Minnie Belle Heep Texas A&M University Foundation (the "Foundation"); *File No. SF-16566*

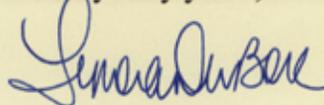
Dear Roy:

In accordance with instructions provided by Susan Sugarek, this letter is to request, on behalf of the Foundation, issuance of a patent covering the 7.65 acre tract in Hays County, Texas, which was recently awarded to the Foundation by the Land Award and Receipt dated June 11, 2002. Enclosed are the following firm checks to cover fees relating to this request: (i) Check No. 11113, in the amount of \$55.50, for the patent fee and registered mail postage fee; and (ii) Check No. 11112, in the amount of 15.50 for the patent recording and handling fee.

The field notes, survey plat and report, describing the 7.65 acre tract on which the patent is to be issued, was previously filed with the General Land Office by Bill O'Hara, Licensed State Land Surveyor, in connection with the vacancy application submitted by the Foundation.

If you have any questions or comments concerning the enclosed, or if I need to submit additional information in connection with this patent request, please give me a call. Hope all is going well and that you are getting to enjoy some time off this summer with your family!

Very truly yours,



Lenora DuBose

LD/

Enclosures

cc: Mr. James B. Bond – via facsimile transmission (w/out encls.)

45189663.1

LEUR 6-13-02

\$ REMITTANCE DISTRIBUTION - DO NOT FILE \$

NAME	REMITTANCE DESCRIPTION					FISCAL YEAR	REGISTER NUMBER	AMOUNT
	REFER	TYPE	MO.	DAY	YEAR			
FULBRIGHT ETAL ASSET MGMT (00) (C)	156	C	06	13	2002	2002	39300	55.50
FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER	CONTROL NO.	AMOUNT			
SF-16566	30153	50 00 PHO.						
" "	80213	MAIL 5.50						

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Jella E. Barreira, Commission
 Date filed: 06/14/06
 25-16266
 CONULA

[Handwritten signature]

PATENT BUCK SHEET

FILE NUMBER SF 16566
PATENT NUMBER 46 VOLUME NUMBER 48-B
DOCUMENT TYPE APPLICATION/LAND AWARD ACREAGE 7.65
PATENT TO HERMAN F. HEEP AND MINNIE BELLE HEEP TEXAS A+M UNIVERSITY FOUNDATION
KNOWN AS SAME AS ABOVE EXCEPT GFC PART. CERT. NO.
SITUATED IN HAYS CO. ABSTRACT NO. 838
LOCATED ABOUT 8 MILES N 80° W FROM SAN MARCOS TEXAS
PAID ON HERMAN F. HEEP AND MINNIE BELLE HEEP
APPLICATION OF TEXAS A+M UNIVERSITY FOUNDATION FILED ON DATE 5/1/01

UNDER THE PROVISIONS OF (CIRCLE ONE):

- A. CHAPTER 32, SUBCHAPTER D, AND CHAPTER 51, SUBCHAPTERS B AND C, RELATING TO THE SALE OF PERMANENT SCHOOL FUND LAND.
B. LAWS REGULATING THE SALE OF PUBLIC SCHOOL LAND.
C. CHAPTER 47, ACT OF MAY 19, 1897, AND THE ACTS APPROVED APRIL 1901, APRIL 15, 1905, AND MAY 16, 1907.
D. TITLE LXXXVII, CHAPTER 12A, REVISED CIVIL STATUTES OF 1895 AND THE AMENDMENTS THERETO BY THE ACT OF MAY 19, 1897 AND THE ACTS RELATING TO THE SALE AND LEASE OF PUBLIC FREE SCHOOL AND ASYLUM LANDS.
E. LAWS REGULATING THE SALE OF FORFEITED PUBLIC FREE SCHOOL LAND, CHAPTER 94, ACT APPROVED MARCH 19, 1925.
F. ACTS OF 1983, 68TH LEGISLATURE, CHAPTER 182, SECTION 1, NOW CODIFIED AS SECTION 51.253 OF THE TEXAS NATURAL RESOURCE CODE (CORRECTED PATENT).

G. OTHER: ACTS 1993, 73RD LEGISLATURE, REGULAR SESSION, Ch. 991, SECTION 1, NOW CODIFIED AS CHAPTER 51, SUBCHAPTER E, SECTIONS 51.171, et seq. NATURAL RESOURCES CODE, RELATING TO THE SALE OF VACANT AND UNSURVEYED PUBLIC SCHOOL LAND.
FIELD NOTES DATED 10/1/2001 APPR. FOR PATENT 6/13/02

IF FORFEITURE,
FILE _____ APPLICANT _____ DATE FILED _____
FILE _____ APPLICANT _____ DATE FILED _____

MINERAL RESERVATION TYPE (CIRCLE ONE):

- A. NO MINERAL RESERVATION, CLASSIFICATION: _____
B. RELINQUISHMENT ACT (1895-1931) "PROVIDED HOWEVER, there is reserved unto the State of Texas all oil, gas, and other minerals. Under the terms of what is commonly known as the Relinquishment Act of 1919, the owner of the surface is designated as the agent of the State for the leasing of the minerals and the State is entitled to receive one-half of all the bonus or consideration and one-half of the royalties and rentals payable under the terms of a lease covering land patented herein."
C. FREE ROYALTY (1931-1983) "PROVIDED HOWEVER, there is reserved unto the State of Texas one-eighth of all sulfur and other mineral substances from which sulfur may be derived or produced and one-sixteenth of all other minerals as free royalties to the state."
D. FULL RESERVATION (1983 TO PRESENT) "PROVIDED HOWEVER, that there is reserved unto the State of Texas for the use and benefit of Permanent School Fund, all oil, gas, coal, lignite, sulfur, and other mineral substances from which sulfur may be derived or produced, salt, potash, uranium, thorium, and all other minerals in and under the land described above wherever located and by whatever method recovered, as well as the right to lease such minerals and the right of ingress and egress to explore for and produce the same."
E. VACANCIES/GOOD FAITH CLAIMANT/APPLICANT (ROYALTY AWARD 1/16TH SPLIT)

See Accepted OF TERMS

PATENT APPROVAL SURVEY 6/23/02 REAL ESTATE/TITLE DW

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File No. SF-16566 _____ County
Hays
Burbank
Date Filed: 8/7/63
Jerry E. Patterson, Commissioner
By [Signature]

PATENT DUCK SHEET

25-10200

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APPLICATION

HERMAN F. PETERSON
GOOD FAITH
STATE

STATE

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HERMAN F. PETERSON
TEXAS