

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

1. **Date, Time, and Place of Sale.**

Date: November 07, 2017

Time: The sale will begin at 1:00PM or not later than three hours after that time.

Place: FOYER OF THE AUSTIN COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale.** Cash.

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated August 28, 2015 and recorded in Document CLERK'S FILE NO. 153592 real property records of AUSTIN County, Texas, with COREY DANE SHIPMAN AND JOY SCHROEDER, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by COREY DANE SHIPMAN AND JOY SCHROEDER, securing the payment of the indebtednesses in the original principal amount of \$229,955.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. GSF MORTGAGE CORPORATION is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

6. **Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. CENLAR FSB, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CENLAR FSB  
425 PHILLIPS BLVD  
EWING, NJ 08618

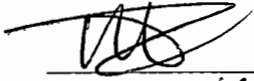


MEGAN RANDLE-BENDER, DOUG WOODARD, KRISTIE ALVAREZ, JULIAN PERRINE, KATHLEEN ADKINS, AMY BOWMAN, EVAN PRESS, RENEE THOMAS, REVA ROUCHON-HARRIS, OR MONICA HIRVELA  
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001

Certificate of Posting

My name is Megan Randle, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001. I declare under penalty of perjury that on 08/31/17 I filed at the office of the AUSTIN County Clerk and caused to be posted at the AUSTIN County courthouse this notice of sale.



Declarant's Name: Megan Randle  
Date: 08/31/17

FILED  
17 AUG 31 AM 8:56  
Carrie Heger  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-44



NOS00000006983480

**EXHIBIT "A"**

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.800 ACRES OF LAND, MORE OR LESS, IN THE H. & T.C.R.R. CO., SURVEY, ABSTRACT 220, AUSTIN COUNTY, TEXAS, SAME BEING ALL THAT CERTAIN CALLED 1.80 ACRE PARCEL AS DESCRIBED BY DEED RECORDED IN CLERK'S FILE NO. 143072 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS, SAID 1.800 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, AS FOLLOWS, TO WIT:

BEGINNING AT A 5/8 INCH IRON ROD FOUND FOR CORNER, SAME BEING THE POINT OF BEGINNING AND MOST NORTHERLY CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING IN THE SOUTHEASTERLY MARGIN OF KULOW ROAD (MARGIN VARIES), AND SAME BEING THE MOST NORTHERLY NORTHWEST CORNER OF THE RESDUE OF THAT CERTAIN CALLED 64.54 ACRE PARCEL AS DESCRIBED BY INSTRUMENT RECORDED IN CLERK'S FILE NO. 125326 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS;

THENCE, DEPARTING SAID SOUTHEASTERLY MARGIN OF KULOW ROAD AND WITH SAID COMMON LINE, SOUTH 47 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 414.08 FEET (CALLED SOUTH 47 DEGREES 11 MINUTES 54 SECONDS EAST, 414.08 FEET) (BASIS OF BEARINGS) TO A 5/8 INCH IRON ROD FOUND FOR CORNER, SAME BEING A SOUTHWESTERLY INTERIOR CORNER OF SAID CALLED 64.54 ACRE PARCEL, SAME BEING IN THE NORTHWESTERLY LINE OF THAT CERTAIN CALLED 10.01 ACRE PARCEL AS DESCRIBED BY INSTRUMENT RECORDED IN CLERK'S FILE NO. 131729 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS, AND SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, WITH SAID COMMON LINE, SOUTH 42 DEGREES 31 MINUTES 26 SECONDS WEST, A DISTANCE OF 195.33 FEET (CALLED SOUTH 42 DEGREES 31 MINUTES 26 SECONDS WEST, 195.33 FEET) TO A P.K. NAIL FOUND FOR CORNER, SAME BEING IN THE NORTHWESTERLY LINE OF SAID CALLED 10.01 ACRE PARCEL, SAME BEING THE MOST EASTERLY SOUTHEAST CORNER OF THAT CERTAIN CALLED 2.000 ACRE PARCEL AS DESCRIBED BY INSTRUMENT RECORDED IN CLERK'S FILE NO. 042145 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS, AND SAME BEING THE MOST SOUTHERLY CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, WITH SAID COMMON LINE, NORTH 45 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 415.20 FEET (CALLED NORTH 45 DEGREES 30 MINUTES 04 SECONDS WEST, 415.20 FEET) TO A 1/2 INCH IRON ROD FOUND FOR CORNER, SAME BEING THE MOST NORTHERLY CORNER OF SAID CALLED 2.000 ACRE PARCEL, SAME BEING IN THE SOUTHEASTERLY MARGIN OF THE AFOREMENTIONED KULOW ROAD, AND SAME BEING THE MOST WESTERLY NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, WITH SAID SOUTHERLY MARGIN OF SAID KULOW ROAD AND SAID COMMON LINE, NORTH 42 DEGREES 47 MINUTES 52 SECONDS EAST, A DISTANCE OF 183.03 FEET (CALLED NORTH 42 DEGREES 47 MINUTES 52 SECONDS EAST, 183.03 FEET) TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED AND CONTAINING 1.800 ACRES OF LAND, MORE OR LESS. FOR REFERENCE REFER TO BOUNDARY AND IMPROVEMENT SURVEY, PREPARED BY A-SURVEY, INC. DATED AUGUST 4, 2015.



NOS0000006983480

TRUSTEE'S NOTICE OF SALE

THE STATE OF TEXAS  
COUNTY OF AUSTIN

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, On March 14, 2017, Edwin H. Malinowski, II Trustee and Sheryl Ann Malinowski, Trustee, executed and delivered a certain Deed of Trust (hereinafter "Deed of Trust") conveying to Michael G. Tapp, Trustee, the real estate hereinafter described to secure II C.B., L.P. in the payment of the debt described in said Deed of Trust and filed for record in the Real Property Records of Austin County, Texas, under Instrument No.171180; and

WHEREAS, there has been a default in the payment of the note described in said Deed of Trust; and II C.B., L.P. the beneficiary and owner of the aforesaid note, has accelerated the note and has requested Michael G. Tapp, Trustee to enforce the sale provisions of the Deed of Trust;


NOW, THEREFORE, I, Michael G. Tapp, Trustee, whose address is 12611 Jones Road Suite 101, Houston, Texas, 77070, (281) 890-82772, hereby give notice that I will, after due posting and filing of this notice as required by such Deed of Trust and the law, sell at the public venue to the highest bidder or bidders, for cash, in the area designated in the Austin County Courthouse by the Austin County Commissioners as the place in which to hold real property foreclosures sales in Austin County, the county in which said property is located, between 10:00 a.m. and 4:00 p.m. and no earlier than 1:00 o'clock p.m., on Tuesday, November 7, 2017, the real property so described in and covered by the aforesaid Deed of Trust and more particularly described as follows, to-wit:

Fifteen tracts of land in Austin County, Texas, more particularly described in Exhibits "A" through "N" attached hereto and incorporated herein for all purposes

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

The earliest the sale will occur is 1:00 p.m.

EXECUTED this 4<sup>th</sup> day of October, 2017.

  
Michael G. Tapp, Trustee

FILED

17 OCT 13 AM 9: 58

*Carrie Gregor*

COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-45

## Exhibit A

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, a part of the S. F. Austin 4 League Grant and part of the George Grimes League, also being part of the 92.4 acres of land, more or less, which was conveyed to Olivia Ruff by Gilbert Ruff, et al, by Deed dated April 26, 1948, as recorded in Volume 195, Pages 115-119, #2595, of the Austin County Deed Records, and being more fully described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin in the most Eastern or NE corner of this tract, being in the South R.O.W. line of State Highway #158, being in the most Northern or NE line of the said 92.4 acres of which this tract is a part thereof, said beginning point being N 71° 05' W, 745.50' (268.38 vrs.) from the most Eastern corner of the said original 92.4 acres of land;

THENCE leaving said Highway line and along the most Eastern line of this tract S 16° 44' W, 407.72' (146.78 vrs.) to an iron pin in the most Southern or SE corner of this tract, being the most Western corner of the Richard Platte tract;

THENCE along the South line of this tract N 71° 15' W, 285.15' (102.65 vrs.) to an iron pin in the most Western or SW corner of this tract;

THENCE along the most Western line of this tract N 14° 53' E, 409.30' (147.35 vrs.) to an iron pin in the most Northern or NW corner of this tract, being in said Highway line and S. 71° 05' E, 65 feet (23.4 vrs.) from an iron pin found in said line for the most Eastern corner of the Connie L. Ruff tract;

THENCE along said Highway line S. 71° 05' E, 298.40' (107.42 vrs.) to the point or place of beginning, and containing 2.732 acres of land.

And being the same land described in a Deed from Olivia Ruff to Reuben J. Grebe, et ux, dated June 20, 1963, and recorded in Volume 269, Pages 416-417 of the Deed Records of Austin County, Texas.

The above property is SUBJECT TO the following:

1. Right of Way from Reuben J. Grebe to San Bernard Electric Cooperative, Inc., dated January 14, 1964, recorded in Volume 274, Page 14, Deed Records of Austin County, Texas.
2. Right of Way from Vlasta F. Grebe to San Bernard Electric Cooperative, Inc., dated April 19, 1965, recorded in Volume 342, Page 801, Official Records of Austin County, Texas.

## Exhibit B

### 1.265 ACRES

All that certain tract or parcel of land situated in Austin County, Texas in the S.E. Austin 4 League Grant A-4, and being part of a 5.059 acre tract conveyed by Erwin Huff to Lawrence Schramm et ux by deed recorded in Volume 244 at Page 313 of the Austin County Deed Records and being more particularly described as follows:

Beginning at a found iron rod in the Northwest line of Tiemann Road, same being the East corner of the 5.059 acre tract;

Thence South  $43^{\circ} 00'$  West with the Northwest line of Tiemann Road, for a distance of 104.355 feet to a set iron rod;

Thence North  $45^{\circ} 11' 06''$  West for a distance of 521.99 feet to a set iron rod in a fence line;

Thence North  $42^{\circ} 59' 40''$  East with a fence, for a distance of 106.83 feet to a found iron rod in a fence corner, same being the North corner of the said 5.059 acre tract;

Thence South  $44^{\circ} 54' 49''$  East with a fence, for a distance of 521.74 feet to the PLACE OF BEGINNING, and containing 1.265 acres of land.

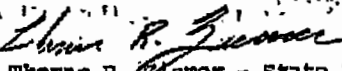
  
Thomas R. Clemer - State Reg. No. 1990

Exhibit C

All that certain tract or parcel of land lying and being situated in Austin County, Texas, part of the Stephen E. Austin 4 League Grant, Abstract No. 4, being part of the same land called 92.4 acres, more or less, and described as First Tract in the deed from Gilbert Huff, et al, to Olivia Huff dated April 26, 1948, and recorded in Volume 195, Page 115, of the Deed Records of Austin County, Texas, to which said deed and the record thereof reference is here made for all intents, purposes and descriptions, said land being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod set on the fenced West line of the Erwin Huff tract called 59.2 acres described in deed recorded in Volume 156, Page 618, of the Deed Records of Austin County, Texas, for the most Southern corner of the tract described herein, being the most Eastern corner of a 11,517.6-acre tract surveyed out of said original tract and set aside for Erwin Huff, said beginning point being N 13° 21' 14" E 587.48 feet from a 3/8" iron rod set at the base of an old dead cedar tree fence corner found for the most Southern corner of said original tract described in deed recorded in Volume 195, Page 115, of the Deed Records of Austin County, Texas;

THENCE leaving said beginning point and along the Northeast line of said 11,517.6-acre tract for the upper Southwest line of the tract described herein, N 48° 12' 36" W 1147.32 feet to a 3/8" iron rod set for the North corner of said 11,517.6-acre tract, being an interior corner of the tract described herein;

THENCE along the Northwest line of said 11,517.6-acre tract for a Southeast line of the tract described herein, S 39° 04' W 293.17 feet to a 3/8" iron rod set on the fenced Northeast line of the same land known as the Fritz L. Zettel tract called 100.66 acres, being on the Southwest line of said original tract, being the most West corner of said 11,517.6-acre tract and being an exterior corner of the tract described herein;

THENCE along a portion of the fenced Northeast line of said Zettel tract for the lower Southwest line of the tract described herein, being along the Southwest line of said original tract, N 39° 22' 07" W at 563.98 feet passing a 3/8" iron rod set for reference at the base of a cedar fence post on this line, and at a total distance of 635.98 feet to a point in the center of a creek, being on the Northeast line of said Zettel tract;

THENCE along the center of said creek with its meanders as follows: N 9° 31' 53" W 28.20 feet, N 50° 16' 53" W 43.27 feet, N 85° 11' 13" W 35.42 feet, N 33° 41' 59" W 28.89 feet, N 65° 16' 21" W 39.33 feet, N 30° 10' 11" W 74.66 feet, N 14° 36' E 64.24 feet, N 24° 47' 02" E 19.84 feet, N 50° 46' 19" E 21.15 feet, N 8° 00' E 143.35 feet, N 22° 11' 56" E 55.11 feet, N 2° 25' 37" E 106.40 feet, N 41° 25' 47" W 81.90 feet and N 27° 22' 47" E 93.99 feet to a point in the center of said creek, being an exterior angle point of the tract described herein, being the Southwest corner of a 2.4114-acre tract surveyed out of said original tract called 92 acres and set aside for Connie Huff, and being on the East side of the same land known as the Frank Schovajsa tract called 55 acres;

THENCE leaving said creek and along the South line of said 2.4114-acre tract for a North line of the tract described herein, N 82° 47' 07" E at 88.34 feet passing a 3/8" iron rod set for reference at the base of a railroad tie fence post on this line, and at a total distance of 1113.97 feet to a 1" iron pipe found for the most Eastern point or corner of said 2.4114-acre tract, being an interior corner of the tract described herein and being the South or Southeast corner of the Connie Huff homestead tract;

THENCE along the East line of said Connie Huff homestead tract for a West line of the tract described herein, N 14° 53' E 509.23 feet to a 3/8" iron rod set on the South right-of-way line of State Highway No. 189 for the most Northern corner of the tract described herein, being the East corner of said Huff homestead tract;

THENCE along the South right-of-way line of said highway S 76° 56' 17" E 12.55 feet to a concrete highway monument found for an angle point in said right-of-way line;

THENCE continuing along said right-of-way line S 68° 49' 41" E 53.13 feet to a 1/2" iron rod found at the base of a cedar fence corner post on said right-of-way line for the North or Northwest corner of the Rueben J. Grebe tract called 2.732

acres which was also part of said original tract called 92 acres, being an exterior  
 all corner of the tract described herein;

THENCE leaving said highway and along the West line of said Grabe tract,  
 S 14° 53' W 409.30 feet to a 1/2" iron rod found at the base of a cedar fence corner  
 post for the West or Southwest corner of said Grabe tract, being an interior all  
 corner of the tract described herein;

THENCE along the South line of said Grabe tract, being fenced, S 71° 15' E  
 285.15 feet to a 1/2" iron rod found for the South or Southeast corner of said Grabe  
 tract, being the most Southern point or corner of a 0.4884-acre tract surveyed out  
 of said original tract called 92 acres and set aside for Richard Platte;

THENCE along the fenced South line of the Richard Platte property S 73° 04' E  
 213.35 feet to a 1/2" iron rod found for the South or Southeast corner of said Platte  
 tract, being the West or Southwest corner of the Gilbert Krause tract called 2.013  
 acres;

THENCE along the fenced South line of said Krause tract S 73° 10' E 213.74  
 feet to the South or Southeast corner of said Krause tract, being the West or South-  
 west corner of the same land known as the Jesse Macat tract called 2.00 acres, being  
 on a North line of the tract described herein;

THENCE along the fenced South line of said Macat tract S 71° 01' 13" E  
 214.64 feet to a 3/8" iron rod set at the intersection of a fence line and with old  
 fence line remains for the most Eastern corner of the tract described herein, being  
 the South or Southeast corner of said Macat tract called 2.00 acres and being on the  
 Northwest line of said original 59.2-acre tract owned by Erwin Huff and being the  
 West or Southwest corner of a 1.024-acre tract owned by Jesse Macat which is part  
 of said original 59.2-acre tract;

THENCE along the fenced West or Northwest line of said Huff tract called  
 59.2 acres for the East or Southeast line of the tract described herein and of said  
 original tract, S 31° 53' 50" W 457.91 feet to an angle point and S 13° 21' 14" W  
 1286.98 feet to the place of beginning, containing 54.5245 acres of land, as surveyed  
 by A. A. Hodde, Registered Public Surveyor, License No. 4492, on July 30, 1975.

**Exhibit D**

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Stephen F. Austin League Grant, A-4, being part of the same 2.4114 acres as described in the deed from Willie Huff, et al, to Connie Huff, dated August 29, 1978, as recorded in Vol. 411, Page 710, in the Deed Records of Austin County, Texas, and being part of the same land described as Second Tract and called 12.4 acres in the deed from Olivea Huff to Connie Huff, dated February 15, 1951, as recorded in Vol. 196, Page 194, in the Deed Records of Austin County, Texas, and being more fully described by Metes and bounds as follows, To-Wit:

**BEGINNING** at a 1/2 inch iron rod set at the base of a 12 inch treated fence corner post for the most Eastern corner of said original 2.4114 acre tract, being the Southeast corner of said original tract called 12.4 acres, also being an interior all corner of the Edwin Henry Malinowski, Jr., 54.5245 acres as described in the deed recorded in Vol. 412, Page 554, in said Deed Records, being the Southeast corner of the tract described herein;

**THENCE** along a portion of the fenced division line of said Malinowski tract and said original 2.4114 acre tract for the South line of the tract described herein, S 82°47'07" W (deed call of original 2.4114 acres equal S 82°47'07" W) 43.17 feet to a 1/2 inch iron rod set for the Southwest corner of the tract described herein, being on a lower fenced North line of said Malinowski tract;

**THENCE** along the West line of the tract described herein, being 40 feet at right angle and parallel to the fenced East line of the tract described herein, N 14°53'00" E 524.20 feet to a 1/2 inch iron rod set on the South right of way line of State Highway No. 159 for the Northwest corner of the tract described herein;

**THENCE** along a portion of the South right of way line of said highway for the North line of the tract described herein, S 76°56'17" E 40.02 feet to a 1/2 inch iron rod set on said right of way line for the Northeast corner of the tract described herein, being an exterior all corner of said Malinowski tract;

**THENCE** along a fenced division line of this tract and said Malinowski tract for the East line of the tract described herein, S 14°53'00" W 509.21 feet to the place of beginning and containing 0.475 acres of land.



**Exhibit E**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND situate in Austin County, Texas, out of the Stephen F. Austin 4 League Grant, A-4, and being a portion of a called 3.099 Acre tract described in a deed from Joe D. Moudry, et al to Willie F. Moudry as recorded in Volume 271, Page 583 of the Austin County Deed Records, more particularly described as follows;

BEGINNING at an iron pin found at a fence corner, said point being in the North line of State Highway 159 and the Westmost corner of the original tract, and being the Southmost corner of a called 79.338 Acre tract now or formerly owned by Jerry Haedge;

THENCE departing from said highway with the Northwest line of the original tract N 41° 52' E, 416.13 ft. to an iron pin found at the Northwest corner of the original tract, said point being the Westmost corner of a called 36.215 Acre tract now or formerly owned by Erwin Huff;

THENCE with the Northeast line of the original tract and the Southwest line of the Huff tract S 57° 59' 49" E, 110.24 ft. to an iron pin set for Eastmost corner of this tract;

THENCE departing from said line and severing the original tract S 41° 52' W, 386.00 ft. to an iron pin set in the North line of State Highway 159 for Southmost corner;

THENCE with said highway N 72° 25' 22" W, 119.16 ft. to the PLACE OF BEGINNING and containing 1.000 Acres of Land.

March 17, 1983  
W. O. #0285

*John E. Pledger*  
John E. Pledger, III  
Registered Public Surveyor #2183



THENCE LEAVING SAID HIGHWAY AND ALONG THE NORTHWEST LINE OF SAID  
FRANK MANOWSKY TRACT FOR THE SOUTHWEST LINE OF THE TRACT DESCRIBED  
HEREIN, 8 1/2 INCHES TO A 6 INCH CORNER POINT BEING ON OR NEAR  
THE DIVISION LINE OF SAID SECTION 4 LEGAL GRANT AND SAID GRANT

THENCE ALONG SAID DIVISION LINE OF SAID SECTION 4 LEGAL GRANT AND SAID GRANT  
TO AN ANGLE POINT OF THE TRACT DESCRIBED HEREIN, BEING ON OR NEAR  
FRANK MANOWSKY TRACT FOR THE SOUTHWEST LINE OF THE TRACT DESCRIBED  
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THE DIVISION LINE OF SAID SECTION 4 LEGAL GRANT AND SAID GRANT

OFFICE RECORDS  
RESIDENCE PHONE NUMBER

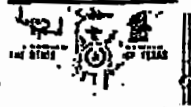
V. A. HUNTER & ASSOCIATES, INC.  
REGISTERED TITLE SURVEYORS  
WASHINGTON, D. C.

THE STATE OF TEXAS  
COUNTY OF AUSTIN

SUBJECT: RECORD DESCRIPTION

EDWIN H. HURZ  
EDWIN H. HURZ JR.

EXHIBIT



OFFICE PHONE 855-8181  
RESIDENCE PHONE 813-3288

**A. A. HODDE & ASSOCIATES, INC.**  
Registered Public Surveyor  
615 LANE JUNCTION BLVD.  
AUSTIN, TEXAS 78745

THENCE along an existing fence being used for the remainder of the Southeast line of the tract described herein, S. 33°13'00" W 412.81 feet to a 1/2 inch iron rod set at the base of a 6 inch Cedar fence corner post for the South corner of the tract described herein;

THENCE along the Southwest line of the tract described herein, N 51°46'21" W 281.72 feet to a 1/2 inch iron rod set at the base of a 3 inch Cedar fence post for the West corner of the tract described herein, being on the Southeast line of said tract of land owned by Malinowski;

THENCE along a portion of the Southeast line of said tract of land owned by Malinowski for a Northwest line of the tract described herein, N 31°57'32" E 256.25 feet to the place of beginning and containing 2.914 acres of land.

I, A. A. Hodde, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing description describing 2.914 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this 17th day of November, 1989, A. A. A. A. Hodde  
A. A. Hodde  
Registered Professional  
Land Surveyor No. 1492

Sheet No. 2 of 2

FILED FOR RECORD  
AT 3:10 CLOCK P.M.  
DEC 12 1989  
DOROTHY HIMLY,  
CLERK COUNTY COURT, AUSTIN CO. TX  
BY: Cathie Noviskie Deputy  
CATHIE NOVISKIE

Recorded DEC 28 1989  
at 2:44 P.M.  
Dorothy Himly, County Clerk,  
Austin County, Texas.  
BY: Jamie Willingham Deputy  
Jamie Willingham

OPTIONAL FORM NO. 1

Exhibit G



ALEXANDER SURVEYING  
LAND SURVEYORS

MARK JANOSKY (JERRY JANOSKY ESTATE)

10.247 ACRES

ALL THAT TRACT OR PARCEL OF LAND consisting of 10.247 Acres located in the George Grimes Survey, A-41 and the Stephen F. Austin Four (4) League Grant, A-4, Austin County, Texas. Subject tract being a portion of the called 63.85 Acre tract that is described in a Deed to Jerry Janosky as recorded in Volume 174, Page 53 of the Deed Records of Austin County, Texas and being that portion of the called 63.85 Acres that lies South of Highway 159 and said tract thought to contain 10.24 Acres. Said tract consisting of a total of 10.247 Acres and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found at a fence corner post being the West corner of various tracts belonging to T. N. Kamae as recorded in Volume 61, Page 182 O.R.N.C.T. and being the extreme South corner of the called 63.85 Acre tract mentioned above and the South corner of the herein described tract;

THENCE N 44d 10' 19" W, with the common line with the called 1.265 Acre tract described in a Deed to Oak Ole Hootler, et al. as recorded in Volume 537, Page 32 O.R.N.C.T. and generally with a barbed wire fence, a distance of 253.13 ft. (no call) to a 1/2" iron rod found at a fence corner post and being the Northwest corner of the called 1.265 Acre adjoining tract; the same being the Northwest or East corner of the called 40.099 Acre tract described in a Deed to Edwin H. Malinowski, Jr. of OK, as recorded in Volume 708, Page 347 O.R.N.C.T. and being an angle point in the herein described tract;

THENCE N 43d 43' 16" E, with the common line with the Malinowski Tract and generally with a barbed wire fence, a distance of 776.31 ft. (no call) to a 1/2" iron rod found at a fence corner post and being the North corner of the called 40.099 Acre tract mentioned above and being an angle point in the East line of the called 2.918 Acre tract described in a Deed to Edwin H. Malinowski, Jr. as recorded in Volume 513, Page 64 O.R.N.C.T. and being the Southwest or West corner of the parent tract and the herein described tract;

THENCE N 43d 37' 23" E, with the common line with the Malinowski Tract, a distance of 471.48 ft. to a 1/2" iron rod found in the South line of State Highway 159 (100' R.O.W.) and being the Northwest corner of the Malinowski Tract for the Northwest corner of the herein described tract;

THENCE with the South Right-of-Way of State Highway 159 and with a curve to the left which has Central Angle of 120 14' 51", Radius of 5779.55 ft., Arc Length of 1235.44 ft. and Chord has N 77d 46' 08" W, 1233.09 ft. (no call) to a 1/2" iron rod set for the North corner of the Kamae Tract and being the Northwest corner of the herein described tract. From said rod a found broken concrete monument, b.e. N 63d 15' 03" W, 1.30 ft.

March 20, 1998

W.O. 02963

Page 1 of 2



**OFFICIAL RECORD**  
**ALEXANDER SURVEYING**  
**LAND SURVEYORS**

**MARK JANOSKY (JERRY JANOSKY ESTATE)**

**10.947 ACRES, (continued)**

**TRACED S 44d 19' 20" N, with the common line with the Kames Tract, a distance of 1160.35 ft. (called bearing S 43d W) to the PLACE OF BEGINNING and containing 10.947 Acres;**

**NOTE: Bearings shown hereon are referenced to the called bearing of S 00d 41' E called for in the description used in Deed to Melvin Lee Flentge recorded in Volume 377, Page 951 D.R.A.C.T.**

**Reference is hereby made to plat of the subject tract prepared this day.**

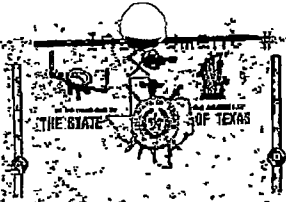
March 20, 1996  
W.O. #2963

Glen B. Alexander  
Registered Professional Land Surveyor, #4194



Page 2 of 2

Exhibit H



A. A. HODDE & ASSOCIATES, INC.

Registered Public Surveyor  
615 EAST HORTON STREET  
BRENHAM, TEXAS 77833

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. HUFF  
15,000 ACRES

SURVEYOR'S LEGAL DESCRIPTION

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the George Grimes League, 1874, being part of same land described as first tract and called 39.2 acres in the deed from R. Huff to Erwin J. Huff, dated September 17, 1946, as recorded in Vol. 156, Page 618, in the Deed Records of Austin County, Texas, or being part of the same 36,820 acres to be conveyed from Erwin J. Huff to Edwin H. Malinowski, Jr. et al., and being more fully described by metes and bounds as follows, to-wit:

BEGINNING, a 1/2 inch iron rod set near the base of a 6 inch Bois D'Arc fence corner post on the North right of way line of State Highway No. 159 for the South corner of said original tract, being the South corner of the tract described herein, being the existing West corner of the Jerry Janosky property, also being the South corner of said 36,820 acre tract to be conveyed to Malinowski;

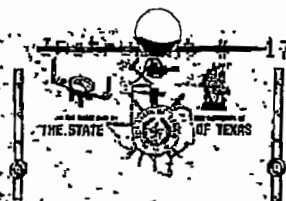
THENCE along a portion of said North right of way line of said Highway for the South line of the tract described herein, N 71° 44' 09" W 20.83 feet to a 1/2 inch iron rod found on said right of way, line of last said highway for a tower West corner of the tract described herein, being the existing South corner of the Moudry tract called 3 acres, also being a West corner of said 36,820 acres tract;

THENCE along the Southeast line of said Moudry tract for a Northwest line of the tract described herein, N 44° 09' 52" W 150.86 feet to a 3/4 inch iron rod found for an interior corner of the tract described herein, being an interior corner of said original tract, also being the existing East corner of said Moudry tract, also being an interior corner of said 36,820 acre tract;

THENCE along a portion of the Southwest line of said original tract, being along the Northeast line of said Moudry tract and along the Northeast line of the Willie Moudry residue tract for the Southwest line of the tract described herein, N 56° 17' 43" W 820.96 feet to a 1/2 inch iron rod set for the West corner of the tract described herein, being the North corner of said Willie Moudry tract, also being on the Southwest line of said 36,820 acre tract;

THENCE along the Northwest line of the tract described herein, N 43° 37' 59" W 886.98 feet to a 1/2 inch iron rod set for the North corner of the tract described herein;

THENCE along the Northeast line of the tract described herein, S 46° 22' 10" E 853.67 feet to a 1/2 inch iron rod set for the East corner of the tract described herein, being on the Northwest line of said Janosky property, being on the Southeast line of said 36,820 acres tract;



A. A. HODDE & ASSOCIATES, INC.

Registered Public Surveyor  
615 EAST HORTON STREET  
BRENNHAM, TEXAS 77833

THENCE along a portion of the Northwest line of said Janosky property for the Southeast line of the tract described herein, being along a portion of the Southeast line of said 36.820 acre tract, S 43° 37' 59" W 832.53 feet to the place of beginning and containing 15.000 acres of land.

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE GUARANTY COMPANIES:

I, A. A. Hodde, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing described survey was made on the ground and completed this the 1st day of March, 1984, A. D. and that the foregoing description legally describing 15.000 acres of land is described true and correct, and that there are no apparent discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way except as stated hereon, and that said property has access to and from a dedicated roadway, except as stated hereon.

Dated this the 1st day of March, 1984, A. D.

*A. A. Hodde*  
A. A. Hodde  
Registered Public Surveyor  
No. 1492

Sheet No. 2 of 2





THE STATE OF TEXAS  
COUNTY OF AUSTIN

A. A. HODDE & ASSOCIATES, INC.

Registered Public Surveyor  
618 EAST HORTON STREET  
BRENNHAM, TEXAS 77833

ERWIN H. HUFF  
TO

EDWIN H. MALINOWSKI, JR., ET UX

Exhibit I

SURVEYOR'S LEGAL DESCRIPTION

2.081 ACRES

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the S. F. Austin 4 Leagues Grant, A-4, being part of the George Grimes League, A-44, in accordance with the description of the Erwin Huff land as described in Vol. 156, Page 618, in the Deed Records of Austin County, Texas, or being part of the same land described as Second Tract, and called 59.2 acres in the deed from R. Huff to Erwin Huff, dated September 4, 1946, as recorded in said Vol. 156, Page 618, in the Deed Records of Austin County, Texas, and being more fully described by metes and bounds as follows:

TO-WIT:  
BEGINNING at a 1/2 inch iron rod set near the base of a 5 inch fence corner post on the South right of way line of State Highway No. 159 for the Northwest corner of the tract described herein, being the Northeast corner of a 1.024 acre tract previously conveyed to Jesse Macat, said beginning point being S 71°00' E 111.20 feet from the most Northern or Northwest corner of said original tract;

THENCE leaving said beginning point and along a portion of the South right of way line of said highway for the North line of this tract, S 71°16'16" E 139.98 feet to a 1/2 inch iron rod set on said right of way line for the most Eastern corner of this tract;

THENCE leaving said highway and along the Southeast line of this tract, S 32°02' W 557.58 feet to a 1/2 inch iron rod set for the South corner of this tract;

THENCE along the Southwest line of the tract described herein, N 71°06'32" W 247.57 feet to a 1/2 inch iron rod set for the West corner of the tract described herein, being on the Southeast line of the Edwin H. Malinowski, Jr. land as evidenced by old fence line remains;

THENCE along a portion of said Southeast line of said Malinowski land for a Northwest line of this tract, N 31°48'02" E 140.00 feet to a 3/8 inch iron rod found for the lower North corner of this tract, being the West corner of said Macat 1.024 acre tract, also being the South corner of the Jesse Macat 2.00 acre tract;

THENCE along the fenced South line of said Macat 1.024 acre tract for a North line of this tract, S 71°49'39" E 108.15 feet to a 1/2 inch iron rod set at the base of a 6 inch fence corner post for an interior E11 corner of this tract, being the South corner of said Macat 1.024 acre tract;

THENCE along the fenced Southeast line of said Macat 1.024 acre tract for the Northwest line of this tract, N 32°02' E 417.58 feet to the place of beginning and containing 2.081 acres of land.

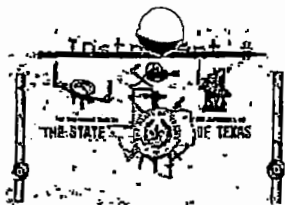
I, Michael R. Hatcher, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing description is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 21st day of August, 1984, A. D.

*Michael R. Hatcher*  
Michael R. Hatcher  
Registered Public Surveyor  
No. 4259



Exhibit J



A. A. HODDE & ASSOCIATES, INC.

Registered Public Surveyor  
619 EAST HORTON STREET  
BRENNHAM, TEXAS 77839

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. RUFF  
TO  
EDWIN H. MALINOWSKI, JR., ET UX

SURVEYOR'S LEGAL DESCRIPTION

21.820 ACRES

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the George Grimes League, A-44, being part of the same land described as First Tract and called 39.22 acres in the deed from R. Huff to Erwin J. Huff, dated September 11, 1946, as recorded in Vol. 156, Page 618, in the Deed Records for Austin County, Texas, and being more fully described by meter and bounds as follows, To-Wit:

BEGINNING at a 3/8 inch iron rod found for the most western corner of said original tract, being the most western corner of the tract described herein, being the North corner of the Edwin H. Malinowski, Jr., tract called 1 acre, also being on the Southeast line of the same land known as the U. D. Hedge property;

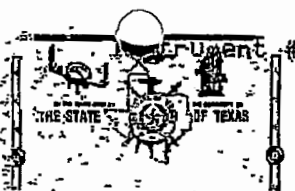
THENCE along the southeast line of said Hedge property to the Northwest line of the tract described herein, being along the Northwest line of said original tract, N 43° 28' 15" E 1764.65 feet to an iron marker found for a North corner of the tract described herein, being the West corner of the Ed. Slovak tract called 1.5 acres, being on the Southeast line of said Hedge tract;

THENCE along the Southwest line of said Slovak tract for a Northeast line of the tract described herein, as fenced, S 16° 16' E 208.78 feet to an anchor bolt found for the South corner of said Slovak tract, being an interior all corner of the tract described herein;

THENCE along the fenced Southeast line of said Slovak tract for a fenced Northwest line of the tract described herein, N 43° 31' 34" E 312.35 feet to a 1/2 inch iron rod found at the base of railroad tie fence corner post on the Southwest right-of-way line of State Highway No. 2502 for the East corner of said Slovak tract, being an exterior all corner of the tract described herein;

THENCE along a portion of said Southwest right-of-way line of said highway for the Northeast line of the tract described herein, S 45° 55' 08" E 146.41 feet to a 1/2 inch iron rod set on said right-of-way line for the most Eastern corner of the tract described herein, being the most Northern corner of a 1.485 acre tract previously conveyed from Erwin J. Huff to Jerry Janosky;

THENCE leaving said highway and along the fenced Northwest line of said Janosky 1.485 acre tract for the fenced East line of the tract described herein, S 8° 24' 06" W 1079.53 feet to a 1/2 inch iron rod set for an exterior corner of the tract described herein, being the most Western corner of said Janosky 1.485 acre tract, also being on Northwest line of another tract owned by Jerry Janosky;



A. A. HODDE & ASSOCIATES, INC.

Registered Public Surveyor

515 EAST HORTON STREET

BRENHAM, TEXAS 77853

THENCE along a portion of the Northwest line of last said tract owned by said Janosky for a lower Southeast line of the tract described herein, being along a portion of the Southeast line of said original tract, S 43°37'59" W 336.02 feet to a 1/2 inch iron rod set for the most Southern corner of the tract described herein, being the East corner of a 15.000 acre tract surveyed for Erwin J. Huff;

THENCE along the Northeast line of said 15.000 acre tract for a Southwest line of the tract described herein, S 46°22'01" W 853.57 feet to a 1/2 inch iron rod set for an interior (e) corner of the tract described herein, being the North corner of said 15.000 acre tract;

THENCE along the Northwest line of said 15.000 acre tract for an upper Southeast line of the tract described herein, S 43°37'59" W 836.298 feet to a 1/2 inch iron rod set for the West corner of said 15.000 acre tract, being an exterior corner of the tract described herein, being on a Southwest line of said original tract;

THENCE along a portion of the Southwest line of said original tract for the Southwest line of the tract described herein, N 56°17'41" W 120.00 feet to the place of beginning and containing 21.820 acres of land.

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE GUARANTY COMPANIES;

I, A. A. Hodde, a Registered Public Surveyor of the State of Texas, do hereby certify that the foregoing described survey was made on the ground and completed this the 8th day of March, 1984, A. D. and that the foregoing description legally describing 21.820 acres of land is described true and correct, and that there are no apparent discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way, except as stated herein and that said property has access to and from a dedicated roadway, except as stated herein.

Dated this the 8th day of March, 1984, A. D.

A. A. Hodde  
Registered Public Surveyor  
No. 1492



Exhibit K

OFFICIAL RECORD



A. A. HODDE & ASSOCIATES

REGISTERED PUBLIC SURVEYOR

517 E. MORTON STREET  
DUNHAM, TEXAS 77822

OFFICE PHONE 836-3661  
TELETYPE PHONE 836-3079

THE STATE OF TEXAS SURVEYOR'S DESCRIPTION OLIVIA HUFF ESTATE  
COUNTY OF AUSTIN 11.5176 ACRES ERWIN HUFF

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Stephen F. Austin 4-Legue Grant, A-4, being part of the same land called 92.4 acres, more or less, described as First Tract in the deed from Gilbert Huff, et al, to Olivia Huff, dated April 26, 1908, as recorded in Vol. 195, Page 115, in the Deed Records of Austin County, Texas, and being more fully described by notes and bounds as follows, to-wit:

BEGINNING at a 3/8 inch iron rod set at the base of an old dead cedar tree fence corner found for the most Southern corner of said original tract, recorded in Vol. 195, Page 115, being the most Southern corner of the tract described herein, also being on the fenced Northeast line of the same land known as the Fritz & Zehel tract called 100.66 acres, and being the most Western corner of the Erwin Huff tract called 59.2 acres, recorded in Vol. 156, Page 618;

THENCE along a portion of the fenced Northeast line of said Zehel tract for the Southwest line of the tract described herein, being along the Southwest line of said original tract, S 39°12'46" E 1430.74 feet to a 3/8 inch iron rod set on the fenced Southwest line of said original tract, being on the fenced Northeast line of said Zehel tract and being the most Western corner of the tract described herein, being an exterior corner of the Olivia Huff Estate Residue tract surveyed to contain 54,5245 acres;

THENCE along the Northwest line of the tract described herein, N 39°04' E 293.17 feet to a 3/8 inch iron rod set for the North corner of the tract described herein, being an interior all corner of said 54,5245 acres tract;

THENCE along the Northeast line of the tract described herein, being along the upper Southwest line of said 54,5245 acres tract, S 48°32'38" E 1147.32 feet to a 3/8 inch iron rod set on the fenced West line of said Erwin Huff tract, recorded in Vol. 156, Page 618, for the most Eastern corner of the tract described herein, being the most Southern corner of said Olivia Huff Estate Residue tract, and being on the fenced East line of said original tract;

THENCE along a portion of the West line of said Huff tract called 59.2 acres for the East line of the tract described herein, being fenced, being along a portion of the East line of said original tract, S 13°21'14" E 587.48 feet to the place of beginning and containing 11.5176 acres of land.

I, A. A. Hodde, a Registered Public Surveyor, do hereby certify that the foregoing description describing 11.5176 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 30th day of July, 1975, A. D.

*A. A. Hodde*  
A. A. Hodde  
Registered Public Surveyor  
No. 1492



**Exhibit L** OFFICIAL RECORD



**A. A. HODDE & ASSOCIATES, INC.**  
Registered Public Surveyor  
4013 EAST MUTTON STREET  
DUNHAM, TEXAS 75835

OFFICE PHONE (409) 231-1111  
RESIDENCE PHONE (409) 231-1111

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. HUFF  
TO  
EDWIN H. MALINOWSKI, JR.

**SURVEYOR'S LEGAL DESCRIPTION**  
**4.538 ACRES**

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Stephen F. Austin 4 League Grant, N-1, being part of the same land described as Second Tract and called 59.2 acres in the deed from E. Huff to Erwin Huff, dated September 4, 1948, as recorded in Vol. 156, Page 610, in the Deed Records of Austin County, Texas, and being more fully described by metes and bounds as follows, to-wit:

**BEGINNING** at a 3/8 inch iron rod found at the base of an old dead cedar tree fence corner for the most western corner of said original tract, being the West corner of the tract described herein, also being the South corner of the Erwin Huff 11.5176 acre tract and being on the fenced Northeast line of the same land known as the Fritz H. Behel tract called 100.66 acres;

**THENCE** along the East line of said Huff 11.5176 acre tract for the fenced West line of the tract described herein, N 13° 21' 14" E 807.40 feet to a 3/8 inch iron rod found for the North corner of the tract described herein, being the East corner of said Huff 11.5176 acre tract, also being the South corner of the Edwin H. Malinowski, Jr. 54.5245 acre tract;

**THENCE** along the Northeast line of the tract described herein, S 21° 14' 36" E 889.86 feet to a 1/2 inch iron rod set at the base of a 10 inch Cedar tree fence post on the Northwest margin of Tlemann Road for the East corner of the tract described herein;

**THENCE** along a portion of the fenced Northwest margin of said Tlemann Road, S 44° 16' 15" W 193.92 feet to a 1/2 inch iron rod set at the base of a 8 inch Cedar fence corner post on said road margin for the South corner of the tract described herein, being the existing fenced East corner of said Behel tract;

**THENCE** leaving said Tlemann Road and along a portion of the fenced Northeast line of said Behel tract for the Southwest line of the tract described herein, N 39° 00' 02" W 511.37 feet to the place of beginning and containing 4.538 acres of land.

I, A. A. Hodde, Registered Professional Land Surveyor No. 1492 of the State of Texas, do hereby certify that the foregoing legal description describing 4.538 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 27th day of June, 1991, A. D.

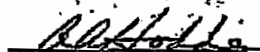
  
A. A. Hodde  
Registered Professional  
Land Surveyor No. 1492

Exhibit M

PARCEL TWO:

All that certain tract or parcel of land lying and being situated in Austin County, Texas, a part of the Stephen F. Austin & League Grant, Abstract #4, being part of the same land called 92.4 acres, more or less, described as First Tract in the deed from Gilbert Huff, et al. to Olivia Huff dated April 26, 1948, and recorded in Volume 195, Page 115, of the Deed Records of Austin County, Texas, to which said deed and the record thereof reference is here made for all intents, purposes and descriptions, said land being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the most Southern corner of the tract described herein, being the South or Southeast corner of the Ruben J. Grebe tract called 2.732 acres and being the West or Southwest corner of the Richard Platte tract and being on the fenced North line of the Olivia Huff Estate, revidge tract surveyed to contain 54.5245 acres, said beginning point being N 10° 36' 17" E 2421.53 feet from a 3/8" iron rod set at the base of an old dead cedar fence corner post found for the most Southern corner of said original tract;

THENCE leaving said beginning point and along the West line of the tract described herein, being along the East line of said Grebe tract, N 16° 44' E 407.72 feet to the Northwest corner of the tract described herein, being on the South right-of-way line of State Highway No. 159, also being the Northeast corner of said Grebe tract;

THENCE along a portion of the South right-of-way line of said highway for the North line of the tract described herein, S 71° 05' E 104.40 feet to the Northeast corner of the tract described herein, being on said right-of-way line and being the Northwest corner of said Platte tract;

THENCE along the West line of said Platte tract for the East line of the tract described herein, S 31° 13' W 417.00 feet to the place of beginning, containing 0.4884 acres of land, as surveyed by A. A. Hodde, Registered Public Surveyor, License No. 1492, on July 30, 1975.

And being the land described in Deed from Willie Huff, et al. to Dessie Platte, dated September 27, 1978, recorded in Volume 411, Page 718 of the Deed Records of Austin County,

PARCEL ONE:

All that tract or parcel of land situate in Austin County, Texas, being a part of the George Grimes League and Stephen F. Austin & League Grant, being a portion of the first tract described in deed from Gilbert Huff, et al. to Olivia Huff, dated April 26, 1948, recorded in Volume 195, page 115, Austin County Deed Records, and more particularly described as follows:

BEGINNING at an iron in the south line of Highway 159 at a point N 71 deg. 17 min. W. 213.61 ft. from the northwest corner of a 2 acre tract conveyed by Olivia Huff to Jesse Macat;

THENCE S 31 deg. 00 min. W. at 412.46 feet the division line between the George Grimes League and the Stephen F. Austin & League Grant at 416.67 ft. an iron pin for a corner;

THENCE N 71 deg. 17 min. W 213.61 ft. to an iron;

THENCE N 31 deg. 00 min. E. 416.67 ft. to an iron in the South line of the Highway;

THENCE along said Highway S. 71 deg. 17 min. E. 213.61 ft. to place of beginning, containing 2.0 acres of land. (Surveyed By D. R. Muzzy and Associates, Land Surveyors, Brenham, Texas)

And being the land described in Deed from Olivia Huff to Richard Platte, et ux, dated May 7, 1959, recorded in Volume 247, Page 185 of the Deed Records of Austin County, Texas.

Exhibit N

FRANK SURVEYING CO., INC.  
-2205 Walnut Street  
Columbus, Texas 78934  
817.232.3114

STATE OF TEXAS  
COUNTY OF AUSTIN

FIELD NOTES of a survey of a 2.00 acre tract in the Stephen F. Austin League, Abstract 4, Austin County, Texas. Same being out of the residue of that certain called 12.4 acre tract subdivided in a deed to Corrie Hill as recorded in Volume 108, Page 184 of the Deed Records of Austin County, Texas, for which reference is made and said 2.00 acre tract being described by notes and bounds as follows, TO-WIT:

**BEGINNING** of a 1/2 inch iron rod found for the Northeast corner of the herein described tract, same being the Northeast corner of the residue of said 12.4 acre parent tract, same being the Northwest corner of that certain called 0.475 acre tract as described in deed recorded in Volume 894, Page 841 of the Austin County Official Records; and same being in the Southwest right of way line of Farm to Market Road No. 159 (add'l varies) (Vol. 81, Pg. 104), from which a 3/4 inch iron rod found for the Southwest corner of said 0.475 acre tract bears S 14° 53' 00" W a distance of 524.88 feet (called S 14° 53' 00" W - 524.20 feet); same being in the Northwest line of a called 54.6245 acre tract as described in deed recorded in Volume 412, Page 634 of the Austin County Deed Records, and same being the Southeast corner of the residue of a called 24.194 acre tract as described in deed recorded in Volume 411, Page 710 of the Austin County Deed Records;

**THENCE** S 71° 03' 00" W a distance of 144.88 feet (called S 71° 03' 00" W) with the Southeast line of the herein described 2.00 acre tract, and the Northwest line of said 0.475 acre tract, to a 5/8 inch iron rod with cap set for the Southeast corner of the herein described tract;

**THENCE** 75° 01' 00" W a distance of 209.21 feet with the Southwest line of the herein described 2.00 acre tract to a 5/8 inch iron rod with cap set for the Southwest corner of the herein described tract;

**THENCE** 14° 53' 00" E a distance of 425.37 feet with the Northwest line of the herein described 2.00 acre tract to a 5/8 inch iron rod with cap set for the Northwest corner of the herein described tract, same being in the Northeast line of the residue of said 12.4 acre parent tract, and same being in the Southwest right of way line of said Farm to Market Road No. 159;

**THENCE** S 71° 01' 17" E a distance of 151.33 feet (called S 70° 53' 00" E) (Tex. D.O.T. Right of Way Map) with the Northeast line of the herein described 2.00 acre tract, the Northeast line of the residue of said 12.4 acre parent tract, and the Southwest right of way line of said Farm to Market Road No. 159 to a concrete highway monument fixed for a Northeast interior corner of the herein described tract, same being a Northeast interior corner of the residue of said 12.4 acre parent tract, and same being an angle point in the Southwest right of way line of said Farm to Market Road No. 159;

**THENCE** S 71° 20' 30" E a distance of 47.31 feet (called S 70° 55' 17" E) (Vol. 694, Pg. 641) continuing with the Northwest line of the herein described 2.00 acre tract, the residue of said 12.4 acre parent tract and the Southwest right of way line of said Farm to Market Road No. 159 to the PLACE OF BEGINNING, containing 2.00 acre of land, more or less.

Survey Plat to accompany Field Notes.

Frank Project No. 900-0827 225-083

All bearings are based on the Northwest line of the 0.475 acre tract as described in Volume 894, Page 841, Austin County Official Records as having a record deed bearing of S 14° 53' 00" W.

IN WITNESS THEREOF, my hand and seal, this the 2<sup>nd</sup> day of October 2008.

*Leonard W. Frank*  
For Frank Surveying Co., Inc.  
By: Leonard W. Frank, RPLS  
Registration No. 4989



Instrument # 171180  
3/15/2017 11:30 AM

**RECORDER'S MEMORANDUM**  
At the time of recordation this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS COUNTY OF AUSTIN  
I certify that this instrument was filed on the date and time stamped by me and was recorded in the Official Public Records of Austin County, Texas.

Carrie Gresor, County Clerk  
Austin County, Texas

By: *Carrie Gresor*

TRUSTEE'S NOTICE OF SALE

THE STATE OF TEXAS  
COUNTY OF AUSTIN

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, On February 23, 2017, Edwin H. Malinowski, Trustee and Richard Alan Pavlicek, Trustee, executed and delivered a certain Deed of Trust (hereinafter "Deed of Trust") conveying to Michael G. Tapp, Trustee, the real estate hereinafter described to secure II C.B., L.P. in the payment of the debt described in said Deed of Trust and filed for record in the Real Property Records of Austin County, Texas, under Instrument No.170955; and

WHEREAS, there has been a default in the payment of the note described in said Deed of Trust; and II C.B., L.P. the beneficiary and owner of the aforesaid note, has accelerated the note and has requested Michael G. Tapp, Trustee to enforce the sale provisions of the Deed of Trust;

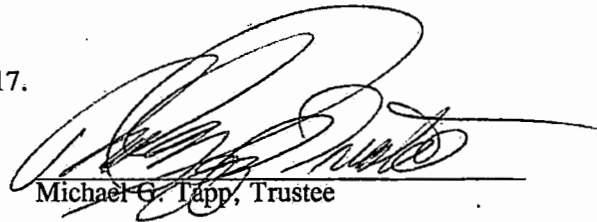
NOW, THEREFORE, I, Michael G. Tapp, Trustee, whose address is 12611 Jones Road Suite 101, Houston, Texas, 77070, (281) 890-8277, hereby give notice that I will, after due posting and filing of this notice as required by such Deed of Trust and the law, sell at the public venue to the highest bidder or bidders, for cash, in the area designated in the Austin County Courthouse by the Austin County Commissioners as the place in which to hold real property foreclosures sales in Austin County, the county in which said property is located, between 10:00 a.m. and 4:00 p.m. and no earlier than 1:00 o'clock p.m., on Tuesday, November 7, 2017, the real property so described in and covered by the aforesaid Deed of Trust and more particularly described as follows, to-wit:

two tracts of land, one being 40.099 acres described in Exhibit "A" and the other being net 40.014 acres, more or less, being a 125.052 acre tract save and except the 41.353 acres and the 43.685 acres all described in Exhibit "B"; all said exhibits being attached hereto and incorporated herein for all purposes

The sale shall begin no earlier than 1:00 p.m.

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

EXECUTED this 17th day of October, 2017.

  
Michael G. Tapp, Trustee

FILED

17 OCT 13 AM 9:58

*Carrie Gregor*

COUNTY CLERK  
AUSTIN COUNTY, TEXAS

2017-46

**Exhibit A**

OFFICE PHONE 512-5501  
RESIDENCE PHONE 552-55



**A. A. HODDE & ASSOCIATES, INC.**

Registered Public Surveyor  
613 EAST HORTON STREET  
DRENTON, TEXAS 7533

THE STATE OF TEXAS  
COUNTY OF AUSTIN

ERWIN J. HUFF BEHNE  
TO  
EDWIN H. MALINOWSKI, JR., ET UX

**SURVEYOR'S LEGAL DESCRIPTION**

**40.899 ACRES**

All that certain tract or parcel of land, lying and being situated in Austin County, Texas, part of the Stephen F. Austin 4 League Grant, A-4, being part of the same land described as Second Tract and called 59.2 acres in the deed from R. Huff to Erwin Huff, dated September 4, 1946, as recorded in Vol. 156, Page 610, in the Deed Records of Austin County, Texas; and being more fully described by metes and bounds as follows, To-Wit:

COMMENCING at a 3/8 inch iron rod found at the base of an old dead Cedar Tree fence corner post for the most western corner of said original tract, being the South corner of the same land known as the Erwin Huff 11.5176 acre tract as described in the deed recorded in Vol. 411, Page 714, in said Deed Records and is to be conveyed from the Erwin Huff Estate to Edwin Henry Malinowski, Jr., et ux, being on the fenced Northeast line of the Joe Dusek tract called 70 acres as described in the deed recorded in Vol. 242, Page 578, in said Deed Records, also being the West corner of a 4.538 acre tract previously surveyed for Erwin Huff which is part of said original tract and is to be conveyed from the Erwin Huff Estate to Edwin Henry Malinowski, Jr., et ux;

THENCE along a division line of said Huff 11.5176 acres and said Huff 4.538 acres, N 13°21'14" E 587.40 feet to a 3/8 inch iron rod found for the East corner of said Huff 11.5176 acres tract and the North corner of said Huff 4.538 acres tract, also being the South corner of the Edwin Henry Malinowski, Jr., et ux, 54.5245 acre tract as described in the deed recorded in Vol. 412, Page 654; being the POINT OF BEGINNING and the West corner of the following described tract;

THENCE along a portion of the fenced East or Southeast line of said Malinowski 54.5245 acre tract for a fenced West or Northwest line of the tract described herein, N 13°21'14" E (Malinowski Deed call as described in Vol. 412, Page 654 is E 13°21'14" W) 1286.98 feet to a 1/2 inch iron rod found for an angle point of the tract described herein, being an interior angle point of said Malinowski 54.5245 acre tract;

THENCE continuing along a portion of the fenced Southeast line of said Malinowski 54.5245 acre tract for a Northwest line of the tract described herein, N 31°39'40" E 63.45 feet to a 1/2 inch iron rod found at the base of a 3 inch Cedar Fence post for a lower North corner of the tract described herein, being the West corner of the Edwin H. Malinowski, Jr., et ux, 2.914 acre tract as described in the deed recorded in Vol. 613, Page 64, in said Deed Records, also being on a fenced Southeast line of said Malinowski 54.5245 acre tract;



## OFFICIAL RECORD

OFFICE PHONE: 832-1001  
RESIDENCE PHONE: 810-50

A. A. RIDDLE &amp; ASSOCIATES, INC.

Registered Public Surveyors  
512 EAST HUNTTON STREET  
MINERAL WELLS, TEXAS 75855

THENCE along the Southeast line of said Malinowski 2.914 acre tract for a lower Northeast line of the tract described herein, S 63°46'21" E 203.72 feet to a 1/2 inch iron rod found at the base of a 6 inch Cedar fence corner post for an interior ell corner of this tract, being the South corner of said Malinowski 2.914 acre tract;

THENCE along the Southeast line of said Malinowski 2.914 acre tract for a Northwest line of the tract described herein, N 33°13'00" E 412.81 feet to a 1/2 inch iron rod set at the base of a 6 inch Cedar fence corner post for an interior angle point of said Malinowski 2.914 acre tract, being the most Northern corner of the tract described herein, also being the West corner of the same land known as the Jerry Janosky tract called 63.85 acres as described in the deed recorded in Vol. 174, Page 53 in said Deed Records and now owned by Mark Janosky by will, also being on the division line of said Stephen F. Austin 4 League Grant, A-4 and the George Grimes Survey, N-44;

THENCE along a portion of the fenced Southwest line of said Janosky tract for a fenced Northeast line of the tract described herein, being along the Northeast line of said original tract, also being along the division line of said Grimes Survey and said Austin 4 League Grant, S 43°22'38" E 776.13 feet to a 1/2 inch iron rod found at the base of an 8 inch Bois D'Arc fence corner post for the most Eastern corner of the tract described herein, being the North corner of the Oak Ola Ruether, et vir, tract called 1.265 acres as described in the deed recorded in Vol. 537, Page 32, in said Deed Records, and being on the fenced Southwest line of said Janosky tract, also being on the division line of said Grimes Survey and said Austin 4 League Grant;

THENCE along the fenced Northwest line of said Ruether tract, along the fenced Northwest line of the Lester Schramm, et ux, tract called 1.265 acres as described in the deed recorded in Vol. 537, Page 38, along the fenced Northwest line of the Calvin Gene Schramm tract called 1.265 acres as described in Vol. 555, Page 716, in said Deed Records, also along the fenced Northwest line of the Calvin Gene Schramm tract called 1.265 acres as described in Vol. 641, Page 91, in said Deed Records, and along the fenced Northwest line of the Cane and Wicker Restored tract called 1.0 acres as described in the deed recorded in Vol. 407, Page 366, in said Deed Records for a fenced Southeast line of the tract described herein, S 44°06'17" W 510.31 feet to a 1/2 inch iron rod found at the base of a 15 inch Cedar fence corner post for an angle point of the tract described herein, being the West corner of said Cane and Wicker Restored tract, also being the North corner of the Preston O. Davis, et ux, tract called 2.0595 acres as described in the deed recorded in Vol. 645, Page 241, in said Deed Records;

OFFICE PHONE 810-0691  
RESIDENCE PHONE 810-0681



**A. A. HODDE & ASSOCIATES, INC.**

Registered Public Surveyor  
803 EAST HORTON STREET  
DRENBAM, TEXAS 77833

THENCE along the fenced Northwest line of said Davis tract for a Southeast line of the tract described herein, S 43°57'50" W 191.76 feet to a 1/2 inch iron rod found at the base of a 6 inch Bois D'Arc fence corner post for an interior all corner of the tract described herein, being the West corner of said Davis tract;

THENCE along a fenced division line of this tract and said Davis tract, S 49°20'08" E 522.83 feet to a 1/2 inch iron rod found at the base of a railroad tie fence post at the hinge end of a 3 plank gate on the Northwest margin of Tiemann Road for the South corner of said Davis tract, being an East corner of the tract described herein;

THENCE along a portion of the fenced Northwest margin of said Tiemann Road for the Southeast line of the tract described herein, S 44°30'25" W 1326.86 feet to a 1/2 inch iron rod found at the base of a 6 inch Cedar fence post which is at the base of a 14 inch forked Cedar tree on said road margin for the South corner of the tract described herein, being the East corner of said Huff 4.530 acre tract;

THENCE leaving said Tiemann Road and along the Northeast line of said Huff 4.530 acre tract for the Southwest line of the tract described herein, N 21°14'36" W 889.86 feet to the place of beginning and containing 40.099 acres of land.

I, A. A. Hodde, Registered Professional Land Surveyor No. 1492 of the State of Texas, do hereby certify that the foregoing description describing 40.099 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 16th day of September, 1993, A. D.

A. A. Hodde  
Registered Professional  
Land Surveyor No. 1492

Sheet 3 of 3



**Exhibit B**

**ALEXANDER SURVEYING  
LAND SURVEYORS**

OWNER: VERDES E. UECKERY

BUYER: ED MALINOWSKI

125.052 ACRES

ALL THAT TRACT OR PARCEL OF LAND consisting of 125.052 Acres located in the S. F. Austin Four (4) League Grant, A-4, Austin County, Texas. Subject tract being a portion of the called 200 Acre tract that is designated as Tract Three and a portion of the called 215 Acre tract that is designated as Tract Five and described in a Partition Deed recorded in Volume 392, Page 182 of the Deed Records of Austin County, Texas. Said tract consisting of 125.052 Acres and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod set in the North Right-of-way of E. M. Highway 159 (100 ft. R.O.W.) and being the Southwest corner of the called 20 Acre tract designated as Tract #14 in Volume 430, Page 383 of the Official Records of Austin County, Texas and being the Southeast corner of the herein described tract;

**THENCE** with the North Right-of-way of E. M. Highway 159 and with a curve to the right, which has a Central Angle of 09d 59' 21", Radius of 2814.79 ft., Arc Length of 489.92 ft. and Chord Bcs. N 84d 52' 13" W, 489.30 ft. (No Call) to a 1/2" iron rod set for the Southwest corner of the herein described tract;

**THENCE** N 28d 15' 04" E, a distance of 537.82 ft. (No Call) to a 1/2" iron rod set for an angle point;

**THENCE** N 33d 16' 49" E, a distance of 1014.49 ft. (No Call) to a 1/2" iron rod set for an angle point;

**THENCE** N 61d 01' 44" W, a distance of 1551.01 ft. (No Call) to a 1/2" iron rod set in the East line of the 67.348 Acre tract described in a Deed to Alvin G. Morgan, et ux as recorded in File# 991469 O.R.A.C.T. and being an angle point in the West line of the herein described tract;

**THENCE** N 43d 21' 57" E, with the common line with said 67.348 Acre adjoining tract and generally, but partly with an existing fence line (the existing fence line is approximately 3 ft.

May 14, 2002  
Revised May 29, 2002  
W.D.# 4586

Page 1 of 4



**ALEXANDER SURVEYING  
LAND SURVEYORS**

OWNER: VERDIE H. USCKERT

BUYER: ED MALINOWSKI

125.082 ACRES (continued)

Northwest of this line) and passing at 1100.65 ft. a 1/2" iron rod found for reference and continuing, a total distance of 1164.32 ft. (Called Brg. N-43d S) to a point in the centerline of the East Fork of Mill Creek and being on the South line of the 545.970 Acre tract described in a Deed to David Smetek as recorded in Volume 743, Page 547 O.R.A.C.T. and being the Northwest corner of the 215.000 Acre parent tract and the Northwest corner of the herein described tract;

ENCE with the centerline meanders of the East Fork of Mill Creek, the same being the common line with the adjoining tracts, the following courses and distances:

S 16d 54' 20" E,	35.36 ft.;
S 60d 23' 50" E,	71.87 ft.;
S 10d 32' 27" E,	67.81 ft.;
S 29d 59' 25" E,	79.93 ft.;
S 24d 05' 03" E,	168.62 ft.;
S 45d 39' 36" E,	70.12 ft.;
S 84d 18' 23" E,	109.53 ft.;
N 72d 39' 29" E,	209.56 ft.;
N 00d 29' 28" E,	93.19 ft.;
N 23d 56' 31" W,	51.73 ft.;
N 04d 25' 46" W,	58.29 ft.;
N 21d 40' 29" E,	162.28 ft.;
N 29d 14' 03" E,	47.64 ft.;
N 56d 48' 42" E,	72.96 ft.;
N 77d 33' 35" E,	178.64 ft.;
S 53d 55' 14" E,	120.68 ft.;
S 28d 06' 01" E,	58.73 ft.;
S 78d 03' 35" E,	49.19 ft.;
N 56d 00' 00" E,	94.86 ft.;
S 58d 13' 14" E,	188.94 ft.;
S 46d 48' 37" E,	90.88 ft.;
S 78d 21' 16" E,	284.96 ft.;
N 62d 51' 19" E,	82.78 ft.;
N 23d 58' 35" W,	88.99 ft.;
N 15d 24' 12" E,	55.99 ft.;
S 89d 45' 30" E,	92.49 ft.;
S 41d 28' 44" E,	303.02 ft.;
S 32d 41' 57" E,	62.59 ft.;
N 57d 23' 59" E,	129.99 ft.;
S 78d 41' 14" E,	169.24 ft.;
S 69d 16' 22" E,	77.85 ft.;
S 86d 57' 15" E,	115.44 ft.;
N 79d 07' 41" E,	208.76 ft.;
N 86d 04' 56" E,	90.86 ft.;
S 56d 17' 21" E,	101.85 ft.;

May 14, 2002  
Revised May 28, 2002  
N.O.# 4586

Page 2 of 4



**ALEXANDER SURVEYING  
LAND SURVEYORS**

**OWNER: VERDES H, UZCERY**

**SURVEY: ED MALINOWSKI**

**125.052 ACRES (continued)**

S 33d 53' 15" E, 133.46 ft.;  
 N 70d 05' 01" E, 150.35 ft.;  
 N 73d 28' 01" E, 227.66 ft.;  
 N 50d 17' 35" E, 203.02 ft.;  
 N 58d 15' 31" E, 83.61 ft. to a point in the centerline  
 of said Creek and being the Northwest corner of the called  
 53.881 Acre tract that is designated as Tract 1 and described  
 in a Deed to Mark Edwin Duckert as recorded in Volume 490,  
 Page 283 D.R.A.C.T. and being the Northeast corner of the  
 called 200 Acre parent tract and the Northeast corner of the  
 herein described tract;

THENCE S 43d 47' 03" W, with the common line with said 53.881 Acre  
 adjoining tract and generally with an existing fence line  
 and passing at 209.08 ft. an existing fence corner post, for  
 reference and continuing generally with the existing fence  
 line, a total distance of 2623.21 ft. (Called Brg. S 43d W)  
 to a 1/2" iron rod found at a fence corner post and being the  
 West corner of the 53.881 Acre adjoining tract, the same being  
 an angle point in the North line of the 20 Acre adjoining  
 tract mentioned above and being an angle point in the East  
 line of the herein described tract;

THENCE N 76d 08' 07" W, continuing with the common line with the  
 20 Acre adjoining tract and generally with an existing  
 fence line, a distance of 793.44 ft. (No Call) to a 1/2"  
 iron rod found at a fence corner post and being the North-  
 west corner of the 20 Acre adjoining tract, for an "L" cor-  
 ner in the herein described tract;

THENCE S 33d 14' 49" W, continuing with the common line with said  
 20 Acre adjoining tract and generally with an existing fence  
 line, a distance of 994.86 ft. (No Call) to a fence line  
 angle;

THENCE S 28d 15' 04" W, continuing with the common line with said  
 20 Acre adjoining tract and generally with an existing fence  
 line, a distance of 326.05 ft. (No Call) to the PLACE OF  
 BEGINNING and containing 125.052 Acres.

NOTES: Bearings shown hereon are based upon the Called Bearing of  
 S 43d 21' 57" W, used in the description of the 67.348 Acre  
 tract recorded in File# 991469 G.R.A.C.T.

May 14, 2002  
 Revised May 29, 2002  
 W.O.# 4596

Page 3 of 4



**ALEXANDER SURVEYING  
LAND SURVEYORS**

OWNER: VERDES H. UECKERT.

SUZER: ED MALINOWSKI

125.052 ACRES (continued)

Reference is hereby made to plat, of the subject tract, prepared this day.

May 14, 2002  
Revised May 28, 2002  
N.O.# 4586

*Glen S. Alexander*  
Glen S. Alexander  
Registered Professional Land Surveyor, #4194



Page 4 of 4

STATE OF TEXAS COUNTY OF AUSTIN

I certify that the foregoing was filed at this date and time as shown by me and was duly recorded in the OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.



*Carrie Greger*  
Carrie Greger, County Clerk  
Austin County, Texas

FILED  
02 MAY 31 PM 4:40

*Carrie Greger*

COUNTY CLERK P.O. Box 386 Belville, Texas 77410 979/8659145 Fax 979/865-5988

Less However:



ALEXANDER SURVEYING  
LAND SURVEYORS

ED HALLNOWSKI

TRACT 2

41.353 AC.

ALL THAT TRACT OR PARCEL OF LAND consisting of 41.353 Acres located in the S. F. Austin Four (4) League Grant, A-4, Austin County, Texas. Subject tract being a portion of the 125.052 Acre tract that is described in a Deed to Ed Hallnowski as recorded in File# 023087 of the Official Records of Austin County, Texas. Said tract consisting of 41.353 Acres and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set in the North Right-of-way of F. M. Highway 159 (100 ft. R.O.W.) and being the Southwest corner of the called 20 Acre tract designated as Tract 14 in Volume 630, Page 383 O.R.A.C.T. and being the Southeast corner of the 125.052 Acre parent tract and the Southeast corner of the herein described tract;

THENCE with the North Right-of-way of F. M. Highway 159 and with a curve to the right, which has a central angle of  $22^{\circ} 33'$ , Radius of 284.79 ft., Arc Length of 67.60 ft. and Chord Bore N  $85^{\circ} 10' 07''$  W, 67.60 ft. to a 1/2" iron rod set for the Southeast corner of a 43.685 Acre tract that has been designated as Tract 2 and surveyed and described this day for the Southwest corner of the herein described tract;

THENCE N  $28^{\circ} 15' 09''$  E, parallel and 60.00 ft. West of the East line of the parent tract and the herein described tract, a distance of 359.79 ft. (No Call) to a 1/2" iron rod set for an angle point;

THENCE N  $33^{\circ} 14' 49''$  E, continuing with a line, which is 60.00 ft. West of and parallel with the East line of the parent tract and the herein described tract, a distance of 667.47 ft. (No Call) to a 1/2" iron rod set for an angle point;

THENCE N  $43^{\circ} 22' 53''$  E, with the common line with Tract 2, a distance of 216.16 ft. (No Call) to a point in the centerline of the East Fork of Mill Creek and being the Northwest corner of tract 2, for the Northwest corner of the herein described tract. From said point, a 1/2" iron rod set, for reference, Bore S  $43^{\circ} 23' 53''$  W, 100.00 ft.;

THENCE with the centerline meanders of the East Fork of Mill Creek, the same being the common line with a called 19.325 Acre tract and a called 52.798 Acre tract described in a Deed to

June 14, 2007  
N.O.I. 4615

Page 1 of 3

EXHIBIT A

**ALFRED H. SURVEYING  
LAND SURVEYORS**

**ED MALINOWSKI**

**TRACT 1**

**41.283 Ac. (continued)**

Uckert, Partners, Ltd. as recorded in Volume 630, Page 381 O.R.A.C.T. the following courses and distances:

- S 88d 57' 19" E, 143.44 ft.;
- N 79d 07' 41" E, 208.76 ft.;
- N 86d 04' 55" E, 90.85 ft.;
- S 88d 17' 21" E, 101.85 ft.;
- S 33d 53' 15" E, 133.46 ft.;
- N 70d 05' 01" E, 150.35 ft.;
- N 73d 20' 01" E, 227.56 ft.;
- N 62d 17' 55" E, 203.02 ft.;
- N 62d 16' 31" E, 83.61 ft.

to a point in the centerline of said Creek and being the Northwest corner of the called 51.881 Acre tract that is designated as Tract 1 and described in a Deed to Mark Edwin Uckert as recorded in Volume 430, Page 283 of the Deed Records of Austin County, Texas and being the Northwest corner of the parent tract and the Northeast corner of the herein described tract;

**TRANCE** N 43d 47' 03" W, with the common line with said 51.881 Acre adjoining tract and generally with an existing fence line and passing at 205.08 ft. an existing fence corner post found for reference and continuing generally with an existing fence line, a total distance of 2623.21 ft. (Called S 43d 47' 03" W, 2623.21 ft.) to a 1/2" iron rod found at a fence corner post and being the West corner of the called 51.881 Acre adjoining tract, the same being an angle point in the North line of the 20 Acre adjoining tract mentioned above and being an angle point in the East line of the parent tract and the herein described tract;

**TRANCE** N 76d 08' 07" W, with the common line with the called 20 Acre adjoining tract and generally with an existing fence line, a distance of 793.44 ft. (Called N 76d 08' 07" W, 793.44 ft.) to a 1/2" iron rod found at a fence corner post and being the Northwest corner of the called 20 Acre adjoining tract, for an "L" corner in the parent tract and in the herein described tract;

**TRANCE** S 33d 14' 49" W, continuing with the common line with said 20 Acre adjoining tract, a distance of 994.86 ft. (Called S 33d 14' 49" W, 994.86 ft.) to a fence line angle;

**TRANCE** S 28d 15' 04" W, continuing with the common line with said 20 Acre adjoining tract and generally with an existing fence line, a distance of 326.08 ft. (Called S 28d 15' 04" W,

June 14, 2002  
H.O.B 4615

Page 2 of 3

**EXHIBIT A**



**ALEXANDER SURVEYING**  
**LAND SURVEYORS**

**ED MOLLINGBERRY**

**TRACK 3**

**41.393 Ac. - (continued)**

326.05 ft.) to the PLACE OF BEGINNING and containing 41.393 Acres.

**NOTES:** Bearings shown hereon are based upon the Called Bearing of S 43d 21' 57" W, used in the description of the 67.348 Acre tract recorded in File# 991469 O.R.A.C.T.

Reference is hereby made to plat, of the subject tract, prepared this day.

June 14, 2002  
W.O.# 4615

*Glen S. Alexander*

Glen S. Alexander  
Registered Professional Land Surveyor, #4194

Page 3 of 3



FILED

03 OCT 22 PM 3:25

*Carrie Draper*

COUNTY CLERK  
ANDERSON COUNTY, TEXAS

EXHIBIT A

STATE OF TEXAS

COUNTY OF ANDERSON

105 E. Linn P.O. Box 306 Dallas, Texas 77418

I certify that this instrument was filed on the 22nd day of October, 2002, at 3:25 PM, at the County Clerk's Office, Anderson County, Texas.

036900



*Carrie Draper*  
Carrie Draper, County Clerk  
Anderson County, Texas

Less However:



ALEXANDER SURVEYING  
LAND SURVEYORS

ED MALINOWSKITRACT 243.685 AC.

ALL THAT TRACT OR PARCEL OF LAND consisting of 43.685 Acres located in the S. F. Austin Four (4) League Grant, A-4, Austin County, Texas. Subject tract being a portion of the 125.052 Acre tract that is described in a Deed to Ed Malinowski as recorded in File# 023087 of the Official Records of Austin County, Texas. Said tract consisting of 43.685 Acres and being more particularly described as follows:

COMMENCING at a 1/2" iron rod set in the North Right-of-way of F. M. Highway 159 (100 ft. R.O.W.) and being the Southwest corner of the called 20 Acre tract designated as Tract #14 in Volume 630, Page 383 O.R.A.C.T. and being the Southeast corner of the 125.052 Acre parent tract and being the Southeast corner of the 41.353 Acre tract that has been designated as Tract 1 and surveyed and described this day;

THENCE with the North Right-of-way of F. M. Highway 159 and with a curve to the right, which has a Central Angle of  $01d 22' 33''$ , Radius of 2814.79 ft., Arc Length of 67.60 ft. and Chord Brs. N  $89d 10' 07''$  W, 67.59 ft. to a 1/2" iron rod set for the Southwest corner of Tract 1 and being the Southeast corner and TRUE PLACE OF BEGINNING of the herein described tract;

THENCE continuing with the North Right-of-way of F. M. Highway 159 and with said curve to the right, which has a Central Angle of  $07d 18' 24''$ , Radius of 2814.79 ft., Arc Length of 358.95 ft. and Chord Brs. N  $84d 49' 38''$  W, 358.71 ft. (No Call) to a 1/2" iron rod set for the Southeast corner of the 40.014 Acre tract that has been designated as Tract 3 and surveyed and described this day, for the Southwest corner of the herein described tract;

THENCE N  $28d 15' 04''$  E, with a line, which is 60.00 ft. East of and parallel with the West line of the parent tract, the same being the common line with Tract 3, a distance of 514.80 ft. (No Call) to a 1/2" iron rod set for an angle point in the East line of Tract 3 and in the West line of the herein described tract;

THENCE N  $33d 14' 49''$  E, continuing with a line, which is 60.00 ft. East of and parallel with the West line of the parent tract, a distance of 1011.87 ft. (No Call) to a 1/2" iron rod set for an angle point in the East line of Tract 3 and in the

June 14, 2002  
W.O.# 4615

Page 1 of 3

EXHIBIT A



**ALEXANDER SURVEYING  
LAND SURVEYORS**

ED MALINOWSKI

TRACT 2

43.685 AC. (continued)

West line of the herein described tract:

**TRENCHE** N 16d 16' 51" E, continuing with the common line with Tract 3, a distance of 1739.43 ft. (No Call) to a point in the centerline of the East Fork of Mill Creek and being the Northeast corner of Tract 3, for the Northwest corner of the herein described tract. From said point, a 1/2" iron rod set, for reference, brs. S 16d 16' 51" W, 100.00';

**TRENCHE** with the centerline meanders of the East Fork of Mill Creek, the same being the Southerly line of the 545.970 Acre tract described in a Deed to David Smetek as recorded in Volume 743, Page 547 O.R.A.C.T. at a projection with the common line with the called 16.825 Acre tract that is designated as Tract 13 and described in a Deed to Ueckert Partners, Ltd. as recorded in Volume 630, Page 383 O.R.A.C.T. the following courses and distances:

- S 58d 13' 14" E, 188.94 ft.;
- S 46d 48' 37" E, 90.88 ft.;
- S 78d 21' 16" E, 284.95 ft.;
- N 62d 31' 19" E, 92.75 ft.;
- N 23d 55' 35" W, 88.59 ft.;
- N 15d 24' 12" E, 55.99 ft.;
- S 89d 45' 30" E, 92.49 ft.;
- S 41d 26' 44" E, 303.02 ft.;
- S 32d 41' 57" E, 62.59 ft.;
- N 57d 23' 59" E, 129.99 ft.;
- S 78d 41' 14" E, 169.24 ft.;
- S 69d 16' 22" E, 77.05 ft. to a point in the centerline of said creek and being the Northwest corner of Tract 1 and the Northeast corner of the herein described tract;

**TRENCHE** S 43d 22' 53" W, with the common line with Tract 1 and passing at 100.00 ft. a 1/2" iron rod set, for reference and continuing, a total distance of 2116.16 ft. (No Call) to a 1/2" iron rod set for an angle point in Tract 1 and in the herein described tract;

**TRENCHE** S 33d 14' 49" W, continuing with the common line with Tract 1 and with a line, which is 60.00 ft. West of and parallel with the East line of Tract 1, the same being the East line of the parent tract, a distance of 997.47 ft. (No Call) to a 1/2" iron rod set for an angle point;

**TRENCHE** S 28d 15' 04" W, continuing with the common line with Tract 1 and with a line, which is 60.00 ft. West of and parallel with the East line of Tract 1, the same being the East line of the parent tract, a distance of 359.79 ft. (No Call) to

June 14, 2002  
W.O.# 4615

Page 2 of 3

**EXHIBIT A**



**ALEXANDER SURVEYING  
LAND SURVEYORS**

ED MALLINOWSKI

TRACT 2

43.685 AC. (continued)

the PLACE OF BEGINNING and containing 43.685 Acres.

NOTES: Bearings shown hereon are based upon the Called Bearing of S 43d 21' 57" W, used in the description of the 67.348 Acre tract recorded in File# 991469 O.R.A.C.T.

Reference is hereby made to plat, of the subject tract, prepared this day.

June 14, 2002  
W.O.# 4615

*Glen S. Alexander*

Glen S. Alexander  
Registered Professional Land Surveyor, #4194



Page 3 of 3

**RECORDER'S MEMORANDUM**  
At the time of recordation this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

Instrument # 170955  
3/3/2017 9:13 AM

STATE OF TEXAS COUNTY OF AUSTIN  
I certify that this instrument was filed on the date and time stamped by me and was recorded in the Official Public Records of Austin County, Texas.

Carrie Greger, County Clerk  
Austin County, Texas

By: *Patty Norman Leger*