

Feb. 10, 1947.

Commissioners Court met in regular session with all members present;

Motion made, seconded and carried that The Farmers & Merchants National Bank, Gilmer, Texas, and the First National Bank, Gilmer, Texas, be designated jointly as County Depository for all County Funds and school funds for two years and that the Contracts with said banks be approved said pledge contracts being as follows:

COUNTY DEPOSITORY PLEDGE CONTRACT

THE STATE OF TEXAS |

COUNTY OF UPSHUR | KNOW ALL MEN BY THESE PRESENTS;

That The Farmers and Merchants National Bank, of Gilmer, Upshur County, Texas, does hereby pledge and deposit the following securities with the Commissioners' Court of Upshur County, in the amount of one hund. eighty one thousand, three hundred and No/100 Dollars, upon the terms and conditions and for the purposes hereinafter set forth:

SECURITIES	AMOUNT
1. U.S. Treas. Notes Series B 1947. First National Bank, Dallas Receipt 29439	25,000.00
2. U.S. Treas. Bonds of 1948-50. First National Dallas Receipt No. 20056	3,000.00
3. U.S. Treas. Bonds of 1948 First National Bank, Dallas Receipt No. 25216, U.S. Treas. Bonds of 1949-51.	25,000.00
4. First National Bank, Dallas, Receipt No. 25220 U. S. Treas. Bonds of 1949-51.	10,000.00
5. First National Bank, Dallas, Receipt No. 25215, U. S. Treas. Bonds of 1951-54 First National Bank, Dallas Receipt No. 18818	25,000.00
6. U.S. Treas. Bonds of 1951-55 First National Bank, Dallas Receipt No. 18820	25,000.00 1,000.00
7. U. S. Treas. Bonds of 1951-55 First National Bank, Dallas, Receipt No. 25213	4,800.00
U. S. Treas. Bonds of 1952-54 First National Bank, Dallas, Receipt No. 29440	25,000.00
8. U. S. TREAS. Bonds of 1952055 First National Bank, Dallas, Receipt No. 25212 U. S. Treas. Bonds of 1954-56	15,200.00
9. First National Bank, Dallas, Receipt No. 25214 U. S. Treas. Bonds of 1956-58 First National Bank, Dallas Receipt No. 25219	3,900.00 3,500.00
10. U.S. Treas. Bonds of 1967-72 First National Bank, Dallas, Receipt No. 25218	6,500.00
11. U.S. Treas. Bonds of 1967-72 First National Bank, Dallas Receipt No. 25217	5,400.00
12. Titus County Road Bonds, First National Dallas Receipt No. 18823	3,000.00
TOTAL:	181,300.00

Signed, sealed and dated this the 5th day of Feb. A.D. 1947.

The conditions of the above contract are such that, whereas, the above bounden pledgor F. & M. National Bank, Gilmer, Texas, was on the 29th day of February, A.D. 1947., duly and legally chosen by the Commissioners' Court of Upshur County, Texas, as County Depository for said county for a period of two years ending sixty days from the time fixed by law for the next selection of a depository, upon its bidding and agreeing to pay the County of Upshur interest on "time deposits" on daily balances kept in said depository of said County of Upshur at the rate of 0 per cent per annum, said interest payable monthly.

NOW, THEREFORE, if the above bounden pledgor The Farmers and Merchants National Bank, Gilmer, Texas, shall faithfully do and perform all the duties and obligations devolving

on it by law as the county depository of Upshur County, and shall upon presentation pay checks drawn on it by the county treasurer of Upshur County, Texas; on "demand deposits" accounts in such depository; and all checks drawn upon any time deposit" account upon presentation, after the expiration of the period of notice required in the case of "time deposits" and shall faithfully keep said county funds, and account for same according to law, and shall faithfully keep and account for all funds belonging to the county which are deposited with it under the requirements of Article 2547, Vernon's Annotated Revised Civil Statutes, 1925, and shall include State funds collected by the tax collector, and shall pay the interest at the time and at the rate hereinbefore stipulated on "time deposits"; and shall, at the expiration of the term for which it has been chosen, turn over to its hands as depository, then and in that event this contract is to be and become null and void and the securities above shall be returned to the pledgor, otherwise to remain in full force and effect, hereby specially authorizing the Commissioners' Court of Upshur County, Texas, to sell at public or private sale, with or without notice to the pledgor, the securities, or any part thereof, and apply the proceeds of sale to the satisfaction of any indebtedness arising by virtue of the violation of any or all the conditions of this contract.

The above provisions is given in addition to any remedy the pledgee may have in any suit brought on this contract in any court in this State.

Any suit arising out of or in any way connected with this contract, shall be tried in the County of Upshur, and State of Texas, in any Court therein having jurisdiction of the subject thereof.

IN WITNESS of all which we have hereunto set our hands and the said Farmer s and Merchants National Bank, Gilmer, Texas, has caused these presents to be signed with its name and by its president and attested and sealed with its corporate seal the day and year first above written.

FARMERS & MERCHANTS NATIONAL BANK
GILMER, TEXAS.

BY: C. T. Crosby, Active Vice President, as
Principal.

Malcolm Smith,
Attest: Cashier.

S E A L.

STATE OF TEXAS |
COUNTY OF UPSHUR |

BEFORE ME, Kate Meecon, on this day personally appeared C.T. Crosby, Active Vice-President of Farmers & Merchants National Bank, Gilmer, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the Farmers & Merchants National Bank, Gilmer, Texas, a corporation, for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 5th day of Feb. A.D. 1947.

Kate Meecon, Notary Public, in and for
Upshur County, T e x a s.

S E A L.

COUNTY DEPOSITORY PLEDGE CONTRACT.

STATE OF TEXAS |
COUNTY OF UPSHUR | KNOW ALL MEN BY THESE PRESENTS:

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That The First National Bank, of Gilmer, Upshur County, Texas, does hereby pledge and deposit the following securities with the Commissioners' Court of Upshur County, in the amount of Two Hundred ^{Thousand Four Hundred (\$200,00400.00)} Dollars, upon the terms and conditions and for the purposes herein-after set forth:

SECURITIES	AMOUNT
1. 2% U.S. Treas. Bonds, 1950-52 Due 9/15/52,	25000.00
2. 2% U.S. Treas. Bonds, 1950-52 Due 3-15-52	25000.00
3. 2% U.S. Bonds 1949-51 Due 12-15-51	25000.00
4. 2 1/2% U.S. Treas. Bonds, 1952-55 Due 6-15-1955	16000.00
5. 2% U.S. Treas. Bonds 1952-54 Due 6-15-1954	50000.00
6. 2 1/2% U.S. Treas. Bonds 1954-56 Due 6-15-1956	5900.00
7. 2-3/4% U.S. Treas. Bonds 1951-54 Due 6-15-1954,	8500.00
8. 2 3/4% U.S. Treas. Bonds 1956-59 Due 9-15-59	5000.00
9. 2% U.S. Treas. Bonds 1948-50, Due 12-15	5000.00
10. City of Carthage 3% Bonds due 1-1-54	8000.00 Market value 85000.00
County of Hidalgo 2 1/2% Bonds due 4-15-52	5000.00 " " 5100.00
City of Jefferson 3 1/2% Bonds due 4/50	7000.00 " " 7500.00
City of Kermit 3 1/2% Bonds due 5/58	10000.00 " " 15100.00
City of Overton 2% Bonds due 1-15-52	5000.00 " " 5100.00
TOTAL:	200,400.00

Signed, sealed and dated this the 10th day of February, A.D. 1947.

The conditions of the above contract are such that, whereas, the above bounden pledgor First National Bank of Gilmer, Texas, was on the 10th day of February, A.D. 1947, duly and legally chosen by the Commissioners' Court of Upshur County, Texas, as County Depository for said county for a period of two years ending sixty days from the time fixed by law for the next selection of a depository, upon its bidding and agreeing to pay the County of no interest on "time deposits" on daily balances kept in said depository of said County of Upshur, at the rate of None per cent per annum, said interest payable monthly.

NOW, THEREFORE, if the above bounden pledgor First National Bank shall faithfully do and perform all the duties and obligations devolving on it by law as the county depository of Upshur County, and shall upon presentation pay checks drawn on it by the county treasurer of Upshur County, Texas; on "demand deposits" accounts in such depository; and all checks drawn any "time deposit" account upon presentation, after the expiration of the period of notice required in the case of "time deposits", and shall faithfully keep said county funds, and account for same according to law, and shall faithfully keep and account for all funds belonging to the county which are deposited with it under the requirements of Article 2547, Vernon's Annotated Revised Civil Statutes, 1925, and shall include State funds collected by tax collector, and shall pay the interest at the time and at the rate hereinbefore stipulated on "time deposits", and shall, at the expiration of the term for which it has been chosen, turn over to its successor all the funds, property, and other things of value, coming into its hands as depository, then and in that event this contract is to be and become null and void and the securities above shall be returned to the pledgor, otherwise to remain in full force and effect, hereby specially authorizing the Commissioners' Court of Upshur County, Texas, to sell at public or private sale, with or without notice to the pledgor, the securities, or any part thereof, and apply the proceeds of sale to the satisfaction of any indebtedness arising by virtue of the violation of any or all the conditions of this contract.

The above provision is given in addition to any remedy the pledgee may have in any suit brought on this contract in any court in this State.

Any suit arising out of or in any way connected with this contract, shall be tried in the County of Upshur and State of Texas, in any Court therein having jurisdiction of the subject matter thereof.

IN WITNESS of all which we have hereunto set our hands and the said First National Bank of Gilmer, Texas, has caused these presents to be signed with its name and by its president and attested and sealed with its corporate seal the day and year first above written.

First National Bank, of Gilmer, Texas
BY: H. P. McGaughey, President as Principal.

ATTEST:

L. G. MARTIN. V. P.

S E A L.

FEB. 10, 1947.

COUNTY COMMISSIONERS COURT, UPSHUR COUNTY, GILMER, TEXAS,

GENTLEMEN:

The following is a list of bonds this day pledged as collateral for County Depository for ensuing two years.

2% U.S. Treas. Bonds 195052 Due 9-15-52,	\$25000.00	
2% U S. Treas. Bonds 195052 Due 3-15-52	25000.00	
2% U.S. Treas. Bonds 194951 Due 12-15-51	25000.00	
2 1/4 U.S. Treas. Bonds 195255 Due 6-15-55	16000.00	
2 1/4 U.S. Treas. Bonds 1954-56 Due 6-15-56	5900.00	
2 3/4 Treas. Bonds 1951-54 Due 6-15-54	8500.00	
2 3/4 Treas. Bonds 1956-59 Due 9-15-59	5000.00	
2% U.S. Treas. Bonds 1948-50, Due 12-15-50	5000.00	
		\$115400.00

The above list of bonds are in joint A/C US and Upshur Co. at Federal Reserve Bank, Dallas Texas.

2% U.S. Treas. Bonds 1952-54 Due 6-15-54	5000.00	5000.00
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This bond is on deposit with First National Bank, Dallas, Texas, Joint A/C Us and Upshur County.

City of Carthage 3% Bonds due 1-1-54	8000.00	
County of Hidalgo 2 1/4 Bonds 4-15-52	5000.00	
City of Jefferson 3 1/4 Bonds 49/50	7000.00	
City Kirmit 3% Bonds 56/58	10000.00	
City of Overton 2% Bonds 1-15-52	5000.00	35000.00

These bonds are held by us under receipts from First National Bank, Dallas, Texas, Mercantile Natl. Bank of Dallas, Texas, and South Texas Com. National Bank of Houston, Texas.

Yours very truly,
L. G. Martin,
1st Vice-President.

STATE OF TEXAS |
COUNTY OF UPSHUR |

Before me, a Notary Public, on this day personally appeared H. P. McGaughey, President of First National Bank, Gilmer, Texas, known to me to be the person whose name is subscribed

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to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the First National Bank of Gilmer, Texas, a corporation, for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 10th day of February, A.D. 1947.

L. D. Funn, Notary Public, in and for
Upshur County, T e x a s.

ATTEST: L. G. Martin, 1st Vice President.

s e a l.

COUNTY DEPOSITORY PLEDGE CONTRACT TO COVER SCHOOL FUNDS.

STATE OF TEXAS |

COUNTY OF UPSHUR | KNOW ALL MEN BY THESE PRESENTS;

That First National Bank of Gilmer, Texas, does hereby pledge and deposit the following securities with the Commissioners' Court of Upshur County, in the amount of Fifty Thousand (\$50000.00) Dollars, upon the terms and conditions and for the purposes hereinafter set forth:

Date of:	Description, including:	Amount
Issue:	Serial Numbers; Rate Date of Maturity	
1946	140/150-Bexar-Atascosa Co. 2½ ; Aug. 1952	10000.00
1946;	172/175 Cameron Co. WI. ; 3½; April 1955;	4000.00
1936;	Odd Nos. 37/99 City of Gilmer, 4½ Serial 1952-56	32000.00
1919;	Upshur Co. Road 162-65-68-71 5½ ; May 1959;	4000.00
	Total:	50000.00

THE CONDITIONS of the above contract are such that, Whereas, the above bounden pledgor, the First National Bank of Gilmer, Texas, was on the 10th day of February, A.D. 1947, duly and legally chosen by the Commissioners' Court of County, Texas, as county depository of the school funds of said county for a period of two years ending sixty days from the time fixed by law for the next selection of a depository.

NOW, THEREFORE, the above bounden pledgor, the First National of Gilmer, Texas, (No officer, director or stockholder of which is a member of the Commissioners' Court), agrees to the following, to-wit:

1. That it will safely keep and faithfully disburse the school funds according to law, and pay such warrants and/or vouchers that may be legally drawn on the funds by legal authority, and that it will account for and report annually a statement of such to the Commissioners' Court and to the State Superintendent of Public Instruction, as is required by law;

2. That it will comply with all the provisions of the laws of the State of Texas, relating to school fund depositories, that it will perform all duties therein specified, and will execute any and all instruments and documents necessary to evidence its obligation to this county;

3. That it will pay interest daily balances on the school funds, provided such may be authorized under rules, regulations or bylaws promulgated by the Federal Reserve Board, these payments to begin on or after the effective date of the promulgation of such rules;

4. That, at the expiration of the term for which it has been chosen, it will turn over to its successor all the funds, property, and other things of value, coming into its hands as depository, and return the securities pledged to the pledgor. In the event of any

indebtedness arising by virtue of the violation of any or all conditions of this contract, the Commissioners' Court of Upshur County, Texas, is hereby authorized to sell at public or private sale, with or without notice to the pledgor, the securities or any part thereof, and apply the proceeds of sale to the satisfaction of such indebtedness.

THE CONDITIONS of this contract are such that if the said bank shall perform all obligations hereinabove specified it shall be null and void, othe rwise it shall remain in full force and effect.

The above provisions are given in addition to any remedy the pledgee may have in any suit brought on this contract in any court in this State. Any suit arising out of or in any way connected with this contract shall be tried in the County of Upshur, State of Texas, in any court therein having jurisdiction of the subject matter thereof.

IN TESTIMONY WHEREOF, witness our hands and seal this 10th day of February, A.D. 1947.

First National Bank, Principal.

BY: H. P. McGaughy, Its President.

ATTEST: L. G. Martin, 1st Vice President.

S E A L.

STATE OF TEXAS |
COUNTY OF UPSHUR |

Before me, a Notary Public, on this day personally appeared H. P. McGaughy, President of the First National Bank of Gilmer, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same heretoeat and deed for the Common school districts for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE This the 10th day of February, A.D. 1947.

L. D. Gunn, Notary Public, in and for Upshur County, T e x a s.

S E A L.

SHERIFF'S AFFIDAVIT OF POSTING ELECTION NOTICE.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

Before me, the undersigned, authority, on this day personally appeared Hub Owens, known to me to be the Deputy Sheriff, Upshur County, Texas, and who, after being by me first duly sworn, upon his oath, says:

1. And that he posted a true copy of said notice in three public places in said district, to-wit: One at Judge Pitman's one at Carrie Durning's and one at Union Hill, School, on the 8th day of February, 1947, which was not less than twenty full days before the date of said election.

Sworn to and subscribed before me by Hub Owens, on this the 10th day of February 1947.

Frank T. Smith, Notary Public, in and for Upshur County, T e x a s.

S E A L.

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SHERIFF'S AFFIDAVIT OF POSTING ELECTION NOTICE.
THE STATE OF TEXAS |

COUNTY OF UPSHUR |

BEFORE ME, the undersigned authority, on this day personally appeared Rub Owens, known to me to be the Deputy Sheriff, Upshur County, Texas, and who, after being by me first duly sworn, upon his oath, says:

1. And that he posted a true copy of said notice in three public places in said district to-wit: One at Ed Waller's one at Jim Galvert's and one at Dean's old store on the 8th day of February 1947, which was not less than twenty full days before the date of said election.

Sworn to and subscribed before me by Rub Owens, on this the 10th day of February 1947.

Frank T. Smith,
Notary Public, Upshur County, Texas.

S E A L.

FILED FOR RECORD FEB. 10, 1947, at 10:10 o'clock A.M.

SHERIFF'S AFFIDAVIT OF POSTING ELECTION NOTICE.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

Before me, the undersigned authority, on this day personally appeared H. W. Fannin, known to me to be the Deputy Sheriff of Upshur County, Texas, and who, after being by me first duly sworn, upon his oath, says:

1. And that he posted a true copy of said notice in three public places in said district, to-wit: One at Union Grove School, one at Union Grove Store and one at Irvins Grocery Store, on the 13 day of February, 1947, which was not less than twenty full days before the date of said election.

H. W. Fannin.

Sworn to and subscribed before me by H. W. Fannin, on this the 14 day of February 1947.

Frank T. Smith,
Notary Public, Upshur
County, T e x a s.

S E A L.

SHERIFF'S AFFIDAVIT OF POSTING ELECTION NOTICE.

STATE OF TEXAS |
COUNTY OF UPSHUR |

Before me, the undersigned authority, on this day personally appeared H. W. Fannin known to me to be the Deputy Sheriff of Upshur County, Texas, and who, after being by me first duly sworn, upon his oath, says:

1. And that he posted a true copy of said notice in three public places in said district, to-wit: One at Ruby Smith Store, one at West Mt. School House and one at West Mt. Church, on the 13 day of February, 1947, which was not less than twenty full days before the date of said election.

H. W. Fannin.

Sworn to and subscribed before me by H. W. Fannin, on this the 14 day of

February 1947.

Frank T. Smith, Notary Public, Upshur County, Texas.

S E A L.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

Before me, Robert Taylor, County Clerk, Upshur County, Texas, on this day personally appeared W. A. Lunsford, County Judge, Milton Mash, Commissioner, Precinct No. 1; E. H. Shaw, Commissioner, Precinct No. 2; A. B. Reynolds, Commissioner Precinct No. 3; and D.W. GATLIN, Commissioner Precinct No. 4; who after being duly sworn by me state under their oath that they have examined the foregoing County Treasurer's Report, of Upshur County, Texas, and find the same to be correct to the best of their knowledge and belief.

Robert Taylor, County Clerk, Upshur County, Texas.

W. A. Lunsford, County Judge,

Milton Mash,
Commissioner No. 1;

E. H. Shaw,
Commissioner No. 2,

A. B. Reynolds,
Commissioner No. 3;

D. W. Gatlin,
Commissioner No. 4;

Subscribed and sworn to before me, this 10th day of February 1947.

Robert Taylor, County Clerk,

Upshur County, Texas.

S E A L.

REPORT of James Berry, County Treasurer of Upshur County, Texas, of Receipts and Expenditures from October 1, to December 31, 1946, inclusive:

JURY FUND:

Balance last Report, filed Sept. 30, 1946;	877. 71	
To amount received since last Report,	11203. 25	
To amount transferred from other Funds, since last Report,		
BY: " paid out since last report, Ex. "A"		1006. 52
Amount to balance,		9319. 02
	10325. 54	10325. 54
BALANCE.	9319 02	

ROAD AND BRIDGE FUND.

Balance last report, Filed Sept. 30, 1946,	3386.87	
To amount received since last report,	27660.10	
By: Amount paid out since last report		11698.64
Amount to balance,		19348.33
Amount to balance	31046.97	31046.97
Balance	19348.33	

GENERAL COUNTY FUND.

Balance last report filed, Sept. 30, 1946.	12565. 90	
To amount received since last report,	43749.53	
By amount paid out since last report, Ex. C.		19644.70

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Amount to balance		36670.73	
	56315.45		
Balance	36670.73		
R & B. #1, FUND.			
Balance last report, filed Sept. 30, 1946.	13304.68		
To amount received since last Report,	9706.82		
BY: amount paid out since last report, Ex.		11297.64	
Amount to balance		11713.86	
	23011.50		
BALANCE	11713.86		
R & B. #2.			
Balance last report, filed Sept. 30, 1946.	5948.28		
To amount received since last Report,	5275.78		
By amount paid out since last report ex.		8850.99	
Amount to balance		5373.01	
	11224.00	11224.00	
Balance	5373.01		
R & B. #3.			
Balance last report, filed Sept. 30, 1946.	6670.53		
To amount received since last report,	6892.28		
By amount paid out since last report, Ex.		5095.82	
Amount to Balance		8467.59	
	13562.81		
Balance	8467.59		
R & B. #4;			
Balance last report filed Sept. 30, 1946.	7040.57		
To amount received since last report,	7071.88		
By amount paid out since last Report, Ex.		8329.32	
Amount to balance,		5783.13	
	14112.45	14112.45	
Balance	5783.13		
Salary.			
Balance last Report, Filed Sept. 30, 1946.	7152.10		
To Amount received since Last report,	18649.51		
By amount paid out since last Report, Ex.		15252.80	
Amount to Balance,	25801.61	25801.61	
Perm. Imp.			
Balance Last Report, Filed Sept. 30, 1946.	1925.53		
To amount received since last Report,	20801.35		
By amount paid out since last report, Ex.		3853.51	
Amount to balance,		18893.37	
	22726.88		
Balance	18893.37		

REPORT OF James Berry,

County Treasurer of Upshur County, Texas, of Receipts and Expenditures, from October 1, to December 31, 1946, inclusive;

County Bond Fund.

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Balance last report, filed Sept. 30, 1946,	10742.87	
To amount received since last Report,	852.50	
Amount to balance,		11595.37
	11595.37	11595.37
R & B. #1 Int. & Sink. Fund.		
Balance last report, filed Sept.30, 1946,	68.11	
By amount paid out since last report Ex.		61.07
Amount to Balance	68.11	68.11
Balance	7.04	
R & B. #1 A. Int. & Sink. Fund.		
Balance last report, Filed Sept. 30, 1946,	604.95	
To amount received since last report,	415.60	
By Amount paid out since last Report Ex.	677.68	
Amount to Balance,		342.87
	1020.55	
Balance	342.87	
RECAPITULATION:		
JURY FUND, BALANCE	9319.02	
ROAD AND BRIDGE FUND	19348.33	
GENERAL COUNTY FUND	36670.73	
R & B. #1, Fund	11713.86	
R & B. #2, Fund	5373.01	
R & B. #3, Fund	8467.59	
R & B. #4, Fund	5783.13	
Salary Fund	10648.81	
Perm. Imp. Fund.	18893.37	
County Bond Fund	11595.37	
R & B. #1 Int. & Sink.	7.04	
R & B. #1 A. Int. & Sink.	342.87	
Bonded Indebtedness. TOTAL:	138,163.13	
Road District #7	14000.00	
	D 71000.00	
	E 35000.00	
	F 38000.00	
TOTAL:	158000 .00	

THE STATE OF TEXAS |
 COUNTY OF UPSHUR |

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

James Berry County Treasurer.

Sworn to and subscribed before me, this 14 day of Feb. 1947.

Robert Taylor, Clerk,
 County Court, Upshur County, Texas.

S E A L.

CONDEMNATION

RE: IN THE MATTER OF CONDEMNATION.

THE STATE OF TEXAS

VS

PETITION FOR THE CONDEMNATION OF PROPERTY.

J. W. VEST ET UX

TO THE HONORABLE W. A. LUNSFORD, COUNTY JUDGE, OF UPSHUR COUNTY, TEXAS:

Comes now the State of Texas, acting herein by and through the commissioners Court of Upshur County, composed of W. A. Lunsford, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; L. G. McKinley, Commissioner of Precinct No. 3; and M. O. Holmes, Commissioner of Precinct No. 4, of said county, hereinafter referred to as Petitioner, and Complaining of J.W. Vest and wife, Addie Vest, hereinafter called defendants, and represents and alleges, and respectfully makes the following statements and representations to the court, to-wit:

1. That W. A. Lunsford is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, L. G. McKinley and M. O. Holmes are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendants is Upshur County, Texas, where service of process may be had upon J.W. Vest and wife Addie Vest.

2. That the State of Texas is now constructing and laying out for the purpose of construction a State farm-to-market public road, and/or highway F M 645, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said public road, and/or highway is known and designated as a farm-to-market public road and/or highway leading from Bettie, Texas, in a Northwesterly direction to Thomas Texas, commonly known as Simpsonville, Texas; that such construction upon said public road and/or highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of the J.W. Vest tract in the H. S. Wiggins survey in Upshur County, Texas, and being more fully described as follows: BEGINNING at a point on center-line of proposed highway FM 645 at survey station 142/45, which is a point on a 2°00' curve to the left whose central angle is 7°22'; THENCE S 9°00' E. 42 feet to a point in the south right of way line opposite highway center-line station 142/60 and 40 feet therefrom; THENCE in a Southeasterly direction along the afore described 2°00' curve at 40 feet from and parallel to center-line of the proposed highway a distance of 152 feet to a point opposite highway center line station 144/08.6 and 40 feet therefrom; THENCE S 83°59' E 40 feet from and parallel to the center-line of the proposed highway, 561.6 feet to a point opposite highway center-line station 149/70.2, which point on the center-line is the beginning of a 28°00' curve to the right whose central angle is 27°18'; THENCE, in a southeasterly direction along the afore described 18°00' curve at 40 feet from and parallel to center-line of the proposed highway a distance of 130 feet to a point opposite highway centerline station 151/21.9 and 40 feet therefrom; THENCE S 56°39' E, 40 feet from and parallel to the center-line of the proposed highway, 1410.3 feet to a point opposite highway centerline station 165/32.2, which point on the center-line is the beginning of a 4°00' curve to the left whose central angle is 9°52'; THENCE in a southeasterly direction along the aforesdescribed 4°00' curve at 40 feet from and parallel to center-line of the proposed highway a distance of 244 feet to a point opposite highway centerline station 167/78.9 and 40 feet therefrom; THENCE S 66°31' E 40 feet from and parallel to the center-line of the proposed highway, 345.8 feet to a point opposite highway center-line station 171/24.7 which point on center-line is the beginning of a 10°00' curve to the left whose central angle is 15°10'; THENCE in a southeasterly direction along the aforesdescribed 10°00' curve a distance of 4.3 feet to a point in the center of a County road and the west line of the Charlie Patterson tract, point being op-

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posite highway center-line station 171/29 and 40 feet therefrom; THENCE North with the center line of said County Road and the Charlie Patterson West line a distance of 44 feet to a point on center-line of the proposed State Highway FM 645 at highway center-line station 171/11; THENCE S 66 deg. 31' E. 13.7 feet along center-line of the proposed State Highway FM 645 to a point on the proposed highway center-line at station 171/24.7 which point is the beginning of a 10°00' curve to the left whose central angle is 15°10'; THENCE in a southeasterly direction along the center-line of the aforescribed 10°00' curve to the left, 151.7 feet to a point on centerline of the proposed State Highway FM 645 at highway center-line station 172/76.4; THENCE S 81°41' E 323.6 feet to a point on center-line of the proposed State Highway FM 645 at highway center-line 176/00, said point being also the Rube Patterson West line and the J.W. Vest east line; THENCE N 30°00' W with the Rube Patterson West line and the J.W. Vest east line a distance of 50 feet to a point in the proposed State Highway FM 645 North right of way line opposite highway center-line station 175/69 and 40 feet therefrom; THENCE N 81°41' W 40 feet from and parallel to the center-line of the proposed highway a distance of 292.6 feet to a point opposite highway center-line station 172/76.4 which point on center-line is the beginning of a 10°00' curve to the right whose central angle is 15°00'; THENCE in a Northeasterly direction along the afore described 10°00' curve to the right 40 feet from and parallel to the center-line of the proposed highway 141 feet to a point opposite highway center line station 171/24.7 and 40 feet therefrom; THENCE N 66°31' W 40 feet from and parallel to the center-line of the proposed highway a distance of 345.8 feet to a point opposite highway center-line station 167/78.9, which point on center-line is the beginning, of a 4°00' curve to the right whose central angle is 9°52'; THENCE in a Northwesterly direction along the afore described 4°00' curve to the right, 40 feet from and parallel to the center-line of the proposed highway, 231 feet to a point opposite highway center-line station 165/32.2 and 40 feet therefrom; THENCE N 56°39' W 40 feet from and parallel to the center line of the proposed highway a distance of 1410.3 feet to a point opposite highway center-line station 151/81.9, which point on the center line is the beginning of a 18°00' curve to the left whose central angle is 27°18'; Thence in a northwesterly direction along the aforescribed 18°00' curve to the left, 40 feet from and parallel to the center-line of the proposed highway, 170 feet to a point opposite highway center-line station 149/70.2 and 40 feet therefrom; THENCE N 83°57' W 40 feet from and parallel to the center-line of the proposed highway a distance of 561.6 feet to a point opposite highway center-line station 144/08.6 which point on center line is the beginning of a 2°00' curve to the right whose central angle is 7°22'; THENCE in a northwesterly direction along the afore described 2°00' curve to the right, 40 feet from and parallel to the center-line of the proposed highway 137 feet to a point in the Frank Turner East line and opposite highway center-line station 142/70 and 40 feet therefrom; THENCE South with the Frank Turner east line a distance of 41 feet to a point on the proposed State Highway FM 645 center-line at highway center-line station 142/77, said point also on the aforescribed 2°00' curve to the right whose central angle is 7°22'; THENCE in a northwesterly direction along the center-line of the afore described 2°00' curve to the right whose central angle is 7°22' 32, feet to the place of beginning, and containing 5.678 acres of which 2.857 acres lie in the present road, leaving 2.821 acres, ALSO an easement on the following described tract of land for the purpose of opening, constructing and maintaining a drainage channel. A strip of land 225 feet long and 50 feet wide, 25 feet on each side of a line bearing S 45°15' E from a point in the south right of way line opposite highway center line Station 149/28 of the proposed State Highway FM 645 between Thomas and Bettie in Upshur County, Texas.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy and appropriate the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of the public generally for a farm to market road and/or highway and for the purpose of opening, construction and building and maintaining a farm to market public road and/or highway FM 645 to-wit: Leading from Bettie, Texas, and which intersects U.S. Highway No. 271, in Bettie, Texas, and running in a Northwesterly direction to Thomas, Texas, commonly known as Simpsonville, Texas.

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, appropriate and use and own the above described real estate for the purpose of directing, construction and maintaining the aforesaid road and right-of-way for said farm-to-market public road and/or highway FM645 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, by running said farm-to-market public road and/or 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 comprise 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 farm to market public road and/or 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.

CONARD FLORENCE,
ATTORNEY FOR PETITIONER.

AWARD OF SPECIAL COMMISSIONERS.

STATE OF TEXAS
VS NO.
J. W. VEST, ET UX

IN THE COUNTY COURT OF
UPSHUR COUNTY, T E X A S.
TERM
A.D. 1946.

On this the 25th day of July, A.D. 1946, came on for hearing before the undersigned, Tenie Adkins, Aubrey Fennell and Carl Fielden, 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 J.W. Vest and wife, Addie Vest, 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 said J.W. Vest and wife, Addie Vest, 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 the value of the

land taken at \$15.80. The damage to remainder of defendant's land ; None, and the said County of Upshur shall pay all costs of this proceeding.

Aubrey Fennell,
Tenie Adkins,
Carl Fielden,
Special Commissioners.

Filed July 25, 1946, at 11:52 o'clock P.M.

Robert Taylor, County Clerk,
Upshur County, T e x a s.

.....

Motion made, seconded and carried that:

The following named presiding judges and judges be appointed to hold elections for ensuing year:

No. 1, S. E. Gilmer,	Mat Tillman	P.J.
" " " "	Mrs. O. O. Shipp Jr.	J.
No. 2, N. E. Gilmer	John Pickett,	P.J.
" " " "	O. J. Phillips	J.
No. 3, S.W. Gilmer	Henry Stroop	P.J.
No. " " "	Remie Bishop	J.
No. 4, N.W. Gilmer	Bill Buie	P.J.
" " " "	Tom Bledsoe	J.
No. 5, Glenwood	T. V. Kennard	P.J.
" " " "	Dewey Webb	J.
No. 6, LaFayette	Will Lindsey	P.J.
" " " "	J.W. Adkins	J.
No. 7 Big Sandy	J. W. Prothro	P.J.
" " " "	J.M.Mings	J.
No. 8 Stamps	Sam Duffey	P.J.
" " " "	Carl Loyd	J.
No. 9 West Mt.	Randolph Mackey	P.J.
" " " "	John Sobey	J.
No. 10 Grice	J.D. Watson	P.J.
" " " "	Jack Spencer	J.
No. 11, Bettie	Eddie Stracener	P.J.
" " " "	Dick Whitworth	J.
No. 12 Ewell	Claude Elwell	P.J.
" " " "	J. A. Carpenter	J.
No. 13 Simpsonville	Jerry Dean	P.J.
" " " "	C. N. Taylor	J.
No. 14 Shady Grove	W. R. Snow	P.J.
" " " "	Ben Stegall	J.
No. 15 Fritchett	Frank Roberts	P.J.
" " " "	T. J. Atkinson	J.
No. 16 Rocky	Rastus Hartley	P.J.
" " " "	J. D. Loyd	J.
No. 17 Kelsey	J.C. Wade	P.J.
" " " "	Marion Hamberlin	J.

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No. 18	New Diana	Del Gobb	P.J.
" "	" "	Mrs. Willse Jones	J.
No. 19	Ore City	J.W. Williamson	P.J.
" "	" "	Dewey Ferguson	J.
" 20	Rhonesboro	Crosby Florence	P.J.
" "	" "	Shirley Stokes-	J.
No. 21	East Mt.	Jim Salter	P.J.
" "	" "	G. A. Johnson	J.
No. 22	Johnson Chapel	Walter Gaston	P.J.
" "	" "	Jewel Carlock	J.
No. 23	Latch	Ed Dunkley	P.J.
" "	" "	Charlie Moore	J.
" 24	Brumley	A. J. Hackler	P.J.
" "	" "	Lacy Minshew	J.
" 25	Rosewood	Walter Buscy	P.J.
" "	" "	Woody Williams	J.
" 26	Coffeeville	L. D. Rape	P.J.
" "	" "	Dick Isbell	J.
27	Union Grove	Fred Watkins	P.J.
" "	" "	Foy Mathis	J.

Motion made seconded, and carried that; Mrs. T. J. Gage be allowed \$25.00 per Mo. for keeping Pauline, County indigent child, to be paid on a worn account.

Motion made, seconded and carried that; Application for Delora Loyd be approved as County Court Reporter said application being based upon Certificate of ^{competence} test signed by attorneys Edwin M. Fulton, J. O. Duncan and Looney E. Lindsey. Salary as fixed by Statute at \$100.00 per month, County Clerk is authorized to issue warrant on Jury fund for same effective from Feb. 17, 1947.

Motion made, seconded and carried that Tax Assessor Collector be authorized to create expense as agent as provided in senate bill No. 211 passed by the forty eighth legislation amending section 57 of the Certificate of title Act. provided same does not conflict with article 3891 of the revised Civil Statutes the assessor-Collector shall make an annual report to the Commissioners court and at that time to deposit balance with County Treasurer in the R & B Fund.

Motion made, seconded and carried that;

Application of Tax Assessor-Collector Allen McClelland be approved for Deputy Tax Assessor as follows:

T. L. Palmer, 2 Months at \$125.00 per month;

T. N. Camp " " " 125.00 " "

T. J. Atkinson " " " 125.00 " "

R.R. Mathis " " " 125.00 " "

All effective from Feb. 1st, 1947, and County Clerk authorized to issue warrants on Salary Fund respectively.

W. A. Lunsford,

Milton Rash,

E. H. Shaw,

A. B. Reynolds.

FEB. 12th, 1947.

Commissioners court met in a special session; with all members present;

Motion made, seconded and carried that, order of election in Union Grove Common School District No. 42, and West Mountain Common school district No.30, be held on March 8, 1947, to determine whether or not said school districts shall be consolidated for school purposes.

Copy No. 1, 2,3, & 4.

County Judge's Order.

THE STATE OF TEXAS |

COUNTY OF UPSHUR |

WHEREAS, on the 12th day of February 1947, a petition was presented to me for an election in (a) Common School District No. 42 of this county on the question of authorizing the said district to consolidated with the (c) West Mountain School District, thereby forming the (d) Union Grove Consolidated School District No. 42, of this County, said petition bearing the requisite number of signatures or resident, qualified voters of said district and being in every respect in conformity with law;

Now, Therefore, I, W. A. Lunsford, in my official capacity as County Judge of Upshur County, Texas, do hereby order that an election be held on the 8th day of March 1947, at (b) Union Grove School in said (a) Common School District No. 42 of this county to determine whether a majority of the legally qualified voters of that district to consolidate the said district with the (c) West Mountain School District, thereby forming the Union Grove Consolidated School District No. 42, of this county.

F. C. Watkins is hereby appointed presiding officer of said election and he shall select two judges and two clerks to assist him in holding the same and he shall within five days after said election has been held make due return thereof to the commissioners court of this County as is required by law for holding a general election.

All persons who are legally qualified voters of this State and of this County and who are resident qualified voters of said district shall be entitled to vote at said election, and all voters who favor the consolidation of the aforementioned school districts shall have written or printed on their ballots the words:

"For the Consolidation."

And these opposed to such consolidation shall have written or printed on their ballots the words:

"Against the Consolidation."

Dated this the 12th day of February 1947.

W. A. Lunsford,

County Judge, of Upshur County, Texas.

THE STATE OF TEXAS |

COUNTY OF UPSHUR |

WHEREAS, on the 12th day of February, 1947, a petition was presented to me for an election in (a) common school District No.-- 30 of this county on the question of authorizing the said district to consolidate with the (c) Union Grove School Districts, thereby forming the (d) Union Grove Consolidated School District No. 42, of this County, said petition bearing the requisite number of signatures or resident, qualified voters of said district and being in every respect in conformity with law;

Now, therefore, I, W. A. Lunsford in my official capacity as County Judge of Upshur County, Texas, do hereby order that an election be held on the 8th day of March, 1947, at (b) West mountain school in said (a) Common School District No.-- 30 of this county to determine whether a majority of the legally qualified voters of that district desire to con-

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consolidate said district with the (c) Union Grove School District, thereby forming the Union Grove Consolidated School District No.--42, of this county, R. L. White, is hereby appointed presiding officer of said election and he shall select two judges and two clerks to assist him in holding the same and he shall within five days after said election has been held make due return thereof to the commissioners court of this County as is required by law for holding a general election.

All persons who are legally qualified voters of this State and of this County and who are resident qualified voters of said district shall be entitled to vote at said election, and all voters who favor the consolidation of the aforementioned school districts shall have written or printed on their ballots the words;

"For the Consolidation."

And those opposed to such consolidation shall have written or printed on their ballots the words;

"Against the Consolidation."

Dated this the 12th day of February 1947.

W. A. Lunsford, County Judge, Upshur County,
T e x a s.

PETITION FOR ELECTION TO CONSOLIDATE DISTRICTS.

THE STATE OF TEXAS

TO THE HONORABLE COUNTY JUDGE

COUNTY OF UPSHUR

OF UPSHUR COUNTY

We, the undersigned legally qualified voters of (a) Union Grove School District No. 42, in Upshur County, Texas, (b), desiring to consolidate said District with (a) West Mountain School District No. 30, of Upshur County, hereby make application to the Honorable County Judge of Upshur County, Texas, for an order for an election to be held in said (a) Union Grove School District No. 42, for the purpose of determining whether or not a majority of the legally qualified voters of said District desire that (a) Union Grove School District No. 42, of Upshur County, shall be consolidated with (a) West Mountain School District No. 30, of Upshur County, for school purposes.

DATED: This 8th day of February, A.D. 1947.

- | | |
|-------------------------|-------------------------------|
| 1. W. M. Taylor | 13. Dessie Mae Watkins |
| 2. E. H. Smith | 14. Pat Smith |
| 3. Mrs. J.H. Smith | 15. Mrs. J. W. Moore |
| 4. Mrs. A. L. Berwick | 16. Mrs. Emma Bennett |
| 5. A. L. Bewick, | 17. Mrs. C. A. Toby |
| 6. Louisa O'Byrne | 18. Mrs. L. A. Dunnabant |
| 7. Mrs. Bridget Dearing | 19. Mrs. A. L. Dunnavant |
| 8. Mrs. Pat Smith | 20. A.L. Dunnavant |
| 9. Ben E. Lockett | 21. Mrs. J. G. Lee |
| 10. F. C. Watkins | 22. Mrs. Mrs. Eunice McKinley |
| 11. A. S. Watkins | 23. R.W. Devonshire |
| 12. Mrs. A. J. Watkins | 24. Mrs. R. W. Devonshire |
| J. M. Smith | G. G. Vripp |
| Mrs. J. M. Smith | O. F. Smith |
| R. E. O'Byrne | Mrs. O. F. Smith |
| Nan O'Byrne | Tom H. Holland |
| B. W. Jenkins | Mrs. B. W. Jenkins |

H.G. Mills
Mrs. C. Walker

C. Walker.

PETITION FOR ELECTION TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS
COUNTY OF UPSHUR

TO THE HONORABLE COUNTY JUDGE
OF UPSHUR COUNTY, T E X A S.

We, the undersigned legally qualified voters of (a) West Mountain School, District No. 30, Upshur County, Texas, (b), desiring to consolidate said District with (a) Union Grove School District No. 42, of Upshur County, Texas, hereby make application to the Honorable County Judge of Upshur County, Texas, for an order for an election to be held in said (a) West Mountain School District No. 30, for the purpose of determining whether or not a majority of the legally qualified voters of said District desire that (a) West Mountain School District No. 30, of Upshur County, shall be consolidated with (a) Union Grove School District No. 42, of Upshur County, for school purposes.

DATED: THIS 8th day of February, A.D. 1947.

1. Loyd Towery
2. Mrs. Loyd Towery
3. Clayton Willeford
4. Faye Willeford
5. E. C. Smith
6. Flora A. Shipp
7. W. H. Harlan
8. Edna Earl Harlan
9. David A. Barton
10. Mrs. David Barton
11. C.D. Owen
12. Mrs. C.D. Owen
E. Phillips
Mrs. E. Phillips
Mrs. E. L. Prince
Mr. E.L.Prince
E. Aills
Mrs. J.C. Vernon
Mr. J.C. Vernon
Lillie Huckaby
W. W. Huckaby-

13. R.L.White
14. Mrs. R.L.White
15. L.A.Atohley
16. Mrs. L.A.Atohley
17. Irvin E. White
18. Charlie Fletcher
19. Jennie Fletcher
20. Vena Lindsey
21. Lela Charlin
22. J.L.Black
23. Mrs. J. L. Black
24. Isa Phillips
Lum Fenton
H.M. Morgan
Mrs. H.M. Morgan
Mrs. E. W. Banning
E. W. Banning
T. J. McMinn
Mrs. J.M.McMinn
Mrs. Diffeen Laigh
S.C.Morgan

W. A. Lunsford

Milton Rash

E. H. Shaw,

A. B. Reynolds.

FEB. 19th, 1947.

Commissioners court met in special session with all members present.

Motion made, seconded and carried that: O. H. Bolder Sanitarian for Upshur County, Health Unit be paid \$50.00 travel expense County Clerk authorized to issue warrant on General Fund for same, effective as of this date.

W. A. Lunsford

Milton Rash,

E. H. Shaw

A. B. Reynolds

Feb. 21st, 1947.

Commissioners Court met in special session with all members present.

Motion made, seconded and carried that: Dr. H.J.Childress be appointed County Health officer.

Motion made, seconded and carried that: U.S. 1 1/2 Treasury Notes Series B. 1947 due 3-15-47 Nos. 6108, 6109, at 10 M. each and No. 3501 at 5M. a total of \$25000.00 incorporated in pledge made by F. & M. National Bank, Gilmer, Texas, to secure Upshur County De-

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