

18068.ER

**PRELIMINARY
ATTORNEY'S REPORT**

I hereby certify that after a thorough examination of the title involved in the above policy it is my opinion that fee simple title is vested in:

BOBBY L. BROTHERTON

SUBJECT ONLY TO:

All discrepancies, conflicts, or shortages in area or boundary lines or any encroachments, or overlapping of improvements which a correct survey would show.

The following matters and terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):

- a. All minerals and/or mineral rights heretofore reserved and/or excepted of record and all rights incident to the ownership of such minerals.
- b. Easements, or claims of easements, which are not recorded in the public records.
- c. Rights of parties in possession of said tract or any part thereof.
- d. Taxes and assessments heretofore or hereafter made, assessed or owing for or in connection with the production of oil and gas, coal, lignite, uranium, etc. and/or mineral fee, working or royalty interests therein.
- e. Any portion of the herein described property contained in a public road or roadway.
- f. Utility easements and rights-of-way of record in the County Clerk's office of Anderson County, Texas.
- g. In addition to those exclusions from coverage on this Policy, exception is hereby made to any notices, claims or liens for amounts owing or to be owed under any of the provisions of 42 U.S.C., Section 9601 through 9675, as same may be amended, provided a notice or claim has been filed on or prior to the date of this Policy in the Federal District Clerk's office and has not been filed on or prior to the date of this Policy in the local County Clerk's office of Anderson County, Texas.
- h. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. (Note: Upon receipt of a survey acceptable to Texas First Title Company, LLC, this exception will be deleted. Texas First Title Company, LLC reserves the right to add additional exceptions per its examination of said survey.)
- i. All, leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- j. Right-of-way and easement in instrument executed by J. D. Loper to Texas Pipe Line Company dated 06-29-1928, of record in Volume 179 at Page 218, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**
- k. Mineral Deed as to an undivided interest in all oil, gas and other minerals in instrument executed by J. D. Loper and wife, Verna Loper to Guinn Granbury dated 10-05-1933, of record in Volume 226 at Page 593, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

l. Mineral Deed as to an undivided interest in all oil, gas and other minerals in instrument executed by J. D. Loper and wife, Verna Loper to C. & G. Oil Company dated 02-16-1934, of record in Volume 235 at Page 239, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

m. Reservation of all oil, gas, coal, lignite and all other minerals in instrument executed by Verna Loper to J. R. Richardson and wife, Elfred Richardson dated 08-01-1944, of record in Volume 337 at Page 490, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

n. Right-of-way and easement in instrument executed by J. R. Richardson and wife, M. E. Richardson to Texas Power and Light Company dated 06-24-1952, of record in Volume 446 at Page 257, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

o. Right-of-way and easement in instrument executed by J. R. Richardson and wife, Elfred Richardson to Service Pipe Line Company dated 03-26-1959, of record in Volume 588 at Page 503, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

p. Right-of-way and easement in instrument executed by J. R. Richardson to Bi-Stone Fuel Company dated 02-10-1959, of record in Volume 588 at Page 546, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

q. Right-of-way and easement in instrument executed by J. R. Richardson and wife, Elfred Richardson to Texas Power and Light Company dated 09-08-1964, of record in Volume 693 at Page 180, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

r. Right-of-way and easement in instrument executed by J. R. Richardson and wife, Elfred Richardson to Cayuga Water Supply Corporation dated 03-05-1965, of record in Volume 698 at Page 336, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

s. Right-of-way and easement in instrument executed by J. R. Richardson and wife, Elfred Richardson to Texas Power and Light Company dated 03-29-1966, of record in Volume 721 at Page 760, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

t. Right-of-way and easement in instrument executed by Mrs. J. R. Richardson and Milton D. Tomkins to Getty Oil Company dated 02-08-1972, of record in Volume 793 at Page 001, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

u. Right-of-way and easement in instrument executed by Milton D. Tomkins and wife, Joan W. Tomkins to Texas Power and Light Company dated 02-07-1974, of record in Volume 822 at Page 258, Deed Records of Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

v. Memorandum of Lease in instrument executed by Bobby L. Brotherton to American Tower, L.P., of record in Volume 1625 at Page 624, Official Public Records of Real Property in Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

w. Right-of-way and easement in instrument executed by Bobby L. Brotherton to West Mountain Operating Company, Inc. dated 12-05-2006, of record in Volume 2014 at Page 131, Official Public Records of Real Property in Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

x. Easement Agreement in instrument executed by Bobby L. Brotherton to American Tower, L.P., dated 10-21-2012, of record in Volume 2323 at Page 594, Official Public Records of Real Property in Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

y. Easement and Right-of-Way in instrument executed by Bobby L. Brotherton to Oncor Electric Delivery Company, LLC dated 09-08-2015, of record in Volume 2497 at Page 548, Official Public Records of Real Property in Anderson County, Texas. **Title to said interest not checked subsequent to the time and date of the recording of said instrument.**

z. Assignment of a security interest in all leases and rental contracts in instrument executed by Bobby L. Brotherton to the Betty Brotherton Family Limited Partnership dated 05-23-2002, of record in Volume 1736 at Page 030, Official Public Records of Real Property in Anderson County, Texas. Title to said interest not checked subsequent to the time and date of the recording of said instrument.

An Affidavit in recordable form, as to whether the subject premises constitutes any portion of the owner's homestead.

Should the premises be the owner's homestead and the owner be married, the joinder of the owner's spouse will be required as to the warranty deed and all required closing documents.

MARITAL STATUS AFFIDAVIT- GRANTOR:

An Affidavit of Marital Status must be obtained regarding **BOBBY L. BROTHERTON**. Should the premises be the homestead of the owner and the owner is married, both spouses must execute all closing documents. Further requirements may be necessary upon receipt and review of the same.

MARITAL STATUS AFFIDAVIT- GRANTEE:

An Affidavit of Marital Status must be obtained regarding **TBD**. Should the premises be the intended homestead of the proposed owner and the proposed owner is married, both spouses must execute all closing documents. Further requirements may be necessary upon receipt and review of the same.

The subject property lacks access to a public roadway and the insuring provision regarding access will be deleted unless a valid easement to a public roadway is obtained and filed of record. Further requirements may be necessary upon receipt and review of same.

A Written Pay-off and Release of Lien Covering the following is required:

Deed of Trust lien in instrument dated 11-25-1988 executed by **BOBBY L. BROTHERTON d/b/a ANCO BAIL BONDS** to secure payment of bail bond forfeitures **ANDERSON COUNTY BAIL BOND BOARD**; said Deed of Trust being of record in Volume 1573 at Page 048, Official Public Records of Real Property in Anderson County, Texas, from which there was released a **5.5519 portion of the subject property (no legal description attached)**.

DESCRIPTION OF PROPERTY: See Attached Exhibit "A".

Dated: 07-27-2022 @ 5 P.M.

JACKSON HANKS, P.C.

By: _____
Jackson Hanks,
Attorney

EXHIBIT "A"

TRACT ONE:

Being all that certain lot, tract or parcel of land, containing **42.87 acres** of land, more or less, located on the **JAMES WILSON SURVEY, A-793**, Anderson County, Texas being further described by a metes and bounds description set forth on Exhibit "A" which is attached hereto and is referred to the same as if being set forth at length herein and is made a part hereof for all pertinent purposes.

TRACT TWO:

Being all that certain lot, tract or parcel of land, containing **7.817 acres** of land, more or less, located on the **JAMES WILSON SURVEY, A-793**, Anderson County, Texas being further described by a metes and bounds description set forth on Exhibit "A" which is attached hereto and is referred to the same as if being set forth at length herein and is made a part hereof for all pertinent purposes.

The Company does not represent that the above acreage or square footage calculations are correct.

EXHIBIT "A"

TRACT ONE:

All that certain tract or parcel of land, a part of the JAMES WILSON SURVEY, ABSTRACT NO. 793, Anderson County, Texas, also being a part of that certain called 61 acre Second Tract conveyed to J. R. Richardson et ux by Verna Loper, August 1, 1944, and recorded in Vol. 337, Page 490, of the Deed Records of Anderson County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a 1/2" Iron Rod for corner at the Southwest corner of the above mentioned tract.
THENCE N 0 deg. 01' 23" with the West line of said tract a distance of 1291.95 feet to a 1/2" Iron Rod for corner at the Southwest corner of a called 7.817 acre tract recorded in Vol. 794, Page 405 of the Deed Records of Anderson County, Texas.
THENCE S 78 deg. 34' 35" E with the South line of said 7.817 acre tract a distance of 1131.57 feet to a 1/2" Iron Rod for corner at the Southeast corner of said 7.817 acre tract.
THENCE N 12 deg. 48' E with the East line of said 7.817 acre tract a distance of 374.04 feet to a 1/2" Iron Rod for corner.
THENCE S 68 deg. 42' 53" E a distance of 338.19 feet to a 3/4" Iron Pipe found for corner in the East line of said 61 acre tract.
THENCE S 1 deg. 26' 27" W with the East line of said 61 acre tract, at 210.49 feet, passing a 3/4" Iron Pipe found, continuing a total distance of 420.49 feet to a 3/4" Iron Pipe found for corner.
THENCE S 1 deg. 53' 26" W with the East line of said 61 acre tract a distance of 955.35 feet to a 1/2" Iron Rod for corner at the Southeast corner of said tract.
THENCE N 87 deg. 26' 38" W with the South line of said tract a distance of 1465.99 feet to the place of beginning, containing 42.87 acres of land.

EXHIBIT "A"

TRACT TWO:

All that certain tract or parcel of land, a part of the James Wilson League, A-793, in Anderson County, Texas, and being a part of that certain 61 acre tract of land described as Second Tract in a deed from Verna Loper, a widow, to J. R. Richardson et ux, dated August 1, 1944, and recorded in Vol. 337, Page 490 of the Deed Records of Anderson County, Texas, and more particularly described as follows:

BEGINNING at the NE corner of the E. W. Seat 2.599 acre tract of land described in a deed from Elfred Richardson et al to E. W. Seat et ux dated February 7, 1972, of record in Vol. 773, Page 91 of the Deed Records of Anderson County, Texas, to a stake for corner in the S margin of Highway #287.

THENCE in an easterly direction with the S.B.L. of said Highway 182 feet to an iron stake for corner.

THENCE S. 11 deg. 30' W and parallel with the E.B.L. of the E. W. Seat 2.599 acre tract of land described in a deed from Elfred Richardson et al to E. W. Seat et ux of record in Vol. 793, Page 91 of the Deed Records of Anderson County, Texas, a distance of 640 ft. to an iron stake for corner.

THENCE in a Westerly direction 1183 ft. to an iron stake for corner in the E.B.L. of a 100 acre tract of land owned by Elfred Richardson et al which is located 210 ft. in a Southerly direction from SW corner of the H. M. Snider 6 acre tract of land.

THENCE in an Easterly direction with the S.B.L. of the H. M. Snider 6 acre tract of land 540 ft. to the SE corner of said Snider tract of land.

THENCE N and with the E.B.L. of said Snider tract of land 30 ft. to an iron stake for corner, the same being the SW corner of the E. W. Seat 2.599 acre tract of land.

THENCE in an easterly direction and with the S.B.L. of said E. W. Seat 2.599 acre tract of land 461 ft. to the SE corner thereof.

THENCE N and with the E.B.L. of the E. W. Seat 2.599 acre tract of land 400 ft. to the place of beginning, containing 7.817 acres of land, more or less.

OFFICIAL PUBLIC RECORDS

CASH WARRANTY DEEDDate: Nov. 25th, 1998

Grantor: A. D. HENDERSON, TRUSTEE

Grantor's Mailing Address (including county):A. D. HENDERSON, TRUSTEE
P. O. BOX 280
PALESTINE, TEXAS 75802-0280
Anderson County

Grantee: BOBBY L. BROTHERTON

Grantee's Mailing Address (including county):BOBBY L. BROTHERTON
P. O. BOX 1850
PALESTINE, TEXAS 75802-1850
Anderson County**Consideration:** TEN AND NO/100 DOLLARS and other good and valuable consideration.**Property (including any improvements):**

All those two certain lots, tracts or parcels of land, containing **42.87 acres of land** in the James Wilson Survey, Abstract No. 793, Anderson County, Texas and containing **7.817 acres of land**, more or less, in the James Wilson League, A-793, in Anderson County, Texas, being more particularly described by metes and bounds in **Exhibit "A"** attached hereto and made a part hereof.

Reservations From and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular

the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through or under Grantor, but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

A. D. Henderson Trustee
A. D. HENDERSON, TRUSTEE

ACKNOWLEDGMENT

STATE OF TEXAS

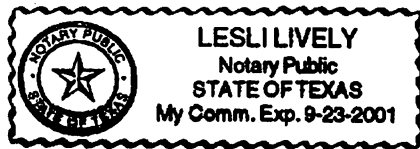
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COUNTY OF ANDERSON

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§

This instrument was acknowledged before me on November 25, 1998, by A. D. HENDERSON, TRUSTEE.



Leslie Lively
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

JOHN C. VAN METER
701 North Elm
Palestine, Texas 75801
(903) 723-2491
(903) 731-9239 fax

AFTER RECORDING RETURN TO:

BOBBY L. BROTHERTON
P. O. BOX 1850
PALESTINE, TEXAS 75802-1850

All that certain tract or parcel of land, a part of the JAMES WILSON SURVEY, ABSTRACT NO. 793, Anderson County, Texas, also being a part of that certain called 61 acre Second Tract conveyed to J. R. Richardson et ux by Verna Loper, August 1, 1944, and recorded in Vol. 337, Page 490, of the Deed Records of Anderson County, Texas, and being more completely described as follows, to-wit:

EXHIBIT "A"

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 THENCE N 87 deg. 26' 38" W with the South line of said tract a distance of 1465.99 feet to the place of beginning, containing 42.87 acres of land.

SAVE AND EXCEPT all of the oil, gas and all other minerals in, under and upon the above described land, the same having been heretofore reserved and/or excepted.

All that certain tract or parcel of land, a part of the James Wilson League, A-793, in Anderson County, Texas, and being a part of that certain 61 acre tract of land described as Second Tract in a deed from Verna Loper, a widow, to J. R. Richardson et ux, dated August 1, 1944, and recorded in Vol. 337, Page 490 of the Deed Records of Anderson County, Texas, and more particularly described as follows:

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EXHIBIT "A"
(cont)

SAVE AND EXCEPT all of the oil, gas and all other minerals in, under and upon the above described land, the same having been heretofore reserved and/or excepted.

Filed for Record
Anderson County
Nov 25, 1998 at 03:17P
BY: CHERYLE MOORE

THIS INSTRUMENT WAS RECORDED
EXACTLY AS CLERK RECEIVED.