

AMENDING AN ORDER PASSED JUNE 11, 1934.
"AUTHORIZING THE ISSUANCE OF UPSHUR COUNTY, TEXAS,
ROAD REFUNDING BONDS, SERIES 1934-A, IN THE
AMOUNT OF \$36,000.00 BEARING 5% INTEREST,
LEVYING A TAX TO PAY THE PRINCIPAL AND INTEREST
AS THEY MATURE, AND PRESCRIBING THE FORM OF BONDS"

WHEREAS, on the 11th day of June, 1934, the Commissioners' Court of Upshur County passed an order authorizing the issuance of Upshur County Road Refunding Bonds, Series 1934-A, in the amount of \$36,000.00 which order is the minutes of the Commissioners' Court of said County; and

WHEREAS, on the 8th day of October 1934, the Commissioners' Court of Upshur County Texas, passed an order amending the order passed June 11, 1934, which amendatory Order is duly of record in the minutes of the Commissioner's Court of said County; and

WHEREAS, in said original order the maturity table incorrectly shows the numbers of said Refunding bonds; and

WHEREAS, it is necessary that Section 3 of the original order be amended as herein after set forth.

BE IT ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY TEXAS,

1. That Section 3 of said Original order be amended so as hereafter to be and read as follows:

"3. They shall be dated the first day of May 1934, and shall become due and payable serially as follows:

<u>BONDS NUMBERS</u>	<u>MATURITY DATES</u>	<u>AMOUNTS</u>
1 to 18, inclusive	May 1, 1935,	\$9000.00
19 to 36, inclusive	May 1, 1936,	9000.00
37 to 54, inclusive	May 1, 1937,	9000.00
55 to 72, inclusive	May 1, 1938,	9000.00

The Commissioners' Court affirmatively adjudges that the maturities set forth above fixes as nearly as the financial condition of the County will permit, an equal and uniform burden of taxation for the term of the indebtedness"

Passed and Approved this the 31 day of Oct. 1934,

J. R. Hinson, County Judge,
Upshur County, Texas.

ATTEST:
W.M.Smith, County Clerk,
and Ex-Officio Clerk, Commissioners' Court.

Filed October 31, 1934,
W.M.Smith, County Clerk,
Upshur County, Texas.
By Ruby Shockley, Deputy.

THE STATE OF TEXAS
COUNTY OF UPSHUR

THE COMMISSIONERS' Court of Upshur County, Texas,
convened in Special Meeting at the CourtHouse in the City of Gilmer, on this the 24th day of
Oct. 1934, with the following members of the Court present, to-wit:

- J. R. HINSON - - - - - County Judge.
- E. A. COBB, - - - - - Commissioner Precinct No. 1.
- M. F. Robinson, - - - - - Commissioner Precinct No. 2.
- J. Press Davis, - - - - - Commissioner Precinct No. 3.
- Marshall Holmes, - - - - - Commissioner Precinct No. 4.
- W. M. SMITH, - - - - - County Clerk and Ex-Officio
Clerk of Commissioners' Court.

with the following members absent, to-wit: None, constituting the entire Court, at which time
the following among other business was transacted;

Commissioner Cobb introduced an order and made a motion that it be passed. The motion was seconded by Commissioner Robinson. The motion carrying with it the passage of the order prevailed by the following vote:

AYES: Commissioners Cobb, Robinson, Davis and Holmes,

NOES: None.

The County Judge announced that the order had been finally passed. The order as passed is as follows:

AN ORDER

By The Commissioners' Court of Upshur County
Exercising the Option to redeem certain Road
District Bonds, and Providing for notice thereof.

WHEREAS, heretofore under authority of an election duly held in Road District Number One of Upshur County, Bonds of said district were issued in the amount of \$100,000.00 dated July 1, 1916, of the denomination of \$500.00 each, Numbered One (1) to Two Hundred (200) both inclusive, bearing 5% interest, maturing Forty (40) years from date, redeemable at the option of the District on and after the dates hereinafter shown, of which Bonds Numbers One (1) to Five (5) inclusive, had been paid before April 26, 1919; and

WHEREAS, the District had the option to pay said remaining bonds prior to maturity on the respective dates as follows:

BONDS NUMBERS	MATURITY DATES:
6 to 10 Inclusive	on or after July 1, 1918,
11 to 15	July 1, 1919,
16 to 20	July 1, 1920,
21 to 25	July 1, 1921,
26 to 30	July 1, 1922,
31 to 35	July 1, 1923,
36 to 40	July 1, 1924,
41 to 45	July 1, 1925,
46 to 50	July 1, 1926,
51 to 55	July 1, 1927,
56 to 60	July 1, 1928,
61 to 65	July 1, 1929,
66 to 70	July 1, 1930,
71 to 75	July 1, 1931,
76 to 80	July 1, 1932,
81 to 85	July 1, 1933,
86 to 90	July 1, 1934,
91 to 95	July 1, 1935,
96 to 100	July 1, 1936,
101 to 105	July 1, 1937,
106 to 110	July 1, 1938,
111 to 115	July 1, 1939,
116 to 120	July 1, 1940,
121 to 125	July 1, 1941,
126 to 130	July 1, 1942,
131 to 135	July 1, 1943,
136 to 140	July 1, 1944,
141 to 145	July 1, 1945,
146 to 150	July 1, 1946,
151 to 155	July 1, 1947,
156 to 160	July 1, 1948,
161 to 165	July 1, 1949,
166 to 170	July 1, 1950,
171 to 175	July 1, 1951,
176 to 180	July 1, 1952,
181 to 185	July 1, 1953,
186 to 190	July 1, 1954,
191 to 200	July 1, 1955,

WHEREAS, in said order and in the face of each of said bonds an option was retained by the County, substantially as follows, to-wit:

"The said Upshur County reserves the right of redeeming this bond at any time after _____ years from its date by paying principal and accrued interest and in case the same shall be called in for redemption before maturity, notice thereof in writing shall be given to the holder or holders thereof by the County Treasurer of said County at least thirty days before the date fixed for redemption, and should this bond not be presented for redemption the same shall cease to bear interest from and after the date so fixed for redemption."

WHEREAS, pursuant to an election held on April 26, 1919, the Commissioners' Court

BONDS NUMBERS

43 and 44
45

MATURITY DATES.

at any time after January 1, 1940,
January 1, 1941,

WHEREAS, pursuant to an election held on April 26, 1919, the Commissioners' Court did on May 16, 1919, pass an order, which was amended by an order passed June 2, 1919, providing for the issuance of \$22,500.00 of "Upshur County Special Road Bonds, Series "B" for the purpose of taking over the improved roads in Road District Number Four of said County, to be exchanged for a like amount of bonds outstanding against said Road District Number Four, said Series "B" Bonds, being dated January 1, 1918, bearing 5% interest, due Thirty (30) years after date, being of the denomination of \$500.00 each, Numbered Three (3) to Forty Seven (47) both inclusive, with option of redemption prior to maturity as hereinabove set forth after thirty (30) days notice; and

WHEREAS, in the order authorizing the issuance of the Series "B" Bonds and in the face of each of said bonds an option was retained by the County Substantially as follows, to-wit:

"The said Upshur County reserves the right of redeeming this bond at any time after _____ year from its date by paying principal and accrued interest and in case the same shall be called in for redemption before maturity, notice thereof in writing shall be given to the holder or holders thereof by the County treasurer of said County at least thirty days before the date fixed for redemption, and should this bond not be presented for redemption, the same shall cease to bear interest from and after the date so fixed for redemption." and

WHEREAS, pursuant to an order passed by the Commissioners' Court on January 9, 1933, the Commissioners' Court cancelled and destroyed Series "B" Special Road Bonds, dated January 1, 1918, Numbered Four (4) to Twenty (20) inclusive for Five Hundred (\$500.00) Dollars each, aggregating Eight Thousand Five Hundred (\$8,500.00) Dollars; and

WHEREAS, of said Series "B" Bonds, heretofore issued and delivered in accordance with law, there remain outstanding the following described bonds concerning which the County now has an option to redeem at a price of par and accrued interest, to-wit:

<u>BOND NUMBERS</u>	<u>OPTIONAL ON OR AFTER</u>	<u>AMOUNTS</u>
21-22	January 1, 1929	\$1000.00
23-24	January 1, 1930	1000.00
25-26	January 1, 1931	1000.00
27-28	January 1, 1932	1000.00
29-30	January 1, 1933	1000.00
31-32	January 1, 1934	1000.00

Aggregating - - - - - \$6000.00,

and,

WHEREAS, heretofore under authority of an election duly held in Road District Number Seven of Upshur County, Bonds of said District were issued in the amount of \$71,000.00 dated January 1, 1916, of the denomination of \$1000.00 each, numbered Five (5) to Seventy Five (75) both inclusive, bearing 5 1/2% interest maturing Forty (40) years from date and redeemable at the option of the District on and after the dates hereinafter shown, of which Bonds Numbers One (1) to Four (4) inclusive had been paid before April 26, 1919; and

WHEREAS, the District had the option to pay said bonds prior to maturity on the respective dates as follows:

<u>BONDS NUMBERS</u>	<u>MATURITY DATES:</u>
5 and 6	on or after January 1, 1920,
7 and 8	" " " January 1, 1921,
9 and 10	" " " January 1, 1922,
11 and 12	" " " January 1, 1923,
13 and 14	" " " January 1, 1924,
15 and 16	" " " January 1, 1925,
17 and 18	" " " January 1, 1926,
19 and 20	" " " January 1, 1927,
21 and 22	" " " January 1, 1928

BONDS NUMBERS

23 and 24
 25 and 26
 27 and 28
 29 and 30
 31 and 32
 33 and 34
 35 and 36
 37 and 38
 39 and 40
 41 and 42
 43 and 44
 45 and 46
 47 and 48
 49 and 50
 51 and 52
 53 and 54
 55 and 56
 57 and 58
 59 and 60
 61 and 62
 63 and 64
 65 and 66
 67 and 68
 69 and 70
 71 and 72
 73 and 74
 75

MATURITY DATES:

On or after January 1, 1929,
 " " " January 1, 1930,
 " " " January 1, 1931,
 " " " January 1, 1932,
 " " " January 1, 1933,
 " " " January 1, 1934,
 " " " January 1, 1935,
 " " " January 1, 1936,
 " " " January 1, 1937,
 " " " January 1, 1938,
 " " " January 1, 1939,
 " " " January 1, 1940,
 " " " January 1, 1941,
 " " " January 1, 1942,
 " " " January 1, 1943,
 " " " January 1, 1944,
 " " " January 1, 1945,
 " " " January 1, 1946,
 " " " January 1, 1947,
 " " " January 1, 1948,
 " " " January 1, 1949,
 " " " January 1, 1950,
 " " " January 1, 1951,
 " " " January 1, 1952,
 " " " January 1, 1953,
 " " " January 1, 1954,
 " " " January 1, 1955,

WHEREAS, in the order authorizing the issuance of said bonds and in the face of each of said bonds an option was retained by the County, substantially as follows, to-wit:

"The said Upshur County reserves the right of redeeming this bond at any time after _____ years from its date by paying principal and accrued interest and in case the same shall be called in for redemption before maturity, notice thereof in writing, shall be given to the holder or holders thereof by the County treasurer of said County at least thirty days before the date fixed for redemption, and should this bond not be presented for redemption, the same shall cease to bear interest from and after the date so fixed for redemption." and

WHEREAS, pursuant to an election held on April 26, 1919, the Commissioners' Court did on May 16, 1919 pass an order, which was amended by an order passed June 2, 1919, providing for the issuance of \$71,000.00 of "Upshur County Special Road Bonds, Series 'C' for the purpose of taking over the improved roads in Road District Number Seven of said County, to be exchanged for a like amount of bonds outstanding against said Road District Number Seven, said Series 'C' Bonds being dated January 1, 1916, bearing 5 1/2% interest, due forty (40) years after date, being of the denomination of \$1000.00 each, Numbered Five (5) to Seventy Five (75) both inclusive with option of redemption prior to maturity after thirty (30) days notice; and

WHEREAS, the Road District Number Seven Bonds then outstanding were in the same amount, were of the same denomination, and had the same option date and maturity date; and

WHEREAS, thereafter, none of said Series "C" Bonds were actually registered by the Comptroller and delivered to the holder of the Road District Number Seven Bonds; and

WHEREAS, pursuant to an order passed by the Commissioners' Court on January 9, 1933, the Commissioners' Court cancelled and destroyed the Series "C" Bonds, dated January 1, 1916, Numbered Five (5) to Twenty Five (25) inclusive, and Twenty Seven (27) to Seventy Five (75) inclusive for One Thousand (\$1000.00) Dollars each, aggregating Seventy Thousand (\$70,000.00) Dollars; and

WHEREAS, of said Road District Number Seven Bonds, dated January 1, 1916, heretofore issued and delivered in accordance with Law, there remain outstanding the following described bonds concerning which the County now has an option to redeem at a price of par and accrued interest, to-wit:

BONDS NUMBERS

OPTIONAL
ON OR AFTER

AMOUNTS

BONDS NUMBERS	OPTIONAL ON OR AFTER	AMOUNTS
21-22	January 1, 1928	\$2000.00
23-24	January 1, 1929	2000.00
25	January 1, 1930	1000.00
27-28	January 1, 1931	2000.00
29-30	January 1, 1932	2000.00
31-32	January 1, 1933	2000.00
33-34	January 1, 1934	2600.00

Aggregating - - - - - \$13,000.00

and

WHEREAS, it is considered to be to the best interest of the County that all of the bonds of Road District Number One, Road District Number Seven and the Series "B" Bonds, hereinabove described, concerning which the County now has an option to redeem, be called for redemption;

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT of Upshur County, Texas;

1. That the following described bonds are hereby called for redemption, the date of redemption being fixed on the 1st day of Dec. 1934;

Upshur County Road District No. One Bonds, dated July 1, 1916, bearing 5 1/4 interest, maturing July 1, 1958 numbers 52 to 64 inclusive, 67, 68, 69, 71 to 78, inclusive and 81 to 90 inclusive, for \$500.00 each, aggregating - - - - - \$17,000.00;

2. That the following described bonds are hereby called for redemption, the date of redemption being fixed on the 1st day of Dec. 1934;

Upshur County Road Bonds, Series "B" dated January 1, 1918, bearing 5% interest, maturing, January 1, 1948, numbers 21 to 32, inclusive for \$500.00 each, aggregating \$6,000.00;

3. That the following described bonds are hereby called for redemption, the date of redemption being fixed on the 1st day of Dec. 1934;

Upshur County Road District No. Seven Bonds, dated January 1, 1916, bearing 5 1/4 interest, maturing January 1, 1956, numbers 21 to 25, inclusive and 27 to 34, inclusive for \$1,000.00 each, aggregating - - - - - \$13,000.00.

4. Funds will be available at Mercantile National Bank at Dallas, Dallas Texas, to pay for said bonds and accrued interest on the respective dates named. In event said bonds are not presented for redemption they shall thereafter cease to bear interest from and after the respective dates so fixed for redemption.

5. The Treasurer of the County is hereby directed to give notice in writing to the Bank above named, for a period of Thirty days preceding the respective dates fixed for redemption.

6. The County Judge, County Clerk and County Treasurer are hereby directed to do any and all things necessary and convenient to carry out the provisions of this order.

PASSED and Approved this the 24 day of Oct. 1934.

J. R. HINSON, County Judge,
Upshur County, Texas.

ATTEST:

W.M.SMITH, County Clerk and
Ex-Officio Clerk, Upshur County, Texas.

THE STATE OF TEXAS
COUNTY OF UPSHUR

I, W.M. Smith, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Upshur County, Texas, do hereby certify that the above and foregoing is a true, full and correct copy of an order passed by the Commissioners' Court of Upshur County on the 24th day of Oct. 1934, and the same is of record in the Minutes of the Commissioners' Court.

Witness my hand and seal of office this the 24th day of Oct. 1934.

(SEAL).

W.M.SMITH, County Clerk and Ex-Officio Clerk of
the Commissioners' Court, Upshur County, Texas.

Condemnation Proceedings Volume 7, Page 73, opposite Engineers Chaining Station 681/00 on the center line of the Highway; Thence South $68^{\circ} 21'$ East 228 Ft. to a point; Thence South $7^{\circ} 52'$ West 27 Ft. to a point, Thence North $68^{\circ} 21'$ West 235 Ft. to a point; Thence North $21^{\circ} 31'$ East 25 Ft. to a point of beginning,

The above right of way containing 0.13 acres, more or less, The fee simple title to which is owned by said defendants.

Also the right of way heretofore condemned in a proceeding against Mrs. Mollie Wilcox, recorded in Volume 7, Page 73-75, Commissioners Court Minutes of Upshur County, Texas.

The right of way being a strip of land one hundred (100) feet in width, Fifty (50) feet on each side of the center line of the re-location of State Highway Number 155 hereinafter referred to as the Highway through the above mentioned property of Mrs. Mollie Wilcox, as surveyed by the Resident Engineer of the State Highway Department of Texas the Right of way being more particularly described as follows:

BEGINNING at a point where the center line of the Highway crosses the West line of the said 106 acre tract of land, the property of Mrs. Mollie Wilcox, the said point of beginning, being at Engineers Chaining Station 652 plus 66 of the Highway; Thence in a Northerly direction, along the West boundary line of the said 106 acre tract of land 56 feet to a point 50 feet, from measured at a right angle the center line of the Highway; Thence in a South easterly direction, along the arc of a 4 degree 0 minute curve to the right whose central angle is 29 degrees 31 minutes right and whose tangent bears North 79 degrees 56 minutes East parallel to and 50 feet from the center line of the Highway 34.5 feet to the end of said curve at Engineers Chaining Station 653 plus 00.5 of the Highway; Thence South 70 degrees 33 minutes East, parallel to and 50 feet from the center line of the Highway 3010.5 feet to a point in the East boundary line of the said property; Thence South along the East boundary line of the said property, 108 feet, crossing the center line of the Highway at Engineers Chaining Station 683 plus 11 to a point 50 feet from measured at right angle, the center line of the Highway Thence North 70 degrees 33 minutes West, parallel to and 50 feet from the center line of the said Highway 3010.5 feet to a point in the West boundary line of the above mentioned property; Thence in a Northerly direction along the West boundary line of the above mentioned property 56 feet to the place of beginning; The right of way through the above mentioned tract of land the property of Mrs. Mollie Wilcox, containing 6.99 acres of land more or less.

3.

That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right of way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a State Highway, to-wit: State Highway No. 155.

4.

That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners' Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining as aforesaid a road and a right of way for said State Highway and that said Commissioners' Court has attempted to but cannot agree with said defendants upon the amount to be paid for said lands above described not for the damages if any there be due said defendants and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, has offered said defendants the sum of _____ Dollars (\$_____) for said land and for damages, if any there be due said defendants, which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there

be by running said highway through defendant's land, but said defendants have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby if any there be, and petitioner, has been unable to compromise or settle with said defendants, by reason whereof, said Commissioners Court has been compelled to institute condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your Petitioner is entitled by law to condemn.

WHEREFORE, your Petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested free holders, citizens of Upshur County, Texas, as special commissioners to assess the value of said above described land and the amount of damages if any, to be allowed said defendants and that said decision of said Commissioners when reported to the Court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the Court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

ENDORSEMENT: No. 3097
 PLAINTIFFS ORIGINAL PETITION

Attorneys for Petitioner.

NOTICE

No. 3097

THE STATE OF TEXAS

TO THE SHERIFF OR ANY CONSTABLE OF UPSHUR COUNTY: GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMON AND NOTIFY, Mollie Wilcox, Lula Lee Isbell and husband J. R. Isbell, Henry Hugh Wilcox, and Dick Isbell, Guardian of the Estate of Cora Johnson to be and appear before a Session of Special Commissioners, appointed by the County Judge of Upshur County, Texas, to be holden at County Judge's Office in the Court House in Gilmer, on the 3rd day of December A. D. 1934 then and there to answer the Plaintiff's Petition, filed in a Condemnation suit with County Judge on the 16th day of November A.D. 1934, wherein The State of Texas, is Plaintiff and Mrs. Mollie Wilcox, Lula Lee Isbell and husband, J. R. Isbell, Henry Hugh Wilcox and Dick Isbell are defendants. File number of said suit being No. _____

The nature of the plaintiff's demand is as follows, to-wit:

(See Copy of Special Commissioners notice and copy of Petition attached hereto)

And you will deliver to said Defendants, Mrs. Mollie Wilcox, Lula Lee Isbell, and husband J.R. Isbell, Henry Hugh Wilcox, and Dick Isbell, in person, a true copy of this citation together with the accompanying copy of the Plaintiff's Petition.

HEREIN FAIL NOT, and have you then and there, before said Special Commissioners, this Writ, with your return thereon, showing how you have executed the same.

W. H. WEBB

MALCOLM SMITH.

J. W. SIMMONS.

Given under my hand and seal of said Court at office in Gilmer, Texas, this the 19th day of November A.D. 1934.

Attest:

W.M. Smith, Clerk County Court,

Upshur County, Texas.

By Ruth Dupree, Deputy.

(SEAL).

THE STATE OF TEXAS
COUNTY OF UPSHUR

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS.

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, Texas, composed of J. R. Hinson, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1, M. F. Robinson, Commissioner of Precinct No. 2, J.P. Davis, Commissioner of Precinct No. 3, and M.O. Holmes Commissioner of Precinct No. 4, of said County hereinafter referred to as Petitioner and complains of Mollie Wilcox, Lula Lee Isbell and husband, J. R. Isbell, Henry Hugh Wilcox, and Dick Isbell, guardian of the estate of Cora Johnson, a person of unsound mind, hereinafter called defendants, and represents and alleges:

1

That J. R. Hinson, is the duly elected and qualified County Judge of Upshur County, Texas, and that E.A. Cobb, M.F. Robinson, J.P. Davis and M.O. Holmes are the duly elected and qualified commissioners of Upshur County, Texas that all of the defendants reside in Upshur County, Texas, where service of process may be had upon them.

2.

That the State of Texas is now constructing and laying out and re-constructing a State highway designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as State Highway No. 155, that such construction and re-construction upon said highway is surveyed through, across and upon, and will cross run through and upon the following described real property, to-wit:

A part of the Mrs. Mollie Wilcox tract or parcel of land located 12.3 miles S.E. of Gilmer, Texas, and being more particularly described as follows:

A strip of land on the North side of the center line for a distance of Six Hundred Sixty one and five tenths (661.5) feet and a strip of land on the North side of the center line for a distance of one hundred eighty Five (185) feet and a tract of land on the South side of the center line for a distance of two hundred thirty five (235) feet of the re-location of State Highway Number 155, hereinafter referred to as the Highway in Upshur County, Texas, through a part of the Mrs. Mollie Wilcox tract of land located 12.3 miles S.E. of Gilmer, Texas as surveyed by the Resident Engineer of the State Highway Department of Texas, and the tracts of land being described by metes and bounds as follows:

FIRST TRACT: BEGINNING at a point in the Original Right of way line as described in Condemnation proceedings Volume 7, Page 73, opposite Engineers Chaining Station 652/38 of the center line of the highway; Thence North $7^{\circ} 52'$ East 11 Ft. to a point; Thence along a $4^{\circ} 0'$ Curve to the right whose central angle is $29^{\circ} 31'$ Right 62 Ft. to a point; Thence South $68^{\circ} 21'$ East 599.5 Ft. to a point; Thence South $21^{\circ} 39'$ West 10 Ft. to a point; Thence North $68^{\circ} 21'$ West 599.5 Ft. to a point Thence along a $4^{\circ} 0'$ Curve to the left whose central angle is $29^{\circ} 31'$ left 60 Ft. to point of beginning. The above right of way containing 0.13 acres, more or less.

SECOND TRACT: BEGINNING at a point in the original right of way line as described in Condemnation Proceedings Volume 7, Page 73, opposite Engineers Chaining Station 681/00 of the center line of the Highway; Thence North $21^{\circ} 39'$ East 25 Ft. to a point; Thence South $68^{\circ} 21'$ East 185 Ft. to a point; Thence South $7^{\circ} 52'$ West 27 ft. to a point; Thence North $68^{\circ} 21'$ West 192 ft. to point of beginning.

The above right of way containing 0.11 acres, more or less;

THIRD TRACT: BEGINNING at a point in the original right of way line as described in Condemnation Proceedings Volume 7, Page 73 opposite Engineers Chaining Station 681/00 on the center line of the Highway; Thence South $68^{\circ} 21'$ East 228 Ft. to a Point; Thence South $70^{\circ} 52'$

West 27 Ft. to a point Thence North 68° 21' West 235 Ft. to a point; Thence North 21° 31' East 25 Ft. to point of beginning the above right of way containing 0.13 acres, more or less,

Also land described in condemnation proceedings Recorded in Vol. 7, P. 73-75 Commissioners Court Minutes to which reference is made for full description, the fee simple title to which is owned by said Defendants.

3.

That in the Judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right of way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a State Highway to-wit: State Highway No. 155 .

4.

That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners' Court of Upshur County acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining as aforesaid a road and a right of way for said State Highway and that said Commissioners' Court has attempted to but cannot agree with said defendants upon the amount to be paid for said lands above described/^{nor} for the damages if any there be due said defendants, and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, has offered said Defendants the sum of _____ Dollars (\$ _____) for said land and for damages if any there be due said defendants, which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant's land, but said defendants have wholly refused to accept or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner, has been unable to compromise or settle with said defendants, by reason whereof said Commissioners' Court has been compelled to institute condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your Petitioner is entitled by law to condemn.

WHEREFORE, your Petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested free holders citizens of Upshur County, Texas, as Special commissioners to assess the value of said above described land and the amount of damages, if any to be allowed said defendants and that said decision of said Commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the Judgment of the Court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Attorneys for Petitioner.

THE STATE OF TEXAS

VS NO _____

MRS. MOLLIE WILCOX, ET AL

IN THE COUNTY COURT

OF

UPSHUR COUNTY, TEXAS.

On this the 17th day of November, A.D. 1934, J. W. Simons, W. H. Webb, and Malcolm Smith, Special Commissioners appointed by the Court to assess damages of Mrs. Mollie Wilcox, Lula Lee Isbell and Husband, J. R. Isbell Henry Hugh Wilcox, and Dick Isbell, Guardian of the Estate of Cora Johnson by reason of the Construction, re-construction and opening of State Highway No. 155, upon across and through certain real estate described in Plaintiff's Petition, reference to which is here made, to which real estate the fee simple title is in the said Mrs. Mollie Wilcox, Lula Lee Isbell and husband and the said Henry Hugh Wilcox and Cora Johnson and is more fully set out in the petition of the State of Texas, acting through

and by the Commissioners' Court of Upshur County Texas, Vs Mrs. Mollie Wilcox, and others named above to-wit: Lula Lee Isbell, J. R. Isbell, Henry Hugh Wilcox, Dick Isbell guardian of the estate of Cora Johnson filed with the Honorable County Judge of Upshur County, Texas, on the 16th day of November A.D. 1934, said commissioners having been sworn to assess said damages fairly and impartially, and in accordance with law, do hereby appoint as the time and place for hearing said parties on the matter of the office of the County Judge of Upshur County Texas, at Gilmer, Texas, in said County, on the 3rd day of December A.D. 1934, a copy of this order shall be served upon each of above named defendants and each of them respectively and service thereof shall be notice to said defendants and each of them to appear at the said time and place at ten o'clock A.M. at the Court House for the purpose of offering any evidence that they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said above named defendants and each of them respectively, for the right of way and strip of land described in plaintiff's original petition filed with the County Judge of Upshur County, Texas.

Witness our hands this the 17th day of November A.D. 1934.

W. H. WEBB.

MALCOLM SMITH

J. W. SIMMONS.

Come to hand on the 20th day of November A.D. 1934, at 1 o'clock P.M. and served on the 21 & 22 day of November A.D. 1934, at Upshur County, Texas, by delivering a copy of the with in notice to Mrs. Mollie Wilcox, Lula Lee Isbell, J. R. Isbell, Dick Isbell, in person.

4 Citations - - - - -	\$4.00
35 miles - - - - -	3.60
	<u>\$7.60</u>

NO. 3097

ORDER APPOINTING BOARD OF COMMISSIONERS

STATE OF TEXAS

IN THE COUNTY COURT OF

VS. NO. _____

UPSHUR COUNTY, TEXAS.

MRS. MOLLIE WILCOX, ET AL

_____ TERM, A.D. 1934.

On this 16 day of Nov. A.D. 1934, came on to be heard the application of the State of Texas, acting through the Commissioners' Court of Upshur County, Texas, under authority of Article 6674n, Revised Statutes of 1925, asking for the appointment of Special Commissioners to assess damages for a right of way for State Highway No. 155, which is a public road and a State designated Highway crossing and running over and across and to run over and across and through certain real estate situated in Upshur County, Texas, fee simple title to which is owned by Mollie Wilcox, Lula Lee Isbell, & J. R. Isbell, Henry Hugh Wilcox & Dick Isbell, and the said land and the relief prayed for is fully described and set out in plaintiffs' petition on file in this cause, reference to which petition is here made.

And it appearing to the Court that the Commissioners have not been agreed upon by said parties, the Court here and now appointed J.W. Simmons, W. H. Webb and Malcolm Smith all disinterested free holders of Upshur County, Texas to be special commissioners to assess the damages in said condemnation proceedings, reference to which is made.

J.R.Hinson County Judge

Upshur County, Texas.
NO. 3097

STATE OF TEXAS

IN THE COUNTY COURT OF UPSHUR

VS. NO. 3097

COUNTY TEXAS,

MRS. MOLLIE WILCOX, ET AL

_____ TERM, A.D. 1934.

On this the 3rd day of December A.D. 1934, came on for hearing before the undersigned J.W. Simmons, Malcolm Smith and W.H. Webb special commissioners and disinterested free holders

of Upshur County, Texas, and duly appointed by the County Judge of Upshur County, Texas, to assess the damages accruing to Mrs. Mollie Wilcox, Lula Lee Isbell, Henry Hugh Wilcox, Dick Isbell guardian of the estate of Cora Johnson, by reason of the condemnation and taking of right of way fully described in petitioner's petition on file herein which land is owned by the said Mrs. Mollie Wilcox Lula Lee Isbell, Henry Hugh Wilcox and Cora Johnson, defendant(s) herein, and all parties having been duly notified of the time and place of meeting as by law required, and all parties appearing in person and by their attorneys, and after fully hearing said parties at the time and place of appointment and all the evidence as to the damages which will be sustained by said defendant(s) by reason of such condemnation, we assess said damages in the sum of Three Hundred Dollars and the said Mrs. Mollie Wilcox, Lula Lee Isbell, Henry Hugh Wilcox, and Cora Johnson, defendant(s) shall pay all costs of this proceedings.

J. W. SIMMONS.

MALCOLM SMITH, SPECIAL COMMISSIONERS.

ENDORSEMENT: FINDINGS OF BOARD OF COMMISSIONERS:

#3097

STATE OF TEXAS

IN THE COUNTY COURT

VS.

OF

MRS. MOLLIE WILCOX, ET AL

UPSHUR COUNTY, TEXAS.

Condemnation proceeding set for hearing before special Commissioners for December 3, 1934, Comes now Hugh Wilcox and hereby waives the issuance and service upon him of notice and citation to appear at the above mentioned hearing and admits himself in Court for the purpose of said hearing upon the condemnation proceeding before said Commissioners, for all legal purposes in said proceeding.

Signed this the _____ day of Nov. 29, 1934.

Hugh Wilcox.

ENDORSEMENT: WAIVER OF HUGH WILCOX

NO. 3097

STATE OF TEXAS

IN THE COUNTY COURT OF

VS. NO. _____

UPSHUR COUNTY, TEXAS.

MRS MOLLIE WILCOX ET AL

_____ TERM, A.D. 1934.

We the undersigned Commissioners, appointed in the above entitled and numbered cause being first duly sworn state upon our oaths that we will assess the damages fairly and impartially and in accordance with law.

W. H. WEBB

J. W. SIMMONS.

MALCOLM SMITH.

Subscribed and sworn to before me this the 16 day of Nov. A.D. 1934.

J.R.HINSON, County Judge

Upshur County, Texas.

(SEAL).

ENDORSEMENT: OATH OF COMMISSIONERS

NO. 3097

JUDGMENT

THE STATE OF TEXAS

IN THE COUNTY COURT OF

VS. NO. 2094
MRS MOLLIE WILCOX,
Et AL

UPSHUR COUNTY, TEXAS.

_____ TERM, A.D. 1934

On this the 3rd day of December A.D. 1934, came on for final hearing the above numbered and styled cause, and it appearing to the Court that no objections have been filed to the award of the Special Commissioners, filed on the 16th day of November A.D. 1934, which is as follows:

THE STATE OF TEXAS

VS. NO. 3097

MRS. MOLLIE WILCOX, ET AL

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS.

TERM, A.D. 1934.

On this the 3rd day of December A.D. 1934, came on for hearing before the undersigned J.W. Simmons, Malcolm Smith and W.H. Webb Special Commissioners, and disinterested free holders of Upshur County, Texas, and duly appointed by the County Judge of Upshur County, Texas, to assess the damages accruing to Mrs. Mollie Wilcox, Lula Lee Isbell, Henry Hugh Wilcox, and Cora Johnson by reason of the condemnation and taking of right of way fully described in petition and petition on file herein, which land is owned by the said Mrs. Mollie Wilcox, Lula Lee Isbell, Henry Hugh Wilcox, and Cora Johnson, defendant(s) herein, and all parties having been duly notified of the time and place of meeting as by law required, and all parties appearing in person and by their attorneys, and after fully hearing said parties at the place of appointment on the 3rd day of December A.D. 1934, and all the evidence as to the damage which will be sustained by said defendants by reason of such condemnation, we assess said damages in the sum of Three Hundred Dollars and the said defendant(s) shall pay all costs of this proceedings.

J. W. Simmons.

Malcolm Smith.

Special Commissioners.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Commissioners Court of Upshur County Texas, on behalf of the State of Texas pay to Mrs. Mollie Wilcox, Lula Lee Isbell, Henry Hugh Wilcox, and Cora Johnson, defendant(s) jointly the sum of Three Hundred Dollars, and that such payment be, and it is hereby adjudged to be full compensation for the fee simple title to the hereinafter described property; and

It is further ordered, adjudged and decreed that the title to said property herein-after described be and the same is hereby divested out of the said Mrs. Mollie Wilcox, Lula Lee Isbell, Henry Hugh Wilcox, and Cora Johnson defendant(s) and vested in the State of Texas, said property being described as follows:

A part of the Mrs. Mollie Wilcox, tract or parcel of land located 12.3 miles S.E. of Gilmer, Texas, and being more particularly described as follows:

A strip of land on the North side of the center line for a distance of Six Hundred Sixty One and Five-tenths (661.5) feet and a strip of land on the North side of the center line for a distance of One Hundred Eighty five (185) feet and a tract of land on the South side of the center line for a distance of two hundred thirty five (235) feet of the re location of State Highway number 155, hereinafter referred to as the Highway in Upshur County, Texas, through a part of the Mrs. Mollie Wilcox tract of land located 12.3 miles S.E. of Gilmer, Texas, as surveyed by the Resident Engineer of the State Highway Department of Texas, and the tracts of land being described by metes and bounds as follows:

FIRST TRACT: BEGINNING at a point in the Original right of way line, as described in Condemnation Proceedings, Volume 7, Page 73 opposite Engineers Chaining Station 652/38 on the center line of the highway; Thence North $7^{\circ} 52'$ East 11ft. to a point; Thence along a $4^{\circ} 0'$ curve to the right whose central angle is $29^{\circ} 31'$ Right 62 ft. to a point; Thence South $68^{\circ} 21'$ East 599.5 Ft. to a point; Thence South $21^{\circ} 39'$ West 10 Ft. to a point; Thence North $68^{\circ} 21'$ West 599.5 Ft. to a point; Thence along a $4^{\circ} 0'$ Curve to the left, whose central angle is $29^{\circ} 31'$ left 60 Ft. to point of beginning, The above right of way containing 0.13 acres, more or less.

SECOND TRACT: BEGINNING at a point in the original right of way line as described in Condemnation Proceedings Volume 7, Page 73, opposite Engineers Chaining Station 681/00 on the center line of the Highway; Thence North $21^{\circ} 39'$ East 25 Ft. to a point; Thence South $68^{\circ} 21'$ East 185 Ft. to a point; Thence South $70^{\circ} 52'$ West 27 ft. to a point; Thence North $68^{\circ} 21'$ West

192 Ft. to point of beginning.

The above right of way containing 0.11 acres, more or less.

THIRD TRACT: BEGINNING at a point in the Original Right of way line as described in Condemnations Proceedings, Volume 7, Page 73, opposite Engineers Chaining Station 681-00 on the center line of the Highway; Thence South 68° 21' East 228 Ft. to a point; Thence South 7° 52' West 27 Ft. to a point; Thence North 68° 21' West 235 Ft. to a point; Thence North 21° 31' East 25 Ft. to point of beginning,

The above right of way containing 0.13 acres, more or less.

Also the right of way heretofore condemned in a proceeding against Mrs. Mollie Wilcox recorded in Volume 7, Page 73-75. Commissioners Court Minutes of Upshur County, Texas.

The right of way being a strip of land One Hundred (100) feet in width, Fifty (50) feet on each side of the center line of the re-location of State Highway Number 155 hereinafter referred to as the Highway through the above mentioned property of Mrs. Mollie Wilcox, as Surveyed by the Resident Engineer of the State Highway Department of Texas the right of way being more particularly described as follows:

BEGINNING at a point where the center line of the Highway crosses the West line of the said 106 acre tract of land, the property of Mrs. Mollie Wilcox, the said point of beginning being at Engineers Chaining Station 652 plus 66 of the Highway Thence in a Northeasterly direction along the West boundary line of the said 106 acre tract of land 56 feet to a point, 50 feet from measured at a right angle the center line of the Highway; Thence in a Southeasterly direction along the arc of a 4 degree 0 minute Curve to the right whose central angle is 29 degrees 31 minutes right and whose tangent bears North 79 degrees 56 minutes East parallel to and 50 feet from the center line of the highway 34.5 feet to the end of said curve at Engineers Chaining station 653 plus 00.5 of the Highway; Thence South 70 degrees 33 minutes East parallel to and 50 feet from the center line of the highway 3010.5 feet to a point in the East boundary line of the said property; Thence South along the East boundary line of the said property 108 feet, crossing the center line of the Highway at Engineers Chaining Station 683 plus 11 to a point 50 feet from measured at right angle, the center line of the Highway; Thence North 70 degrees 33 minutes, West parallel to and 50 feet from the center line of the said Highway 3010.5 feet to a point in the West boundary line of the above mentioned property; Thence in a Northerly direction along the West boundary line of the above mentioned property 56 feet to the place of beginning; The right of way through the above mentioned tract of land the property of Mrs. Mollie Wilcox, contains 6.99 acres of land more or less.

And it is further ordered, adjudged and decreed that the said Mrs. Mollie Wilcox, Lula Lee Isbell, Henry Hugh Wilcox and Cora Johnson, defendant(s) shall pay all costs herein.

J.R. HINSON, County Judge,
Upshur County, Texas.

ENDORSEMENT: No. 3097
JUDGMENT OF THE COURT
W. M. Smith, County Clerk, Upshur County
By. Ruby Depriest, Deputy

NO. 3096

THE STATE OF TEXAS | IN THE COUNTY COURT OF
COUNTY OF UPSHUR | UPSHUR COUNTY, TEXAS.

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, Texas, composed of J.R.Hinson, County Judge, and E.A. Cobb, Commissioner of Precinct No. 1, M.F. Robinson, Commissioner of Precinct No. 2, J.P. Davis, Commissioner of Precinct No. 3, and M.O. Holmes, Commissioner of Precinct No. 4, of said County hereinafter referred to as Petitioner, and complains of Sally King, a feme sole, hereinafter called defendant

and represents and alleges:

1.

That J.R.Hinson, is the duly elected and qualified County Judge of Upshur County, Texas, and that E.A. Cobb, M.F.Robinson, J.P. Davis and M. O. Holmes, are the duly elected and qualified Commissioners of Upshur County, Texas; that the defendant resides in Upshur County, Texas, where service of process may be had upon her.

2.

That the State of Texas is now constructing and laying out and re-constructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as State Highway No. 155, that such construction and re-construction upon said Highway is surveyed through, across and upon and will cross, run through and upon the following described real property, to-wit:

A part of the Sally King tract or parcel of land located thirteen and three tenths (13.3) miles Southeast of Gilmer, Texas, and being more particularly described as follows:

A strip of land on the North side of the center line for a distance of One Hundred and Eighty Five (185.0) feet, and a strip of land on the South side of the center line for a distance of Four Hundred and Twenty Five (425.0) Feet of the re-location of State Highway Number 155, hereinafter referred to as the Highway in Upshur County, Texas, through a part of the Sally King tract of land located Thirteen and three-tenths (13.3) miles Southeast of Gilmer, Texas, as surveyed by the Resident Engineer of the State Highway Department of Texas, and the tracts of land being described by metes and bounds as follows;

FIRST TRACT: Beginning at a point in the original right of way line as described in the Deed Records of Upshur County, Texas, Volume 98, page 440, opposite Engineers Chaining Station 704-15 on the center line of the Highway; Thence North $77^{\circ} 00'$ East Forty three (43.0) feet to a point; Thence South $68^{\circ} 21'$ East one hundred and eighty five (185.0) feet to a point; Thence South $21^{\circ} 39'$ West twenty five (25.0) feet to a point; Thence North $68^{\circ} 21'$ West Two Hundred and twenty (220.0) feet to a point of beginning. The above described right of way containing 0.12 acres, more or less.

SECOND TRACT: Beginning at a point in the original right of way line as described in the Deed Records of Upshur County, Texas, Volume 98, page 440, opposite Engineers Chaining Station 701-75 on the center line of the Highway; Thence South $68^{\circ} 21'$ East Three Hundred and Ninety (390.0) feet to a point; Thence South $21^{\circ} 39'$ West Twenty five (25.0) feet to a point; Thence North $68^{\circ} 21'$ West Four Hundred and twenty five (425.0) feet to a point; Thence North $77^{\circ} 00'$ East Forty three (43.0) feet to point of beginning. The above described right of way containing 0.23 acres, more or less.

the fee simple title to which is owned by said defendant.

3.

That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right of way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a State Highway, to-wit: State Highway No. 155.

4.

That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioner's Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining as aforesaid a road and a right of way for said State Highway and that said Commissioner's Court has attempted to but cannot agree with said defendant upon the amount to be paid for said

lands above described nor for the damages if any there be due said defendant, and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, has offered said defendant the sum of ___ Dollars (\$___) for said land and for damages, if any there be due said defendant, which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant's land, but said defendant has wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant, by reason whereof said Commissioners' Court has been compelled to institute condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your Petitioner is entitled by law to condemn.

Wherefore, your Petitioner respectfully prays the County Judge of Upshur County Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested free-holders, citizens of Upshur County, Texas, as special commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant, and that said decision of said commissioners when reported to the Court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

C. E. Florence
 W. W. Sanders, Attorneys for Petitioner.

ENDORSEMENT: No. 3096
 THE STATE OF TEXAS VS. SALLIE KING
 PLAINTIFFS ORIGINAL PETITION
 Filed Nov. 16, 1934. W. M. Smith, County Clerk.

THE STATE OF TEXAS

To the Sheriff or any Constable of Upshur County, Greeting:

You are hereby commanded to summon and notify Sally King to be and appear before a session of Special Commissions appointed by the County Judge of Upshur County, Texas, to be holden at the County Judge's office in the court house in Gilmer on the 2rd day of December A.D. 1934, then and there to answer the plaintiff's petition filed in a condemnation suit with the County Judge on the 16th day of November, A. D. 1934, wherein the State of Texas is plaintiff, and Sally King is defendant, file number of said suit being _____.

The nature of the plaintiff's demand is as follows, to-wit: (See copy of Special Commissioners Notice and copy of petition attached hereto.)

And you will deliver to said defendant Sally King, in person, a true copy of this citation, together with the accompanying copy of the Plaintiff's petition.

Herein Fail Not, and have you then and therefore said Special Commissioners this writ, with your return thereon showing how you have executed the same.

W. H. WEBB
 MALCOLM SMITH
 J. W. SIMMONS

Given under my hand and seal of said Court, at office in Gilmer, Texas, this the 19 day of November, A. D. 1934.

W. M. Smith, County Clerk,
 Upshur County, Texas.
 By Ruth Dupree, Deputy.

SEAL.

THE STATE OF TEXAS |
 COUNTY OF UPSHUR | IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS

To the Honorable Judge of said Court:

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, Texas, composed of J. R. Hinson, County Judge, and E. A. Cobb, commissioner of Precinct No. 1, M. F. Robinson, Commissioner of Precinct No. 2, J. P. Davis, Commissioner of Precinct No. 3, and M. O. Holmes, Commissioner of Precinct No. 4 of said county, herein-after referred to as Petitioner, and complains of Sally King, a feme sole, hereinafter called defendant, and represents and alleges:

I.

That J. R. Hinson is the duly elected and qualified county judge of Upshur County, Texas, and that E. A. Cobb, M. F. Robinson, J. P. Davis, and M. O. Holmes are the duly elected and qualified commissioners of Upshur County, Texas; that the defendant resides in Upshur County, Texas, where service of process may be had upon her.

2.

That the State of Texas is now constructing and laying out and re-constructing a state highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as State Highway No. 155, that such construction and re-construction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

A part of the Sally King tract or parcel of land located thirteen and three-tenths (13.3) miles Southeast of Gilmer, Texas, and being more particularly described as follows: A strip of land on the north side of the center line for a distance of One Hundred and eighty five (185.0) feet, and a strip of land on the South side of the center line for a distance of Four Hundred and Twenty Five (425.0) feet of the re-location of State Highway Number 155, hereinafter referred to as the Highway in Upshur County, Texas, through a part of the Sally King tract of land located Thirteen and three-tenths (13.3) miles Southeast of Gilmer, Texas, as surveyed by the Resident Engineer of the State Highway Department of Texas, and the tracts of land being described by metes and bounds as follows:

FIRST TRACT: Beginning at a point in the original right of way line as described in the Deed Records of Upshur County, Texas, Volume 98, page 440, opposite Engineers Chaining Station 704.-15 on the center line of the highway; Thence North $77^{\circ} 00'$ East Forty Three (43.0) feet to a point; Thence South $68^{\circ} 21'$ East one hundred and eighty five (185.0) feet to a point; Thence South $21^{\circ} 39'$ West Twenty five (25.0) feet to a point; Thence North $68^{\circ} 21'$ West Two hundred and twenty (220.0) feet to a point of beginning. The above described right of way containing 0.12 acres, more or less.

SECOND TRACT: Beginning at a point in the original right of way line as described in the Deed Records of Upshur County, Texas, Volume 98, page 440, opposite Engineer's Chaining Station 701-75 on the center line of the Highway; Thence South $68^{\circ} 21'$ East Three Hundred and Ninety (390.0) feet to a point; Thence South $21^{\circ} 39'$ West twenty five (25.0) feet to a point; Thence North $68^{\circ} 21'$ West Four Hundred and twenty five (425.0) feet to a point; Thence North $77^{\circ} 00'$ East forty three (43.0) feet to the point of beginning. The above described right of way containing 0.23 acres, more or less.

the fee simple title to which is owned by said defendant.

3.

That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose

of opening, widening, straightening, constructing and building, improving and maintaining a State Highway, to-wit: State Highway No. 155.

4.

That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners' Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing, and maintaining as aforesaid a road and a right of way for said State Highway and that said Commissioners' court has attempted to but cannot agree with said defendant upon the amount to be paid for said lands above described nor for the damages if any there be due said defendant, and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, has offered said defendant the sum of ___ Dollars (\$) for said land and for damages, if any there be due said defendant, which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant's land, but said defendant has wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant, by reason whereof said Commissioners' Court has been compelled to institute condemnation proceedings to condemn said lands, which are actually needed for said highway aforesaid described and all of which said lands your Petitioner is entitled by law to condemn.

Wherefore, your Petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested free holders, citizens of Upshur County, Texas, as special commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant, and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Attorneys for Petitioner.

THE STATE OF TEXAS |
VS. NO. _____ | IN THE COUNTY COURT OF
SALLIE KING | UPSHUR COUNTY, TEXAS.

On this, the 17th day of November, A. D. 1934, J. W. Simons, W. E. Webb and Malcolm Smith, Special Commissioners appointed by the court to assess damages of Sallie King by reason of the construction, re-construction, and opening of State Highway No. 155, upon, across, and through certain real estate described in plaintiff's petition, reference to which is here made, to which real estate the fee simple title is in the said Sallie King and is more fully set out in the petition of the State of Texas, acting through and by the Commissioners' Court of Upshur County, Texas, vs. Sallie King filed with the Honorable County Judge of Upshur County, Texas, on the 16 day of November, A. D. 1934, said commissioners having been sworn to assess said damages fairly and impartially, and in accordance with law, do hereby appoint as the time and place for hearing said parties on the matter, the office of the County Judge of Upshur County, Texas, at Gilmer, Texas, in said county, on the 3rd day of December A. D. 1934, a copy of this order shall be served upon Sallie King and each of them respectively and service thereof shall be notice to said defendants and each of them to appear at the said time and place at ten o'clock A. M. at the Court House for the purposes of offering any evidence that they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to

the said Sallie King and each of them respectively, for the right of way and strip of land described in plaintiff's original petition filed with the County Judge of Upshur County, Texas.

Witness our hands this the 17 day of November, A. D. 1934.

W. H. Webb

Malcolm Smith

J. W. Simmons

SHERIFF'S RETURN

Came to hand on the 20 day of November A. D. 1934 at 1 o'clock P. M. and served on the 21 day of _____ A. D. 1934, at Upshur County, Texas, by delivering a copy of the within notice to Sally King.

J. M. Seago, Sheriff, Upshur Co. Texas.

By. C. C. Hill, Deputy.

1 citation \$1.00
36 miles $\frac{3.60}{4.60}$

ENDORSEMENT: No. 3096

NOTICE

Filed Nov. 16, 1934. W. M. Smith, County Clerk.

STATE OF TEXAS | IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS.
VS. NO. 3096 | _____ TERM, A. D. 1934.
SALLIE KING |

On this 16 day of Nov. A. D. 1934, came on to be heard the application of the State of Texas acting through the Commissioners' Court of Upshur County, Texas, under authority of Article 6674n, Revised Statutes of 1925, asking for the appointment of special commissioners to assess damages for a right of way for State Highway No. _____, which is a public road and a State designated highway crossing and running over and across and to run over and across and through certain real estate situated in Upshur County, Texas, fee simple title to which is owned by Sallie King, and the said land and the relief prayed for is fully described and set out in plaintiffs' petition on file in this cause, reference to which petition is here made.

And it appearing to the court that the commissioners have not been agreed upon by said parties, the court here and now appointed J. W. Simmons, W. H. Webb and Malcolm Smith, all disinterested freeholders of Upshur County, Texas, to be special commissioners' to assess the damages in said condemnation proceedings, reference to which is made.

J. R. Hinson, County Judge,
Upshur County, Texas.

ENDORSEMENT: No. 3096

ORDER APPOINTING BOARD COMMISSIONERS

Filed Nov. 16, 1934. W. M. Smith, County Clerk.

STATE OF TEXAS | IN THE COUNTY COURT OF
VS. NO. 3096 | UPSHUR COUNTY, TEXAS.
SALLIE KING | _____ TERM A. D. 1934.

We, the undersigned Commissioners, appointed in the above entitled and numbered cause being first duly sworn, state upon our oaths that we will assess the damages fairly and impartially and in accordance with law.

W. H. Webb
J. W. Simmons
Malcolm Smith

Subscribed and sworn to before me this the 16 day of Nov. A. D. 1934.

SEAL.

J. R. Hinson, County Judge,
Upshur County, Texas.

ENDORSEMENT: No. 3096

OATH OF COMMISSIONERS

Filed Nov. 16, 1934. W. M. Smith, County Clerk,

STATE OF TEXAS |
 VS. NO. 3096 | IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS.
 SALLIE KING | _____, TERM A. D. 1934.

On this the 3rd day of December, A. D. 1934, came on for hearing before the undersigned J. W. Simmons, Malcolm Smith and W. H. Webb special commissioners and disinterested freeholders of Upshur County, Texas and duly appointed by the County Judge of Upshur County, Texas, to assess the damages accruing to Sallie King by reason of the condemnation and taking of right of way fully described in petitioner's petition on file herein which land is owned by the said Sallie King defendant(s) herein, and all parties having been duly notified of the time and place of meeting as by law required, and all parties appearing in person and by their attorneys, and after fully hearing said parties at the time and place of appointment and all the evidence as to the damages which will be sustained by said defendant (s) by reason of such condemnation, we assess said damages in the sum of Twenty Five (\$25.00) Dollars and the said Sallie King defendant(s) shall pay all costs of this proceedings.

J. W. Simmons

Malcolm Smith,

Special Commissioners.

ENDORSEMENT: No. 3096

FINDINGS OF THE BOARD OF COMMISSIONERS.

Filed Dec. 3rd, 1934.

No. 3096
 THE STATE OF TEXAS |
 VS. NO. 3096 | IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS.
 SALLIE KING | _____ TERM. A. D. 1934.

On this the 3rd day of December, A. D. 1934, came on for final hearing the above numbered and styled cause, and it appearing to the Court that no objections have been filed to the award of the Special Commissioners, filed on the 16th day of November, A. D. 1934 which is as follows:

"THE STATE OF TEXAS | IN THE COUNTY COURT OF
 VS. NO. 3096 | UPSHUR COUNTY, TEXAS.
 SALLIE KING | _____ TERM. A. D. 1934.

On this the 16th day of November, A. D. 1934, came on for hearing before the undersigned J. W. Simmons, Malcolm Smith and W. H. Webb Special Commissioners and disinterested free-holders of Upshur County, Texas, and duly appointed by the County Judge of Upshur County, Texas, to assess the damages accruing to Sallie King by reason of the condemnation and taking of right of way fully described in petitioner's petition on file herein, which land is owned by the said Sallie King, defendant(s) herein, and all parties having been duly notified of the time and place of meeting as by law required, and all parties appearing in person and by their attorneys, and after fully hearing said parties at the place of appointment on the 16th day of November, A. D. 1934, and all the evidence as to the damage which will be sustained by said defendant(s) by reason of such condemnation, we assess said damages in the sum of Twenty Five (\$25.00) Dollars, and the said defendants shall pay all costs of this proceedings.

after referred to as Petitioner, and complains of William Wright, A. W. Wright, and I. P. Starr hereinafter called defendants, and represents and alleges:

1.

That J. R. Hinson is the duly elected and qualified county judge of Upshur County, Texas, and that E. A. Cobb, M. F. Robinson, J. P. Davis and M. O. Holmes are the duly elected and qualified commissioners of Upshur County, Texas; that all of the defendants reside in Upshur County, Texas, where service of process may be had upon them.

2.

That the State of Texas is now constructing and laying out and re-constructing a state highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and re-construction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

A part of the William Wright, A. W. Wright, and I. P. Starr, tract or parcel of land, located eight and four-tenths (8.4) miles Southeast of Gilmer, Texas, and being more particularly described as follows: A strip of land on the North side of the center line for a distance of Fifteen hundred and sixty six and two-tenths (1566.2) feet and a strip of land on the South side of the center line for a distance of five hundred and thirty (530) feet and a strip of land on the South side of the center line for a distance of Twenty (20) feet of the re-location of State Highway Number 155, hereinafter referred to as the Highway in Upshur County, Texas, through a part of the William Wright, A. W. Wright, and I. P. Starr tract of land, located eight and four-tenths (8.4) miles Southeast of Gilmer, Texas, as surveyed by the Resident Engineer of State Highway Department of Texas, and the tracts of land being described by meets and bounds as follows:

FIRST TRACT: Beginning at a point in the original right of way line, as described in condemnation proceedings, volume 7, page 89, opposite Engineers Chaining Station 463-41.3 on the center line of the Highway; Thence along a $2^{\circ} 0'$ curve to the Right whose central angle is $24^{\circ} 0'$ to the right, one hundred and sixty four and four-tenths (164.4) feet to a point; Thence North $42^{\circ} 14'$ West fifty (50) feet to a point; Thence along a $2^{\circ} 0'$ curve to the right whose central angle is $24^{\circ} 0'$ to the right four hundred and twenty two and one-tenth (422.1) feet to a point; Thence South $38^{\circ} 14'$ East fifty (50) feet to a point; Thence along a $2^{\circ} 0'$ curve to the right whose central angle is $24^{\circ} 0'$ to the right four hundred and forty four and four tenths (444.4) feet to a point; Thence North $68^{\circ} 06'$ East three hundred and thirty seven and three-tenths (337.3) feet to a point; Thence South twenty seven and fourtenths (27.4) feet to a point in the original right of way line; Thence South $68^{\circ} 06'$ West along the original right of way line, three hundred and twenty seven and threetenths (327.3) feet to a point; Thence around a $2^{\circ} 0'$ curve to the left whose central angle is $24^{\circ} 0'$ to the left one thousand and eight and nine-tenths (1008.9) feet to a point; Thence North $43^{\circ} 49'$ West fifty (50) feet to a point of beginning. The above right of way containing 1.59 acres, more or less.

SECOND TRACT: Beginning at a point in the original right of way line, as described in Condemnation Proceedings, Volume 7, page 89, opposite Engineers Chaining Station 463-41.3 on the center line of the highway; Thence along a $2^{\circ} 0'$ curve to the right whose central angle is $24^{\circ} 0'$ Right, one hundred and fifty three (153.0) feet to a point; Thence South $42^{\circ} 14'$ East fifty (50) feet to a point; Thence along a $2^{\circ} 0'$ curve to the right whose central angle is $24^{\circ} 0'$ to the right three hundred and seventy seven and nine-tenths (377.9) feet to a point; Thence North $38^{\circ} 14'$ West one hundred (100.0) feet to a point in the original right of way line; Thence along a $2^{\circ} 0'$ curve to the left whose central angle is $24^{\circ} 0'$ left, five hundred and forty eight and eight-tenths (448.8) feet to a point; Thence South $43^{\circ} 49'$ East fifty (50) feet

to the point of beginning. The above right of way containing 1.06 acres, more or less.

THIRD TRACT: Beginning at a point in the original right of way line as described in Condemnation Proceedings, Volume 7, page 89, opposite Engineers Chaining Station on the center line of the highway; Thence North 65° 06' East along the original right of way line twenty (20.0) feet to a point in William Wright, A. W. Wright, and I. P. Starr East property line; Thence South twenty seven and four-tenths (27.4) feet to a point; Thence South 65° 06' West ten (10.0) feet to a point; Thence North 21° 54' West twenty five (25) feet to a point of beginning. The above described right of way containing 0.005 acres, more or less. the fee simple title to which is owned by said defendants.

3.

That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of anew and wider right of way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a State Highway, to-wit: State Highway No. 155.

4.

That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners' Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining as aforesaid a road and a right of way for said State Highway and that said Commissioners' Court has attempted to but cannot agree with said defendants upon the amount to be paid for said lands above described nor for the damages if any there be due said defendants and occasioned by the use of said land, but the Commissioner's Court for the purposes aforesaid, has offered said defendants the sum of ___ Dollars (\$) for said land and for damages, if any there be due said defendants, which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendants' land, but said defendants have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner, has been unable to compromise or settle with said defendants, by reason whereof, said Commissioners' Court has been compelled to institute condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your Petitioner is entitled by law to condemn.

Wherefore, your Petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as special commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendants and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

G. E. Florence

W. W. Sanders

Attorneys for Petitioner.

ENDORSEMENT: No. 3095

THE STATE OF TEXAS VS. WILLIAM WRIGHT

PLAINTIFFS ORIGINAL PETITION

Filed Nov. 16, 1934. W. M. Smith, County Clerk.

No. 3095

SHERIFF'S RETURN

THE STATE OF TEXAS

To the Sheriff or any Constable of Upshur County, Greeting:

You are hereby commanded to summon and notify William Wright, A. W. Wright, and I. P. Starr to be and appear before a session of Special Commissioners appointed by the County Judge of Upshur County, Texas, to be holden at the County Judge's office in the Court house in Gilmer on the 3rd day of December, A. D. 1934, then and there to answer the plaintiff's petition filed in a condemnation suit with the County Judge on the 16th day of November, A. D. 1934, wherein the State of Texas is plaintiff and William Wright, A. W. Wright and I. P. Starr are defendants, file number of said suit being _____

The nature of the plaintiff's demand is as follows, to-wit:

(See copy of Special Commissioners notice and copy of the petition attached hereto)

And you will deliver to said defendants William Wright, A. W. Wright and I. P. Starr in person, a true copy of this citation, together with the accompanying copy of the Plaintiff's petition.

Herein Fail Not, and have you then and there before said Special Commissioners this writ, with your return thereon showing how you have executed the same.

W. H. Webb

Malcolm Smith

J. W. Simmons

Given under my hand and seal of said court, at office in Gilmer, Texas, this the 19 day of November, A. D. 1934.

W. M. Smith, County Clerk, Upshur County, Texas.

By. Ruth Dupree, Deputy.

SEAL.

Original Petition recorded on Page 445 to page 446 above.

STATE OF TEXAS	§	
VS. NO. _____	§	IN THE COUNTY COURT OF
WILLIAM WRIGHT,	§	UPSHUR COUNTY, TEXAS.
A. W. WRIGHT AND	§	
I. P. STARR	§	

On this, the 17 day of November, A. D. 1934, J. W. Simmons, W. H. Webb and Malcolm Smith, Special Commissioners appointed by the court to assess damages of William Wright, A. W. Wright and I. P. Starr by reason of the construction, re-construction, and opening of State Highway No. 155, upon, across and through certain real estate described in plaintiff's petition reference to which is here made, to which real estate the fee simple title is in the said William Wright, A. W. Wright and I. P. Starr and is more fully set out in the petition of the State of Texas, acting through and by the Commissioners' Court of Upshur County, Texas, vs. William Wright, A. W. Wright, and I. P. Starr filed with the Honorable County Judge of Upshur County, Texas, on the 16 day of November, A. D. 1934, said commissioners having been sworn to assess said damages fairly and impartially, and in accordance with law, do hereby appoint as the time and place for hearing said parties on the matter, the office of the County Judge of Upshur County, Texas, at Gilmer, Texas, in said County, on the 3rd day of December, A. D. 1934, a copy of this order shall be served upon William Wright, A. W. Wright and I. P. Starr and each of them respectively and service thereof shall be notice to said defendants and each of them to appear at the said time and place at ten o'clock A. M. at the Courthouse for the purpose of offering any evidence that they may desire as to the amount of damages to be assessed against the State of Texas, and

to be paid to the said William Wright, A. W. Wright and I. P. Starr and each of them respectively, for the right of way and strip of land described in plaintiff's original petition filed with the County Judge of Upshur County, Texas.

Witness our hands this the 17 day of November, A. D. 1934.

J. W. Simmons

SHERIFF'S RETURN

Came to hand on the 20th day of Nov. A. D. 1934 at 1 o'clock P. M. and served on the 22 day of November, A. D. 1934 at Upshur County, Texas, by delivering a copy of the within notice to William Wright, A. W. Wright, I. P. Starr and --- in person.

3 citations \$3.00
20 miles 2.00
5.00

J. M. Seago, Sheriff
By. C. C. Hill, Dep. Sheriff

ENDORSEMENT: No. 3095
A. W. WRIGHT ET AL

.....

No. 3095

STATE OF TEXAS §
VS. NO. _____ §
WILLIAM WRIGHT §
ET AL §

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS
_____ TERM A. D. 1934.

On this 16 day of ___ A. D. 1934, came on to be heard the application of the State of Texas acting through the Commissioners' Court of Upshur County, Texas, under authority of Article 6674n, Revised Statutes of 1925, asking for the appointment of special commissioners to assess damages for a right of way for State Highway No. ___, which is a public road and a state designated highway crossing and running over and across and to run over and across and through certain real estate situated in Upshur County, Texas, fee simple title to which is owned by Wm. Wright, A. W. Wright and I. P. Starr and the said land and the relief prayed for is fully described and set out in plaintiffs' petition on file in this cause, reference to which petition is here made.

And it appearing to the court that the commissioners have not been agreed upon by said parties, the court here and now appointed J. W. Simmons, W. H. Webb and Malcolm Smith, all disinterested freeholders of Upshur County, Texas, to be special commissioners' to assess the damages in said condemnation proceedings, reference to which is made.

J. R. Hinson, County, Judge
Upshur County, Texas.

ENDORSEMENT: No. 3095
APPOINTMENT OF BOARD OF COMMISSIONERS
Filed Nov. 16, 1934. W. M. Smith, County Clerk.

STATE OF TEXAS §
VS. NO. _____ §
WILLIAM WRIGHT ET AL §

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS.
_____ TERM, A. D. 1934.

We, the undersigned Commissioners, appointed in the above entitled and numbered cause, being first duly sworn, state upon our oaths that we will assess the damages fairly and impartially and in accordance with law.

W. H. Webb
J. W. Simmons
Malcolm Smith

Subscribed and sworn to before me, this the 16 day of Nov. A. D. 1934.

J. R. Hinson, County Judge,
Upshur County, Texas.

SEAL.

ENDORSEMENT: No. 3095

OATH OF COMMISSIONERS

Filed Nov. 16, 1934. W. M. Smith, County Clerk.

STATE OF TEXAS		IN THE COUNTY COURT OF
VS. NO. 3095		UPSHUR COUNTY, TEXAS.
WILLIAM WRIGHT ET AL		_____ TERM A. D. 1934.

On this the 3rd day of December, A. D. 1934, came on for hearing before the undersigned J. W. Simmons, Malcolm Smith and W. H. Webb, special commissioners and disinterested freeholders of Upshur County, Texas and duly appointed by the County Judge of Upshur County, Texas, to assess the damages accruing to William Wright, A. W. Wright and I. P. Starr by reason of the condemnation and taking of right of way fully described in petitioner's petition on file herein which land is owned by the said William Wright, A. W. Wright and I. P. Starr defendant(s) herein, and all parties having been duly notified of the time and place of meeting as by law required, and all parties appearing in person and by their attorneys, and after fully hearing said parties at the time and place of appointment and all the evidence as to the damages which will be sustained by said defendant(s) by reason of such condemnation, we assess said damages in the sum of Sixty Five and no/100 Dollars and the said William Wright, A. W. Wright, and I. P. Starr defendant(s) shall pay all costs of this proceedings.

J. W. Simmons
 Malcolm Smith
 _____, Special Commissioners

ENDORSEMENT: No. 3095

FINDINGS OF BOARD OF COMMISSIONERS

Filed Dec. 3, 1934. W. M. Smith, County Clerk.

No. 3095

THE STATE OF TEXAS		IN THE COUNTY COURT OF
VS. NO. 3095		UPSHUR COUNTY, TEXAS
WILLIAM WRIGHT ET AL		_____ TERM A. D. 1934.

On this the 3rd day of December, A. D. 1934, came on for final hearing the above numbered and styled cause, and it appearing to the Court that no objections have been filed to the award of the Special Commissioners, filed on the 16th day of November, A. D. 1934, which is as follows:

THE STATE OF TEXAS		IN THE COUNTY COURT OF
VS. NO. 3095		UPSHUR COUNTY, TEXAS.
WILLIAM WRIGHT ET AL		_____ TERM. A. D. 1934.

On this the 16th day of November, A. D. 1934, came on for hearing before the undersigned J. W. Simmons, Malcolm Smith and W. H. Webb, Special Commissioners and disinterested free-holders of Upshur County, Texas, and duly appointed by the County Judge of Upshur County, Texas, to assess the damages accruing to William Wright, A. W. Wright, and I. P. Starr by reason of the condemnation and taking of right of way fully described in petitioner's petition on file herein, which land is owned by the said William Wright, A. W. Wright, and I. P. Starr defendant(s) herein, and all parties having been duly notified of the time and place of meeting as by law

required, and all parties appearing in person and by their attorneys, and after fully hearing said parties at the place of appointment on the 16th day of November, A. D. 1934, and all the evidence as to the damage which will be sustained by said defendants by reason of such condemnation, we assess said damages in the sum of Sixty five (\$65.00) Dollars, and the said defendant(s) shall pay all costs of this proceedings.

J. W. Simmons

Malcolm Smith,

Special Commissioners.

It is therefore ordered, adjudged and decreed by the court that the Commissioners Court of Upshur County, Texas, on behalf of the State of Texas, pay to William Wright, A. W. Wright and I. P. Starr defendant(s) jointly, the sum of One Hundred & Twenty five (\$125.00) Dollars and that such payment be, and it is hereby adjudged to be full compensation for the fee simple title to the hereinafter described property; and

It is further ordered, adjudged and decreed that the title to said property hereinafter described be, and the same is hereby divested out of the said William Wright, A. W. Wright and I. P. Starr defendant(s) and vested in the State of Texas, said property being described as follows:

A part of the William Wright, A. W. Wright and I. P. Starr, tract or parcel of land, located Eight and four-tenths (8.4) miles Southeast of Gilmer, Texas, and being more particularly described as follows: A strip of land on the North side of the center line for a distance of Fifteen Hundred and sixty six and two-tenths (1566.2) feet and a strip of land on the South side of the center line for a distance of five hundred and thirty (530) feet and a strip of land on the South side of the center line for a distance of Twenty (20) feet, of the re-location of State Highway No. 155, hereinafter referred to as the Highway in Upshur County, Texas, through part of the William Wright, A. W. Wright, and I. P. Starr tract of land, located eight and four tenths (8.4) miles Southeast of Gilmer, Texas, as surveyed by the Resident Engineer of State Highway Department of Texas and the tracts of land being described by metes and bounds as follows:

FIRST TRACT: Beginning at a point in the original Right of way line, as described in Condemnation Proceedings, Volume 7, page 89, opposite Engineers Chaining Station 463-41.3 on the center line of the Highway; Thence along a $2^{\circ} 0'$ curve to the Right whose central angle is $24^{\circ} 0'$ to the right, one hundred and sixty four and four-tenths (164.4) feet to a point; Thence North $42^{\circ} 14'$ West fifty (50) feet to a point; Thence along a $2^{\circ} 0'$ curve to the right whose central angle is $24^{\circ} 0'$ to the right four hundred and twenty two and one-tenth (422.1) feet to a point; Thence South $38^{\circ} 14'$ East Fifty (50) feet to a point; Thence along a $2^{\circ} 0'$ curve to the right whose central angle is $24^{\circ} 0'$ to the right four hundred and forty four and four tenths (444.4) feet to a point; Thence North $68^{\circ} 06'$ east three hundred and thirty seven and three-tenths (337.3) feet to a point; Thence South twenty seven and four-tenths (27.4) feet to a point in the original right of way line; Thence South $68^{\circ} 06'$ West along the original right of way line, three hundred and twenty seven and three-tenths (327.3) feet to a point; Thence around a $2^{\circ} 0'$ curve to the left whose central angle is $24^{\circ} 0'$ to the left One Thousand and eight and nine-tenths (1008.9) feet to a point; Thence North $43^{\circ} 59'$ West fifty (50) feet to point of beginning. The above right of way containing 1.59 acres, more or less.

SECOND TRACT: Beginning at a point in the original right of way line, as described in Condemnation Proceedings, Volume 7, page 89, opposite Engineers Chaining Station 463-41.3 on the center line of the Highway; Thence along a $2^{\circ} 0'$ curve to the right whose central angle is $24^{\circ} 0'$ right, one hundred and fifty three (153.0) feet to a point; Thence South $42^{\circ} 14'$ East fifty (50) feet to a point; Thence along a $20^{\circ} 0'$ curve to the right whose central angle

By Amount paid out since last Report, - - - - -		2618.14
Amount to Balance - - - - -		<u>12143.70</u>
	14761.84	14761.84
BALANCE - - - - -	\$12143.70	
SPECIAL 1 FUND.		
Balance last Report Filed, August 1st 1934 - - - - -	1078.13	
To Amount received since last Report - - - - -	110.02	
By Amount paid out since last report, - - - - -		673.44
Amount to Balance - - - - -	<u>1188.15</u>	<u>514.71</u>
		1188.15
BALANCE - - - - -	\$ 514.71	
SPECIAL 2, FUND.		
Balance last Report, Filed, Aug 1st 1934 - - - - -	6239.75	
To Amount received since last Report, - - - - -	1364.19	
By Amount paid out since last Report, - - - - -		5225.03
Amount to Balance - - - - -	<u>7603.94</u>	<u>2378.91</u>
		7603.94
BALANCE - - - - -	\$2378.91	
SPECIAL 3, FUND.		
Balance last Report, Filed August 1st 1934 - - - - -	45.63	
To Amount received since last Report, - - - - -	6.40	
By Amount paid out since last Report - - - - -		45.34
Amount to Balance - - - - -	<u>52.03</u>	<u>6.69</u>
		52.03
BALANCE - - - - -	\$ 6.69	
SPECIAL 4, FUND		
Balance last Report, Filed August 1st 1934 - - - - -	10.13	
To Amount received since last Report, - - - - -	.00	
By Amount paid out since last Report, - - - - -		4.00
Amount to Balance - - - - -	<u>10.13</u>	<u>6.13</u>
		10.13
BALANCE - - - - -	\$6.13	
SPECIAL 5, FUND.		
Balance last Report Filed August 1st 1934, - - - - -	8.13	
To Amount received since last Report, - - - - -	3.83	
By Amount paid out since last Report, - - - - -		6.75
Amount to Balance - - - - -	<u>11.96</u>	<u>5.28</u>
		11.96
BALANCE - - - - -	\$5.21.	
SPECIAL 6, FUND.		
Balance last Report, filed, August 1st 1934 - - - - -	87.67	
To Amount received since last report, - - - - -	13.31	
By Amount paid out since last Report, - - - - -		93.20
Amount to Balance, - - - - -	<u>100.98</u>	<u>7.78</u>
		100.98
BALANCE - - - - -	\$7.78	
SPECIAL 7, FUND		
Balance Last Report Filed August 1st 1934 - - - - -	48.70	
To Amount received since last Report, - - - - -	6.01	
By Amount paid out since last Report - - - - -		.00
Amount to Balance - - - - -	<u>54.71</u>	<u>54.71</u>
		54.71
BALANCE - - - - -	\$54.71	
SPECIAL 8, FUND		
Balance last Report, filed August 1st, 1934 - - - - -	\$275.85	
To Amount received since last Report, - - - - -	16.48	
By Amount paid out since last Report - - - - -		3.00
Amount to Balance - - - - -	<u>292.33</u>	<u>289.33</u>
		292.33
BALANCE - - - - -	\$289.33	

CO. BOND FUND.

Balance last Report, Filed August 1st 1934 - - - - -	27512.07	
To Amount received since last Report, - - - - -	9450.47	
By Amount paid out since last Report - - - - -		14740.68
Amount to Balance - - - - -		22221.86
	<u>36962.54</u>	<u>36962.54</u>

BALANCE - - - - - \$22221.86

GEN. INT & SINK FUND.

Balance last Report, Filed Aug 1st 1934 - - - - -	1959.56	
To amount received since last Report, - - - - -	194.36	
By Amount paid out since last Report, - - - - -		.00
Amount to Balance - - - - -		2153.92
	<u>2153.92</u>	<u>2153.92</u>

Balance - - - - - \$2153.92

AUTO 1, FUND.

Balance last Report, Filed August 1st 1934, - - - - -	3168.69	
TO Amount received since last Report, - - - - -	1042.16	
By Amount paid out since last Report, - - - - -		2917.06
Amount to Balance - - - - -		1293.79
	<u>4210.85</u>	<u>4210.85</u>

Balance - - - - - \$ 1293.79

AUTO 2, FUND.

Balance last Report, Filed August 1st 1934 - - - - -	1826.24	
To Amount received since last Report, - - - - -	1168.54	
By Amount paid out since last Report, - - - - -		2602.34
Amount to Balance, - - - - -		392.44
	<u>2994.78</u>	<u>2994.78</u>

Balance, - - - - - \$392.44

AUTO 3, FUND.

Balance last Report, Filed, August 1st 1934 - - - - -	5172.41	
To Amount received since last Report, - - - - -	1299.39	
By Amount paid out since last Report, - - - - -		2443.17
Amount to Balance, - - - - -		4028.63
	<u>6471.80</u>	<u>6471.80</u>

Balance - - - - - \$4028.63

AUTO 4, FUND.

Balance last Report, Filed, August 1st 1934 - - - - -	3187.28	
To amount received since last Report, - - - - -	902.41	
By Amount paid out since last Report, - - - - -		2064.70
Amount to Balance - - - - -		2024.99
	<u>4089.69</u>	<u>4089.69</u>

BALANCE - - - - - \$2024.99

LIST OF BONDS AND OTHER SECURITIES ON HAND.

Road Dist #1 - - - - -	22000.00
" " #4 - - - - -	13500.00
" " #7 - - - - -	53000.00
Special Road Bonds Series "D" - - - - -	221000.00
" " " " "E" - - - - -	151000.00
" " " " "F" - - - - -	169000.00
Gen Fund Warrs. Series 1925, - - - - -	26000.00
R & B " " 1925, - - - - -	16000.00
R.B. George Machinery Co. - - - - -	2400.00
Road Machinery Warrs Series 1932 - - - - -	3000.00
" " " " 1932 A - - - - -	1000.00
Allie Chalmers - - - - -	3984.00
Total - - - - -	<u>\$681,884.00</u>

THE STATE OF TEXAS

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared W.A. Lunsford, County Treasurer of Upshur County, who being by me duly sworn, upon oath, says that the within and foregoing report is true and correct.

W.A. LUNSFORD, County Treasurer.

Sworn to and subscribed before me this 10 day of Nov. 1934.

W.M.SMITH, Clerk County Court,
Upshur County, Texas.

By Ruby Shockley, Deputy.
(SEAL).

Motion made, seconded and carried that the foregoing statement be approved by the Commissioners Court.

Motion made seconded and carried that H.R.S. office be allowed \$5.00 Monthly rent from Gen. Fund.

The returns of the General Election held in Upshur County Nov. 5th 1934, were tabulated and the results declared as shown on minutes of elections kept in County Clerks office.

PETITION FOR PUBLIC ROAD.

THE STATE OF TEXAS
COUNTY OF UPSHUR

TO THE HONORABLE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS:

We, the undersigned citizens, free-holders, residing in the precincts through which the following described proposed road will run, pray that a public road of the 2nd class 30 feet in width, be established in said County, having its points of beginning and ending as follows:

FIELD NOTES:

BEGINNING at Southwest corner of a 40 acre tract of land known as the old Barnwell Peach orchard the North 1/3 mile to County road the West 1/2 mile to public road.



And your petitioners ask that a Jury of View be appointed to lay out and mark and establish said road and to assess damages.

1 day of Oct. 1934.

- J. H. Pritchett.
- McKinley Files,
- Joe Pritchett.
- W. F. Pritchett.
- J. A. Friddle.
- G. W. Johnson,
- G. B. Dodd.
- E. J. Cope.

Granted 11-12-34.

PETITION FOR PUBLIC ROAD

THE STATE OF TEXAS
COUNTY OF UPSHUR

TO THE HONORABLE COMMISSIONERS' COURT OF
UPSHUR COUNTY, TEXAS:

We, the undersigned citizens, free-holders, residing in the precincts through which the following described proposed road will run, pray that public road of the Second Class 30 feet in width, be established in said County, having its points of beginning and ending as follows:

FIELD NOTES:

From center point colored school house on Glenwood Silmer Road to old Glenwood road at Chas. Boughs, a distance of about 1-1/2 miles.

Land owners signature to this petition constitutes an easement to above right of way for public road purposes without cost to Upshur Co.

And your petitioners ask that a Jury of View be appointed to lay out and mark and establish said road and to assess damages.

12 day of Oct. 1934.

- Neill Buis.
- Allen McClelland.
- Mrs. R. H. McClelland.
- Joe Hays
- Alta Hart.
- Gordon Simpson,
- Mrs. R.W. Simpson,
- Tully Simpson,

Mrs Grace Roberts
 Mrs. D. A. Buie
 By Gordon Simpson,
 J.W. Croley.

Granted November 12, 1934.

Motion made seconded and carried that the assessment of J. M. Patterson for 1934, be reduced to a value of five Dollars per acre, there being an error in placing same on the roll unrendered for 1934, on Abstract #73, E. P. Chism, 54 acres.

Motion made seconded and carried that J. S. Lewis be declared a pauper and that Co. Clerk issue Warrant for Five Dollars monthly beginning Nov. 15th on General Fund.

Motion made seconded and carried to change allowance of R.A. Davus from three dollars per month to five dollars per month beginning Dec. 1st 1934.

Motion made seconded and carried instructing Co. Clerk to change allowance of Mrs N.A. Brooks from Ten Dollars per month to Twelve and 50/100 Dollars per month beginning Nov. 1st 1934.

Motion made seconded and carried that Co. Clerk issue Warrant on General Fund to Carleton Meredith for \$50.00 for traveling expenses and time for attending special District Court as witness on valuations in Fluellen tax Case.

Motion made seconded and carried that O. A. Towery be allowed contract on repairing bridges on Mail Route West of West Mountain for \$10.75 and Co. Clerk ordered to pay on Auto Number 3, Fund.

Motion made seconded and carried that Lynn Tillery be allowed contract for bridge work on Soules Chapel Road for \$7.00 and paid for on Auto 4 Fund, by the Co. Clerk.

Motion made seconded and carried that the Tax Assesment on the renditions of Mrs. Annie Oliver be changed as follows: For 1928, 1929, 1930, 1931, 1932, 1933, 1934; Home in Gilmer Lot 1, Block 8, Value \$1700.00; Business Lot in Gilmer Lot 5, Block 32, Value \$4500.00

Motion made seconded and carried that the work done by the Department of Agriculture by C. R. Fuller, consisting of rat and Gopher extermination, be continued for an additional month and the Co. Clerks authorized to issue warrant on General Fund for \$125.00.

E. A. COBB.
 M. F. ROBINSON.
 J. P. Davis.
 M. O. Holmes.

MONDAY DECEMBER 20, 1934.

Motion made by Commissioner Cobb, and seconded by Commissioner Holmes that the tax Valuation of C. T. Shelton be changed because of error and the fact that he was not cited to appear before equalization board, as follows,

1934, Royalty interest on Wm. King be reduced from \$1390.00 value as assessed to \$550.00 Also overriding interest on Wm. King from \$1000.00 to \$660.00 value, motion carried.

Motion made by Commissioner Cobb and seconded by Commissioner Holmes that the tax valuation of D. C. Shelton be reduced for 1934 from a value of \$740.00 to \$670.00 because of error in rendition and wasnt notified to appear before board.

Motion made by Commissioner Cobb and Seconded by Commissioner Holmes that Co. Judge be authorized to advertise at once for firmshing and installing Complete a Urinal in mens toilet at Court house. Motion carried unanimously.

Motion carried unanimously that account of Burroughs Adding Machine Co for \$322.50 be allowed on C.H.J Fund for Adding Machine & Typewriter.

The Special Comitt Composed of Malcolm Smith, John Simmons and Hilton Webb appointed by Court to lay out and assess damages for right of way on Highway #155 came before the Court

and made the following report That Will Wright be allowed \$125.00 Wright, Wright & I. P. Starr be allowed \$65.00 Sallie King be allowed \$25.00 George Jones \$15.00 and Wilcox Estate \$300.00 Motion made by Commissioner Cobb, and seconded by Commissioner Davis that said report be approved for said Amounts and that Committee be discharged. Motion carried unanimously.

Motion made, seconded and carried that Mattie Friddle be allowed \$15.00 on General Fund for expenses and transportation to the Tuberculosis Sanitorium.

E. A. COBB.
J. P. DAVIS.
M. O. HOLMES.

THE STATE OF TEXAS
COUNTY OF UPSHUR

IN THE MATTER OF THE STATE OF TEXAS VS. CROW ESTATE, in the County Court of Upshur County, Texas, wherein the State of Texas by and through the County of Upshur desires to purchase certain land lying along State Highway No. 155, belonging to me whereas, I have agreed to execute a deed to the State of Texas, to lands adjoining said Highway for right of way purposes, and Whereas, I have executed such deed in consideration of the sum of Twenty Five (\$25.00) Dollars to be paid to me by said County and

Whereas, the County Court through its Commissioners has paid me said sum of Twenty Five (\$25.00) Dollars I hereby acknowledge the receipt of said Twenty Five (\$25.00) Dollars in full settlement of any right, title or claim that I have to such land and to any land that I have heretofore deeded to the State of Texas for Highway purposes only.

Noble Crow.

CONTRACT

THE STATE OF TEXAS
COUNTY OF UPSHUR

WHEREAS, Upshur County, Texas, is claiming to be the owner of certain lands out of the E. A. J. Evans Headright Survey, in Upshur County, Texas, which lands formerly were used as a part of the right of way of State Highway No. 65, between Gilmer and Gladewater, Texas, but the use of which for highway purposes has been abandoned; said lands being that portion of said right of way lying within the boundaries of the land formerly occupied by J. T. Victory, deceased; and

WHEREAS, the title of said County to said lands is being disputed by adverse claimants, and said County, acting through its Commissioners' Court, desires that its title thereto may be placed in such condition that it shall secure development thereof for oil and gas purposes, and to sell oil and gas lease thereupon; and

WHEREAS, Ray Morrison, of Gregg County, Texas, and G. M. Cosby, of Upshur County, Texas, have agreed to render the services and defray the expenses necessary to place the title of said County in such condition, for and in consideration of the sale by said County to the said Morrison and Cosby, of oil and gas lease upon and covering said land, which lease shall be upon terms and conditions substantially as the form of lease hereto attached, marked Exhibit WA and made a part hereof; and it appears to the Commissioners' Court of Upshur County, Texas, that it is proper and for the best interests of said County that contract should be entered into by said Court for and in behalf of said County, with the said Morrison and Cosby, for sale to them of such lease for the consideration of perfecting of the County's title to said land and the placing of same in marketable condition;

NOW THEREFORE, it is Ordered by the Commissioners' Court of Upshur County, Texas, assembled in session at Gilmer, Texas, on this the 10 day of December A.D. 1934, that if as and when the said Ray Morrison and G.M. Cosby shall perfect a marketable title to said lands in

the said County of Upshur, State of Texas, then there shall be executed and delivered by this Court, acting for and in behalf of said County, to the said Morrison and Cosby, oil and gas lease upon and covering the lands above mentioned, and upon terms and conditions substantially as set out in the form of lease above referred to. Said lease, when finally executed, to include provision that lessees shall commence actual drilling of a well for oil and gas purposes on the land covered thereby within thirty days after they are granted permit by the Railroad Commission of Texas to drill such well, and that lessees shall make application for such permit immediately upon delivery of said lease to them, and prosecute such application with due diligence to final decision thereupon, and in case of non-compliance with said provisions, then said lease shall terminate and be at an end.

PROVIDED, HOWEVER, that in case the said Morrison and Cosby do not so perfect such title within ninety days from the date of this Order, that this contract shall become null and void and at an end, without further liability to either party, unless and in case it becomes necessary in perfecting such title for suit to be brought to accomplish such purpose, or in case suit is brought by adverse claimants against the said County of Upshur, or its duly authorized representatives, involving title to said land, in either of which latter cases the said Morrison and Cosby shall be allowed an additional period of time to extend thirty days after final determination of such suit or suits, and final adjudication of matters involved in controversy therein.

TO WITNESS WHICH, we have hereunto executed these presents and caused them to be entered of record in the Minutes of the Commissioners' Court of Upshur County, Texas, on this the date above mentioned, we acting for and in behalf of the County of Upshur, State of Texas, and the Commissioners' Court thereof.

J. R. HINSON, County Judge, Upshur County, TEXAS,
 E. A. GOBB, Commissioner, Precinct No. 1, Upshur
 County, Texas.
 M. F. ROBINSON, Commissioner Precinct No. 2,
 Upshur County, Texas.
 J. P. Davis, Commissioner, Precinct No. 3,
 Upshur County, Texas.
 M. O. Holmes, Commissioner, Precinct No. 4,
 Upshur County, Texas.

OIL AND GAS LEASE.

THIS AGREEMENT, Made this _____ day of _____ 19____, between _____ Lessor (whether one or more), and _____ Lessee, WITNESSETH:

1. Lessor in consideration of _____ Dollars, (\$_____) in hand, of the royalties herein provided, and of the agreements of Lessee herein contained hereby grants, leases and lets exclusively unto Lessee for the purpose of investigating, exploring, prosecuting drilling and mining for and producing oil, gas and all other minerals, laying pipe lines, building tanks, power stations, telephone lines and other structures thereon to produce, save, take care of, treat, transport, and own said products, and housing its employees, the following described land in _____ County, Texas, to-wit: - - - - - it being the intention to include all land owned or claimed by Lessor in said survey or surveys.

2. Subject to the other provisions herein contained, this lease shall be for a term of ten years from this date (called "Primary Term") and as long thereafter as oil, gas or other mineral is produced from said land hereunder.

3. The royalties to be paid Lessor are: (a) on oil, one-eighth of that produced and saved from said land, the same to be delivered at the wells or to the credit of Lessor into the pipe line to which the wells may be connected; Lessee may from time to time purchase any royalty oil in its possession paying the market price therefor prevailing for the field where produced

on the date of purchase; (b) on gas, including casinghead gas or other gaseous substance, produced from said land and sold or used off the premises or in the manufacture of gasoline or other product therefrom, the market value at the well of one-eighth of the gas so sold or used provided that on gas sold at the wells the royalty shall be one-eighth of the amount realized from such sale; where gas from a well producing gas only is not sold or used, Lessee may pay as royalty \$50.00 per well per year, and upon such payment it will be considered that gas is being produced within the meaning of Paragraph 2 hereof; and (c) all other minerals mined and marketed one-tenth either in kind or value at the well or mine, at Lessee's election, except that on sulphur the royalty shall be fifty cents (50c) per long ton. Lessee shall have free use of oil, gas, coal, wood and water from said land, except water from Lessor's wells, for all operations hereunder, and the royalty on oil, gas and coal shall be computed after deducting any so used. Lessor shall have the privilege at his risk and expense of using gas from any gas well on said land for stoves and inside lights in the principal dwelling thereon out of any surplus gas not needed for operations hereunder.

4. If operations for drilling are not commenced on said land on or before one year from this date the lease shall then terminate as to both parties, unless on or before such anniversary date Lessee shall pay or tender to Lessor or to the credit of Lessor in - - - - - Bank at - - - - - (which bank and its successors are Lessor's agent and shall continue as the depository for all rentals payable hereunder regardless of changes in ownership of said land or the rentals) the sum of - - - - - Dollars (\$_____) (herein called rental) which shall cover the privilege of deferring commencement of drilling operations for a period of twelve (12) months. In like manner and upon like payments or tenders annually the commencement of drilling operations may be further deferred for successive periods of twelve (12) months each during the primary term. The payment or tender of rental may be made by the check or draft of Lessee mailed or delivered to said Bank on or before such date of payment. If such bank (or any successor bank) should fail, liquidate or be succeeded by another bank, or for any reason fail or refuse to accept rental, Lessee shall not be held in default for failure to make such payment or tender of rental until thirty (30) days after Lessor shall deliver to Lessee a proper recordable instrument, naming another bank as agent to receive such payments or tenders. The down cash payment is consideration for this lease according to its terms and shall not be allocated as mere rental for a period. Lessee may at any time execute and deliver to Lessor or to the depository above named or place of record a release or releases covering any portion or portions of the above described premises and thereby surrender this lease as to such portion or portions and be relieved of all obligations as to the acreage surrendered, and thereafter the rentals payable hereunder shall be reduced in the proportion that the acreage covered hereby is reduced by said release or releases.

In this connection the above described premises shall be treated as comprising _____ acres, whether there be more or less.

5. If prior to discovery of oil or gas on said land Lessee should drill a dry hole or holes thereon, or if after discovery of oil or gas the production thereof should cease from any cause, this lease shall not terminate if Lessee commences additional drilling or re-working operations within sixty (60) days thereafter or (if it be within the primary term) commences or resumes the payment or tender of rentals on or before the rental paying date next ensuing after the expiration of three months from date of completion of dry hole or cessation of production. If at the expiration of the primary term oil, gas or other mineral is not being produced on said land but Lessee is then engaged in drilling or re-working operations thereon, the lease shall remain in force so long as operations are prosecuted with no cessation of more than thirty (30) consecutive days, and if they result in the production of oil, gas or other minerals so

long thereafter as oil, gas or other mineral is produced from said land. In the event a well or wells producing oil or gas in paying quantities should be brought in on adjacent land and within one hundred fifty (150) feet of and draining the leased premises, Lessee agrees to drill such offset wells as a reasonably prudent operator would drill under the same or similar circumstances.

6. Lessee shall have the right at any time during or after the expiration of this lease to remove all property and fixtures placed by Lessee on said land, including the right to draw and remove all casing. When required by Lessor, Lessee will bury all pipe lines below ordinary plow depth, and no well shall be drilled within two hundred (200) feet of any residence or barn now on said land without Lessor's consent.

7. The rights of either party hereunder may be assigned in whole or in part and the provisions hereof shall extend to the heirs, successors and assigns, but no change or divisions in ownership of the land, rentals, or royalties, however accomplished, shall operate to enlarge the obligations or diminish the rights of Lessee. No sale or assignment by Lessor shall be binding on Lessee until Lessee shall be furnished with a certified copy of recorded instrument evidencing same. In event of assignment of this lease as to a segregated portion of said land, the rentals payable hereunder shall be apportionable as between the several leasehold owners ratably according to the surface area of each, and default in rental payment by one shall not affect the rights of other leasehold owners hereunder. If six or more parties become entitled to royalty hereunder. Lessee may withhold payment thereof unless and until furnished with a recordable instrument executed by all such parties designating an agent to receive payment for all.

8. The breach by Lessee of any obligation arising hereunder shall not work a forfeiture or termination of this lease nor cause a termination or reversion of the estate created hereby nor be grounds for cancellation hereof in whole or in part save as herein expressly provided. If the obligation for reasonable development should require the drilling of a well or wells, Lessee shall have ninety (90) days after ultimate judicial ascertainment of the existence of such obligation within which to begin the drilling of a well and the only penalty for failure to do so shall be the termination of this lease save as to ten (10) acres for each well being worked on and/or being drilled and/or producing oil or gas to be selected by Lessee so that each 10-acre tract will embrace one such well.

9. Lessor hereby warrants and agrees to defend the title to said land and agrees that Lessee at its option may discharge any tax, mortgage or other lien upon said land and in event Lessee does so, it shall be subrogated to such lien with the right to enforce same and apply rentals and royalties accruing hereunder toward satisfying same. Without impairment of Lessee's rights under the warranty in event of failure of title, it is agreed that if Lessor owns an interest in said land lessee then the entire fee simple estate, then the royalties and rentals to be paid Lessor shall be reduced proportionately.

In Witness Whereof, this instrument is executed on the date first above written.

_____, Lessor.

_____, Lessee.

BY _____, Agent.

Filed December 10, 1934
W.M. Smith, County Clerk,
Upshur County, Texas.

The above named Deputies will work in the office of Assessor-Collector so long the Assessor-Collector deems it advisable.

APPROVED BY

J. R. Hinson, County Judge.
 J. B. Woodfin, Commissioner Precinct # 1
 W. C. Henderson, Commissioner Precinct # 2
 J. P. Davis, Commissioner Precinct # 3
 M. O. Holmes, Commissioner Precinct # 4.

With requirement that above Deputies make a bond in the sum of \$2000.00 each to the Collector Mr. C. W. Owen.

BE IT REMEMBERED that on this the 4th day of January, 1935, the Commissioners' Court of Upshur County, Texas, being in session and all members thereof being present, said meeting being presided over by J. R. Hinson, County Judge of Upshur County, Texas, there came on to be considered by the Commissioners' Court the discontinuance of a portion of the old Gilmer and Gladewater public road, which road was later known as the Jefferson Highway, and which was still later known as highway No. 65, and which portion of said road has been abandoned by Upshur County, Texas, for more than three years prior to this date as a public road, and which portion of said road is no longer needed for public road purposes, said portion of said road being described by metes and bounds as follows, to-wit:

On the headright survey of E A J Evans, Upshur County, Texas; Beginning at a point on the South boundary line of the E A J Evans survey where said South boundary line crosses the East boundary line of the Old Highway at 566.8 feet West of the Southeast corner of the J. T. Victory tract on said survey; Thence North $25^{\circ} 53'$ West 89.3 feet; Thence North $33^{\circ} 57'$ West 405.5 feet; Thence North $29^{\circ} 47'$ West 100 feet; Thence North $21^{\circ} 26'$ West 100 feet; Thence North $15^{\circ} 47'$ West 35.2 feet; Thence South $0^{\circ} 31'$ East 176 feet; Thence South $30^{\circ} 29'$ East 90 feet; Thence South $33^{\circ} 57'$ East 405.5 feet; Thence South $27^{\circ} 55'$ East 54 feet to West line of Evans survey; Thence West along said survey line 63 feet to point of beginning.

It appears to the Commissioners' Court, upon a full investigation, that the land hereinabove described has not been used by Upshur County, Texas, for public road purposes for more than three years prior to this date; that no road hands have been assigned to said road for more than three years; that said road or a portion of said road has not been maintained by the county for more than three years; that same is no longer needed for public road or highway purposes; and that to abandon said road or the portion thereof above described would be to the best interest of the public generally.

Upon motion made by J. P. Davis, Commissioner of Precinct No. Three, and duly seconded by M. O. Holmes, Commissioner of Precinct No. 4, the members of the Commissioners' Court unanimously voted to abandon that portion of the Gilmer-Gladewater public road, which was later known as a portion of the Jefferson Highway, and which was still later known as a part of State Highway No. 65, hereinabove described, for public road purposes.

It is, therefore, ordered, adjudged and decreed by the Commissioners' Court, in call session on this the 4th day of January 1935, that that portion of the Gilmer-Gladewater public road, which was later known as a portion of the Jefferson Highway, and which was still later known as a portion of State Highway No. 65, be and is hereby abandoned by Upshur County, Texas for road purposes only, and the County Clerk of Upshur County, Texas, is hereby ordered and directed to spread a copy of this proceeding upon the Minutes of the Commissioners' Court.

- J. R. HINSON, County Judge, Upshur County, Texas.
- J. B. WOODFIN, Commissioner of Precinct No. One, Upshur County, Texas.
- W. C. HENDERSON, Commissioner of Precinct No. Two, Upshur County, Texas.
- J. P. DAVIS, Commissioner of Precinct No. Three, Upshur County, Texas.
- M. O. HOLMES, Commissioner of Precinct No. Four, Upshur County, Texas.

Filed Jan. 5, 1935, B. C. Elwell, County Clerk,

January 12, 1935.

Mrs. Lula Isbell agrees to accept and has been paid the amount of \$125.00 as full settlement in the condemnation proceedings against her and others on Highway No. 155, better known as the Mrs. Mollie Wilcox place, also Mr. Dick Isbell agrees and accepts \$50.00 as a full settlement for the damages as guardian for Mrs. Cora Johnston, non compos mentis, who is at this time in the Insane Asylum at Terrell, Texas, which has also been paid by warrant and delivered to him. This also is an heirs part in the Mrs. Mollie Wilcox place, which she holds an interest as a home during her natural life.

LULA L. ISBELL
 DICK ISBELL, Guardian for Cora Johnston.

Witness: J. R. Hinson, County Judge.

PETITION FOR PUBLIC ROAD

THE STATE OF TEXAS |
 COUNTY OF _____ |

To the Honorable Commissioners' Court of -- County, Texas:

We, the undersigned citizens, free-holders, residing in the precincts through which the following described proposed road will run, pray that a public road of the 2 class, 30 feet in width, be established in said County, having its points of beginning and ending as follows:

TO THE HONORABLE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS.

We, the undersigned, legal voters of Upshur County, Texas, do hereby petition, or request, that The Honorable Commissioners Court of Upshur County, Texas, Grant that the following described road, be made a Public Road, of the above mentioned County and State,

The said road, beginning at what is known as the Gilmer and Big Sandy Highway and intercepts same at Cross Roads schoolhouse, and runs East and South from there untill it intercepts another public road, known as the Pinnacle and Pleasant Hill road, and is about one mile in length, and is now, in good passable condition.

Signed:	J. E. Dow	J. W. Wall
	O. S. Wheeler	E. L. Baird
	George Marsh	J. D. Baird
	J. R. Garner	B. C. Baird

Move and second, Granted what prayed for, land owner to give the rite of way of road.

Filed Jan. 18th, 1935. B. C. Elwell, County Clerk.

PETITION FOR PUBLIC ROAD

THE STATE OF TEXAS |
 COUNTY OF UPSHUR |

To the Honorable Commissioners' Court of Upshur County, Texas:

We, the undersigned citizens, free-holders, residing in the precincts through

which the following described proposed road will run, pray that a public road of the 2 class, 30 feet in width, be established in said County, having its points of beginning and ending as follows:

FIELD NOTES: Beginning at a point on Boxwood to Diana-Longview road about three hundred yards (300) yards north of old Diana (W. F. Stanley saw mill); thence North to intersection with Boxwood-Ore City to Co. Line road at W F Chastain approximately along the Daingerfield to Longview Highway survey a distance of about 2½ miles this road is needed for a school route and a market road to Gilmer for a large territory.

And your petitioners ask that a Jury of View be appointed to lay out and mark and establish said road and to assess damages.

15 day of Dec. 1934.

Grady White	W. F. Chastain
W. T. Rice	E. P. White
P. H. Aaron	J. M. White
W. H. Aaron	T. H. Moore
W. F. Stanley	

This petition granted with the understanding that land owners furnish all right of way free of charge and petitioners granted what they pray for.

Filed Dec. 14, 1935. B. C. Elwell, County Clerk.

PETITION FOR PUBLIC ROAD

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

To the Honorable Commissioners' Court of Upshur County, Texas.

We, the undersigned citizens, free-holders, residing in the precincts through which the following described proposed road will run, pray that a public road of the First class, 40 feet in width, be established in said County, having its points of beginning and ending as follows:

FIELD NOTES, Beginning at a point in Glenwood & Gilmer road where Guy Tucker & H. P. McGaughy land join; Thence East across R G Sparks property; Thence east across Guy Tuckers property also A. Bruners, Dick Robertson, John Robertson, Mrs. Brawley, Burl Porter, Virginia Anderson and M. F. Robinson to intersect present road at Glenwood Cemetery, being a distance of about 1 1/2 miles. It is agreed and understood that land owners signature to this instrument will and does constitute and easement to above land for rightof way for public road purposes.

And your petitioners ask that a jury of View be appointed to lay out and mark and establish said road and to assess damages.

6th day of Nov. 1934.

J. A. Robertson	
A. Bruner	
R. G. Sparks	
Guy E. Tucker	
M. F. Robinson	Mary M. Berry
Virginia Anderson	B. J. Porter
E. D. Robertson	
Dovie Brawley	
H. P. McGaughy	

Road Granted 12-31-1934. Filed 12/31/34. B. C. Elwell, County Clerk.

Comr. Court met in Special Session on 12-31- 1934-

Co. Judge, J. R. Hinson Presiding

Comr. Present, E. A. Cobb, Prec #1; M. F. Robinson Prec #2; J. P. Davis, Prec #3; M. O. Holmes, Prec, #4.

Motion made seconded and carried that County of Upshur does not now make any claim to old Right of way through J. M. Farmers farm and that when and after the state of Texas build New Highway #155, through above Farmers land then all old right of way will revert back to said Farmer as far as Upshur County is concerned.

Motion made seconded and carried that Comr. M. O. Holmes, Comr. J. P. Davis and Judge J. R. Hinson be instructed and given authority to go over right of way with H. K. DeWeese in regard to cattle underpass and crossing and to make settlement with said Mr. DeWeese at the earliest date possible.

Motion made seconded and carried that acc't. of J. W. Croley for furniture for court House be allowed on C H J fund - \$103.45.

Motion made seconded and carried that the following accounts be allowed and ordered paid: J. B. Kurtz, Disinfectant - C H J \$261.87; Wyatt Metal & Boiler Works - R & B Culvert Highway 155 - \$14.65; D. C. Young, contract with Co. Judge on paint work at Jail- CHJ \$32.00; Lonnie Nix - Labor- \$3.00 CHJ; J. M. Seago, C H J-\$426.75;- Hunt Plumbing Supply Co. CHJ - \$212.64; Smith Johnson, \$21.25-CHJ; F. R. Gamage -Special 2- \$17.75 bridge work on Medlin road;

Motion made seconded and carried that W. L. Barton be awarded contract for Bridge work on Rosewood & Latch road for \$9.75, and that Co. Clerk issue warrant for same on Auto 3 fund.

Motion made, seconded and carried that contract be awarded to L. T. Shamburger for driving tiling & bridge work on Gilmer - Shady Grove road on Coon Creek & Shady Grove & Big Sandy road at Glada creek for \$86.00 and paid for on Auto 3 fund by Co. Clerk.

Motion made, seconded and carried that the following accounts be allowed-- M.B. Briggs \$577.50; R&B fund- Payment on Maintainer.

Motion made, seconded and carried that Smith Johnson, Carpenter, be allowed \$5.25 for work in County Attorney's office- CH&J Fund.

Motion made, carried that John Stevens be allowed \$5.00 for painting in Court House - CH&J Fund-

Motion made, seconded and carried that A.D. Kay be allowed \$170.00 for fencing Highway 15- 2 miles. R&B fund.

Motion made, seconded and carried that Gus Morris be allowed \$400.00 for legal services rendered in Victory Royalty Tax case, including services before Court of Civil Appeals, and to a final decision before the Supreme Court, and includes costs to be paid, and three trips to Texarkana and three trips to Austin in the interest of the case. General Fund.

Motion made, seconded & carried that A. W. Conally be allowed \$14.25 for Bridge Lumber, out of R & B Fund.

Motion, made seconded and carried to pay J. D. Adams Company Account of \$523.99 for Road Machinery, out of R & B Fund, Precinct No 2,

GLENWOOD COMMON SCHOOL DISTRICT NO. 21

1. Order Declaring Issuance of Bonds.
 2. Authorizing Issuance of Bonds.
 3. Order Levying tax.
 4. Certificate as to Boundaries.
- The following papers are recorded on following pages.

ORDER DECLARING RESULT OF BOND ELECTION.

IN COMMON SCHOOL DISTRICT.

THE STATE OF TEXAS | IN THE COMMISSIONERS' COURT OF
 COUNTY OF UPSHUR | UPSHUR COUNTY:

On this, the 14 day of January A.D. 1935, came on to be considered the returns of an election held on the 12 day of January A.D. 1935, in (a) Glenwood Common School District No. 21, of this County, upon the question of issuing Eighteen thousand & no/100 (\$18,000.00) Dollars of Schoolhouse Bonds for said District, running 6 years, and bearing 5 per centum interest, and levying a tax upon all taxable property within said District sufficient to pay the current interest on said bonds and provide a sinking fund sufficient to pay the principal at maturity, and

IT APPEARING that said election was in all respects legally held and that said returns were duly and legally made and that there were cast at said election 55 votes, of which number there were cast: "FOR THE ISSUANCE OF BONDS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF" - - 49 votes. "AGAINST THE ISSUANCE OF BONDS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF" - - 6 votes.

AND IT APPEARING TO THE COURT from said returns that a majority of the legally qualified property taxpaying voters of said District, voting at said election, voted (b) for the issuance of said bonds, the Court does hereby declare the proposition for the issuance of said bonds to have been (c) adopted, (d) and that this Court is authorized to issue said bonds and to levy and to have assessed and collected said tax.

ORDER AUTHORIZING THE ISSUANCE OF BONDS IN COMMON SCHOOL DISTRICT.

THE STATE OF TEXAS | IN THE COMMISSIONERS' COURT OF
 COUNTY OF UPSHUR | UPSHUR COUNTY:

On this, the 14 day of January A.D. 1935, the Commissioners' Court of Uphur County, Texas, convened in regular session, all the members thereof, to-wit:

J.R. HINSON, County Judge
 J.B. Woodfin, Commissioner, Precinct No. 1.
 W.C. HENDERSON, Commissioner, Precinct No. 2.
 J.P. DAVIS, Commissioner, Precinct No. 3.
 M.O. HOLMES, Commissioner, Precinct No. 4.

being present, and, among other proceedings, passed the following order:

WHEREAS, at an election held for the purpose on the 12 day of January, A.D. 1935, a majority of the legally qualified resident property taxpaying voters of (a) Glenwood Common School District No. 21, of this County, having at said election, voted in favor of the issuance of the bonds hereinafter described and in favor of the tax hereinafter levied:

THEREFORE, BE IT REMEMBERED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

1.

That the bonds of said District to be called (a) "Glenwood Common School District No. 21, Schoolhouse Bonds" be issued on the faith and credit of said (a) Glenwood Common School District No. 21, of said County, as established by order of the (b) Commissioners Court as passed on the 12 day of October 1914, which order is of record in (c) Minutes of Commissioners Court, Vol. 4, p. 576. (d) for the purpose of (e) constructing and equipping