

May 10, 1971

Commissioners Court met in regular session with all members present. Motion made and seconded that subject - Solid Waste Upshur County -- Ambassador College - Proposed Composting Plant N 32 deg 34.25' W 95 deg 03.05' - approved construction.  
*app. Court.*

L. G. McKenley  
Offie Nobles  
August Holmes  
E. L. Fannin  
Neal McCurry

May 10, 1971

Commissioners Court Meet at regular session. All was present. Motion made and seconded to accept bid of George P. Bane, Inc. for one used motor grader. Bid filed with minutes. All noted eye

L. G. McKenley  
Offie Nobles  
August Holmes  
E. L. Fannin  
Neal McCurry

May 10, 1971

Commissioners Court meet in regular session. All members present. Motion made by E. L. Fannin, seconded by Offie Nobles to appeal the commendation awards made on May 3, 1971, on A. F. Elwell, Hazel Elwell, Estelle Carroll parcels Hwy 271. All voted Aye.

No.  
L. G. McKenley

Offie Nobles  
August Holmes  
E. L. Fannin  
Neal McCurry

Commissioners Court met in regular session with all members present. Motion made and seconded to pay election judges for special election \$20.00 and helpers \$15.00 each.

Motion carried.

L. G. McRae  
J. P. Noble  
August Palmer  
C. L. Lamm

FILED  
O.W. LOYD  
CLERK UPSHUR COUNTY

'71 MAY 20 AM 9:38

**GAS DIVISION ORDER**

NO. 7080

Effective First Production 19    

To PRUDENTIAL MINERALS EXPLORATION CORP.  
MEADOWS BUILDING  
DALLAS, TEXAS 75206

Each of the undersigned certifies and guarantees that he, she or it (as the case may be) is the legal owner (hereinafter referred to as "Owner") of, and hereby warrants the title to, the interest as hereafter set opposite Owner's name in the proceeds derived from the sale of gas, distillate, condensate and other gaseous substances (hereinafter referred to as gas) from all wells on the \_\_\_\_\_

Clemens Gas Unit located in Upshur County, Texas, described as follows.

691.60 acres of the A. Lumbrera Survey, Abst. 3, more fully described in the Homer Clemens Pooled Gas Unit, more fully described in Unit Designation, dated August 28, 1969, recorded in Volume 118, Page 39, Oil and Gas Lease Records of Upshur County, Texas.

Effective as of the date first above stated and until further written notice you are hereby authorized to receive and give Owner credit for all Proceeds derived from the sale of gas from said property subject to the following conditions, covenants and directions.

CREDIT TO	DIVISION OF INTEREST	P. O. ADDRESS
Homer Clemens & wife, Lucy	.0396378 RI	
Eva Free, Indiv. and as Admin. of the Est. of J. W. Free, Decs'd.	.0120803 RI	
James F. Bland	.0060402 RI	
Talton Lewis & wife, Tessie Mae	.0006778 RI	
H. Leon Herring	.0022265 RI	
Uneve Herring Williams	.0022265 RI	
Rosalie Herring Williams	.0022265 RI	
L. N. Coe	.0019791 RI	
Myrtis Herring	.0009896 RI	
Marvin Herring	.0002474 RI	
Ray D. Sorrells & wife, Johnnie Lou	.0016926 RI	
Ray D. Sorrells, James W. Croley & Sunset Memorial Park	.0004717 RI	
J. L. Johns & wife, Sarah	.0021508 RI	
J. M. Brooks & wife, Leta M.	.0005002 RI	
W. P. Bullard & wife, Pauline	.0002711 RI	
J. M. Brooks & wife, Leta	.0019466 RI	
J. H. Hogg & wife, Marie	.0035786 RI	
Wayne C. Cly	.0005874 RI	
Gilmer Industrial Foundation	.0140287 RI	
Upshur County	.0073200 RI	
W. L. Proctor & wife, Margaret	.0083231 RI	
Est. of Johnnie V. Bradley, Decs'd.	.0057385 RI	
Southwestern Electric Power Co.	.0019574 RI	
J. R. Pickett	.0008332 RI	
Frank C. Knott & wife, Jewell	.0001808 RI	
Housing Auth. of the City of Gilmer	.0011250 RI	
Unknown	.0003416 RI	
Unknown	.0001808 RI	
Cranfill H. Cox, Sr.	.0015345 RI	
Cranfill H. Cox, Jr.	.0015345 RI	
St. Louis Southwestern Railway Co.	.0009827 RI	
Gilmer Independent School District	.0072861 RI	

FIRST Each Owner's interest hereunder as to gas and plant products shall be paid in accordance with the price or prices fixed in the applicable gas purchase contract or contracts executed by the working interest owner or owners set forth above and/or Prudential Minerals Exploration Corp pursuant to which such gas and plant products are sold as the same may have been changed or amended by orders of the Federal Power Commission or other governmental or regulatory body having jurisdiction to fix prices with respect to said contracts. The price to be paid for distillate produced with the gas shall be the net amount realized from the sale thereof.

SECOND Payments shall be made monthly to Owner at the above address by check mailed on or before the 30th day of each month for the preceding month, provided if an amount due hereunder is less than \$5.00 payment therefor may be withheld without interest, until such time as the total of accumulated amounts due Owner hereunder is at least \$5.00 at which time Owner shall be paid the total amount therefore accumulated to Owner's credit except that payment on accumulated amounts shall not be withheld longer than one (1) year from the date the first of such payments is due Owner.

THIRD Owner authorizes Prudential Minerals Exploration Corp to withhold from the proceeds of any and all gas referred to herein the amount of any tax placed thereon or for the production thereof by a government authority and to pay the same on behalf of Owner. Owner further agrees that, if Prudential Minerals Exploration Corp is required to dehydrate, treat, compress and transport any gas before delivery to the purchaser thereof, Prudential Minerals Exploration Corp shall be entitled to deduct or withhold Owner's proportionate part of the cost of such dehydrating, treating, compressing and transporting from Owner's interest in the proceeds obtained from sale of said gas.

FOURTH In case of any adverse claim of title at any time during the term of this division order Owner agrees to furnish complete abstracts of title and other evidence of title satisfactory to Prudential Minerals Exploration Corp and hereby authorizes such company to withhold payment without obligation to pay interest on the amount so withheld, until satisfactory indemnity shall be furnished against such adverse claim or until title shall be made satisfactory to Prudential Minerals Exploration Corp. Owner further agrees, as to the interest of Owner in the event suit is filed in any court affecting title to said gas, either before or after severance to notify Prudential Minerals Exploration Corp in writing of such suit and to indemnify and save harmless Prudential Minerals Exploration Corp against any and all liability for loss, cost, damage and expense which it may suffer or incur on account of receiving and paying Owner the proceeds derived from the sale of said gas. If Prudential Minerals Exploration Corp, pursuant to the provisions hereof, withholds payment or any part thereof from the undersigned Owner from whom payment is so withheld agrees to indemnify and hold it harmless from liability for any tax together with all interest and penalties incident thereto, imposed or assessed against or paid by it on account of, the sum or sums so withheld from payment to said party and agrees that Prudential Minerals Exploration Corp may deduct all such taxes, interest and penalties so paid by it from any sums owing by it to said party.

FIFTH The Owner agrees to notify Prudential Minerals Exploration Corp of any change of ownership and no transfer of interest shall be binding upon Prudential Minerals Exploration Corp until a transfer order and the recorded instrument evidencing such transfer or a certified copy thereof shall be furnished to Prudential Minerals Exploration Corp. Transfers of interest shall be made effective on the first day of the calendar month in which notice is received by Prudential Minerals Exploration Corp.

SIXTH Prudential Minerals Exploration Corp. is hereby relieved of any responsibility for determining when Owner's interest herein set forth shall revert to other party or parties (if such be the case) as a result of the completion or discharge of an obligation or obligations due Owner by such other party or parties and payable from the proceeds attributable to Owner's interest in the properties herein described.

SEVENTH This division order shall become valid and binding on each Owner who signs it, and all of the provisions hereof shall apply to each such executing party separately in the proportion hereinabove set opposite him, her or its (as the case may be) name, and the same shall be binding upon each such undersigned party's heirs, successors, executors, administrators, legal representatives and assigns.

EIGHTH Each of the undersigned who is the owner of a royalty interest in the land covered hereby or any part thereof, by executing this division order, hereby agrees that any unit described or referred to in this division order and the lease or leases described or referred to above or in the instrument or instruments creating any such unit, insofar as the same affects or affect the royalty interest of the undersigned, are in full force and effect, that any such unit has been properly created and the same are hereby ratified and confirmed, and, in consideration of the premises each undersigned royalty owner does hereby further lease let and demise the above described land insofar as it is covered and affected by lease or leases of record unto the owners and holders of said lease or leases, subject to and in accordance with each and all of the terms and conditions as set forth and contained in the applicable lease or leases as the same may have been amended, and each undersigned royalty owner does hereby further agree that all land included in any such unit shall be treated for all purposes (except the payment of royalties on production had from such unit) as if it were covered by each of said leases so included therein, and production of gas on any part of the acreage included in said unit shall be treated as production had from the land covered by each such lease. In the event that this division order relates to a unit, each undersigned royalty owner does hereby further agree that from and after the effective date of this division order, in lieu of the royalty specified in said lease or leases affecting the royalty interest of such royalty owner, such royalty owner, shall receive as his, her or its portion of all gas production had from said unit only the unitized royalty interest set forth hereinabove opposite the name of such undersigned royalty owner.

IN WITNESS WHEREOF, this division order is executed and made effective as of the date above written.

WITNESS

SIGNATURE AND MAILING ADDRESS

SOCIAL SECURITY OR TAX ACCOUNT NUMBER

Upshur County  
Box 39  
Gilmer, Texas 75644

*[Handwritten Signature]*  
County Clerk  
Upshur County  
Gilmer, Texas

ORGANIZATION OF BOARD OF EQUALIZATION

BE IT REMEMBERED that on this the 10th day of May 19 71, the Commissioners' Court of Upshur County, Texas, was duly convened as a Board of Equalization, at the regular meeting place at the Court House in the town of Gilmer

Upshur County, Texas, for the purpose of equalizing the value of all taxable property, located in said County, for the purposes of taxation for the year 19 71, with all members of said Court, viz:

- L. G. McKinley County Judge
- Offie Nobles Commissioner, Precinct #1
- Bryant Holmes Commissioner, Precinct #2
- E. L. Fannin Commissioner, Precinct #3
- Neal McCurry Commissioner, Precinct #4.

present and participating.

That upon convening of said Board, and prior to entering upon their duties as a Board of Equalization, each of the above named members took and subscribed to the following oath:

"I, Commissioners Court, a member of the Board of Equalization of Upshur County, Texas, for the year A.D., 19 71, hereby solemnly swear:

"That in the performance of my duties as a member of such Board for said year, I will not vote to allow any taxable property to stand assessed on the tax rolls of said County for said year at any sum which I believe to be less than its true market value, or if it has no market value, then its real value; that I will faithfully endeavor, and as a member will move to have each item of taxable property which I believe to be assessed for said year at less than its true market value, or real value, raised on the tax rolls to what I believe to be its true market value, if it has a market value, and if not, then to its real value, and that I will faithfully endeavor, to have the assessed valuation of all property subject to taxation within said County, stand upon the tax rolls of said County for said year at its true cash market value, or if it has no market value, then its real value, I solemnly swear that I have read and understand the provisions contained in the Constitution and Laws of this State relative to the valuation of taxable property, and that I will faithfully perform all of the duties required of me under the Constitution and Laws of this State. So Help Me God."

Upshur County, Gilmer, Texas  
10 Day of May, 19 71.

105

L. H. McKinley  
County Judge

O. P. Miller  
Commissioner Precinct #1

B. G. Helmer  
Commissioner Precinct #2

E. L. Jamison  
Commissioner Precinct #3

W. H. [unclear]  
Commissioner Precinct #4

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 10 day  
of May, 19 21.

O. W. Loyd  
County Clerk,  
County, Texas

ORDER RECESSING BOARD OF EQUALIZATION

BE IT REMEMBERED, that the Board of Equalization for  
Upshur County, Texas, having been regularly  
 convened and BEING IN SESSION ON THIS THE 10 day of  
May A.D., 1971, the following order was upon  
 motion of Commissioner Nahles, duly  
 seconded by Commissioner Janusis unanimously  
 carried and adopted, to-wit:

There being no further business now necessary to be  
 transacted by said Board of Equalization, it is ordered  
 that said Board do now recess until 10:00 A.M., the 9  
 day of July A.D., 1971, at which time said  
 Board of Equalization will further resume the transaction of such  
 business as may then come before it.

R. M. McKindley  
 County Judge

Upshur County, Gilmer Texas.

10 day of May A.D., 1971.

NOTICE OF MEETING

NOTICE OF UNUSUAL SUBJECT MATTER TO BE CONSIDERED BY THE  
COMMISSIONERS' COURT OF UPSHUR COUNTY AT A SPECIAL MEETING

DATE OF SPECIAL MEETING: June 7, 1971  
 TIME OF SPECIAL MEETING: 10:00 o'clock A.M.  
 PLACE: COMMISSIONERS' COURTROOM, COURTHOUSE, GILMER, TEXAS  
 SUBJECT MATTER: To canvass the Returns of a Local Option  
 Election held in the City of Big Sandy, Texas,  
 on June 1, 1971.

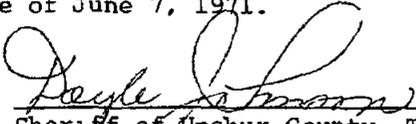
  
 County Clerk, Upshur County, Texas

AFFIDAVIT OF POSTING NOTICE OF UNUSUAL SUBJECT MATTER  
 TO BE CONSIDERED BY COMMISSIONERS' COURT OF UPSHUR  
 COUNTY, TEXAS

BEFORE ME, the undersigned authority, on this day  
 personally appeared Doyle Johnson, Sheriff of Upshur County, Texas,  
 who after being by me duly sworn, says upon his oath, to wit:

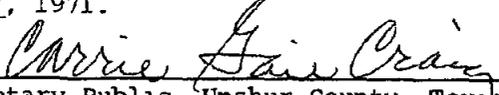
That he posted a true copy of the Notice of Unusual Sub-  
 jection Matter to be considered by Commissioners' Court of Upshur  
 County, Texas on the Bulletin Board located at a place convenient  
 to the public in the Upshur County Courthouse in Gilmer, Texas.

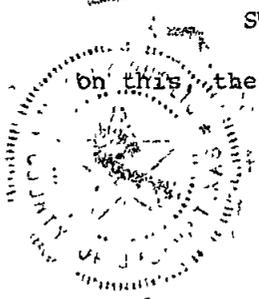
Said Notice was posted on the 2<sup>nd</sup> day of June,  
 1971, which date was more than three (3) days prior to the Special  
 Commissioners' Court meeting date of June 7, 1971.

  
 Sheriff of Upshur County, Texas

SWORN TO AND SUBSCRIBED BEFORE ME by Doyle Johnson,

on this the 2 day of June, 1971.

  
 Notary Public, Upshur County, Texas





~~The manufacture, sale and distribution of alcoholic beverages of the type specified in the order calling said election to be held within the above mentioned area shall be prohibited from the date of this order and thereafter until such time as the qualified voters of the area by a legal election held for that purpose by a majority vote decide otherwise. This order shall be published by posting a copy of same at those public places within the above mentioned area and the County Clerk is hereby directed to cause said notices to be posted as provided by law.\*~~

This order shall be entered of record in the office of the Clerk of this Court, whereupon it shall be lawful in said above mentioned area to manufacture, sell or distribute alcoholic beverages of the type specified in the order calling said election in accordance with the terms of the Texas Liquor Control Act until such time as the qualified voters of said area may thereafter, at a legal election held for that purpose by a majority vote decide otherwise. The Clerk of this Court shall, within three days from date of this order, certify the results of the above mentioned election to the Secretary of State at Austin, Texas.\*\* and to the Texas Alcoholic Beverage Commission, Austin, Texas.

It is further found and determined that notice of the date, place, and subject of this meeting was posted on the bulletin board located at a place convenient to the public in the County Courthouse, Gilmer, Texas, at least three days preceding the date of this meeting and that all of the terms and provisions of Article 6252-17 have been complied with and a copy of said notice together with the return of posting shall be attached to this order and become a part thereof.

The above order being read, it was moved and seconded that same do pass Thereupon, the question being called for, the following members of the Court voted AYE: L. G. McKinley, Offie Nobles, Bryant Holmes, Neal McCurry, and the following members voted NO: None

PASSED, APPROVED AND ADOPTED this the 7 day of June, 19 71.

L. G. McKinley  
County Judge, Upshur County, Texas

Offie Nobles  
Commissioner Precinct No. 1

Bryant Holmes  
Commissioner Precinct No. 3

\_\_\_\_\_  
Commissioner Precinct No. 2

Neal McCurry  
Commissioner Precinct No. 4

\*Strike this paragraph if the majority voted to legalize the sale of alcoholic beverages of the type specified.  
\*\*Strike this paragraph if the majority voted to prohibit the sale of alcoholic beverages of the type specified

71 JUN 7 AM 10:12

FILED  
O.W. LOYD  
CLERK UPSHUR COUNTY



RETURN OF A LOCAL OPTION ELECTION

SECRETARY OF STATE, Austin, Texas

Sir: In compliance with Article 666.39, Texas Penal Code, I submit the following return of a Local Option Election for and against the legal sale of all alcoholic beverages for off-premise consumption only, held in the City of Big Sandy, Upshur County, Texas on June 1, 1971.

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145 votes were cast FOR the legal sale of all alcoholic beverages for off-premise consumption only

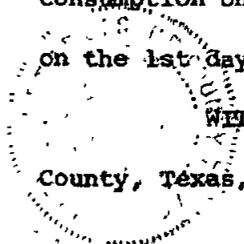
95 - votes were cast AGAINST the legal sale of all alcoholic beverages for off-premise consumption only.  
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THE STATE OF TEXAS X

COUNTY OF UPSHUR X

I HEREBY CERTIFY that the foregoing is a correct return of the vote of the City of Big Sandy, Upshur County, Texas, for and against the legal sale of all alcoholic beverages for off-premise consumption only, at an election held in said City of Big Sandy, on the 1st day of June, 1971.

WITNESS MY HAND AND OFFICIAL SEAL at Gilmer, Upshur County, Texas, this 7th day of June, 1971.



*Clayton*  
County Clerk, Upshur County, Texas.

REC'D  
JUN 1 10:19 AM '71