

FILED FOR RECORD June 13, 1950, at 1:29 o'clock P. M. James Poole, County Clerk, Upshur County

Motion made by Commissioner Jim Shockey and seconded by Commissioner E.H. Shaw, that salaries for Bennie Rodgers, Justice of Prec't 8, Frank Lawson, Conestable, Prec't 8 and Frank Pyle, Constable, Prec't 5 be as follows, effective June 1, 1950:

- Bennie Rodgers \$35.00 per mo.
- Frank Lawson \$35.00 per mo.
- Frank Pyle \$35.00 per mo.

Commissioners Shockey, Shaw and Gatlin voting "AYE" and Commissioner Reynolds not voting. The motion was declared carried. County Clerk authorized and instructed to issue warrant on salary fund accordingly.

June 13, 1950.

Commissioners' Court met in

- W. A. Lunsford
- Jim Shockey
- E. H. Shaw
- A. B. Reynolds
- D. W. Gatlin

JUNE 13, 1950.

Commissioners' Court met in Regular Session with all members present.

Motion made, seconded and carried that Elections be held in Gilmer Independent School District and Indian Rock School District #18 on July 6, 1950, for the purpose of determining whether or not said school districts shall be consolidated.

PETITION FOR ELECTION
TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS |
COUNTY OF UPSHUR | TO THE HONORABLE COUNTY JUDGE:

We, the undersigned legally qualified voters of (a) Gilmer Independent School District No. Ind. in Upshur County, Texas, desiring to consolidate said district with each of the following named school districts:

1. (c) Indian Rock Common School District No. 18 of Upshur County, Texas, respectfully pray the Honorable Judge of Upshur County, Texas, to order an election in said (a) Gilmer Independent School District No. Ind. of Upshur County, Texas, for the purpose of determining whether or not a majority of the legally qualified voters of said district desire to be consolidated with each of the above named districts for school purposes.

DATED this 13th day of June, A. D. 1950.

- | | |
|-------------------|-------------------|
| L. O. Douphrate | Buck Childress |
| Tully Reynolds | H. W. Wilson |
| Randall Callaway | Cumi Belton |
| Hetty M Callaway | J. E. Dean |
| J. W. Marshall Jr | R L Fowler |
| D. O. Jones | Delbert Raines |
| T. B. Bishop | R. E. Mullican |
| H. M. Ragland | Leo Hart |
| James WitLittle | R. C. Vivian |
| G. L. Hart | Milton Greer Nell |
| J. H. Hogg | Hal Newson |
| Fred Hogg | W B Stephens |

FILED FOR RECORD June 13, 1950 at 1:29 o'clock P. M. James Poole, County Clerk, Upshur County.

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ORDER OF
ELECTION TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS

COUNTY OF UPSHUR

WHEREAS, on the 13th day of June, A.D. 1950, a petition was presented to me for an election to be held in each of the following named school districts located in (a) Upshur County, Texas, to wit:

1. (b) Gilmer Independent School District No. 902, of said County,
2. (b) Indian Rock School District No. 18, of said County, on the question of determining whether or not a majority of the legally qualified voters of said districts desire to be consolidated with each other and with the following districts located outside of said county, to wit:---

It appearing that each of said contiguous districts have been properly established and created and are legally and validly existing school districts;

THEREFORE, I, in my capacity of County Judge of Upshur County, Texas, do hereby order that an election be held on the 6th day of July, 1950, in Gilmer Independent School District- Indian Rock Common School District No. 18 to determine whether or not a majority of the legally qualified voters of said Districts desire that they shall be consolidated as indicated above for school purposes.

I further order that said election shall be held at the following places in said districts and the following named person is hereby appointed presiding officer 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:

1. In Gilmer Independent at City Hall Building in Gilmer, Tex. Texas, within said district, with Marie Stephens as presiding Judge;
2. In Indian Rock CSD No. 18 at School Building in Indian Rock, Tex. Texas, within said district, with C.O. Baugh as presiding Judge;

All persons who are legally qualified voters of this State and of this County and who are resident voters in said Districts shall be entitled to vote at said election, and all voters who favor the proposition to consolidate the said Districts for school purposes shall have written or printed on their ballots, the words:

"FOR CONSOLIDATION"

And those opposed to the proposition to consolidate the said Districts for school purposes shall have written or printed on their ballots, the words:

"AGAINST CONSOLIDATION"

Notice of said Election shall be given by posting three notices thereof in three public places within the boundaries of said District for twenty days prior to the date of said election.

DATED this 13th day of June, 1950.

W. A. Lunsford, County Judge,
Upshur County, Texas.

FILED FOR RECORD June 13, 1950, at 1:29 o'clock P. M. James Poole, County Clerk, Upshur County.

NOTICE OF ELECTION TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

TO THE QUALIFIED VOTERS OF THE HERINAFTER NAMED SCHOOL DISTRICTS:

TAKE NOTICE that an election will be held on the 6th day of July, 1950, in Gilmer Independent School District No. 902-Indian Rock Common School District No. 18, at the places, in the manner, and on the proposition set forth in the attached copy of an Order for Election to Consolidate Districts, duly entered by the COUNTY JUDGE OF Upshur COUNTY, STATE OF TEXAS, on the 13th day of June, 1950, said attached Order for Election to Consolidate Districts being made a part of this notice for all intents and purposes.

W. A. Lunsford, County Judge
Upshur County, Texas.

SHERIFF'S CERTIFICATE OF POSTING NOTICE OF
ELECTION TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

I, the undersigned, Sheriff of Upshur County, Texas, do hereby certify that the foregoing is a true and correct copy of the Notice of Election to Consolidate Districts giving notice of the election therein mentioned, and that I posted a true and correct copy of said Notice at the following places, to wit:

- 1. In Gilmer Independent School District, at the following three public places:
 - 1. Court House
 - 2. City Hall
 - 3. High School

on the 13 day of June, 1950, which posting was done not less than 20 full days prior to the date fixed for said election.

I further certify that the election order thereto attached and made a part of said Notice of Election to Consolidate Districts is a true and correct copy of an Order adopted by the County Judge of Upshur County, Texas, on the 13th day of June, 1950.

Witness my hand this the 13 day of June, 1950.

Pat Pool, Deo. Sheriff, Upshur
County, Texas.

Seal.

PETITION FOR ELECTION
TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

TO THE HONORABLE COUNTY JUDGE:

We, the undersigned legally qualified voters of (a) Indian Rock School District No. 18, in Upshur County, Texas, desiring to consolidate said district with each of the following named school districts:

- 1. (c) Gilmer Independent School District No. Ind. of Upshur County, Texas. respectfully pray the Honorable Judge of Upshur County, Texas, to order an election in said (a) Indian Rock School District No. 18 of Upshur County, Texas, for the purpose of determining whether or not a majority of the legally qualified voters of said district desire to be consolidated with each of the above named districts for school purposes.

DATED this 13th day of June, A. D. 1950.

ABC364

Mat Camp	Vernon Irons
Douglas Davis	Myrtle Mae Irons
C. O. Baugh	Aubrey Dyer
C. O. Baugh	Frances Dyer
J. W. Mullen	Lowell W. Mullen
E. L. Cheney	W. E. Haney
Mrs. Vera Knotts	Myra Davis
R. F. Williams	Mrs. Floyd Simpson
Robert Taylor	Aubrey Taylor
E. A. Cobb	W. P. McWhorter
Annis Davis	Flene McWhorter
Floyd Simpson	C R Knotts
Rex Loyless	Iola Loyless
Jack Guinn	Penol Gunn
Mrs. E. S. Simpson	Earl Townsend
Mrs. Earl Townsend	Mrs. Robert Taylor
H. C. Taylor	Travis Taylor
Minnie Taylor	

FILED FOR RECORD June 13, 1950, at 1:29 o'clock P. M. James Poole, County Clerk, Upshur County.

ORDER OF
ELECTION TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

WHEREAS, on the 13th day of June, A. D. 1950, a petition was presented to me for an election to be held in each of the following named school districts located in (a) Upshur County, Texas, to wit:

1. (b) Indian Rock Common School District No. 18, of said County,

2. (b) Gilmer Independent School District No. 902, of said County, on the question of determining whether or not a majority of the legally qualified voters of said districts desire to be consolidated with each other and with the following districts located outside of said county, to wit: --

It appearing that each of said contiguous districts have been properly established and created and are legally and validly existing school districts;

THEREFORE, I, in my capacity of County Judge of Upshur County, Texas, do hereby order that an election be held on the 6th day of July, 1950, in Indian Rock Common School District No. 18- Gilmer Independent School District No. 902 to determine whether or not a majority of the legally qualified voters of said Districts desire that they shall be consolidated as indicated above for school purposes.

I further order that said election shall be held at the following places in said districts and the following named person is hereby appointed presiding officer 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:

1. In Indian Rock CSD No. 18 at School Building in Indian Rock, Tex. Texas, within said district, with C. O. Baugh as presiding Judge;

2. In Gilmer Independent No. 902 at City Hall Building in Gilmer, Tex. Texas, within said district, with Marie Stephens as presiding Judge;

All persons who are legally qualified voters of this State and of this County and

who are resident voters in said Districts shall be entitled to vote at said election, and all voters who favor the proposition to consolidate the said Districts for school purposes shall have written or printed on their ballots, the words:

"FOR CONSOLIDATION"

And those opposed to the proposition to consolidate the said Districts for school purposes shall have written or printed on their ballots, the words:

"AGAINST CONSOLIDATION"

Notice of said Election shall be given by posting three notices thereof in three public places within the boundaries of said District for twenty days prior to the date of said election.

DATED this 13th day of June, 1950.

W. A. Lunsford, County Judge
Upshur County, Texas.

FILED FOR RECORD June 13, 1950, at 1:29 o'clock P. M.

RECORDED on this June 16, 1950, at 1:30 o'clock P. M.

JAMES POOLE, COUNTY CLERK,
UPSHUR COUNTY, TEXAS.

NOTICE OF ELECTION TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS ↓
COUNTY OF UPSHUR ↓

TO THE QUALIFIED VOTERS OF THE HEREINAFTER NAMED SCHOOL DISTRICTS:

TAKE NOTICE that an election will be held on the 6 day of July, 1950, in Indian Rock Common School District No. 18- Gilmer Independent School District No. 902, at the places, in the manner, and on the proposition set forth in the attached copy of an Order for Election to Consolidate Districts, duly entered by the COUNTY JUDGE OF UPSHUR COUNTY, STATE OF TEXAS, on the 13 day of June, 1950, Said attached Order for Election to Consolidate Districts being made a part of this notice for all intents and purposes.

W. A. Lunsford, County Judge,
Upshur County, Texas.

SHERIFF'S CERTIFICATE OF POSTING NOTICE OF
ELECTION TO CONSOLIDATE DISTRICTS

THE STATE OF TEXAS ↓
COUNTY OF UPSHUR ↓

I, the undersigned, Sheriff of Upshur County, Texas, do hereby certify that the foregoing is a true and correct copy of the Notice of Election to Consolidate Districts giving notice of the election therein mentioned, and that I posted a true and correct copy of said Notice at the following places, to wit:

1. In Indian Rock Common School District, at the following three public places:
 1. Harveys Gro.
 2. School House
 3. Smith's Auto Clinic

on the 13 day of June, 1950, which posting was done not less than 20 full days prior to the date fixed for said election.

I further certify that the election order thereto attached and made a part of said Notice of Election to Consolidate Districts is a true and correct copy of an Order adopted by the County Judge of Upshur County, Texas, on the 13 day of June, 1950.

Witness my hand this the 13 day of June, 1950.

Pat Pool, Dep. Sheriff

ABC364

Upshur County, Texas.

Seal.

FILED FOR RECORD June 14, 1950 at 2:10 o'clock P. M. James Poole, County Clerk, Upshur County.

W. A. Lunsford,

Jim Shockey

E. H. Shaw

A. B. Reynolds

D. W. Gatlin

NO. 3533

PETITION FOR CONDEMNATION ACTING THROUGH THE COMMISSIONERS' COURT

STATE OF TEXAS

VS. NO. 3533

C. B. ASKEW AND WIFE,
BERTHA ASKEW

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS

NOVEMBER TERM, A. D. 1949.

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY:

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 Jim Shockey, Commissioner of Precinct No. 1, E. H. Shaw, Commissioner of Precinct No. 2, A. B. Reynolds, Commissioner of Precinct No. 3, and D. W. Gatlin, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of C. B. Askew and wife, Bertha Askew, hereinafter called Defendant(s), and represents and alleges:

1. That W. A. Lunsford is the duly elected and qualified County Judge of Upshur County, Texas, and that Jim Shockey, E. H. Shaw, A. B. Reynolds and D. W. Gatlin are the duly elected and qualified Commissioners of Upshur County, Texas; that the Defendant(s) C. B. Askew and wife, Bertha Askew, reside(s) in Harris County, Texas, where service of process may be had upon them.

2. That the State of Texas is now constructing and laying out and reconstructing a Highway, designated as such, by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as Highway No. P. M. 1002; that such construction and reconstruction upon said Highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

A tract of land in the Western part of Upshur County in the P. B. SANDIFIER and D. GILLIAND Surveys and being a part of a tract of land deeded to C. B. Askew by W. Clyde Mings Feb. 5, 1943, and recorded in Book 151, page 92 of Upshur County Deed Records and more fully described as follows: A strip of land 80' feet wide, 40' feet each side of the following described center line of the proposed Highway P. M. 1002: BEGINNING at a point 12 feet west of the southeast corner of the C. B. Askew 124 acre tract in the P. B. Sandifier and D. Gilliland Surveys, said point being at station 68/94 of said proposed highway; THENCE in a northwesterly direction 129.9 feet along a 3 degree curve to the right to a point which is the end of said curve, said point being at station 70/23.9 of said proposed highway; THENCE N 50 degrees 42' W 491.6 feet to a point which is the beginning of a curve, said point being at station 75/15.5 of said proposed highway; THENCE in a northwesterly direction 523.3 feet along a 2.5 degree curve to the right to a point which is the end of said curve, said point being at station 80/38.8 of said proposed highway; THENCE N 37 degrees 37' W 1563.2 feet to a point which is the beginning of a curve, said point being at station 96/02.0 of said proposed highway; THENCE in a northwesterly direction 561.1 feet along a 3 degree curve to the right to a point which is the end of said curve, said point being at station 101/63.1 of said proposed highway; THENCE N 20 degrees 47'

W 95.9 feet to a point in the west boundary line of said Askew tract, said point being at station 102/59 of said proposed highway and containing 6.14 acres, more or less, the fee simple title to which is owned by said Defendant(s).

3. That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinafter 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, building, improving and maintaining a Highway, to-wit: Highway No. F. M. 1002.

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 Highway and that said Commissioners' Court has attempted to but cannot agree with said Defendant(s) upon the amount to be paid for said land above described nor for the damages, if any, there be due said Defendant(s) and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, have offered said Defendant(s) the sum of Ten & No/100 (\$10.00) DOLLARS for said land and for damages, if any, there be due said Defendant(s), 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 (s') land, but said defendant(s) has (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 defendant(s), by reason whereof said Commissioners' Court has been compelled to institute condemnation proceeding to condemn said land, which is actually needed for said Highway as hereinabove described and all of which said land 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 Defendant(s), and that said decision of said Commissioners when reported to the Court, as required by law, be recorded in the minutes of the 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.

LOONEY E. LINDSEY, County Attorney.
Attorney(s) for the Commissioners' Court
of Upshur County, Texas.

#3533 Filed Dec. 22, 1949 at 1:06 o'clock P. M. James Poole, County Clerk, Upshur County.

APPOINTMENT OF SPECIAL COMMISSIONERS

STATE OF TEXAS
VS. NO. 3533
C. B. ASKEW AND WIFE,
BERTHA ASKEW

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS.
NOVEMBER TERM, A. D. 1949.

On this 22nd day of December A. D. 1949, 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 Highway No. F M 1002, 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

ABC364

C. B. Askew and wife, Bertha Askew, and the said land and the relief prayed for is fully described and set out in Plaintiff's 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 appoints J. A. Blackstone, J. F. Lockhart, and W. R. Snow, all disinterested freeholders of Upshur County, Texas, to be Special Commissioners to assess the damages in said condemnation proceedings, reference to which is here made.

W. A. LUNSFORD, County Judge

Upshur County, Texas.

Filed Dec. 22, 1950 at 1:27 o'clock P. M. James Poole, Co Clerk, Up. Co. Texas by Exa Gordon, Dep.

OATH OF COMMISSIONERS

STATE OF TEXAS
VS. NO. 3533
C. B. ASKEW AND WIFE,
BERTHA ASKEW

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS
NOVEMBER TERM, A. D. 1949.

WE, the undersigned Commissioners, appointed by 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.

J. A. BLACKSTONE
J. F. LOCKHART
W. R. SNOW

SUBSCRIBED AND SWORN to before me, this the 30th day of December, A. D. 1949.

(SEAL) LOYD TOWERY, Notary Public,
Upshur County, Texas.

Filed December 30, 1949 at 3:57 o'clock P. M.
James Poole, County Clerk, Upshur County by Exa Gordon Deputy.

NOTICE OF TIME AND PLACE OF HEARING AND SHERIFF'S NOTICE

STATE OF TEXAS
VS. NO. 3533
C. B. ASKEW AND WIFE,
BERTHA ASKEW

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS
FEBRUARY TERM, A. D. 1950.

On this the 2 day of March, A. D. 1950, J. A. Blackstone, J. F. Lockhart and W. R. Snow Special Commissioners, appointed by the Court to assess damages of C. B. Askew and wife, Bertha Askew, by reason of the construction, reconstruction, and opening of Highway No. F M 1002, 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 C. B. Askew and wife, Bertha Askew, as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. C. B. Askew and wife, Bertha Askew, filed with the Honorable County Judge of Upshur County, Texas, on the 22nd day of December, A. D. 1949, 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 14 day of March, A. D. 1950; a copy of this order shall be served upon C. B. Askew and wife, Bertha Askew, (and each of them respectively,) and service thereof shall be notice to said Defendants and each of them, to appear at said time and place at ten o'clock A. M. at the court house for the purpose of offering any evidence they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said C. B. Askew and wife, Ber-

the Askew, (and each of them respectively) for the right-of-way and strip of land described in said Plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS our hands this the 2 day of March, A. D. 1950.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW
Special Commissioners

SERVICE OF NOTICE

Came to hand the 4th day of March A. D. 1950, and executed on the 8th day of March, A. D. 1950, by delivering a copy of the above notice to C. B. Askew and wife, Bertha Askew, 208 Milwaukee St. Houston, Texas (each respectively) in Harris County, Texas, at Houston, Texas 5:40 o'clock P. M.

O. Y. BUSTER HERN, Sheriff,

Harris County, Texas

By M. M. BROWN Deputy

FEE \$4.50.

Filed March 11, 1950 at 1:54 o'clock P. M. James Poole, Clerk, Upshur County, Texas.

AWARD OF SPECIAL COMMISSIONERS

STATE OF TEXAS

VS. NO. 3533

C. B. ASKEW AND WIFE,
BERTHA ASKEW

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS,

FEBRUARY TERM, A. D. 1950.

On this the 14 day of March, A. D. 1950, came on for hearing before the undersigned, J. A. Blackstone, J. F. Lockhart, and W. R. Snow, 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 C. B. Askew and wife, Bertha Askew, 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 C. B. Askew and wife, Bertha Askew, 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 Five and No/100 Dollars (\$5.00), and the said C. B. Askew and wife, Bertha Askew, Defendant(s) shall pay all costs of this proceeding.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW, Special Commissioners.

Filed March 14, 1950 at 2:32 o'clock, James Poole, County Clerk, Upshur County.
By Mary Anne Patterson, Deputy.

JUDGMENT OF THE COURT

STATE OF TEXAS

VS. NO. 3533

C. B. ASKEW AND WIFE,
BERTHA ASKEW

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS,

FEBRUARY TERM, A. D. 1950.

On this the 25th day of March, A. D. 1950, 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 14th day of March, A. D., 1950, which is as

ABC364

follows: On this the 14 day of March, A. D. 1950, came on for hearing before the undersigned, J. A. Blackstone, J. F. Lockhart, and W. R. Snow, 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 C. B. Askew and wife, Bertha Askew, 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 C. B. Askew and wife, Bertha Askew, Defendants 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 Defendants by reason of such condemnation, we assess said damages in the sum of Five and no/100 (\$5.00) Dollars and the said C. B. Askew and wife, Bertha Askew, Defendants, shall pay all costs of this proceeding.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW, 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 C. B. Askew and wife, Bertha Askew, Defendant(s), (jointly) the sum of Five and No/100 Dollars (\$5.00) (\$5.00) 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 C. B. Askew and wife, Bertha Askew, Defendant(s), and vested in the State of Texas, said property being described as follows:

A tract of land in the western part of Upshur County in the P. B. SANDIFIER and D. GILLIAND Surveys and being a part of a tract of land deeded to C. B. Askew by W. Clyde Mings Feb. 5, 1943, and recorded in Book 151, Page 92 of Upshur County Deed Records and more fully described as follows: A strip of land 80' feet wide, 40' feet each side of the following described center line of the proposed Highway P. M. 1002: BEGINNING at a point 12 feet west of the southeast corner of the C. B. Askew 12 1/2 acre tract in the P. B. Sandifier and D. Gilliland Surveys, said point being at station 68/94 of said proposed highway; THENCE in a Northwesterly direction 129.9 feet along a 3 degree curve to the right to a point which is the end of said curve, said point being at station 70/23.9 of said proposed highway; THENCE N 50 deg 42' W 491.6 feet to a point which is the beginning of a curve, said point being at station 75/15.5 of said proposed highway; THENCE in a northwesterly direction 523.3 feet along a 2.5 degree curve to the right to a point which is the end of said curve, said point being at station 80/38.8 of said proposed highway; THENCE N 37 deg 37' W 1563.2 feet to a point which is the beginning of a curve, said point being at station 96/02.0 of said proposed highway; THENCE in a northwesterly direction 561.1 feet along a 3 degree curve to the right to a point which is the end of said curve, said point being at station 101/63.1 of said proposed highway; THENCE N 20 deg 47' W 95.9 feet to a point in the west boundary line of said Askew tract, said point being at station 102/59 of said proposed highway, and containing 6.14 acres, more or less.

And it is further ORDERED, ADJUDGED and DECREED that the said C. B. Askew and wife, Bertha Askew Defendant(s) shall pay all costs herein.

W. A. LUNSFORD, County Judge
Upshur County, Texas.

#3533. Final Award in Condemnation for Right-of-Way.
Filed March 25, 1950 at 2:32 o'clock P. M.
James Poole, County Clerk, Upshur County, by Mary Anne Patterson, Deputy.

station 345/59; THENCE continuing east along said north boundary line a total distance of 74.7 feet to a point in the east right-of-way line of said proposed highway; THENCE in a southerly direction, following said east right-of-way line parallel to and 40 feet from the center line of said highway 98.1 feet along a curve of radius 141.4 feet to a point which is the end of said curve, said point being opposite station 344/79.9 of said highway and 40 feet therefrom; THENCE continuing along said east right-of-way line parallel to and 40 feet from said center line of said highway, S 3 degrees 44' E 12.5 feet to a point in the south boundary line of said Kay tract; THENCE due West along said south boundary line 39.0 feet to the place of beginning, and containing 0.12 acres, more or less, the fee simple title to which is owned by said Defendant(s).

3. That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinafter 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, building, improving and maintaining a Highway, to-wit: Highway No. F M 1002,

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 Highway and that said Commissioners' Court has attempted to but cannot agree with said Defendant(s) upon the amount to be paid for said land above described nor for the damages, if any, there be due said Defendant(s) and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, have offered said Defendant(s) the sum of Ten & no/100 (\$10.00) DOLLARS for said land and for damages, if any, there be due said Defendant(s), 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 (s') land, but said Defendant(s) has (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 Defendant(s), by reason whereof said Commissioners' Court has been compelled to institute condemnation proceeding to condemn said land, which is actually needed for said Highway as hereinabove described and all of which said land 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 Defendant(s), and that said decision of said Commissioners when reported to the Court, as required by law, be recorded in the minutes of the 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.

LOONEY E. LINDSEY, County Attorney
Attorney(s) for the Commissioners' Court
of Upshur County, Texas.

Filed Dec 22, 1949 at 1:27 o'clock P. M.
James Poole, County Clerk, Upshur County, by Exa Gordon Deputy

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APPOINTMENT OF SPECIAL COMMISSIONERS

STATE OF TEXAS
VS. NO. 3535

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
NOVEMBER TERM, A. D. 1949.

C. E. KAY AND WIFE, LORA KAY

On this 22nd day of December, A. D. 1949, 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 right-of-way for Highway No. F M 1002, 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 C. E. Kay and wife, Lora Kay, and the said land and the relief prayed for is fully described and set out in Plaintiff's 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 appoints: J. A. Blackstone, J. F. Lockhart, and W. R. Snow, all disinterested freeholders of Upshur County, Texas, to be Special Commissioners to assess the damages in said condemnation proceedings, reference to which is here made.

W. A. LUNSFORD, County Judge
Upshur County, Texas.

Filed Dec. 22, 1949 at 1:27 o'clock P. M.
James Poole, County Clerk, Upshur County by Exa Gordon Deputy.

OATH OF COMMISSIONERS

STATE OF TEXAS
VS. NO. 3535
C. E. KAY AND WIFE, LORA KAY

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS
NOVEMBER TERM, A. D. 1949.

WE, the undersigned Commissioners, appointed by 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.

J. A. BLACKSTONE
J. F. LOCKHART
W. R. SNOW

SUBSCRIBED AND SWORN to before me, this the 30th day of December, A. D. 1949.

(SEAL)

LOYD TOWERY, NOTARY PUBLIC
UPSHUR COUNTY, TEXAS.

Filed Dec. 30, 1949 at 3:57 o'clock P. M.
James Poole, County Clerk, Upshur County by Exa Gordon Deputy.

NOTICE OF TIME AND PLACE OF HEARING AND SHERIFF'S NOTICE

STATE OF TEXAS
VS. NO. 3535
C. E. KAY AND WIFE, LORA KAY

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
NOVEMBER TERM, A. D. 1949.

On this the 30th day of December A. D. 1949, J. A. Blackstone, J. F. Lockhart and W. R. Snow, Special Commissioners, appointed by the Court to assess damages of C. E. Kay and wife, Lora Kay, by reason of the construction, reconstruction, and opening of Highway No. F. M. 1002, 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 C. E. Kay and wife, Lora Kay, as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. C. E. Kay and wife, Lora Kay, filed with

ABC364

the Honorable County Judge of Upshur County, Texas, on the 22nd day of December, A. D. 1949, 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 13th day of January, A. D. 1950; a copy of this order shall be served upon C. E. Kay and wife, Lora Kay, (and each of them respectively,) and service thereof shall be notice to said Defendant(s) and each of them, to appear at said time and place at Ten o'clock A. M., at the Court House for the purpose of offering any evidence they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said C. E. Kay and wife, Lora Kay, (and each of them respectively) for the right-of-way and strip of land described in said Plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS OUR HANDS this the 30th day of December, A. D. 1949.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW, Special Commissioners.

SERVICE OF NOTICE

Came to hand the 31 day of December, A. D. 1949, and executed on the 4th day of January A. D. 1950, by delivering a copy of the above notice to C. E. Kay and wife, Lora Kay (each respectively) in Upshur County, Texas, at their home in Big Sandy, Texas at 2:30 o'clock, P. M.

OREAR WATSON, Sheriff,
Upshur County, Texas.

By _____ Deputy.

FEE: \$1.25

Mileage \$2.00

Total \$3.25

No. 3535 Filed Jan. 5, 1950 at 11:09 o'clock A. M.
James Poole, County Clerk, Upshur County, by Mary Anne Patterson, Deputy.

AWARD OF SPECIAL COMMISSIONERS

STATE OF TEXAS
VS. NO. 3535
C. E. KAY AND WIFE, LORA KAY

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
NOVEMBER TERM, A. D. 1949.

On this the 13th day of January, A. D. 1950, came on for hearing before the undersigned, J. A. Blackstone, J. F. Lockhart, and W. R. Snow, 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 C. E. Kay and wife, Lora Kay, 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 C. E. Kay and wife, Lora Kay, 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 Two and No/100 Dollars (\$2.00), and the said C. E. Kay and wife, Lora Kay, Defendant(s) shall pay all costs of this proceeding.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW, Special Commissioners.

Filed Jan. 13, 1950 at 2:55 o'clock P. M. James Poole, County Clerk, Upshur County.

NO. 3539

PETITION FOR CONDEMNATION
ACTING THROUGH THE COMMISSIONERS' COURT

NO. 3539

STATE OF TEXAS
VS. H. W. FITZGERALD AND
WIFE, ALMA FITZGERALD, AND
THE GLADEWATER FEDERAL
SAVINGS AND LOAN ASSOCIATION

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS.
FEBRUARY TERM, 1950.

TO THE HONORABLE 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 Jim Shockey, Commissioner of Precinct No. 1, E. H. Shaw, Commissioner of Precinct No. 2, A. B. Reynolds, Commissioner of Precinct No. 3, and D. W. Gatlin, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association hereinafter called Defendants, and represents and alleges:

1. That W. A. Lunsford is the duly elected and qualified County Judge of Upshur County Texas, and that Jim Shockey, E. H. Shaw, A. B. Reynolds and D. W. Gatlin are the duly elected and qualified Commissioners of Upshur County, Texas; that the defendants H. W. Fitzgerald and wife, Alma Fitzgerald, reside in Upshur County, Texas, where service of process may be had upon them, and that the Defendant, Gladewater Federal Savings and Loan Association, is a Federal Savings and Loan Association organized and authorized to transact business under the laws of the United States and has its office and principle place of business in Gladewater, Gregg County, Texas, and that the president of said Association is Wilson Godfrey, who lives in Gregg County Texas, where service of process may be had upon said association.

2. That the State of Texas is now constructing and laying out and reconstructing a highway, designated as such, by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as Highway No. F M 1002; That such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit: A tract of land in the Western part of Upshur County in the VINCENITO SOTO Survey more fully described as follows:

BEGINNING at the southeast corner of the H. W. Fitzgerald one acre tract, said point being 20 feet S 84 degrees 00' W from the center line of the proposed F. M. Highway 1002 at station 111/19; THENCE S 84 degrees 00' W 20.3 feet to a point in the Fitzgeralds south boundary line, said point being in the west right-of-way line of said proposed highway; THENCE following said west right-of-way line in a northwesterly direction parallel to and 40 feet from the center line of said highway, 107.9 feet along a curve of radius 2905 feet to a point which is the end of said curve, said point being opposite center line station 112/30.6 and 40 feet therefrom; THENCE continuing along said west right-of-way line, parallel to and 40 feet from the center line of said highway, N 12 degrees 23' W 236.2 feet to a point in the north boundary line of the said Fitzgerald tract; THENCE along said north boundary line N 43 degrees 48' E 28.9 feet to said Fitzgeralds northeast corner, said point being opposite station 114/83.2 of said highway, and 16.0 feet therefrom; THENCE S 11 degrees 57' E 366.8 feet along said Fitzgeralds east boundary line to the place of beginning, and containing 9.18 acres, more or less, and being a part of the tract conveyed by James E. Brown to Herbert Walter Fitzgerald on the 16th day of July 1948 and duly recorded in Volume 174 page 473 of the Upshur County Deed Records, 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

ABC364

expedient to occupy the land hereinafter 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, building, improving and maintaining a highway, to-wit: Highway No. F M 1002.

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 highway and that said Commissioners' Court has attempted to but cannot agree with said defendants upon the amount to be paid for said land 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, have offered said defendants the sum of Ten & no/100 (\$10.00) 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 land, which is actually needed for said highway as hereinabove described and all of which said land your petitioner is entitled by law to condemn.

5. That the defendant, Gladewater Federal Savings and Loan Association is claiming a Vendor's Lien against said land by virtue of a transfer of Vendor's Lien recorded in Volume 174, page 474, Deed Records of Upshur County, Texas.

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 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.

LOONEY E. LINDSEY, Attorney for

the Commissioners' Court of Upshur County, Texas.

No. 3539. In the County Court of Upshur County, Texas. February Term, 1950. State of Texas Vs. H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association. Petition for Condemnation Acting Through the Commissioners' Court. Filed with me at 9:20 A. M., March 2, 1950. W. A. Lunsford. Filed March 2, 1950 at 8:34 o'clock A. M. James Poole, County Clerk.

APPOINTMENT OF SPECIAL COMMISSIONERS

NO. 3539

STATE OF TEXAS VS. H. W. FITZGERALD AND WIFE, ALMA FITZGERALD, AND THE GLADEWATER FEDERAL SAVINGS AND LOAN ASSOCIATION

IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS.

FEBRUARY TERM, 1950.

On this 2 day of March, 1950, 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 6674a, Revised Statutes of 1925, asking for the appointment of Special Commissioners to assess damages for a right-of-way for Highway No. F M 1002, 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 H. W. Fitz-

gerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association and the said land and the relief prayed for is fully described and set out in Plaintiff's 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 appoints: J. A. Blackstone, J. F. Lockhart and W. R. Snow all disinterested freeholders of Upshur County, Texas, to be Special Commissioners to assess the damages in said condemnation proceedings, reference to which is here made.

W. A. LUNSFORD, County Judge,
Upshur County, Texas.

No. 3539. In the County Court of Upshur County, Texas. State of Texas vs. H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association. Appointment of Special Commissioners. Filed March 2, 1950 at 9:34 o'clock A. M. James Poole, Co. Clerk Upshur County.

OATH OF COMMISSIONERS

STATE OF TEXAS VS. H. W. FITZGERALD AND WIFE, ALMA FITZGERALD, AND THE GLADEWATER FEDERAL SAVINGS AND LOAN ASSOCIATION

IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS
FEBRUARY TERM, 1950.

WE, the undersigned Commissioners, appointed by and 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.

J. A. BLACKSTONE
J. F. LOCKHART
W. R. SNOW

SUBSCRIBED AND SWORN to before me, this the 2 day of March, 1950.

(SEAL) A. H. OWEN, Notary Public,
Upshur County, Texas.

No. 3539. In the County Court of Upshur County, Texas. State of Texas vs. H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association. Oath of Commissioners. Filed March 2, 1950 at 10:18 o'clock A. M., James Poole, Clerk, Upshur County. By Edrie King Deputy.

NOTICE OF TIME AND PLACE OF HEARING
AND SHERIFF'S NOTICE

NO. 3539

STATE OF TEXAS VS. H. W. FITZGERALD AND WIFE, ALMA FITZGERALD, AND THE GLADEWATER FEDERAL SAVINGS AND LOAN ASSOCIATION

IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS
FEBRUARY TERM, 1950.

On this the 2 day of March, 1950, J. A. Blackstone, J. F. Lockhart and W. R. Snow, Special Commissioners, appointed by the Court to assess damages of H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association by reason of the construction, reconstruction, and opening of Highway No. F M 1002, 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 H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association filed with the Honorable County Judge of Upshur County, Texas, on the 2 day of March 1950, said Commissioners having been sworn to assess said damages fairly and impartially, and in

ABC361

accordance with the law, do hereby appoint as the time and place of hearing said parties on the matter, the Office of the County Judge of Upshur County, Texas, at Gilmer, Texas, in said County on the 14 day of March, 1950; a copy of this order shall be served upon H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association by serving Wilson Godfrey, president of the Gladewater Federal Savings and Loan Association, (and each of them respectively), and service thereof shall be notice to said Defendants and each of them, to appear at said time and place of Ten o'clock A. M., at the Court House for the purpose of offering any evidence they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association (and each of them respectively) for the right-of-way and strip of land described in said Plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS OUR HANDS this the 2 day of March, 1950.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW, Special Commissioners.

SERVICE OF NOTICE

Came to hand the 6th day of March, 1950, and executed on the 6th day of March, 1950, by delivering a copy of the above notice to Wilson Godfrey, president of the Gladewater Federal Savings and Loan Association in Gregg County, Texas, at Gladewater, Tex. 2:45 o'clock, P. M.

GEORGE DUCKWORTH, Constable,
Gregg County, Texas
Prec. 3, Gregg County.

FEE: \$1.25 PD.

No. 3539. In the County Court of Upshur County, Texas. State of Texas Vs. H. W. Fitzgerald and the Gladewater Federal Savings and Loan Association. Notice of Time and Place of Hearing and Sheriff's Notice. Filed March 9, 1950 at 9:14 o'clock A. M., James Poole, County Clerk, Upshur County.

**NOTICE OF TIME AND PLACE OF HEARING AND
SHERIFF'S NOTICE**

NO. 3539.

STATE OF TEXAS VS. H. W.
FITZGERALD AND WIFE, ALMA
FITZGERALD, AND THE GLADE-
WATER FEDERAL SAVINGS AND
LOAN ASSOCIATION.

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS.
FEBRUARY TERM, 1950.

On this the 2 day of March, 1950, J. A. Blackstone, J. F. Lockhart and W. R. Snow, Special Commissioners, appointed by the Court to assess damages of H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association by reason of the construction, reconstruction, and opening of Highway No. F M 1002, 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 H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association filed with the Honorable County Judge of Upshur County, Texas, on the 2 day of March 1950, said Commissioners having been sworn to assess said damages fairly and impartially, and in accordance with the law, do hereby appoint as the time and place of hearing said parties on the matter, the Office of the County Judge of Upshur County, Texas, at Gilmer, Texas, in said County on the 14 day of March, 1950; a copy of this order shall be served upon H. W. Fitzgerald

and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association by serving Wilson Godfrey, president of the Gladewater Federal Savings and Loan Association, (and each of them respectively,) and service thereof shall be notice to said Defendants and each of them, to appear at said time and place at ten o'clock A. M. at the Court House for the purpose of offering any evidence they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association (and each of them respectively), for the right-of-way and strip of land described in said plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS OUR HANDS this the 2 day of March, 1950.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW, Special Commissioners.

SERVICE OF NOTICE

Came to hand the 6 day of March, 1950, and executed on the 6 day of March, 1950, by delivering a copy of the above notice to H. W. Fitzgerald and wife, Alma Fitzgerald (each respectively) in Upshur County, Texas, at home 3:50 o'clock, P. M.

OREAR WATSON, Sheriff

Upshur County, Texas.

FEE: \$2.50.

No. 3539. In the County Court of Upshur County, Texas. State of Texas vs. H. W. Fitzgerald and wife, Alma Fitzgerald, and The Gladewater Federal Savings and Loan Association. Notice of Time and Place of Hearing and Sheriff's Notice. Filed March 9, 1950 at 9:15 o'clock A. M., James Poole, County Clerk, Upshur County.

AWARD OF SPECIAL COMMISSIONERS

STATE OF TEXAS VS. H. W. FITZGERALD AND WIFE, ALMA FITZGERALD, AND THE GLADEWATER FEDERAL SAVINGS AND LOAN ASSOCIATION

NO. 3539

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS,

NOVEMBER TERM, A. D. 1950.

On this the 14 day of March, A. D. 1950, came on for hearing before the undersigned, J. A. Blackstone, J. F. Lockhart, and W. R. Snow, 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 H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association, 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 H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association, 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 Five and No/100 Dollars (\$5.00), and the said H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings and Loan Association, Defendant(s) shall pay all costs of this proceeding.

J. A. BLACKSTONE

J. F. LOCKHART

W. R. SNOW, Special Commissioners.

Filed March 14, 1950 at 2:32 o'clock P. M., James Poole, County Clerk, Upshur County.

ABC361

NO. 3539

THE STATE OF TEXAS

VS.

H. W. FITZGERALD AND WIFE,
ALMA FITZGERALD, AND THE
GLADEWATER FEDERAL SAVINGS
& LOAN ASSOCIATION

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS

FEBRUARY TERM, 1950.

TO THE HONORABLE COUNTY COURT (JUDGE) OF UPSHUR COUNTY, TEXAS:

Now come H. W. Fitzgerald and wife, Alma Fitzgerald, hereinafter called condemnees in the above matter, and object to the decision and award of the commissioners appointed by the Judge of this court, to assess the damages done them by the proposed taking of a right-of-way for the construction and operation of a highway or public road, known and designated as highway No. FM 1002, by condemnor, over condemnees' land described in condemnor's petition, because:

FIRST.

These condemnees say that the Commissioners' Court of Upshur County, Texas, acting as such, and in connection with the discharge of the duties incumbent upon it, has never entered any order or decision finding that a public necessity exists for the taking by condemnor herein of that portion of condemnees' land described in condemnor's petition.

SECOND.

Condemnees say that if the Commissioners' Court of Upshur County, Texas, acting in its official capacity as such, has entered an order or decision wherein it is recited that a public necessity existed for the taking of that portion of condemnees' land described in condemnor's petition, then and in that event these condemnees say that they had no notice or knowledge of the time and place of such hearing, and did not have an opportunity to present evidence to said commissioners' court, at said time and place, of a lack of public necessity to take and condemn that portion of condemnees' land described in condemnor's petition.

THIRD.

Condemnees say that if the Commissioners' Court of Upshur County, Texas, acting in its official capacity as such, has entered an order or decision wherein and whereby it found that a public necessity existed for the taking of that portion of condemnees' land described in condemnor's original petition, that then and in that event, such commissioners' court acted arbitrarily, without authority of law, or was mistaken as to such necessity and/or was guilty of a clear abuse of discretion in the making of such decision, if any such decision has been made.

FOURTH.

Condemnees say that the sum of money awarded them by said special commissioners, as damages for the taking of that portion of condemnees' land sought to be condemned, is wholly inadequate, because the reasonable cash market value of same was worth far in excess of the sum allowed by the special commissioners.

FIFTH.

Condemnees say that the sum awarded by the special commissioners, as damages, for the taking of condemnees' land, and the value sustained by condemnees to the remaining portion of their land, by the taking of that which was sought to be condemned, is wholly inadequate, and does not compensate condemnees for the damage sustained by them, by reason of the condemning of their said land, because:

(a) That portion of their lands sought to be condemned, when considered as severed land, taking into consideration the use made of said land at this time, and at the time of the award of said commissioners, was \$50.00;

(b) Because the damage done to the remainder of condemnees' said tract of land, by

reason of the taking of that sought to be condemned, is the sum of \$450.00; aggregating the sum of Five Hundred Dollars (\$500.00), which condemnees will sustain as damages, by reason of the portion of their said land being condemned for highway purposes.

Wherefore, condemnees above named pray that petitioner and/or condemnor herein be cited as required by law; that upon a trial hereof the strip of land belonging to condemnees, described in the petition of condemnor, petitioner herein, be not condemned; and in the alternative, that in event said strip of land is condemned, that these condemnees recover their just damages and all costs, and for such other and further relief as they may be entitled to, either at law or in equity.

FLORENCE & FLORENCE
Gilmer, Texas

By G. L. FLORENCE

Attorneys for Condemnees.

NO. 3539. The State of Texas vs. H. W. Fitzgerald and wife, Alma Fitzgerald, and the Gladewater Federal Savings & Loan Association. Appeal of H. W. Fitzgerald, et ux, from Award of Commissioners. Filed March 23, 1950 at 4:28 o'clock P. M. James Poole, County Clerk, Upshur County.

NO. 3541

PETITION FOR CONDEMNATION ACTING THROUGH THE COMMISSIONERS' COURT

STATE OF TEXAS

IN THE COUNTY COURT OF

VS. NO. 3541

UPSHUR COUNTY, TEXAS.

N. A. LEE AND WIFE, MAY LEE

FEBRUARY TERM, A. D. 1950.

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY:

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 Jim Shockey, Commissioner of Precinct No. 1, E. H. Shaw, Commissioner of Precinct No. 2, A. B. Reynolds, Commissioner of Precinct No. 3, and D. W. Gatlin, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of N. A. Lee and wife, May Lee hereinafter called Defendant(s), and represents and alleges:

1. That W. A. Lunsford is the duly elected and qualified County Judge of Upshur County, Texas, and that Jim Shockey, E. H. Shaw, and A. B. Reynolds and D. W. Gatlin are the duly elected and qualified Commissioners of Upshur County, Texas; that the Defendant(s) N. A. Lee and wife, May Lee reside(s) in Camp County, Texas, where service of process may be had upon them.

2. That the State of Texas is now constructing and laying out and reconstructing a Highway, designated as such, by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as Highway No. F. M. 993; that such construction and reconstruction upon said Highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

A tract of land out of the MARY HAYS Survey being a part of a tract conveyed by A. L. Sewell et ux to Nathan Lee on Jan. 7, 1926, and recorded in Volume 78, Page 302 of the Upshur County Deed Records and being more particularly described as follows: BEGINNING at the southeast corner of the Nathan Lee property in the center of the present county road, said point being S 20 deg E a distance of 22 feet from the center line of proposed F. M. Highway No. 993 at its center line station 5154.7; THENCE S 20 deg E at 22 feet cross the center line of proposed F. M. 993, and continuing a total distance of 62 feet to the north right of way line of said F. M. 993; THENCE along said north right of way line 40 feet from and parallel to the center line of said F. M. 993 S 68 deg 38' W a distance of 1403 feet to west boundary of Nathan Lee property; THENCE in a southerly direction along said west boundary to the south boundary of

ABC364

said Nathan Lee property in the present county road; THENCE in a northeasterly direction along the south boundary of said Nathan Lee property in the present county road to the place of beginning, containing 1.84 acres more or less, the fee simple title to which is owned by said Defendant(s).

3. That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinafter 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, building, improving and maintaining a Highway, to-wit: Highway No. F. M. 993.

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 Highway and that said Commissioners' Court has attempted to but cannot agree with said Defendant(s) upon the amount to be paid for said land above described nor for the damages, if any, there be due said Defendant(s) and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, have offered said Defendant(s) the sum of Ten and No/100 (\$10.00) DOLLARS for said land and for damages, if any, there be due said Defendant(s), 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(s') land, but said Defendant(s) has (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 Defendant(s), by reason whereof said Commissioners' Court has been compelled to institute condemnation proceeding to condemn said land, which is actually needed for said Highway as hereinabove described and all of which said land 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 Defendant(s), and that said decision of said Commissioners when reported to the Court, as required by law, be recorded in the minutes of the 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.

LOONEY E. LINDSEY, County Attorney.
 Attorney(s) for the Commissioners'
 Court of Upshur County, Texas.

NO. 3541. In the County Court of Upshur County, Texas. State of Texas Vs. N. A. Lee and wife, May Lee. Petition in Condemnation. Filed with me at 1:05 o'clock P. M., March 24, 1950, W. A. Lunsford, County Judge, Upshur County, Texas. Filed March 24, 1950 at 1:16 o'clock P. M., James Poole, County Clerk, Upshur County.

 APPOINTMENT OF SPECIAL COMMISSIONERS

STATE OF TEXAS
 VS. NO. 3541
 N. A. LEE AND WIFE, MAY LEE

IN THE COUNTY COURT OF
 UPSHUR COUNTY, TEXAS,
 FEBRUARY TERM, A. D. 1950.

On this 24th day of March A. D. 1950, came on to be heard the application of the State of Texas, acting through the Commissioners' Court of _____ 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 Highway No. F. M. 993, 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 N. A. Lee and wife, May Lee and the said land and the relief prayed for is fully described and set out in Plaintiff's 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 appoints: H. B. Hughey, Fred W. Rosenkutter, and John Pickett, all disinterested freeholders of Upshur County, Texas, to be Special Commissioners to assess the damages in said condemnation proceedings, reference to which is here made.

W. A. LUNSFORD, County Judge.

Upshur County, Texas.

3541. Filed March 24, 1950 at 2:43 o'clock P. M., James Poole, County Clerk, Upshur County, Texas, by Mary Anne Patterson, Deputy.

OATH OF COMMISSIONERS

STATE OF TEXAS
VS. NO. 3541
M. A. LEE AND WIFE, MAY LEE

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
FEBRUARY TERM, A. D. 1950.

WE, the undersigned Commissioners, appointed by 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.

H. B. HUGHEY
FRED W. ROSENKUTTER
JOHN PICKETT

SUBSCRIBED AND SWORN to before me, this the 24th day of March, A. D. 1950.

(SEAL)

FLOY DUFFEY, Notary Public,
Upshur County, Texas.

3541. Filed March 24, 1950 at 2:43 o'clock P. M., James Poole, County Clerk, Upshur County, By Mary Anne Patterson Deputy.

NOTICE OF TIME AND PLACE OF HEARING AND SHERIFF'S NOTICE

STATE OF TEXAS
VS. NO. 3541
M. A. LEE AND WIFE, MAY LEE

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
FEBRUARY TERM, A. D. 1950.

On this the 24th day of March, A. D. 1950, H. B. Hughey, Fred W. Rosenkutter and John Pickett, Special Commissioners, appointed by the Court to assess damages of M. A. Lee and wife, May Lee by reason of the construction, reconstruction, and opening of Highway No. F. M. 993, 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 M. A. Lee and wife, May Lee as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. M. A. Lee and wife, May Lee filed with the Honorable County Judge of Upshur County, Texas, on the 24th day of March, A. D. 1950, 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 7th day of April, A. D. 1950; a copy of this order shall be served upon M. A. Lee and wife, May Lee (and each of them respectively,) and service thereof shall be notice to said Defendant(s) and each of them, to appear at said time and place at Ten o'clock, A. M., at the Court House for the purpose of offering any evidence they may desire as to the amount of damages to be assessed

ABC364

against the State of Texas, and to be paid to the said N. A. Lee and wife, May Lee (and each of them respectively) for the right-of-way and strip of land described in said Plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS OUR HANDS this the 24th day of March, A. D. 1950.

H. B. HUGHEY
FRED W. ROSENKUTTER
JOHN PICKETT, Special Commissioners.

SERVICE OF NOTICE

Came to hand the 28 day of Mar, A. D. 1950, and executed on the 28 day of Mar, A. D. 1950, by delivering a copy of the above notice to N. A. Lee, Mrs. Maye Lee (each respectively) in Camp County, Texas, at Pittsburg, Tex 1 o'clock P. M.

H. F. HACKLER, Sheriff,
Camp County, Texas.

FEE: \$2.40.

#3541. Notice. Filed March 29, 1950 at 4:20 o'clock P. M., James Poole, County Clerk, Upshur County, by Edrie King Deputy.

AWARD OF SPECIAL COMMISSIONERS

STATE OF TEXAS
VS. NO. 3541
N. A. LEE AND WIFE, MAY LEE

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS
FEBRUARY TERM, A. D. 1950.

On this the 7th day of April, A. D. 1950, came on for hearing before the undersigned, H. B. Hughey, Fred W. Rosenkutter, and John Pickett, 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 N. A. Lee and wife, May Lee 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 N. A. Lee and wife, May Lee 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 One Dollar (\$1.00), and the said N. A. Lee and wife, May Lee Defendant(s) shall pay all costs of this proceeding.

H. B. HUGHEY
FRED W. ROSENKUTTER
JOHN PICKETT, Special Commissioners.

Filed April 7, 1950 at 3:30 o'clock P. M. James Poole, County Clerk, Upshur County, by Mary Anne Patterson, Deputy.

JUDGMENT OF THE COURT

STATE OF TEXAS
VS. NO. 3541
N. A. LEE AND WIFE, MAY LEE

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
FEBRUARY TERM, A. D. 1950.

On this the ___ day of _____ A. D. 19___, 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 7th day of April, A. D. 1950, which is as follows:
On this the 7th day of April, A. D. 1950, came on for hearing before the undersigned, H. B. Hughey Fred W. Rosenkutter, and John Pickett, Special Commissioners and disinterested free-holders of Upshur County, Texas, and duly appointed by the County Judge of Upshur County, Texas, to assess

Precinct No. 1, E. M. Shaw, Commissioner of Precinct No. 2, A. B. Reynolds, Commissioner of Precinct No. 3, and D. W. Gatlin, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of W. C. Lindsey and wife, Mae Lindsey hereinafter called Defendant(s), and represents and alleges:

1. That W. A. Lunsford is the duly elected and qualified County Judge of Upshur County, Texas, and that Jim Shockey, E. H. Shaw, A. B. Reynolds and D. W. Gatlin are the duly elected and qualified Commissioners of Upshur County, Texas; that the Defendant(s) W. C. Lindsey and wife, Mae Lindsey reside(s) 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 reconstructing a Highway, designated as such, by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as Highway No. F. M. 993; that such construction and reconstruction upon said Highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

BEGINNING at a point in the North boundary of W. C. Lindsey property, said point being 192.9 feet west of the Northeast corner of W. C. Lindsey property and being in the South right of way line of proposed F. M. Highway No. 993, 40 feet from the center line of said highway at right angles to center line station 700/68; THENCE along said right of way line in a Westerly direction along a curve to the right of radius 271.01 feet a distance of 167.0 feet to the end of said curve opposite center line station 702/10.4 and 40.0 feet therefrom; THENCE S 89 deg 41' W a distance of 832.2 feet to a point opposite center line station 711/00.9 and 40.0 feet therefrom; THENCE along a curve to the right of radius 5769.65 feet a distance of 258.5 feet to the end of curve; THENCE S 85 deg 45' W a distance of 370.4 feet to a point opposite center line station 717/28.0 and 40.0 feet therefrom; THENCE in a Southwesterly direction along a curve to the left of radius 20.0 feet a distance of 32.8 feet to a point opposite center line station 718/26.3 and 40.0 feet therefrom; THENCE S 1 deg 38' E a distance of 547.9 feet to a point opposite center line station 723/84.1 and 40.0 feet therefrom; THENCE in a Southerly direction along a curve to the right of radius 2904.93 feet a distance of 420.0 feet to a point in the South boundary line of the W. C. Lindsey property and the North boundary of the O. G. Harrison property; THENCE in a Westerly direction along said boundary at 40.0 feet cross the center line of proposed F. M. Highway No. 993 at center line station 728/05; and continuing along said South boundary a total distance of 80.0 feet to the West right of way line of F. M. 993; THENCE in a Northerly direction along a curve to the left of radius 2824.93 feet a distance of 420.0 feet to the end of curve at a point opposite center line station 723/84.1 and 40.0 feet therefrom; THENCE N 1 deg 38' W a distance of 547.9 feet to a point opposite center line station 718/36.2 and 40.0 feet therefrom; THENCE in a Northeasterly direction along a curve to the right of radius 100.0 feet a distance of 88.0 feet to a point in the North boundary of W. C. Lindsey property; THENCE in an Easterly direction along said North boundary a distance of 1684.8 feet to the point of beginning and containing 4.08 acres more or less, the fee simple title to which is owned by said Defendant(s).

3. That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinafter described, and to run a road across same, in the manner property by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing, building, improving and maintaining a Highway, to-wit: Highway No. F. M. 993.

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

ABC364

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 Highway and that said Commissioners' Court has attempted to but cannot agree with said Defendant(s) upon the amount to be paid for said land above described nor for the damages, if any, there be due said Defendant(s) and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, have offered said Defendant(s) the sum of Twenty and No/100 (\$20.00) DOLLARS for said land and for damages, if any, there be due said Defendant(s), 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(s') land, but said Defendant(s) has (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 Defendant(s), by reason whereof said Commissioners' Court has been compelled to institute condemnation proceeding to condemn said land, which is actually needed for said Highway as hereinabove described and all of which said land 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 Defendant(s), and that said decision of said Commissioners when reported to the Court, as required by law, be recorded in the minutes of the Court, as the judgment of the Court, and all other and further relief, general and special, in law and in equity to which it may be justly entitled.

LOONEY E. LINDSEY, County Attorney.

Attorney(s) for the Commissioners' Court
of Upshur County, Texas.

NO. 3540. In the County Court of Upshur County, Texas. State of Texas vs. W. C. Lindsey and wife, Mae Lindsey. Petition in Condemnation. Filed with me at 1:05 o'clock P. M. March 24, 1950. W. A. Lunsford, County Judge, Upshur County, Texas. Filed March 24, 1950 at 1:16 o'clock P. M., James Poole, County Clerk, Upshur County.

APPOINTMENT OF SPECIAL COMMISSIONERS

STATE OF TEXAS

VS. NO. 3540

W. C. LINDSEY AND WIFE, MAE LINDSEY

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS,

FEBRUARY TERM, A. D. 1950.

On this 24th day of March A. D. 1950, 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 Highway No. F. M. 993, 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 W. C. Lindsey and wife, Mae Lindsey, and the said land the relief prayed for is fully described and set out in Plaintiff's 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 appoints: H. B. Haghey, Fred W. Rosenkutter, and John Pickett all disinterested freeholders of Upshur County, Texas, to be Special Commissioners to assess the damages in said condemnation proceedings, reference to which is here made.

W. A. LUNSFORD, County Judge
Upshur County, Texas.

#3540. Filed March 24, 1950 at 2:43 o'clock P. M. James Poole, County Clerk, Upshur County, by Mary Anne Patterson, Deputy.

OATH OF COMMISSIONERS

STATE OF TEXAS

VS. NO. 3540

W. C. LINDSEY AND WIFE, MAE LINDSEY

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS,

FEBRUARY TERM, A. D. 1950.

WE, the undersigned Commissioners, appointed by 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.

H. B. HUGHEY

FRED W. ROSENKUTTER

JOHN PICKETT

SUBSCRIBED AND SWORN to before me, this the 24th day of March, A. D. 1950.

(SEAL)

FLOY DUFFEY, Notary Public,

Upshur County, Texas.

#3540. Filed March 24, 1950 at 2:43 o'clock P. M., James Poole, County Clerk, Upshur County, by Mary Anne Patterson, Deputy.

NOTICE OF TIME AND PLACE OF HEARING AND SHERIFF'S NOTICE

STATE OF TEXAS

VS. NO. 3540

W. C. LINDSEY AND WIFE, MAE LINDSEY

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS,

FEBRUARY TERM, A. D. 1950.

On this the 24th day of March, A. D. 1950, H. B. Hughey, Fred W. Rosenkutter and John Pickett, Special Commissioners, appointed by the Court to assess damages of W. C. Lindsey and wife, Mae Lindsey by reason of the construction, reconstruction, and opening of Highway No. F. M. 993, 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 W. C. Lindsey and wife, Mae Lindsey, as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. W. C. Lindsey and wife, Mae Lindsey filed with the Honorable County Judge of Upshur County, Texas, on the 24th day of March, A. D. 1950, 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 7th day of April, A. D. 1950; a copy of this order shall be served upon W. C. Lindsey and wife, Mae Lindsey (and each of them respectively,) and service thereof shall be notice to said Defendant(s) and each of them, to appear at said time and place at Ten o'clock, A. M., at the Court House for the purpose of offering any evidence they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said W. C. Lindsey and wife, Mae Lindsey (and each of them respectively) for the right-of-way and strip of land described in said Plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS OUR HANDS this the 24th day of March, A. D. 1950.

H. B. HUGHEY

FRED W. ROSENKUTTER

JOHN PICKETT, Special Commissioners.

SERVICE OF NOTICE

Came to hand the 24 day of March, A. D. 1950, and executed on the 28th day of March,

A. D. 1950, by delivering a copy of the above notice to W. C. Lindsey and wife, Mae Lindsey, (each respectively) in Upshur County, Texas, at home 11:30 o'clock A. M.

OREAR WATSON, Sheriff,
Upshur County, Texas.

FEE: \$ _____.

#3540. Notice. Filed March 28, 1950 at 1:05 o'clock P. M., James Poole, Clerk, Upshur County, by Adrie King, Deputy.

AWARD OF SPECIAL COMMISSIONERS

STATE OF TEXAS	}	IN THE COUNTY COURT OF
VS. NO. 3540		UPSHUR COUNTY, TEXAS,
W. C. LINDSEY AND WIFE, MAE LINDSEY		FEBRUARY TERM, A. D. 1950.

On this the 7th day of April, A. D. 1950, came on for hearing before the undersigned, H. B. Hughey, Fred W. Rosenkutter, and John Pickett, 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 W. C. Lindsey and wife, Mae Lindsey, 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 W. C. Lindsey and wife, Mae Lindsey, 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 Two Hundred Fifty Dollars (\$250.00), and the said W. C. Lindsey and wife, Mae Lindsey, Defendant(s) shall pay all costs of this proceeding.

H. B. HUGHEY
FRED W. ROSENKUTTER
JOHN PICKETT, Special Commissioners.

Filed April 7, 1950 at 3:30 o'clock P. M., James Poole, County Clerk, Upshur County, by Mary Anne Patterson, Deputy.

JUDGMENT OF THE COURT

STATE OF TEXAS	}	IN THE COUNTY COURT OF
VS. NO. 3540		UPSHUR COUNTY, TEXAS,
W. C. LINDSEY AND WIFE, MAE LINDSEY		FEBRUARY TERM, A. D. 1950.

On this the ___ day of ___ A. D. 19___, 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 7th day of April, A. D. 1950, which is as follows: On this the 7th day of April, A. D. 1950, came on for hearing before the undersigned, H. B. Hughey, Fred W. Rosenkutter, and John Pickett, Special Commissioners and disinterested free-holders of Upshur County, Texas, duly appointed by the County Judge of Upshur County, Texas, to assess the damages accruing to W. C. Lindsey and wife, Mae Lindsey, 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 W. C. Lindsey and wife, Mae Lindsey, Defendants 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 attorney, 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 Defendants by reason of such condemnation, we assess said damages in the sum of Two Hundred Fifty Dollars (\$250.00) and the said W. C. Lindsey and wife, Mae Lindsey, Defendants, shall pay all costs of

ABC364

this proceeding.

H. B. HUGHES

FRED W. ROSENKUTTER

JOHN PICKETT, 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 W. C. Lindsey and wife, Mae Lindsey Defendant(s), (jointly) the sum of Two Hundred Fifty Dollars (\$250.00) 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 W. C. Lindsey and wife, Mae Lindsey Defendant(s), and vested in the State of Texas, said property being described as follows:

BEGINNING at a point in the North boundary of W. C. Lindsey property, said point being 192.9 feet west of the Northeast corner of W. C. Lindsey property and being in the South right-of-way line of proposed F. M. Highway No. 993, 40 feet from the center line of said highway at right angles to center line station 700/68; THENCE along said right of way line in a Westerly direction along a curve to the right of radius 271.01 feet a distance of 167.0 feet to the end of said curve opposite center line station 702/10.4 feet therefrom; THENCE S 89 deg 41' W a distance of 832.2 feet to a point opposite center line station 711/00.9 and 40.0 feet therefrom; THENCE along a curve to the right of radius 5769.65 feet a distance of 258.5 feet to the end of curve; THENCE S 85 deg 45' W a distance of 370.4 feet to a point opposite center line station 717/28.0 and 40.0 feet therefrom; THENCE in a Southwesterly direction along a curve to the left of radius 20.0 feet a distance of 32.8 feet to a point opposite center line station 718/26.3 and 40.0 feet therefrom; THENCE S 1 deg 38' E a distance of 547.9 feet to a point opposite center line station 723/84.1 and 40.0 feet therefrom; THENCE in a Southerly direction along a curve to the right of radius 2904.93 feet a distance of 420.0 feet to a point in the South boundary line of the W C Lindsey property and the North boundary of the O. G. Harrison property; THENCE in a Westerly direction along said boundary at 40.0 feet cross the center line of proposed F. M. Highway No. 993 at center line station 728/05; and continuing along said South boundary a total distance of 80.0 feet to the West right of way line of F. M. 993; THENCE in a Northerly direction along a curve to the left of radius 2824.93 feet a distance of 420.0 feet to the end of curve at a point opposite center line station 723/84.1 and 40.0 feet therefrom; THENCE N 1 deg 38' W a distance of 547.9 feet to a point opposite center line station 718/36.2 and 40.0 feet therefrom; THENCE in a Northeasterly direction along a curve to the right of radius 100.00 feet a distance of 88.0 feet to a point in the north boundary of W. C. Lindsey property; THENCE in an Easterly direction along said North boundary a distance of 1684.8 feet to the point of beginning, and containing 4.08 acres more or less.

And it is further ORDERED, ADJUDGED and DECREED that the said W. C. Lindsey and wife, Mae Lindsey, Defendant(s) shall pay all costs herein.

W. A. LUNSFORD, County Judge,

Upshur County, Texas.

Final Award in Condemnation for Right-of-Way, State of Texas Vs. W. C. Lindsey & wife, Mae Lindsey. Cause No. 3540. Filed April 18, 1950 at 10:50 o'clock A. M. James Poole, County Clerk, Upshur County.

No. 3542

PETITION FOR CONDEMNATION ACTING THROUGH THE COMMISSIONERS' COURT

STATE OF TEXAS

IN THE COUNTY COURT OF

VS. NO. 3542

UPSHUR COUNTY, TEXAS,

N. A. LEE, ET AL

FEBRUARY TERM, A. D. 1950.

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY:

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 Jim Shockey, Commissioner of Precinct No. 1, E. H. Shaw, Commissioner of Precinct No. 2, A. B. Reynolds, Commissioner of Precinct No. 3, and D. W. Gatlin, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin hereinafter called Defendant(s), and represents and alleges

1. That W. A. Lunsford is the duly elected and qualified County Judge of Upshur County, Texas, and that Jim Shockey, E. H. Shaw, A. B. Reynolds and D. W. Gatlin are the duly elected and qualified Commissioners of Upshur County, Texas; that the Defendant(s) N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, and Mrs. Emma Lester reside in Camp County, Texas, and Mrs. R. H. Melvin reside(s) in Lamar County, Texas, where service of process may be had upon them.

2. That the State of Texas is now constructing and laying out and reconstructing a Highway, designated as such, by the Highway Commission of Texas, in Upshur County, Texas, which said Highway is known and designated as Highway No. F. M. 993; that such construction and reconstruction upon said Highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

A tract of land out of the Mary Hays Survey, being a part of the land known as the N. A. Lee Estate, and being more particularly described as follows: BEGINNING at the most easterly southeast corner of the N. A. Lee Estate property in the center of the present county road, said point bearing 16 feet N 39 deg 30' W from the center line of the proposed F. M. Highway 993 at its center line station 529/40; THENCE along the east boundary of N. A. Lee Estate property and the west boundary of the Nathan Lee property a distance of 25 feet to the north right of way line of F. M. 993; THENCE S 68 deg 38' W along said right of way line, 40 feet from and parallel to the center line of F. M. 993 a distance of 84 feet to a point in said right of way line opposite center line station 530/39 and 40 feet therefrom; THENCE S 67 deg 12' W along said right of way line a distance of 1361 feet to a point in the west boundary of the N. A. Lee Estate property, said point being opposite center line station 544/00 of F. M. 993 and 40 feet therefrom; THENCE in a southerly direction along said west boundary a distance of 80 feet to a point in the south right of way line of said F. M. Highway 993; THENCE N 67 deg 12' E along said right of way line a distance of 1350 feet to a point in the south boundary of N. A. Lee Estate property, said point being in the center of the present county road and being 40 feet from the center line of proposed F. M. Highway 993 at its station 530/50; THENCE in a northeasterly direction along the said south boundary a distance of 120 feet to the point of beginning, containing 2.60 acres more or less, the fee simple title to which is owned by said Defendant(s).

3. That in the judgment of said Commissioners' Court it is necessary, advisable and expedient to occupy the land hereinafter 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, building, improving and maintaining a Highway, to-wit: Highway No. F. M. 993.

ABC364

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 Highway and that said Commissioners' Court has attempted to but cannot agree with said Defendant(s) upon the amount to be paid for said land above described nor for the damages, if any, there be due said Defendant(s) and occasioned by the use of said land, but the Commissioners' Court for the purposes aforesaid, have offered said Defendant(s) the sum of Ten and No/100 (\$10.00) Dollars for said land and for damages, if any, there be due said Defendant(s), 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 (s') land, but said Defendant(s) has (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 Defendant(s), by reason whereof said Commissioners' Court has been compelled to institute condemnation proceeding to condemn said land, which is actually needed for said Highway as hereinabove described and all of which said land 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 Defendant(s), and that said decision of said Commissioners when reported to the Court, as required by law, be recorded in the minutes of the 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.

LOONEY E. LINDSEY, County Attorney.
Attorney(s) for the Commissioners'
Court of Upshur County, Texas.

No. 3542. In the County Court of Upshur County, Texas. State of Texas vs. M. A. Lee, et al, Petition in Condemnation. Filed with me at 1:05 o'clock P. M. March 24, 1950, W. A. Lunsford, County Judge, Upshur County, Texas. Filed March 24, 1950 at 1:16 o'clock P. M., James Poole, County Clerk, Upshur County.

APPOINTMENT OF SPECIAL COMMISSIONERS

STATE OF TEXAS
VS. NO. 3542
N. A. LEE, ET AL

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS.
FEBRUARY TERM, A. D. 1950.

On this 24th day of March, A. D. 1950, 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 Highway No. F. M. 993, 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 M. A. Lee, Mrs. T. O. Driggers, Mrs. Arkin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin and the said land and the relief prayed for is fully described and set out in Plaintiff's 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 appoints: H. B. Hughey, Fred W. Rosenkutter, and John Pickett, all disinterested freeholders of Upshur County, Texas, to be Special Commissioners to assess the damages in said condemnation proceedings, reference to which is here made.

W. A. LUNSFORD, County Judge. Upshur County, Texas.

#3542. Filed March 26, 1950 at 2:44 o'clock P. M., James Poole, County Clerk, Upshur County, By Mary Anne Patterson Deputy.

OATH OF COMMISSIONERS

STATE OF TEXAS
VS. NO. 3542
N. A. LEE, ET AL

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
FEBRUARY TERM, A. D. 1950.

WE, the undersigned Commissioners, appointed by 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.

H. B. HUGHEY
FRED W. ROSENKUTTER
JOHN PICKETT

SUBSCRIBED AND SWORN to before me, this the 24th day of March, A. D. 1950.

(SEAL)

FLOY DUFFEY, Notary Public,
Upshur County, Texas.

#3542. Filed March 24, 1950 at 2:44 o'clock P. M., James Poole, County Clerk, Upshur County, by Mary Anne Patterson Deputy.

NOTICE OF TIME AND PLACE OF HEARING
AND SHERIFF'S NOTICE

STATE OF TEXAS
VS. NO. 3542
N. A. LEE, ET AL

IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
FEBRUARY TERM, 1950.

On this the 24th day of March A. D. 1950, H. B. Hughey, Fred W. Rosenkutter and John Pickett, Special Commissioners, appointed by the Court to assess damages of N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin by reason of the construction, reconstruction, and opening of Highway No. P. M. 993, 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 N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. N. A. Lee, et al, filed with the Honorable County Judge of Upshur County, Texas, on the 24th day of March, A. D. 1950, 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 7th day of April, A. D. 1950; a copy of this order shall be served upon N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin (and each of them respectively,) and service thereof shall be notice to said Defendants and each of them, to appear at said time and place at Ten o'Clock, A. M. at the Court House for the purpose of offering any evidence they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin (and each of them respectively) for the right-of-way and strip of land described in said Plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS our hands this the 24th day of March, A. D. 1950.

H. B. HUGHEY
FRED W. ROSENKUTTER
JOHN PICKETT, Special Commissioners.

ABC364

SERVICE OF NOTICE

CAME to hand the 25th day of March, A. D. 1950, and executed on the 25th day of March A. D. 1950, by delivering a copy of the above notice to Mrs. R. H. Melvin (each respectively) in Lamar County, Texas, at 544 7th N W Paris, Texas 11:00 o'clock, A. M.

WILLIS P. LANE, SHERIFF,

Lamar County, Texas.

By U. L. NELSON Deputy.

FEE: \$1.25

Mileage .20

Total \$1.45.

#3542. Notice. Filed March 28, 1950 at 1:04 o'clock P. M., James Poole, Clerk, Upshur County, By Edrie King, Deputy.

NOTICE OF TIME AND PLACE OF HEARING AND SHERIFF'S NOTICE

STATE OF TEXAS

VS. NO. 3542

N. A. LEE, ET AL.

IN THE COUNTY COURT OF

UPSHUR COUNTY, TEXAS,

FEBRUARY TERM, 1950.

On this the 24th day of March A. D. 1950, H. B. Hughey, Fred W. Rosenkutter and John Pickett, Special Commissioners, appointed by the Court to assess damages of N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin by reason of the construction, reconstruction, and opening of Highway No. F. M. 993, 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 N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin as is more fully set out in said petition of the State of Texas, acting by and through the Commissioners' Court of Upshur County, Texas, vs. N. A. Lee, et al, filed with the Honorable County Judge of Upshur County, Texas, on the 24th day of March, A. D. 1950, 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 7th day of April, A. D. 1950; a copy of this order shall be served upon N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin (and each of them respectively,) and service thereof shall be notice to said Defendants and each of them, to appear at said time and place at Ten o'clock, A. M. at the Court House for the purpose of offering any evidence they may desire as to the amount of damages to be assessed against the State of Texas, and to be paid to the said N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin (and each of them respectively) for the right-of-way and strip of land described in said Plaintiff's original petition filed with the County Judge of Upshur County, Texas.

WITNESS our hands this the 24th day of March, A. D. 1950.

H. B. HUGHEY

FRED W. ROSENKUTTER

JOHN PICKETT, Special Commissioners.

SERVICE OF NOTICE

Came to hand the 28 day of Mar A. D. 1950, and executed on the 28 day of Mar. A. D. 1950, by delivering a copy of the above notice to Mrs. Emma Lester, Mrs. Erskin Hughes, Mrs. T. O. Driggers, N. A. Lee (each respectively) in Camp County, Texas, at Pittsburg, Tx. 2 o'clock P. M.

FEE: \$4.60

H. F. HACKLER, Sheriff,
Camp County, Texas.

#3542. Notice. Filed March 29, 1950 at 4:20 o'clock P. M., James Poole, County Clerk, Upshur County by Edrie King, Deputy.

AWARD OF SPECIAL COMMISSIONERS

STATE OF TEXAS
VS. NO. 3542
N. A. LEE, ET AL

} IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
FEBRUARY TERM, A. D. 1950.

On this the 7th day of April, A. D. 1950, came on for hearing before the undersigned, H. B. Hughey, Fred W. Rosenkutter, and John Pickett, 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 N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin 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 N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin 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 Ten Dollars (\$10.00), and the said N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin Defendant(s) shall pay all costs of this proceeding.

H. B. HUGHEY
FRED W. ROSENKUTTER
JOHN PICKETT, Special Commissioners.

Filed April 7, 1950 at 3:30 o'clock P. M., James Poole, County Clerk, Upshur County, by Mary Anne Patterson, Deputy.

JUDGMENT OF THE COURT

STATE OF TEXAS
VS. NO. 3542
N. A. LEE, ET AL

} IN THE COUNTY COURT OF
UPSHUR COUNTY, TEXAS,
FEBRUARY TERM, A. D. 1950.

On this the ___ day of ___, A. D. 19___, 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 7th day of April, A. D., 1950, which is as follows: On this the 7th day of April, A. D. 1950, came on for hearing before the undersigned H. B. Hughey, Fred W. Rosenkutter, and John Pickett, 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 N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin 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 N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin, Defendants 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 defendants by reason of such condemnation we assess said damages in the sum of Ten Dollars (\$10.00), and the said N. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and

ABC364

Mrs. R. H. Melvin, Defendants shall pay all costs of this proceeding.

M. B. HUGHES

FRED W. ROSENKUTTER

JOHN PICKETT, 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 M. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin Defendant(s), (jointly) the sum of Ten Dollars (\$10.00) 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 M. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin Defendant(s), and vested in the State of Texas, said property being described as follows:

A tract of land out of the Mary Hays Survey, being a part of the land known as the M. A. Lee Estate, and being more particularly described as follows: BEGINNING at the most easterly southeast corner of the M. A. Lee Estate property in the center of the present county road, said point bearing 16 feet N 39 deg 30' W from the center line of the proposed F. M. Highway 993 at its center line station 529/40; THENCE along the east boundary of M. A. Lee Estate property and the west boundary of the Nathan Lee property a distance of 25 feet to the north right of way line of F. M. 993; THENCE S 68 deg 38' W along said right of way line, 40 feet from and parallel to the center line of F. M. 993 a distance of 84 feet to a point in said right of way line opposite center line station 530/39 and 40 feet therefrom; THENCE S 67 deg 12' W along said right of way line a distance of 1361 feet to a point in the West boundary of the M. A. Lee Estate property, said point being opposite center line station 544/00 of F. M. 993 and 40 feet therefrom; THENCE in a southerly direction along said west boundary a distance of 80 feet to a point in the south right of way line of said F. M. Highway 993; THENCE N 67 deg 12' E along said right of way line a distance of 1350 feet to a point in the south boundary of M. A. Lee Estate property, said point being in the center of the present county road and being 40 feet from the center line of proposed F. M. Highway 993 and its station 530/40; THENCE in a northeasterly direction along the said south boundary a distance of 120 feet to the point of beginning, containing 2.60 acres more or less.

And it is further ORDERED, ADJUDGED and DECREED that the said M. A. Lee, Mrs. T. O. Driggers, Mrs. Erskin Hughes, Mrs. Emma Lester and Mrs. R. H. Melvin Defendant(s) shall pay all costs herein.

W. A. LUNSFORD, County Judge,
Upshur County, Texas.

Final Award in Condemnation for Right-of-Way. State of Texas vs. M. A. Lee et al, Causa No. 3542. Filed April 18, 1950 at 10:50 o'clock A. M. James Poole, Clerk, County Court.

~~~~~  
JUNE 16, 1950.

Commissioners' Court met in Special Session with all members present.

Motion made, seconded and carried that the Election returns of Elections held in Gilmer Independent School District and Union Ridge Consolidated School District to determine whether or not said School Districts shall be consolidated, on June 14, 1950, be canvassed and the results tabulated as follows:

Gilmer Indep. S. D. for Consolidation 68 votes  
" " " against " 0 votes

Union Ridge CSD for Consolidation 110 votes  
 " " " against " " 42 votes

The above tabulation indicates and it is so ordered that said school districts consolidate.

W. A. Lunsford  
 Jim Shockey  
 E. H. Shaw  
 A. B. Reynolds  
 D. W. Gatlin.

JUNE 29, 1950:

Commissioners' Court met in Special Session with all members present.

Motion made, seconded and carried that returns of Elections held at Union Ridge School <sup>7dell</sup>

June 28, 1950, be tabulated as follows:

For School Tax 57 votes  
 Against " " 0 votes  
 For Bond Assumption 56 votes  
 Against " " 1 vote  
 For Issuance of Bonds 57 votes  
 Against " " 0 votes

The above tabulation indicates and it is hereby ordered that the said three elections carried in the affirmative to wit:

For school tax

For assumption of indebtedness and levying the tax in payment thereof.

For the issuance of the Bonds and the levying of the tax in payment thereof.

W. A. Lunsford  
 Jim Shockey  
 E. H. Shaw  
 A. B. Reynolds  
 D. W. Gatlin

JUNE 30, 1950

Commissioners' Court met in Special Session with all members present.

Motion made, seconded and carried that hearing date on Petition for \$85,000.00 road Bonds of Road District #3A of Upshur County, Texas, be set for July 27, 1950.

ORDER SETTING DOWN FOR HEARING  
 PETITION FOR \$85,000.00 ROAD  
 BONDS OF ROAD DISTRICT NUMBER  
 3-A OF UPSHUR COUNTY, TEXAS.

THE STATE OF TEXAS

COUNTY OF UPSHUR

ON THIS the 30th day of June, 1950, the County Commissioners' Court of Upshur County, Texas, convened in Special Session, at the regular meeting place of said court in the Court-house at Gilmer, Texas, all members of the Court, to wit:

|                 |                               |
|-----------------|-------------------------------|
| W. A. LUNSFORD, | COUNTY JUDGE, Presiding; and  |
| JIM SHOCKEY,    | COMMISSIONER, Precinct No. 1; |
| E. H. SHAW      | COMMISSIONER, Precinct No. 2; |
| A. B. REYNOLDS  | COMMISSIONER, Precinct No. 3; |
| D. W. GATLIN    | COMMISSIONER, Precinct No. 4; |

being present; and, among other proceedings had by said Court, were the following:

There came on to be considered a petition signed by W. H. Howell and certain other

ABC364