



Control Number: 37448



Item Number: 238

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-1097
P.U.C. DOCKET NO. 37448

RECEIVED

09 DEC -2 PM 3:26

PUBLIC UTILITY COMMISSION
CLERK

APPLICATION OF LCRA
TRANSMISSION SERVICES
CORPORATION TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
GILLESPIE TO NEWTON 345-KV
CREZ TRANSMISSION LINE IN
GILLESPIE, LLANO, SAN SABA,
BURNET AND LAMPASAS
COUNTIES, TEXAS

§
§
§
§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**RESPONSE TO COMMISSION STAFF'S OBJECTION TO REQUEST TO
INTERVENE OF PAUL M. TERRILL, JR. AND GRACIE TERRILL**

On or about November 25, 2009, the Staff of the Public Utility Commission of Texas' ("PUC" or "Commission" "Staff") filed its Objection to the Requests to Intervene Filed by Erin Howard Mitchell, Marianne Parker, Robert Thompson, David and Sally Thompson, Richard and Michelle Thompson, Mark Sutton, John Harris, Lindsey Harris Swenson, George Kane, III and Paul and Gracie Terrill ("Staff's Objection"). In response to the Staff's Objection and in support of their Motion to Intervene in this proceeding filed on November 24, 2009, Paul M. Terrill, Jr. and Gracie Terrill (the "Terrills") file this Response to Commission Staff's Objection in the above-captioned docket.

I. AFFECTED PROPERTY

The Terrills seek to intervene in their individual capacity as landowners whose interests may be affected by the proposed transmission project. The Terrills are, individually, the landowners of property in Gillespie County, Texas. See **Exhibit A**, General Warranty Deed of Paul M. Terrill, Jr. And Gracie Terrill, dated January 8, 1982. The Terrills' affected property in Gillespie County has two habitable structures which are located within close proximity of proposed route segments C5 and C8. Therefore, the Terrills have a direct interest in the outcome of this proceeding and have demonstrated standing to intervene in this docket pursuant to P.U.C. PROC. R. 22.103.

II. AUTHORIZED REPRESENTATIVE

The Terrills' authorized representatives in this matter are:

Paul M. Terrill III
Joshua D. Katz
THE TERRILL FIRM, P.C.
810 W. 10th Street
Austin, TX 78701
512.474.9100 [Telephone]
512.474.9800 [Facsimile]

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, the Terrills respectfully request that they be granted intervenor status to participate as a party in this proceeding.

Respectfully submitted,

THE TERRILL FIRM, P.C.


By: 

Paul M. Terrill III
State Bar No. 00785094
Joshua D. Katz
State Bar No. 24044985
810 West 10th Street
Austin, Texas 78701
Tel: (512) 474-9100
Fax: (512) 474-9888

**ATTORNEYS FOR PAUL M.
TERRILL, JR. AND GRACIE TERRILL**

CERTIFICATE OF SERVICE

I hereby certify that on this second day of December 2009, a true and correct copy of the foregoing document was served upon all parties of record, listed in the attached service list via facsimile or First Class Mail, United States Postal Service.



Paul M. Terrill III

LCRA

FERNANDO RODRIGUEZ
LOWER COLORADO RIVER AUTHORITY
P O BOX 220
AUSTIN TX 78767-0220
512-473-4010 FAX

CHARLES & LYNETTE LAWSON

CHARLES & LYNETTE LAWSON
9201 MADRONE RANCH
AUSTIN TX 78738
512-264-7259 FAX

GARRETT MARITAL TRUST

JIM BOYLE
HERRERA & BOYLE
816 CONGRESS AVE SUITE 1250
AUSTIN TX 78701
512-474-2507 FAX

WILLIAM R HINCKLEY

JIM BOYLE
HERRERA & BOYLE
816 CONGRESS AVE SUITE 1250
AUSTIN TX 78701
512-474-2507 FAX

ASHLEY & PEGGY SMITH

LAWRENCE S SMITH
SMITH & MAJCHER
816 CONGRESS AVE SUITE 1270
AUSTIN TX 78701
512-322-9020 FAX

CITY OF GARLAND

LAMBETH TOWNSEND
LLOYD GOSSELINK ROCHELLE &
TOWNSEND PC
816 CONGRESS AVE SUITE 1900
AUSTIN TX 78701
512-472-0532 FAX

JONATHAN & MARIKA SCHOOLAR

JAMES COUSAR
THOMPSON & KNIGHT LLP
98 SAN JACINTO BLVD SUITE 1900
AUSTIN TX 78701
512-469-6180 FAX

ROBERT & STARIA CARROLL

MR & MRS ROBERT CARROLL
PO BOX 123
KEMPNER TX 76539

MALCOLM LONG

PAT LONG WEAVER
STUBBEMAN MCRAE SEALY LAUGHLIN
BROWDER INC
550 WEST TEXAS SUITE 550
MIDLAND TX 79701
432-682-4884 FAX

THOMS & KRISTI SLAGLE

THOMAS & KRISTI SLAGLE
12102 FM 179
WOLFFORTH TX 79382

THOMAS & MARCIA DOZIER

THOMAS & MARCIA DOZIER
8460 OAK COUNTRY LANE
DESOTO KS 66018

SHANNA ADAMS

SHANNA ADAMS
8460 OAK COUNTRY LANE
DESOTO KS 66018

CLARA NIELSEN BY CJ LATTA

CLARA NIELSEN BY C J LATTA NIELSEN
PO BOX 841
FREDERICKSBURG TX 78624

MARION F KIRBY III

MARION F KIRBY III
2819 CALENDAR LAKE DR
MISSOURI CITY TX 77459

BARNES KEITH RANCH

TAMMY COOPER
ANDREWS KURTH LLP
111 CONGRESS AVE SUITE 1700
AUSTIN TX 78701
512-320-9292 FAX

JOHN & SUSAN COLVIN

JOHN & SUSAN COLVIN
PO BOX 1338
BURNET TX 78611
512-715-8834 FAX

MARGARET & GRADY RYLANDER

GRADY & MARGARET RYLANDER
2500 SPANISH OAK TRAIL
ROUND ROCK TX 78681

C J RANCH

WILLIAM B STEELE III
LOCKE LORD BISSELL & LIDDELL LLP
100 CONGRESS SUITE 300
AUSTIN TX 78701
512-305-4800 FAX

KARL A AND MARY RANSLEBEN

JAMES Z BRAZELL
LAW OFFICES OF JAMES Z BRAZELL
100 CONGRESS AVE SUITE 2000
AUSTIN TX 78701
512-370-5223 FAX

RUBEN & CONNIE CRENWELGE

JAMES Z BRAZELL
LAW OFFICES OF JAMES Z BRAZELL
100 CONGRESS AVE SUITE 2000
AUSTIN TX 78701
512-370-5223 FAX

TOM PAYNE

TOM PAYNE
9816 BLUE HILL DR
AUSTIN TX 78736

POINT PEAK MOUNTAIN RESORT LLC

EDWARD D BURBACH
GARDERE WYNNE SEWELL LLP
600 CONGRESS AVE SUITE 3000
AUSTIN TX 78701
512-542-7270 fax

MARK LEO RATHMAN
LYNNE LOLA RATHMAN

JOHN MCDUFF
LAW OFFICE OF JOHN MCDUFF
100 CONGRESS AVE SUITE 2100
AUSTIN TX 78701
512-457-1176 FAX

GERALD & SHARON ROSENAUER

GERALD & SHARON ROSENAUER
5474 STOKES RD
BELLVILLE TX 77418
979-865-3625 FAX

WILLIS RICHARD & ANNA LOIS LANDERS

WILLIS RICHARD & ANNA LOIS LANDERS
PO BOX 295
LAMPASAS TX 76550
512-556-5878 FAX

JOSEPH J GRISAFI JR

JOSEPH J GRISAFI JR
9603 ARROWGRASS DR
HOUSTON TX 77064

LESLIE M "PEPPER" PROCTOR
PROCTER BROTHERS

LESLIE M "PEPPER" PROCTER
PROCTER BROTHERS
1101 S KEY AVENUE
LAMPASAS TX 76550
512-556-0137 FAX

RICHARD PROCTER
PROCTER BROTHERS

RICHARD PROCTER
PROCTER BROTHERS
PO BOX 1463
LAMPASAS TX 76550
512-556-3665 FAX

TOMMY JOE YATES

RONALD YATES
YATES LAW FIRM
PO BOX 8903
HORSESHOE BAY TX 78657
830-598-4776 FAX

PETER SCHOLL

PETER SCHOLL
5205 BACKTRAIL
AUSTIN TX 78731-2668

ERIN HOWARD MITHCELL

ERIN HOWARD MITCHELL
6136 IMOGENE ST
HOUSTON TX 77074

TERRY SPICER

TERRY SPICER
575 CR 4255
VALLEY MILLS TX 76689
254-675-7729 FAX

DIANA FISCH

DIANA FISCH
2944 CR 2001
LAMPASAS TX 76550

ANN JOHNSON

ANN JOHNSON
2518 BCR 111
LAMPASAS TX 76550

FERDINAND HOEPNER

FERDINAND HOEPNER
3314 CELON DR
CORPUS CHRISTI TX 78418
361-937-5944 FAX

MARIANNE PARKER

MARIANNE PARKER
133 LAKE BEND
MCQUEENEY TX 78123

BETTY SIMON

BETTY SIMON
11413 DEL REY NE
ALBUQUERQUE NM 87122

ALBERT SOLOMON

ALBERT SOLOMON
7075 W FM 580
LAMPASAS TX 76550

HUBERT & LORENE WILDE

HUBERT & LORENE WILDE
2921 FAIRVIEW SCHOOL ROAD
SAN ANGELO TX 76904

ROBERT THOMPSON

ROBERT THOMPSON
341 SOMERSET CIRCLE
BEDFORD TX 76021

MARK SUTTON

MARK SUTTON
4433 RIVER GARDEN TRAIL
AUSTIN TX 78746
512-306-0385 FAX

RICHARD & MICHELE THOMPSON

RICHARD & MICHELE THOMPSON
10303 SAUSALITO DR
AUSTIN TX 78759

CURT RHODES

CURT RHODES
4242 BELKIN COURT
NORTH LAS VEGAS NV 89032

DAVID & SALLY THOMPSON (LIVING
TRUST)

DAVID & SALLY THOMPSON (LIVING
TRUST)
2305 SHORT RIDGE ROAD
RESTON VA 20191

JOHN HARRIS

JOHN HARRIS
2936 DYER
DALLAS TX 75205
214-853-5911 FAX

BYRL W HARDY

BYRL HARDY
14490 CO ROAD 24
PERRYTON TX 79070

SAM P. DOUGLASS

TO

PAUL M. TERRILL, JR. ET ALGENERAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTIES OF GILLESPIE
 AND LLANO §

VOL. 146 PAGE 1

THAT, SAM P. DOUGLASS, not joined herein by his spouse for the reason that the property conveyed hereby is his sole and separate property and estate and constitutes no part of their homestead, business or personal, hereinafter referred to as "Grantor", for the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration in hand paid by PAUL M. TERRILL, JR., and GRACIE J. TERRILL, hereinafter referred to as "Grantees", the receipt and sufficiency of which is hereby acknowledged, and in further consideration of (i) the assumption and promise by Grantees to pay that one certain promissory note dated September 14, 1979, in the original principal sum of THREE HUNDRED FIFTY-THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$353,500.00) executed by Grantor bearing interest and payable to the order of Ella T. Moehle, Calvin Moehle, Ruby Molberg, Jewel Stehling and Louise Bernier as therein provided, said \$353,500.00 promissory note being secured by a Vendor's Lien reserved in Deed dated September 14, 1979, executed by Ella T. Moehle, Calvin Moehle, Ruby Molberg, Jewel Stehling and Louise Bernier conveying the hereinafter described real property to Grantor recorded in Volume 131 at Page 30 of the Deed Records of Gillespie County, Texas, and by a Deed of Trust of even date herewith executed by Grantor conveying to James P. Kraus, Trustee, the hereinafter described real property, recorded in Volume 50 at Page 403 of the Deed of Trust Records of Gillespie County, Texas, and being further secured by the Vendor's Lien and Superior Title hereinafter reserved and retained and by a Deed of Trust to Secure Assumption of even date herewith executed and delivered by Grantees to James W. Smith, Jr., Trustee, conveying unto said Trustee the hereinaf-

EXHIBIT A

100 PAGE

ter described real property and (ii) the execution and delivery by Grantees of that one certain promissory note in the original principal sum of FOUR HUNDRED THIRTY-FIVE THOUSAND AND NO/100 (\$435,000.00) DOLLARS bearing interest and being payable to the order of Grantor as therein provided the payment of the above described \$435,000.00 promissory note being secured by the Vendor's Lien and Superior Title hereinafter reserved and retained and being further secured by a Deed of Trust of even date herewith executed and delivered by Grantees to James W. Smith, Jr., Trustee, conveying unto said Trustee the hereinafter described real property, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto the said Grantees the following described real property, together with all improvements thereon, situated in / Gillespie and Llano County, Texas, to-wit:

1. That certain tract or parcel of land containing 893.5 acres, more or less, in Gillespie County, Texas, as more specifically described on Exhibit "A", attached hereto and made a part hereof;
2. Those certain road right-of-way easements across 0.023 acres of land and two (2) forty foot (40') wide right-of-way strips of land in Gillespie County, Texas, as more specifically described in Exhibits "B", "C" and "D", attached hereto and made a part hereof; and

For the same consideration, but without warranty of title, express or implied, Grantor does hereby convey to Grantee all of the right, title and interest of Grantor in and to the following described tractor parcel of land situated in Gillespie County, Texas:

A tract or parcel of land containing 2.2 acres out of Gillespie County, Texas, being more particularly described on Exhibit "E" attached hereto and made a part hereof for all purposes.

This conveyance is made and accepted subject to the matters set forth on Exhibit "F", attached hereto and made a part hereof, to the extent that same are valid and subsisting and affect the property hereby conveyed.

There is reserved from the conveyance of the property herein described an undivided one-half (1/2) of the oil, gas, uranium, coal, lignite, granite, iron ore and other minerals in and under and that may be produced from the herein described property, provided however Grantor does hereby waive any rights to utilize the surface of said property for the purpose of development of such minerals.


The property conveyed hereby is conveyed to an "AS IS" condition, without representation or warranty, express or implied, including without limitation any representation as to the condition of said property, its fitness for purpose or merchantability.

TO HAVE AND TO HOLD, subject as aforesaid, the above described property and premises, excepting the above described 2.2 acres of land described on Exhibit "E" attached hereto, together with all and singular the rights and appurtenances thereto, in anywise belonging unto the said Grantees, their respective heirs, administrators, executors and assigns, forever, and Grantor does hereby bind himself, his heirs, executors, administrators and assigns, to Warrant and Forever Defend all and singular the above described property and premises, except said 2.2 acres of land, unto the said Grantees, their respective heirs, administrators, executors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed and stipulated that the Vendor's Lien and Superior Title are hereby reserved and retained against the above described property, premises and improvements until each of the above described promissory notes, together with all interest thereon are fully and finally paid according to the

face, tenor, effect and reading thereof, when this Deed shall become absolute.

EXECUTED AND DELIVERED on this 8th day of January, 1982.

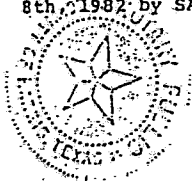

SAM P. DOUGLASS

Address of Grantees:

7270 Kinney Lane
Dallas, Texas 75230

THE STATE OF TEXAS S
 S
COUNTY OF HARRIS S

This instrument was acknowledged before me on January 8th, 1982, by SAM P. DOUGLASS.





Notary Public in and for
the State of Texas
Print or
Type Name: SARAH C. Roberts
My commission expires: 4/24/83

EXHIBIT "A"

BEING 893.5 acres of land situated in Gillespie County, Texas, and comprises parts of the following Surveys with the following approximate acreages:

148.0 acres of land, part of the Encarnacion Garcia Survey No. 477, Abstract No. 240;

215.0 acres of land, part of the A. G. Bird Survey No. 6, Abstract No. 1182;

329.5 acres of land, part of the J. T. Breckenridge & Lawrence, Kate Edwards Survey No. 618, Abstract No. 1303;

31.0 acres of land, part of the Elisha Summerlin Survey No. 506, Abstract No. 1545;

160.0 acres of land, part of the Charles Smith Survey No. 652, Abstract No. 1315;

10.0 acres of land, part of the Charles Smith Survey No. 526, Abstract No. 1258;

Said 893.5 acre tract of land is described by metes and bounds as follows, to-wit:

BEGINNING at a steel bar set at a fence corner post for the occupational E.N.E. corner of the Breckenridge & Lawrence, Kate Edwards Survey No. 618, for the E.N.E. corner of this tract of land;

THENCE with fence as follows:

S. 0° 04' E. 1691.8 feet to a steel bar set at a corner post;

S. 89° 40' W. 610.5 feet to a steel bar set at a corner post;

S. 5° 09' W. 829.2 feet to a steel bar set at a corner post for the occupational N.E. corner of the German Emigration Company Survey No. 830, Abstract No. 261, for the S.S.E. corner of this tract of land;

THENCE with fence as follows:

N. 89° 09' W. 2402.6 feet to a stake;

S. 89° 37' W. 2707.0 feet to a steel bar set at a corner post, for the S.S.W. corner of this tract of land;

THENCE with fence as follows:

N. 7° 41' W. 2725.4 feet to a steel bar set at a corner post;

S. 87° 57' W. 1146.3 feet to a stake;

S. 86° 44' W. 647.0 feet to a steel bar set at a corner post;

N. 9° 32' W. 1031.0 feet to a stake;

N. 0° 08' E. 858.9 feet to a steel bar set at a corner post;

N. 89° 55' W. 799.8 feet to a steel bar set at a corner post, for the W.S.W. corner of this tract of land.

THENCE with fence as follows:

N. 7° 12' E. 347.1 feet to a post;

N. 16° 16' E. 301.5 feet to a 22 inch dia. L.O. tree;

N. 17° 14' E. 314.5 feet to a 20 inch dia. L.O. tree;

N. 19° 56' E. 167.8 feet to a 10 inch dia. L.O. tree;

N. 24° 44' E. 192.7 feet to a post;

N. 19° 22' E. 226.7 feet to a steel bar set at a corner post, for the W.N.W. corner of this tract of land;

THENCE N. 89° 36' E. 4051.6 feet to a steel bar set for a reentrant corner of this tract of land;

THENCE N. 0° 02' E. 433.3 feet to a steel bar set at a corner post, for the N.N.W. corner of that 867 acre tract of land that was conveyed to Ella Moehle, et vir, by Emma Hohmann by deed dated November 1, 1941, found of record in Volume 55, pages 60-62 of the Deed Records of Gillespie County, Texas, for the N.N.W. corner of this tract of land;

THENCE with fence as follows:

S. 89° 19' E. 375.5 feet to a stake in road;

S. 89° 31' E. 698.3 feet to a stake;

S. 89° 41' E. 1772.5 feet to a steel bar set at a corner post, for the N.N.E. corner of this tract of land;

THENCE with fence as follows:

S. 0° 11' W. 1723.4 feet to a stake;

S. 0° 03' E. 1915.3 feet to a stake;

S. 0° 28' E. 282.9 feet to a steel bar set for a reentrant corner of this tract of land;

THENCE with fence N. 89° 55' E. 1586.1 feet to the PLACE OF BEGINNING.

EXHIBIT "B"

BEING the centerline of a road situated in Gillespie and Llano Counties, Texas, and passes through part of the A. G. Bird Survey No. 6, Abstract No. 1360(L) and 1102(G). Said centerline of said road is described by metes and bounds as follows, to-wit:

BEGINNING at a stake in cattle guard gateway, being a point 375.5 feet S. 89° 19' E. from the N.N.W. corner of that 867 acre First Tract of land that was conveyed to Ella Moehle, et vir, by Emma Hohmann by deed dated November 1, 1941, found of record in Volume 55, pages 60-62 of the Deed Records of Gillespie County, Texas, for the point of beginning;

THENCE with the centerline of road as follows:

- N. 17° 48' E. 60.1 feet to a stake;
- N. 67° 50' E. 298.2 feet to a stake;
- N. 35° 02' E. 182.0 feet to a stake;
- N. 15° 44' E. 368.7 feet to a stake;
- N. 33° 36' E. 286.1 feet to a stake;
- N. 14° 45' E. 351.7 feet to a stake;
- N. 11° 52' E. 239.0 feet to a stake;

N. 16° 33' E. 434.4 feet to a steel bar set in fence, being a point approximately 1296 feet East of the N.W. corner of the A. G. Bird Survey No. 6, for the end of this survey and description of said road.

EXHIBIT "C"

BEING the centerline of a road situated in Llano County, Texas and passes through part of the Seale and Morris Survey No. 5, Abstract No. 755. Said centerline of said road is described by metes and bounds as follows, to-wit:

BEGINNING at a steel bar set in fence, being a point approximately 1296 feet East from the S.W. corner of the Seale and Morris Survey No. 5, for the point of beginning;

THENCE with the centerline of road as follows:

- N. 21° 58' E. 81.5 feet to a stake;
- N. 79° 36' W. 302.5 feet to a stake;
- S. 70° 06' W. 287.2 feet to a stake;
- S. 88° 07' W. 152.6 feet to a stake;
- N. 35° 00' W. 112.2 feet to a stake;
- N. 2° 44' W. 1313.7 feet to a stake;
- N. 28° 26' W. 532.6 feet to a stake;
- N. 37° 57' W. 291.7 feet to a stake;

N. 2° 20' W. 110.9 feet to a steel bar set in fence, being a point 20.0 feet East from the N.W. corner of that 149.3 acre tract of land, more or less, that was conveyed to Calvin Moehle by David Moehle, et ux, by deed dated February 19, 1974, found of record in Volume 194, page 393 of the Deed Records of Llano County, Texas, for the end of this survey and description of said road.

110 PAGE 5

EXHIBIT "D"

BEING 0.023 acre of land situated in Llano County, Texas and comprises parts of the following Surveys with the following approximate acreages:

0.001 acre of land, part of the Encarnacion Garcia Survey No. 477, Abstract No. 279;

0.022 acre of land, part of the Seale and Morris Survey No. 5, Abstract No. 755.

Said 0.023 acre tract of land is described by metes and bounds as follows, to-wit:

BEGINNING at a fence corner post for the N.W. corner of that 149.3 acre tract of land, more or less, that was conveyed to Calvin Moehle by David H. Moehle, et ux, by deed dated February 19, 1974, found of record in Volume 194, page 393 of the Deed Records of Llano County, Texas, for the S.W. corner of this tract of land;

THENCE N. 26° 27' W. 14.0 feet to a steel bar set in the S.E. right-of-way line of R. M. Highway No. 965, for the N.W. corner of this tract of land;

THENCE with the S.E. right-of-way line of R. M. Highway NO. 965, N. 52° 58' E. 40.0 feet to a steel bar set for the N.E. corner of this tract of land;

THENCE S. 21° 20' E. 39.3 feet to a steel bar set in fence, being a point in the North line of said 149.3 acre tract, for the S.E. corner of this tract of land;

THENCE with fence West, at 20.0 feet a steel bar, 40.0 feet in all to the PLACE OF BEGINNING.

EXHIBIT "E"

116 PAGE 10

BEING 2.2 acres of land situated in Gillespie County, Texas, being part of the Encarnacion Garcia Survey No. 477, Abstract No. 240. Said 2.2 acre tract of land is described by metes and bounds as follows, to-wit:

BEGINNING at a steel bar set at a fence corner post, being a point 433.3 feet S. $0^{\circ} 02'$ W.; and 4051.6 feet S. $89^{\circ} 36'$ W. from the N.N.W. corner of that 867 acre tract of land that was conveyed to Ella Moehle, et vir, by Emma Hohmann by deed dated November 1, 1941, found of record in Volume 55, pages 60-62 of the Deed Records of Gillespie County, Texas, for the N.E. corner of this tract of land;

THENCE S. $89^{\circ} 36'$ W. 50.0 feet to a stake set on the East bank of Crabapple Creek, for the N.W. corner of this tract of land;

THENCE up Crabapple Creek with the meanders of its East bank as follows:

S. $20^{\circ} 39'$ W. 893.7 feet to a stake;

S. $17^{\circ} 44'$ W. 676.1 feet to a stake, for the S.W. corner of this tract of land;

THENCE S. $89^{\circ} 55'$ E. 137.0 feet to a steel bar at a fence corner post, for the S.E. corner of this tract of land;

THENCE with fence as follows:

N. $7^{\circ} 12'$ E. 347.1 feet to a post;

N. $16^{\circ} 16'$ E. 301.5 feet to a 22 inch dia. L.O. tree;

N. $17^{\circ} 14'$ E. 314.5 feet to a 20 inch dia. L.O. tree;

N. $19^{\circ} 56'$ E. 167.8 feet to a 10 inch dia. L.O. tree;

N. $24^{\circ} 44'$ E. 192.7 feet to a post;

N. $19^{\circ} 22'$ E. 226.7 feet to the PLACE OF BEGINNING.

EXHIBIT "F"

1. The herein described liens securing the payment and performance of the above described \$353,500.00 and \$435,000.00 promissory notes.

2. Any acreage in excess of 310 acres out of Survey No. 618 as set forth on Exhibit "A", which excess acreage shall be subject to the rights of the State of Texas.

3. Restrictions set forth in Volume 55 at Page 60 of the Deed Records of Gillespie County, Texas.

4. Visible and apparent easements upon and across the property herein described, including without limitation any easements for roadways and utilities.

CERTIFICATE OF LEGALITY AND AUTHENTICITY

I, certify that the discrete numbered microfilm images between the Title Page and the Certificate of Legality and Authenticity have been made in strict accordance with Article 1941 (a) V.T.C.S., and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no microfilm image or images were substituted for any original discrete microfilm image or images between the Title Page and this Certificate. Official Public Records of Real Property--DEED, Volume 146 Pages 1-11, filmed on the 13th day of January, A.D. 1982.

MORIS LANGE, Clerk, by Debbie L. Wahl Deputy.
Debbie L. Wahl
