

August 31, 2015 (Exhibit #4)

H330050 PAGE ONE OF THREE:

P.O. Box 1909 117 Vick Dr. Brownwood, Texas 76804 Phone: 325-646-3036 Fax: 325-643-2312

E Mail: kingland@verizon.net

# King Land Surveying

TBPLS Firm No. 10098200
Elected County Surveyor of Brown County

THE STATE OF TEXAS: COUNTY OF BROWN: COUNTY OF MILLS:

# FIELD NOTES AND ATTACHED PLAT OR MAP MADE FOR CHARLIE GARY SMITH ESTATE

All of that certain 398.81 acre tract or parcel of land of which contains approximately 341 acres within Brown County, Texas, and 57.81 acres within Mills County, Texas, of which contains 143.49 acres out of the Benjamin Head Survey No. 299, Brown County Abstract No. 394, Mills County Abstract No. 320, and in Brown County, 124.02 acres out of the Robert J. Towns Survey No. 323, 20.18 acres out of the T.S. Scott Survey Abstract No. 1907, and 341 acres out of the Feliz Wardziski Survey No. 324, Abstract No. 962, being the remaining portion of a 506.72 acre tract as conveyed from C.D. Smith et.ux., to Nelda Dean Hedges, James Michael Smith, and Charlie Gary Smith, dated February 16, 1976, being of record in Volume 691, Page 117, of the Deed Records of Brown County, Texas, and is further described as occupied as follows;

BEGINNING at a 1/2" iron rod found in place in the Westerly line of Mills County Roadway No. 192, being the SEC of same land as conveyed as a 342.13 acre tract, from Blasita L. Thresher for the William J. Thresher Estate, to Jay Parker Doelling, dated September 13, 2013, being of record in Volume 103, Page 21, of the Official Public Records of Brown County, Texas, being the occupied NEC of said 506.72 acre tract, for the North East Corner of this;

THENCE South 01 degrees 19 minutes 39 seconds East, with the Westerly line of said County Roadway, 1845.87 feet to a ½" iron rod set by a fence corner post in the northerly line of F.M. Highway No. 218, for the occupied SEC of this;

THENCE with the northerly line of said Highway, South 89 degrees 16 minutes 53 seconds West, 1926.39 feet the Point of Curve and along a curve to the right having a radius of 1221.62 feet and an arc length of 453.92 feet, being subtended by a chord of North 79 degrees 46 minutes 17 seconds West for a distance of 451.31 feet to the Point of Tangent of said Curve, and continuing North 69 degrees 32 minutes 01 seconds West, 126.02 feet to the intersection of the centerline of the entrance of County Road No. 306, being the Easterly Corner of the Peter James property, being of record in Volume 1379, Page 289, and 1177, Page 375, of the Real Property Records of said County, for a Southerly Corner of this;

THENCE with the centerline of said roadway being James Northerly lines, North 51 degrees 53 minutes 12 seconds West, 450.71 feet, North 43 degrees 12 minutes 48 seconds West, 543.17 feet, North 56 degrees 33 minutes 52 seconds West, 352.81, North 68 degrees 35 minutes 55 seconds West, 210.23 feet, South 87 degrees 32 minutes 14 seconds West, 234.15 feet, South 71 degrees 03 minutes 37 seconds West, 322.99 feet to the projection of the Westerly line of said James property, for an Interior Corner of this;

THENCE South 00 degrees 32 minutes 46 seconds West, passing the southerly line of said roadway and an iron rod at 30.66 feet, and continuing with a total distance of 552.21 feet to a 2" steel fence corner post in the Northerly line of said F.M. Highway, being the SWC of said James property, for a Southerly Corner of this;

**CONTINUED ON PAGE TWO** 

### H330050 PAGE TWO OF THREE:

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THENCE South 89 degrees 27 minutes 11 seconds West, with northerly line of said Highway, 3233.70 feet to a ½" iron rod by a fence corner post, being the SEC of same land as conveyed by Travis Holamon et.ux., to Betty Joan Gist et.ux., dated September 14, 2612, being of record in Volume 60, Page 694, of the Official Public Records of said County, for the Southerly South West Corner of this;

THENCE North 02 degrees 13 minutes 58 seconds West, with the Easterly line of Gist property, 1051.19 feet, (deed call 1051.19 feet), to a ½" iron rod found in place in the southerly line of said Roadway, being the NEC of said Gist property, for an Interior Corner of this;

THENCE with the southerly lines of said roadway, South 88 degrees 27 minutes 32 seconds West, 674.18 feet, (deed call 674.18 feet), to a wood fence corner post, being the NWC of said Gist property, and the NEC of a 23.27 acre tract as conveyed by deed from Travis Holamon et.ux., to James R. Holamon et.ux., dated September 14, 2014, being of record in Volume 60, Page 706, of the Official Public Records of said County and continuing with southerly line of said Roadway, South 88 degrees 25 minutes 40 seconds West, 913.08 feet to a ½" iron rod set being the Westerly South West Corner of the remaining 506.72 acre tract, for the Westerly South West Corner of this;

THENCE North 01 degrees 01 minutes 51 seconds West, crossing roadway, passing a ½" iron rod by fence corner post at 59.42 feet, of which being the SEC of same land as conveyed to Mike McClara, dated April 14, 2008, being of record in Volume 1701, Page 272, of the Real Property Records of said County and continuing with a total distance of 599.10 feet to a ½" iron rod found in the southerly line of a former Kevin Gober tract being in Volume 1388, Page 282, of said Real Property Records, for a Westerly Corner of this;

THENCE passing several tracts out of Gober tract, South 89 degrees 37 minutes 50 seconds East, 163.50 feet to ½" iron rod by fence post, North 01 degrees 03 minutes 15 seconds East, 121.53 feet to a 6" steel fence corner post, North 00 degrees 36 minutes 28 seconds East, 242.00 feet to a 6" steel fence corner post, and North 01 degrees 03 minutes 00 seconds East, 431.69 feet to a 2 ½" steel fence corner post being the SWC of a 2 acre tract being of record in Volume 1155, Page 499, of said property records, for the Westerly North West Corner of this;

THENCE North 88 degrees 35 minutes 52 seconds East, with southerly line of said 2 acre tract 476.92 feet to a ½" steel fence corner post, being the SWC of said 2 acre tract, and continuing with fence, North 35 degrees 14 minutes 11 seconds East, 247.70 feet to a 2 ½" steel fence corner post being the NEC of a 0.40 acre corner of remaining 506.72 acre tract, being in the southerly line of a 203 acre tract as conveyed by deed from Frances Cabler, to Kirby Cabler, dated January 17, 1994, for a northerly corner of this;

THENCE North 88 degrees 26 minutes 56 seconds East, with southerly line of said Cabler Tract, 1751.15 feet to a 2 ½" steel fence corner post in concrete, being at the Westerly line of the T.S. Scott Survey and the SEC of said Cabler Tract, and in the Westerly line of a 160.13 acre tract, as conveyed by deed from Crain A. Boyce et.ux., to DKN LLC., dated August 5, 2011, being of record in Volume 21, Page 775, of the Official Public Records of said County, for a Northerly Corner of this;

**CONTINUED ON PAGE THREE** 

### H330050 PAGE THREE OF THREE:

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TBPLS Firm No. 10098200
Elected County Surveyor of Brown County

THENCE with Westerly line of said 160.13 acre tract South 01 degrees 40 minutes 41 seconds East, 482.68 feet to a ½" iron rod set by a fence corner post, and continuing with the southerly lines of said 160.13 acre tract, North 88 degrees 29 minutes 59 seconds East, 505.41 feet to an steel fence post, North 85 degrees 28 minutes 02 seconds East, 271.90 feet to an steel fence post, North 82 degrees 24 minutes 06 seconds East, 413.80 feet to an steel fence post, North 81 degrees 30 minutes 37 seconds East, 893.10 feet to a steel fence post, North 84 degrees 54 minutes 49 seconds East, 365.80 feet to a steel fence post, and North 85 degrees 27 minutes 59 seconds East, 388.29 feet to a ½" iron rod set, being in the Westerly line of said Benjamin Head Survey and said 342.13 acre tract, for a Northerly Corner of this;

THENCE South 00 degrees 39 minutes 14 seconds East, with said Head Survey and said 342.13 acre tract, 707.83 feet to a 2 ½" steel fence corner post for an Interior Corner of this;

THENCE with the southerly lines of said 342.13 acre tract, North 87 degrees 51 minutes 59 seconds East, 410.29 feet to a ½" iron rod found, South 02 degrees 10 minutes 42 seconds East, 193.29 feet to a ½" iron rod found, and South 88 degrees 18 minutes 24 seconds East, 3158.33 feet to the place of beginning and calculated to contain 398.81 acres of land in area.

THE ABOVE FIELD NOTES AND ATTACHED PLAT OR MAP REPRESENTS the results of an on the ground survey, that all lines and corners are marked as described in the field notes above and shown on the attached plat or map which is hereby made a part of this, that said property has access to and from a dedicated roadway as shown or mentioned in said attached field notes.

Don T. King Registered Professional Land Surveyor of The State of Texas

Elected County Surveyor of Brown County, Texas

## TAX CERTIFICATE

Certificate # 22325

Issued By:

**BROWN COUNTY APPRAISAL DISTRICT** 403 FISK ST 325-643-5676

BROWNWOOD, TX 76801

Property Information
Property ID: 31169 Geo ID: A0906-0004-00

Legal Acres: 128.7500

Legal Desc: ROBERT J TOWNES, SURVEY 323, ABSTRACT 906,

**ACRES 128.75** 

Situs:

12151 CR 306 ZEPHYR, TX 76890

DBA:

Exemptions:

Owner ID: 57446 100 00% HEDGES. NELDA DEAN TRUST & JAMES M & CO

109 ALLEN DR **EARLY, TX 76802**  For Entities. ∰ **Walue Information** ∴ \* ± **BROWN COUNTY** Improvement HS:

ROAD & FLOOD ZEPHYR ISD

723 Improvement NHS: 1,540 Land HS: 4,600 Land NHS: 0 **Productivity Market:** 291 530 Productivity Use: 9,820

Property Is receiving Ag Use

Assessed Value

## Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Total Due Year. Entity Totals: 0.00 0.00 0.00 0.00

Effective Date: 09/14/2015

Total Due if paid by: 09/30/2015

0.00

15,960

Tax Certificate Issued for: Taxes Paid in 2014 **BROWN COUNTY** 78.89 ZEPHYR ISD 210.60 **ROAD & FLOOD** 12.78

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: Requested By: 09/14/2015

Fee Amount:

SMITH, CHARLES G

Reference #:

10.00

Page: 1

nature of Authorized Officer of Collecting Office

### TAX CERTIFICATE

Certificate # 22326

Issued By:

**BROWN COUNTY APPRAISAL DISTRICT** 403 FISK ST 325-643-5676 BROWNWOOD, TX 76801

Property information 18 10 Property ID: 32171

Geo ID: A0962-0015-00

Legal Acres: 101.2100

Legal Desc: FELIX WARDZISKI, SURVEY 324, ABSTRACT 962,

**ACRES 101.21** 

Situs: DBA: Exemptions:

Owner ID: 57446

100.00%

HEDGES, NELDA DEAN TRUST & JAMES M & CO

109 ALLEN DR **EARLY, TX 76802**  For Entities 🐪 📜 Value Information BROWN COUNTY ROAD & FLOOD ZEPHYR ISD

Improvement HS Improvement NHS 0 Land HS: 0 Land NHS: 0 Productivity Market: 232 780

**Productivity Use:** Assessed Value

Property is receiving Ag Use

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year, Entity Totals:

Taxable Tax Due 0.00

Disc:/P&I Attorney Fee Total Due 0.00

0.00

8,260 8,260

Effective Date: 09/14/2015

Total Due if paid by: 09/30/2015

0.00

Tax Certificate Issued for: Taxes Paid in 2014 **BROWN COUNTY** 40.83 ZEPHYR ISD 108.99 **ROAD & FLOOD** 6.62

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Requested By:

09/14/2015

Fee Amount:

SMITH, CHARLES G 10.00

Reference #:

Page: 1

Throu	gh Tax Year
	2014

## TAX CERTIFICATE

Certificate # 22323

Issued By:

BROWN COUNTY APPRAISAL DISTRICT 403 FISK ST 325-643-5676

**BROWNWOOD, TX 76801** 

Property Information Property ID: 31170 Geo ID: 31170

Legal Acres: 126.7500

Legal Desc: A0906 R J TOWNES, SURVEY 323, ACRES 126.75

Situs: DBA: Exemptions:

ZEPHYR ISD

Owner ID: 57446

100.00%

HEDGES, NELDA DEAN TRUST & JAMES M & CO

109 ALLEN DR EARLY, TX 76802 For Entities Value Information

BROWN COUNTY Improvement HS:
ROAD & FLOOD Improvement NHS:

Land NHS: Productivity Market: Productivity Use: Assessed Value 0 53,870 7,350 7,350

0

0

Property is receiving Ag Use

Land HS:

# Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year Entity Taxable Taxable Disc P&I Attorney Fee Total Due

Totals: 0.00 0.00 0.00 0.00

Effective Date: 09/14/2015

Total Due if paid by: 09/30/2015

0.00

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: Requested By: 09/14/2015

Fee Amount:

SMITH, CHARLES G 10.00

Reference #:

00

Page: 1

Signature of Authorized Officer of Collecting Office

## TAX CERTIFICATE

Certificate 22327

Issued By:

**BROWN COUNTY APPRAISAL DISTRICT** 403 FISK ST 325-643-5676

**BROWNWOOD**, TX 76801

Property ID: 37134 Geo ID: A1807-0002-00

Legal Acres: 39.5000

Legal Desc: WT SCOTT, SURVEY PRE, ABSTRACT 1807, TRACT 2.

**ACRES 39.5** 

Situs:

12151 CR 306 ZEPHYR, TX 76890

DBA:

Exemptions:

Owner ID: 57446 100.00%

HEDGES, NELDA DEAN TRUST & JAMES M & CO

109 ALLEN DR **EARLY, TX 76802** 

For Entities	⊌ <b>aValue Informa</b>	tion
BROWN COUNTY	Improvement HS:	47,230
ROAD & FLOOD	Improvement NHS:	1,030
ZEPHYR ISD	Land HS:	2,300
	Land NHS:	0
	Productivity Market:	88,550
	Productivity Use:	2,980
	Assessed Value	53,540

Property is receiving Ag Use

# Current/Delinquent:Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Taxable Tax Due 📆 Disc./P&I Attorney Fee Total Due Year Entity 0.00 0.00 0.00 0.00 Totals:

Effective Date: 09/14/2015

Total Due if paid by: 09/30/2015

0.00

Tax Certificate Issued for: Taxes Paid in 2014 **BROWN COUNTY** 264.65 ZEPHYR ISD 706.52 **ROAD & FLOOD** 42.89

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue:

09/14/2015

Requested By: Fee Amount:

SMITH, CHARLES G 10.00

Reference #:

ture of Authorized Officer of Collecting Office

Page 1

### TAX CERTIFICATE

Certificate # 22324

Issued By:

**BROWN COUNTY APPRAISAL DISTRICT** 325-643-5676 403 FISK ST BROWNWOOD, TX 76801

Owner ID: 57446

**EARLY, TX 76802** 

109 ALLEN DR

100.00%

HEDGES, NELDA DEAN TRUST & JAMES M & CO

Legal Acres: 134.8000

Property Information
Property ID: 20904 Geo ID: A0394-0002-00

Legal Desc: BENJAMIN HEAD, SURVEY 299, ABSTRACT 394,

**ACRES 134.8** 

Situs:

12151 CR 306 ZEPHYR, TX 76890

DBA:

Exemptions:

For Entities 👢 🤹 Value Information.

BROWN COUNTY ROAD & FLOOD ZEPHYR ISD

Improvement HS: Improvement NHS: Land HS:

Land NHS: Productivity Market: Productivity Use: Assessed Value

310,040 🔄 10,450 10,450

0-

0

0

Property is receiving Ag Use

## Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Total Due Year, Entity Taxable Totals: 0.00 0.00 0.00 0.00

Effective Date: 09/14/2015

Total Due if paid by: 09/30/2015

0.00

Tax Certificate Issued for: **BROWN COUNTY** 

Taxes Paid in 2014 51.65

ZEPHYR ISD

137.90 8.37

**ROAD & FLOOD** 

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: Requested By: 09/14/2015

Fee Amount:

SMITH, CHARLES G 10.00

Reference #:

nature of Authorized Officer of Collecting Office

Page: 1

#### THE CHARLIE (DOGIE) SMITH ESTATE

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INSTRUMENT NO.

5956

STATE OF TEXAS COUNTY OF BROWN

16,2015 10:57 AM

FILED SEPTEMBER

RETURN TO.

PLAT VOL 5 PG 235-236

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Brown County, Texas.

Berro DEPUTY: SHARON FERGUSON, COUNTY CLERK

BROWN COUNTY, TEXAS