



# UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

February 25, 1980

Commissioners Court met in Special Session with all members present.

Judge Dean read the minutes of 2-18-80. Motion made by Charles Still and seconded by Floyd Drennan for the minutes to stand as read. Motion carried.

R. B. Cook, W. F. Patterson, and Don W. Williams submitted an application to the court for creation of an Industrial Development Corporation, a resolution authorizing and approving Industrial Development Corp., Articles of Incorporation, appointment of Directors and other provisions relating to Corporation. Motion made by J. W. Meadows and seconded by Floyd Drennan to approve application, resolution and the appointment of W. F. Patterson, R. B. Cook, Don W. Williams as initial Board of Directors of said Corporation. Motion carried. (Copy attached.)

Ray H. Greene, Richard S. Potter, and Steve Dean submitted an application for the creation of Housing Finance Corporation, approval of the articles of Incorporation and appointment of directors. Motion made by Charles Still and seconded by Floyd Drennan to approve application, articles of Incorporation and the appointment of following directors: Ray H. Green, Richard S. Potter and Steve Dean. Motion carried. (Copy attached.)

Motion made by J. W. Meadows and seconded by Floyd Drennan to approve Special Road Use Agreement Contract submitted by Snider Industries for use of Nasturtium Lane located in Precinct No. 2. Motion carried. (Copy attached.)

Motion made by Bernice Nobles and seconded by J. W. Meadows to approve permit application submitted by Russell Tackett to place culvert within ROW of Bob White Road. Motion carried. (Copy attached.)

Motion made by Bernice Nobles and seconded by Charles Still to approve permit application submitted by Southwestern Bell Telephone Company to place buried cable within ROW of County Road, Kieffer. Motion carried. (Copy attached.)

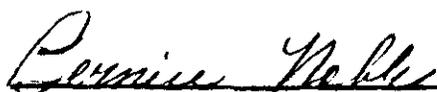
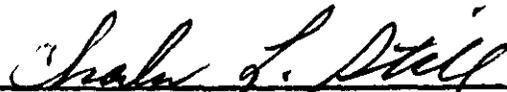
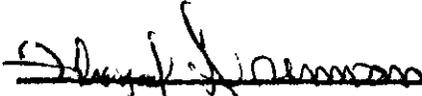
Judge Dean presented to the court a copy of resolution that was sent to our U. S. Representative strongly urging the 96th Congress to re-enact without change the General Revenue Sharing program. Motion made by Charles Still and seconded by Floyd Drennan for said resolution to be placed in the court minutes. Motion carried. (Copy attached.)

Judge Dean read letter of intent to subscribe to Texas Association of Counties reciprocal exchange for purchasing liability insurance, and a letter to State Board of Insurance asking for the current and renewal rates for general liability insurance. Motion made by J. W. Meadows and seconded by Bernice Nobles for these letters to be placed in the minutes. Motion carried. (Copy attached.)

Keith Barber presented to the court a copy of letter from Dorchester Refining Company showing their latest price list, and asking the court to place in the court minutes. (Copy attached.)

Motion made by Floyd Drennan and seconded by J. W. Meadows to approve the unpaid bills. Motion carried. (Copy attached.)

Motion made by J. W. Meadows and seconded by Floyd Drennan to adjourn. Motion carried.



# UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

## RESOLUTION

WHEREAS, Congress will soon consider renewal of the General Revenue Sharing Act, which returns to the state and local governments \$6.8 billion annually, barely 1 percent of federal outlays; and,

WHEREAS, two-thirds of General Revenue Sharing is passed directly to local governments; and,

WHEREAS, Upshur County will receive more than 163 thousand and counties and cities in Texas will receive approximately \$220 million in direct entitlements from General Revenue Sharing funds in 1980; and,

WHEREAS, General Revenue Sharing is one of the few means for Upshur County and other local governments to recover part of the unreimbursed costs of administering programs and requirements mandated by the federal government; and,

WHEREAS, demands on county government are increasing at a time when inflation makes it ever more costly and difficult to maintain existing services; and,

WHEREAS, no other federal program provides flexibility to meet the most urgent needs of local citizens, which may vary significantly between states and within their counties and cities; and,

WHEREAS, counties have limited revenues that are limited to property taxes; and,

WHEREAS, termination of General Revenue Sharing would impose severe economic hardship on county government resulting in either a reduction in services or an increase in the already heavy burden of property taxes on local citizens; and,

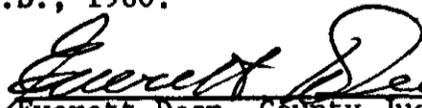
WHEREAS, the formula used for General Revenue Sharing provides a per capita distribution of funds weighted toward those local governments most in need; and,

WHEREAS, General Revenue Sharing is but a small return of the federal taxes imposed upon the citizens in every county; and,

WHEREAS, the General Revenue Sharing program is administered at a cost of only one-tenth of 1 percent, while other federal aid programs cost 5-10 percent or more;

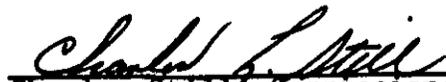
NOW, THEREFORE, BE IT RESOLVED that the Commissioners Court of Upshur County, Texas, hereby strongly urges the 96th Congress to reenact without change the General Revenue Sharing program.

IT IS HEREBY ORDERED that this resolution be spread upon the minutes of the court this 25 day of February A.D., 1980.

  
Everett Dean, County Judge

  
Bernice Nobles, Commissioner 1

  
D. W. Meadows, Commissioner 2

  
Charles Still, Commissioner 3

  
Floyd Brennan, Commissioner 4

FILED  
J.B. WALKER JR.  
CLERK UPSHUR COUNTY  
1980 FEB 25 AM 11:30

MINUTES AND CERTIFICATION PERTAINING TO  
 PASSAGE OF A RESOLUTION AUTHORIZING AND  
 APPROVING THE CREATION OF AN INDUSTRIAL  
 DEVELOPMENT CORPORATION PURSUANT TO THE  
 DEVELOPMENT CORPORATION ACT OF 1979; AND  
 CONTAINING OTHER PROVISIONS AND MAKING  
 CERTAIN FINDINGS RELATING TO THE SUBJECT

THE STATE OF TEXAS  
 COUNTY OF UPSHUR

§  
 §

On this the 25 day of February, 1980, the Commissioners Court of Upshur County, Texas, convened in Special Term at the regular meeting place thereof, the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by Article 6252-17, V.A.T.C.S., and the roll was called of the duly constituted members of the Commissioners Court, which members are as follows, to-wit:

Everett Dean, County Judge  
 Bernice Nobles, Commissioner, Precinct 1  
 J. W. Meadows, Commissioner, Precinct 2  
 Charles Still, Commissioner, Precinct 3  
 Floyd Drennon, Commissioner, Precinct 4

and all of said persons were present, except the following absentees: None, thus constituting a quorum. Whereupon, among other business, the following was transacted, to-wit: A written Resolution bearing the following caption was introduced:

A Resolution Authorizing and Approving the Creation of an Industrial Development Corporation Pursuant to the Development Corporation Act of 1979; Approving the Articles of Incorporation Therefor and Appointing the Initial Directors Thereof; and Containing Other Provisions and Making Certain Findings Relating to the Subject

The Resolution, a full, true and correct copy of which is attached hereto, was read and reviewed by the Commissioners Court.

Thereupon, it was moved by Commissioner Meadows and seconded by Commissioner Drennon that the Resolution be finally passed and adopted. The Judge put the motion to a vote of the members of the Commissioners Court and the Resolution was finally passed and adopted by the following vote:

AYES: Dean, Nobles, Meadows, Still, and Drennan

NOES:

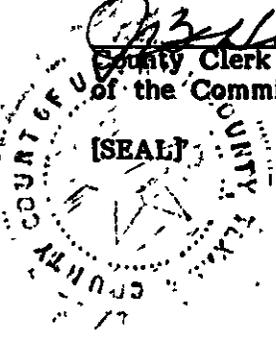
The Judge then declared the Resolution passed and approved, and signed the same in the presence of the Commissioners Court.

MINUTES APPROVED AND CERTIFIED TO BE TRUE AND CORRECT and to correctly reflect the duly constituted members of the Commissioners Court of said County, and the attached and following copy of said Resolution is hereby certified to be a true and correct copy of an official copy thereof on file among the official records of the County, all on this 25 day of February, 1980.

  
County Judge, Upshur County, Texas

ATTEST:

  
County Clerk and Ex Officio Clerk  
of the Commissioners Court



## RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING AND APPROVING THE CREATION OF AN INDUSTRIAL DEVELOPMENT CORPORATION PURSUANT TO THE DEVELOPMENT CORPORATION ACT OF 1979; APPROVING THE ARTICLES OF INCORPORATION THEREFOR AND APPOINTING THE INITIAL DIRECTORS THEREOF; AND CONTAINING OTHER PROVISIONS AND MAKING CERTAIN FINDINGS RELATING TO THE SUBJECT

WHEREAS, the Development Corporation Act of 1979 (the "Act") authorizes this Commissioners Court, upon receipt of a proper application requesting such action, to authorize and approve the creation and organization of an industrial development corporation to act on behalf of the County for the purpose of promoting and developing commercial, industrial, manufacturing and medical research enterprises in order to promote and encourage employment, public health and public welfare;

WHEREAS, the Act authorizes any such non-profit corporation thus created to issue obligations on behalf of the County and to utilize the proceeds from the sale thereof for the purposes aforesaid and to expend the same in accordance with the powers contained therein;

WHEREAS, pursuant to Section 4 of the Act, three (3) natural persons, each of whom is at least eighteen (18) years of age and is a qualified elector of the County, has filed with this Commissioners Court their written application requesting that the County authorize and approve the creation of an industrial development corporation under the provisions of the Act to act on behalf of the County;

WHEREAS, the Commissioners Court has found and determined and hereby finds and determines that all prerequisites of law have been satisfied and that said Application has been and is signed by not less than three (3) natural persons properly qualified to sign and present the same under the Act;

WHEREAS, the Commissioners Court by this Resolution desires to and intends to take all steps necessary and prerequisite to the creation of said corporation for said purpose; and

WHEREAS, the meeting at which this Resolution is considered is open to the public as required by law, and public notice of time, place and purpose of said meeting was given as required by Article 6252-17, Vernon's Texas Civil Statutes, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS:

Section 1. That the findings and declarations contained in the preambles to this Resolution are hereby repeated and incorporated herein as part of this Resolution.

Section 2. That this Commissioners Court hereby finds and determines that it is advisable that a corporation, to be named the "Upshur County Industrial Development Corporation" (the "Corporation"), be authorized and created with the powers granted in the Act to act on behalf of the County as its duly constituted authority and instrumentality for the limited public purposes of promoting and developing commercial, industrial, manufacturing and medical research enterprises to promote and encourage employment, public health and public welfare.

Section 3. That the Commissioners Court hereby approves the Articles of Incorporation for the Corporation in substantially the form attached hereto as Exhibit "A," and authorizes the incorporators of the Corporation to file the same with the Secretary of State in accordance with the requirements and provisions of the Act. In the event the name chosen for the Corporation is not available, the incorporators are authorized to change the name without the further approval of the Commissioners Court.

Section 4. That the Commissioners Court hereby appoints Cash, W. H. Miller and Don Williams each of whom is at least eighteen (18) years of age and is a duly qualified elector of the County on the date of his appointment, to serve as the initial members of the Board of Directors of the Corporation, such service to be at all times subject to the powers of the County under the Act and the Articles of Incorporation hereby approved.

Section 5. That any and all bonds, notes or other similar obligations issued by the Corporation shall contain a provision, condition or recital substantially to the effect that they shall never be deemed to be or create an indebtedness or liability or a special, general or moral obligation payable out of any funds of the Upshur County, the same to be payable solely out of funds and properties of the Corporation.

Section 6. That it is intended that the Corporation be a duly constituted authority and instrumentality of the Upshur County within the meaning of regulations and revenue rulings of the Treasury Department of the Internal Revenue Service of the United States promulgated under Section 103 and 115 of the Internal Revenue Code of 1954, as amended.

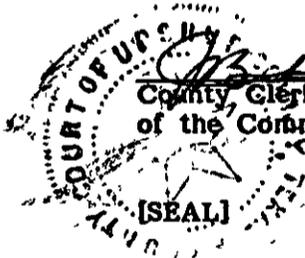
Section 7. That this Resolution shall take effect immediately from and after its adoption.

PASSED AND APPROVED this 25 day of February, 1980.

Ernest Dean  
County Judge, Upshur County, Texas

ATTEST:

W. H. Miller  
County Clerk and Ex-Officio Clerk  
of the Commissioners Court



[SEAL]

ARTICLES OF INCORPORATION  
OF  
UPSHUR COUNTY INDUSTRIAL DEVELOPMENT CORPORATION

We, the undersigned natural persons, each of whom is at least eighteen (18) years of age, a citizen of the State of Texas, and a qualified elector of Upshur County, Texas, as incorporators of a corporation under the Development Corporation Act of 1979, Vernon's Ann.Civ.St., Article 5190.6, do hereby adopt the following Articles of Incorporation for such Corporation:

ARTICLE I.

The name of the Corporation is UPSHUR COUNTY INDUSTRIAL DEVELOPMENT CORPORATION.

ARTICLE II.

The Corporation is a non-profit corporation.

ARTICLE III.

The duration of the Corporation is perpetual.

ARTICLE IV.

The Corporation is organized solely for the purposes of promoting and developing commercial, industrial, manufacturing and medical research enterprises to promote and encourage employment, public health and public welfare, all to be done as the duly constituted authority of Upshur County, Texas, and the Corporation may issue bonds on behalf of said County for said purposes and in accordance with the powers granted under the Development Corporation Act of 1979.

ARTICLE V.

The Corporation shall have no members and is a non-stock corporation.

ARTICLE VI.

The street address of the initial registered office of the Corporation is Upshur County Courthouse, Gilmer, Texas, and the name of its initial registered agent at such address is Everett Dean, County Judge.

ARTICLE VII.

All powers of the Corporation shall be vested in a Board of Directors consisting of any number of directors, but not less than three (3), as may be fixed by the by-laws of the Corporation, each of whom shall be appointed by written resolution of the governing body of Upshur County, Texas, and each of whom shall be a qualified elector of said County. Each director shall serve for a term of six (6) years or until his or her successor is appointed by the governing body of said County; provided, however, that if any director shall at any time be also a member of the governing body of said County, then the term of such

Exhibit A

director shall never exceed the period for which such director is a member of such governing body. Any director may be removed from office at any time, with or without cause, by written resolution of the governing body of the County. All vacancies, from whatever cause, shall be filled by the governing body of the County.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the by-laws of the Corporation, so long as such by-laws are not inconsistent with these Articles of Incorporation, the Development Corporation Act of 1979, or any other law of the State of Texas.

**ARTICLE VIII.**

The number of directors constituting the initial Board of Directors of the Corporation is three (3). The names and addresses of the initial directors, each of whom is a qualified elector of Upshur County, Texas, are:

| NAME                   | ADDRESS               |               |
|------------------------|-----------------------|---------------|
| <u>W. F. Patterson</u> | <u>300 Tyler</u>      | Gilmer, Texas |
| <u>R. B. Cook</u>      | <u>216 N. Trinity</u> | Gilmer, Texas |
| <u>Don W. Williams</u> | <u>320 Buffalo</u>    | Gilmer, Texas |

**ARTICLE IX.**

The names and street addresses of the incorporators, each of whom resides within Upshur County, Texas, are:

| NAME                   | ADDRESS               |               |
|------------------------|-----------------------|---------------|
| <u>W. F. Patterson</u> | <u>300 Tyler</u>      | Gilmer, Texas |
| <u>R. B. Cook</u>      | <u>216 N. Trinity</u> | Gilmer, Texas |
| <u>Don W. Williams</u> | <u>320 Buffalo</u>    | Gilmer, Texas |

**ARTICLE X.**

On Feb. 25, 1980, the governing body of Upshur County, Texas, duly adopted a resolution approving the form of these Articles of Incorporation, approving the creation of the Corporation, and authorizing the Corporation to act on its behalf to further the public purposes stated in said resolution and in Article IV of these Articles of Incorporation.

ARTICLE XI.

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These Articles of Incorporation may at any time and from time to time be amended by either of the following methods: (1) the members of the Board of Directors of the Corporation may file with the governing body of the County an application in writing seeking permission to amend the articles of incorporation, specifying in such application the amendment proposed to be made, and if said governing body by appropriate resolution shall duly find and determine that it is wise, expedient, necessary or advisable that the proposed amendment be made and shall approve the form of the same and authorize it to be made, then the Board of Directors of the Corporation may amend the articles of incorporation by adopting such amendment at a meeting of the Board of Directors and delivering the articles of amendment to the Secretary of State, or (2) the governing body of the County may, in its sole discretion, and at any time, alter or change the structure, organization, programs, or activities of the Corporation (including the power to terminate the Corporation), subject to any limitation on the impairment of contracts entered into by the Corporation, by adopting an amendment to these Articles of Incorporation and delivering articles of amendment to the Secretary of State.

ARTICLE XII.

No dividends shall ever be paid by the Corporation and no part of its net earnings (beyond that necessary for retirement of the indebtedness of the Corporation or to implement the public purposes of the County for which the Corporation has been created) shall be distributed to or inure to the benefit of its directors or officers or any private person, firm, corporation or association except in reasonable amounts for services rendered. No substantial part of the Corporation's activities shall be carrying on propaganda, or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

ARTICLE XIII.

If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto shall not be transferred to private ownership, but shall be transferred and delivered to the County, after satisfaction or provision for satisfaction of debts and claims have been made.

IN WITNESS WHEREOF, we have hereunto set our hands, this 25 day of Feb., 1980.

R. B. Cook  
Incorporator

W. D. Allen  
Incorporator

Ronald Williams  
Incorporator

VOL. 20 PG. 110

THE STATE OF TEXAS §

COUNTY OF UPSHUR §

I, the undersigned, a Notary Public, do hereby certify that on this the 23 day of Feb., 1980, personally appeared before me R. B. Cook, who, being by me first duly sworn, declared that he is the person who signed the foregoing instrument as an incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Bobbie Hankins  
Notary Public, Upshur County, Texas

[SEAL]

THE STATE OF TEXAS §

COUNTY OF UPSHUR §

I, the undersigned, a Notary Public, do hereby certify that on this the 23 day of Feb., 1980, personally appeared before me W. G. Patterson, who, being by me first duly sworn, declared that he is the person who signed the foregoing instrument as an incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Bobbie Hankins  
Notary Public, Upshur County, Texas

[SEAL]

THE STATE OF TEXAS  
COUNTY OF UPSHUR

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VOL: 20 PG. 111

I, the undersigned, a Notary Public, do hereby certify that on this the 25 day of Feb., 1980, personally appeared before me Don W. Williams who, being by me first duly sworn, declared that he is the person who signed the foregoing instrument as an incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Bobbie Henderson  
Notary Public, Upshur County, Texas

[SEAL]

APPLICATION TO THE COMMISSIONERS COURT OF  
UPSHUR COUNTY, TEXAS, REQUESTING THAT  
THE COUNTY AUTHORIZE AND APPROVE THE  
CREATION OF AN INDUSTRIAL DEVELOPMENT  
CORPORATION

Pursuant to Section 4 of the Development Corporation Act of 1979, Vernon's Ann.Civ.St., Article 5190.6, we, the undersigned, each being a natural person who is at least eighteen (18) years of age and is a qualified elector of the Upshur County, Texas, hereby file with the Commissioners Court of said County this written Application and we hereby request that the County authorize and approve the creation of an industrial development corporation under the provisions of the "Development Corporation Act of 1979" to act on behalf of said County. The form of Articles of Incorporation proposed to be used in organizing the corporation are attached hereto as Exhibit "A".

SIGNED this the 25 day of Feb., 1980.

R. B. Cook  
Applicant

[Signature]  
Applicant

[Signature]  
Applicant

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

BEFORE ME, the undersigned authority, on this day personally appeared R. B. Cook, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb., 1980.

[Signature]  
Notary Public, Upshur County, Texas



THE STATE OF TEXAS  
COUNTY OF UPSHUR

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BEFORE ME, the undersigned authority, on this day personally appeared W. J. Patterson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb., 1980.

Bobbie Hopkins  
Notary Public, Upshur County, Texas



THE STATE OF TEXAS  
COUNTY OF UPSHUR

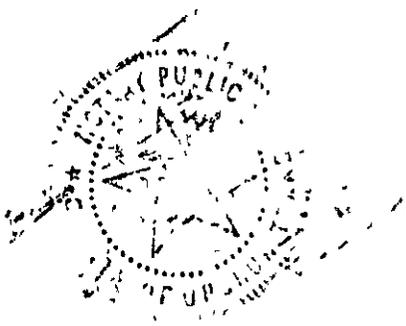
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BEFORE ME, the undersigned authority, on this day personally appeared Dorothy Williams, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb., 1980.

Bobbie Hopkins  
Notary Public, Upshur County, Texas

[SEAL]



COUNTY CLERK'S CERTIFICATE

The undersigned, County Clerk of Upshur County, Texas, hereby certifies that I have examined the attached and foregoing Application to the Commissioners Court of Upshur County, Texas, Requesting that the County Authorize and Approve the Creation of an Industrial Development Corporation, and have compared the names of the Applicants appearing thereon with the most recent and current list of qualified voters within the County and I have found that said Application is signed by not less than three (3) duly qualified electors of the County.

TO CERTIFY WHICH, witness my hand this 25 day of Feb,  
1980.

B. L. Hill  
County Clerk, Upshur County, Texas



ARTICLES OF INCORPORATION  
OF  
UPSHUR COUNTY INDUSTRIAL DEVELOPMENT CORPORATION

We, the undersigned natural persons, each of whom is at least eighteen (18) years of age, a citizen of the State of Texas, and a qualified elector of Upshur County, Texas, as incorporators of a corporation under the Development Corporation Act of 1979, Vernon's Ann.Civ.St., Article 5190.6, do hereby adopt the following Articles of Incorporation for such Corporation:

ARTICLE I.

The name of the Corporation is UPSHUR COUNTY INDUSTRIAL DEVELOPMENT CORPORATION.

ARTICLE II.

The Corporation is a non-profit corporation.

ARTICLE III.

The duration of the Corporation is perpetual.

ARTICLE IV.

The Corporation is organized solely for the purposes of promoting and developing commercial, industrial, manufacturing and medical research enterprises to promote and encourage employment, public health and public welfare, all to be done as the duly constituted authority of Upshur County, Texas, and the Corporation may issue bonds on behalf of said County for said purposes and in accordance with the powers granted under the Development Corporation Act of 1979.

ARTICLE V.

The Corporation shall have no members and is a non-stock corporation.

ARTICLE VI.

The street address of the initial registered office of the Corporation is Upshur County Courthouse, Gilmer, Texas, and the name of its initial registered agent at such address is Everett Dean, County Judge.

ARTICLE VII.

All powers of the Corporation shall be vested in a Board of Directors consisting of any number of directors, but not less than three (3), as may be fixed by the by-laws of the Corporation, each of whom shall be appointed by written resolution of the governing body of Upshur County, Texas, and each of whom shall be a qualified elector of said County. Each director shall serve for a term of six (6) years or until his or her successor is appointed by the governing body of said County; provided, however, that if any director shall at any time be also a member of the governing body of said County, then the term of such

Exhibit A

director shall never exceed the period for which such director is a member of such governing body. Any director may be removed from office at any time, with or without cause, by written resolution of the governing body of the County. All vacancies, from whatever cause, shall be filled by the governing body of the County.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the by-laws of the Corporation, so long as such by-laws are not inconsistent with these Articles of Incorporation, the Development Corporation Act of 1979, or any other law of the State of Texas.

ARTICLE VIII.

The number of directors constituting the initial Board of Directors of the Corporation is three (3). The names and addresses of the initial directors, each of whom is a qualified elector of Upshur County, Texas, are:

| NAME                   | ADDRESS               |               |
|------------------------|-----------------------|---------------|
| <u>W. F. Patterson</u> | <u>300 Tyler</u>      | Gilmer, Texas |
| <u>R. B. Cook</u>      | <u>216 N. Trinity</u> | Gilmer, Texas |
| <u>Don W. Williams</u> | <u>320 Buffalo</u>    | Gilmer, Texas |

ARTICLE IX.

The names and street addresses of the incorporators, each of whom resides within Upshur County, Texas, are:

| NAME                   | ADDRESS               |               |
|------------------------|-----------------------|---------------|
| <u>W. F. Patterson</u> | <u>300 Tyler</u>      | Gilmer, Texas |
| <u>R. B. Cook</u>      | <u>216 N. Trinity</u> | Gilmer, Texas |
| <u>Don W. Williams</u> | <u>320 Buffalo</u>    | Gilmer, Texas |

ARTICLE X.

On Feb. 25, 1980, the governing body of Upshur County, Texas, duly adopted a resolution approving the form of these Articles of Incorporation, approving the creation of the Corporation, and authorizing the Corporation to act on its behalf to further the public purposes stated in said resolution and in Article IV of these Articles of Incorporation.

## ARTICLE XI.

These Articles of Incorporation may at any time and from time to time be amended by either of the following methods: (1) the members of the Board of Directors of the Corporation may file with the governing body of the County an application in writing seeking permission to amend the articles of incorporation, specifying in such application the amendment proposed to be made, and if said governing body by appropriate resolution shall duly find and determine that it is wise, expedient, necessary or advisable that the proposed amendment be made and shall approve the form of the same and authorize it to be made, then the Board of Directors of the Corporation may amend the articles of incorporation by adopting such amendment at a meeting of the Board of Directors and delivering the articles of amendment to the Secretary of State, or (2) the governing body of the County may, in its sole discretion, and at any time, alter or change the structure, organization, programs, or activities of the Corporation (including the power to terminate the Corporation), subject to any limitation on the impairment of contracts entered into by the Corporation, by adopting an amendment to these Articles of Incorporation and delivering articles of amendment to the Secretary of State.

## ARTICLE XII.

No dividends shall ever be paid by the Corporation and no part of its net earnings (beyond that necessary for retirement of the indebtedness of the Corporation or to implement the public purposes of the County for which the Corporation has been created) shall be distributed to or inure to the benefit of its directors or officers or any private person, firm, corporation or association except in reasonable amounts for services rendered. No substantial part of the Corporation's activities shall be carrying on propaganda, or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

## ARTICLE XIII.

If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto shall not be transferred to private ownership, but shall be transferred and delivered to the County, after satisfaction or provision for satisfaction of debts and claims have been made.

IN WITNESS WHEREOF, we have hereunto set our hands, this 25 day of Feb., 1980.

R. B. Cook  
Incorporator

W. A. [Signature]  
Incorporator

Ron A. Sullivan  
Incorporator

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

I, the undersigned, a Notary Public, do hereby certify that on this the 25 day of Feb., 1980, personally appeared before me R. B. Cook, who, being by me first duly sworn, declared that he is the person who signed the foregoing instrument as an incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Bobbie Hankins  
Notary Public, Upshur County, Texas

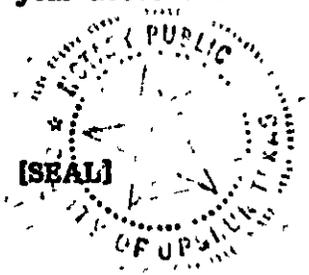


THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

I, the undersigned, a Notary Public, do hereby certify that on this the 25 day of Feb., 1980, personally appeared before me W. J. Patterson, who, being by me first duly sworn, declared that he is the person who signed the foregoing instrument as an incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Bobbie Hankins  
Notary Public, Upshur County, Texas



THE STATE OF TEXAS  
COUNTY OF UPSHUR

§  
§

VOL. 20 PG. 119

I, the undersigned, a Notary Public, do hereby certify that on this the 25 day of Feb., 1980, personally appeared before me Don W. Williams, who, being by me first duly sworn, declared that he is the person who signed the foregoing instrument as an incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Bobbie Hopkins  
Notary Public, Upshur County, Texas



3 01

**APPLICATION TO THE COMMISSIONERS COURT OF  
UPSHUR COUNTY, TEXAS, FOR THE CREATION  
OF A HOUSING FINANCE CORPORATION, AP-  
PROVAL OF THE ARTICLES OF INCORPORATION  
THEREOF AND APPOINTMENT OF THE INITIAL  
DIRECTORS THEREOF**

**WHEREAS, the Texas Housing Finance Corporation Act, Article 12691-7,  
Vernon's Ann.Civ.Stats., as amended (the "Act"), authorizes the creation and  
operation of public non-profit housing finance corporations to act as de-**

NAME:

ADDRESS:

Ray H. Greene

214 E. Marshall Gilmer, Texas

Richard S. Potter

Greenway Street Gilmer, Texas

Steve Dean

504 S. Montgomery Gilmer, Texas

IV.

That duly executed original counterparts of this Application have been presented to and filed with the Commissioners Court of the County in proper and due time, form, and manner; that this Application constitutes a proper and sufficient application to the Commissioners Court of the County for approval and authorization of the creation of a public non-profit housing finance corporation as required by Section 4 of the Act; and that the Commissioners Court of the County may properly consider and act upon this Application.

WHEREFORE, the undersigned respectfully request the Honorable County Judge and Commissioners Court of the County to approve this Application in all respects and to grant the relief herein requested and to take such further and additional actions and proceedings as may be deemed necessary and proper in connection therewith.

RESPECTFULLY SUBMITTED this 25 day of Feb., 1980.

Ray H. Greene  
Applicant

Richard S. Potter  
Applicant

Steve Dean  
Applicant

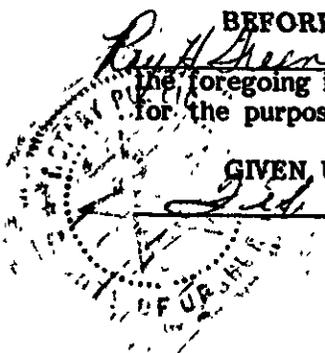
THE STATE OF TEXAS

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§

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared Ruth Greene, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.



Bobbie Hopkins  
Notary Public, Upshur County, Texas

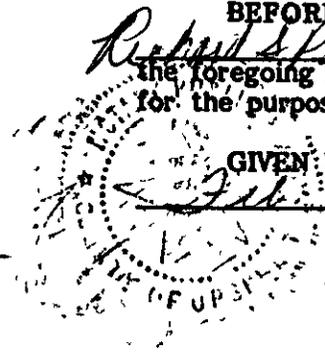
THE STATE OF TEXAS

§  
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COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared Richard & Betty, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.



Bobbie Hopkins  
Notary Public, Upshur County, Texas

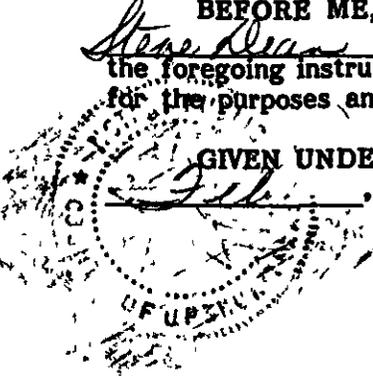
THE STATE OF TEXAS

§  
§  
§

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared Steve Dean, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.



Bobbie Hopkins  
Notary Public, Upshur County, Texas

ARTICLES OF INCORPORATION  
OF  
UPSHUR COUNTY HOUSING FINANCE CORPORATION

We, the undersigned natural persons, each of whom is at least eighteen (18) years of age, a citizen of the State of Texas, and a resident of Upshur County, Texas, acting as incorporators of a corporation under the Texas Housing Finance Corporation Act, Article 12691-7, Vernon's Ann.Civ.St., as amended do hereby adopt the following Articles of Incorporation for such Corporation:

ARTICLE I

The name of the Corporation is UPSHUR COUNTY HOUSING FINANCE CORPORATION.

ARTICLE II

The Corporation is a public non-profit corporation.

ARTICLE III

The duration of the Corporation shall be perpetual.

ARTICLE IV

The Corporation is organized solely to carry out the purposes of the Texas Housing Finance Corporations Act and shall have and possess all powers enumerated in such Act including the powers to make or acquire "home mortgages" and to finance the cost of "residential development" (as such terms are defined in such Act) and to exercise all other purposes contained therein.

ARTICLE V

The Corporation shall have no members.

ARTICLE VI

All powers of the Corporation shall be vested in a Board of Directors consisting of three (3) persons, each of whom shall be appointed by written resolution of the governing body of Upshur County, Texas, and each of whom shall be a resident of such county. Each initial director shall serve for a term of one (1) years or until his or her successor is appointed by the governing body of Upshur County, Texas; provided, however, that any director may be removed from office at any time, with or without cause, by written resolution of the governing body of Upshur County, Texas.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the by-laws of the Corporation, so long as such by-laws are not inconsistent with these Articles of Incorporation, the Texas Housing Finance Corporations Act, or any other law of the State of Texas.

Exhibit A

ARTICLE VII

The street address of the initial registered office of the Corporation is County Courthouse, Gilmer, Texas, and the name of the initial registered agent at such address is Everett Dean, County Judge.

ARTICLE VIII

The number of directors constituting the initial Board of Directors of the Corporation is three (3). The names and addresses of the directors, each of whom resides within Upshur County, Texas, are:

| <u>NAME:</u>             | <u>ADDRESS:</u>          |               |
|--------------------------|--------------------------|---------------|
| <u>Ray H. Greene</u>     | <u>214 E. Marshall</u>   | Gilmer, Texas |
| <u>Richard S. Potter</u> | <u>Greenway Street</u>   | Gilmer, Texas |
| <u>Steve Dean</u>        | <u>504 S. Montgomery</u> | Gilmer, Texas |

ARTICLE IX

The names and street addresses of the incorporators, each of whom resides within Upshur County, Texas, are:

|                          |                          |               |
|--------------------------|--------------------------|---------------|
| <u>Ray H. Greene</u>     | <u>214 E. Marshall</u>   | Gilmer, Texas |
| <u>Richard S. Potter</u> | <u>Greenway Street</u>   | Gilmer, Texas |
| <u>Steve Dean</u>        | <u>504 S. Montgomery</u> | Gilmer, Texas |

ARTICLE X

On February 25, 1980 the governing body of Upshur County, Texas, duly adopted a resolution approving the form of these Articles of Incorporation and approving the creation of the Corporation.

ARTICLE XI

These Articles of Incorporation may be amended at any time and from time to time by the Board of Directors with the approval of the governing body of Upshur County, Texas, or by the governing body of said County, Texas, in its sole discretion, subject, however, to limitations on the impairment of contracts entered into by the Corporation, all under and in accordance with the Texas Housing Finance Corporations Act.

IN WITNESS WHEREOF, we have hereunto set our hands this 25 day of Feb., 1980.

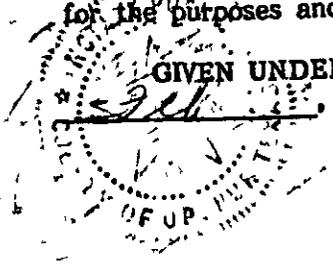
Ray H. Greene  
Incorporator

Richard S. Potter  
Incorporator

Steve Dean  
Incorporator

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

Ray H. Greene BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

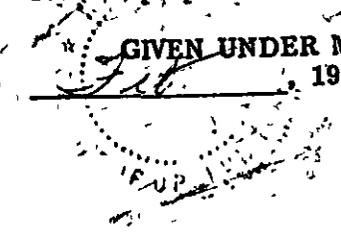


GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.

Bobbie Hopkins  
Notary Public, Upshur County, Texas

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

Richard Platter BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.

Bobbie Hopkins  
Notary Public, Upshur County, Texas

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

Steve Dean BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.

Bobbie Hopkins  
Notary Public, Upshur County, Texas

MINUTES AND CERTIFICATION PERTAINING TO  
PASSAGE OF A RESOLUTION AUTHORIZING AND  
APPROVING THE CREATION OF A HOUSING FI-  
NANCE CORPORATION PURSUANT TO THE TEXAS  
HOUSING FINANCE CORPORATION ACT; AND  
CONTAINING OTHER PROVISIONS AND MAKING  
CERTAIN FINDINGS RELATING TO THE SUBJECT

THE STATE OF TEXAS                   §  
COUNTY OF UPSHUR                   §

On this the 25<sup>th</sup> day of July, 1980, the Commissioners Court of Upshur County, Texas, convened in Special Term at the regular meeting place thereof, the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by Article 6252-17, V.A.T.C.S., and the roll was called of the duly constituted members of the Commissioners Court, which members are as follows, to-wit:

Everett Dean, County Judge  
Bernice Nobles, Commissioner, Precinct 1  
J. W. Meadows, Commissioner, Precinct 2  
Charles Still, Commissioner, Precinct 3  
Floyd Drennon, Commissioner, Precinct 4

and all of said persons were present, except the following absentees: None, thus constituting a quorum. Whereupon, among other business, the following was transacted, to-wit: A written Resolution bearing the following caption was introduced:

Resolution Approving the Creation of a Housing Finance Corporation; Approving the Articles of Incorporation Thereof and Appointing the Initial Directors Thereof; and Containing Other Provisions Relating to the Subject

The Resolution, a full, true and correct copy of which is attached hereto, was read and reviewed by the Commissioners Court.

Thereupon, it was moved by Commissioner Still and seconded by Commissioner Drennon that the Resolution be finally passed and adopted. The County Judge put the motion to a vote of the members of the Commissioners Court, and the Resolution was finally passed and adopted by the following vote:

AYES: Dean, Nobles, Meadows, Still, and Drennon

NOES:

The County Judge then declared the Resolution passed and approved, and signed the same in the presence of the Commissioners Court.

MINUTES APPROVED AND CERTIFIED TO BE TRUE AND CORRECT and to correct reflect the duly constituted members of the Commissioners Court

of said County, and the attached and following copy of said Resolution is hereby certified to be a true and correct copy of an official copy thereof on file among the official records of the County, all on this the 25<sup>th</sup> day of July, 1980.

  
County Judge, Upshur County, Texas

ATTEST:

  
County Clerk and Ex-Officio Clerk  
of the Commissioners Court



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING THE CREATION OF A HOUSING FINANCE CORPORATION; APPROVING THE ARTICLES OF INCORPORATION THEREOF AND APPOINTING THE INITIAL DIRECTORS THEREOF; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT**

**WHEREAS, the Texas Housing Finance Corporation Act, Article 12691-7, Vernon's Ann.Civ.Stats., as amended (the "Act"), authorizes the creation and organization of public non-profit housing finance corporations to act as duly constituted authorities of cities or counties to provide a means of financing the costs of residential development and purchasing or making home mortgages that will provide decent, safe and sanitary housing for persons of low and moderate income at prices they can afford; and**

**WHEREAS, the Act authorizes such non-profit housing finance corporations to issue revenue obligations and to utilize the proceeds from the sale of such obligations finance the cost of residential development for, and to make or acquire mortgage loans on homes owned and occupied by, persons of low and moderate income, and authorizes cities and counties to create and utilize such public non-profit housing finance corporations to accomplish such public purposes; and**

**WHEREAS, three (3) individuals, each of whom is at least eighteen (18) years of age, a citizen of the State of Texas and a resident of the County, have filed with the Commissioners Court of the County a written application pursuant to the Act (the "Application") requesting that the Commissioners Court of the County approve the creation of a public non-profit housing finance corporation under the Act to be designated and known as the "Upshur County Housing Finance Corporation" (the "Corporation"); that the Commissioners Court of the County approve the Articles of Incorporation of the Corporation; and that the Commissioners Court appoint three (3) qualified persons named in such Application to constitute the initial Board of Directors of the Corporation; and**

**WHEREAS, the Commissioners Court of the County has determined to grant the requests contained in the Application by approving the creation of the Corporation and by taking certain related actions set forth more fully hereinafter;**

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS:**

**Section 1. That the Commissioners Court hereby finds, determines, recites and declares that it is wise, expedient, necessary and advisable that the Corporation be formed, that the creation and organization of the Corporation under the Act as a duly constituted authority of the County is hereby approved, and that the Corporation is hereby authorized to act on behalf of the County for the limited and purely public purposes of financing the costs of residential development and purchasing or making home mortgages that will provide decent, safe and sanitary housing for persons of low and moderate income in the County at prices they can afford.**

Section 2. That the Commissioners Court hereby approves the Articles of Incorporation of the Corporation in substantially the form attached hereto as Exhibit "A", and authorizes the incorporators of the Corporation to file such Articles of Incorporation with the Secretary of State of the State of Texas in the manner provided in the Act.

Section 3. That the Commissioners Court hereby appoints Ray H. Greene, Richard S. Potter and Steve Dean, each of whom is at least eighteen (18) years of age, a citizen of the State of Texas and a resident of the County, to serve as the initial members of the Board of Directors of the Corporation.

Section 4. That the Commissioners Court hereby finds, determines, recites and declares that it is not intended to be, nor shall it ever be deemed to be, a political subdivision or municipal or political corporation of the State of Texas within the meaning of any constitutional or statutory provision, including without limitation, Article III, Section 52 and Article XI, Section 3 of the Texas Constitution.

Section 5. That the Commissioners Court hereby finds, determines, recites and declares that the obligations of the Corporation shall not be deemed an indebtedness, liability, general or moral obligation or pledge of the faith or credit of the State of Texas, the County, or any other political subdivision or governmental unit, nor shall such obligations constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction or an agreement, obligation or indebtedness of the County or of the State of Texas within the meaning of any constitutional or statutory provisions whatsoever.

Section 6. That the Commissioners Court hereby recognizes that the Corporation's powers shall include the power to finance the costs of "residential development" and to purchase or make "home mortgages" (as these terms are defined in the Act) and to make loans to lending institutions and that, in accordance with Section 4 of the Act, the Commissioners Court of the County shall not permit the existence of another housing finance corporation under the Act having the power to make or acquire home mortgages or make loans to lending institutions for so long as the Corporation remains in existence.

Section 7. That the Commissioners Court hereby finds, determines, recites and declares that it is the purpose, intent and desire of the County in approving the creation of the Corporation and its Articles of Incorporation, that such actions and the Corporation hereby authorized comply with the requirements of Section 103 of the Internal Revenue Code of 1954, as amended, and the Treasury regulations and Internal Revenue Service rulings promulgated thereunder, including, without limitation, Section 1.103-1 of the Treasury regulations and the rulings issued pursuant thereto, such that the Corporation shall be deemed to be a constituted authority acting on behalf of the County pursuant to the Act and that any bonds issued by the Corporation shall be considered issued on behalf of the County by a duly constituted authority empowered to issue such bonds.

Section 8. That the Commissioners Court officially finds, determines, recites and declares that the urgent need for the provision of housing for persons of low and moderate income at the earliest possible time creates an emergency and urgent public necessity; that this Resolution is therefore declared to be an

emergency measure; and that written notice of the date, hour, place and subject of this meeting and of the subject of this resolution was duly posted in accordance with law and that the meeting at which this Resolution was considered was open to the public as required by law.

PASSED AND APPROVED this 25<sup>th</sup> day of Feb., 1980.

Ernest Davis  
County Judge, Upshur County, Texas

ATTEST:

W. H. Hill  
County Clerk and Ex-Officio Clerk  
of the Commissioners Court



ARTICLES OF INCORPORATION  
OF  
UPSHUR COUNTY HOUSING FINANCE CORPORATION

We, the undersigned natural persons, each of whom is at least eighteen (18) years of age, a citizen of the State of Texas, and a resident of Upshur County, Texas, acting as incorporators of a corporation under the Texas Housing Finance Corporation Act, Article 12691-7, Vernon's Ann.Civ.St., as amended do hereby adopt the following Articles of Incorporation for such Corporation:

ARTICLE I

The name of the Corporation is UPSHUR COUNTY HOUSING FINANCE CORPORATION.

ARTICLE II

The Corporation is a public non-profit corporation.

ARTICLE III

The duration of the Corporation shall be perpetual.

ARTICLE IV

The Corporation is organized solely to carry out the purposes of the Texas Housing Finance Corporations Act and shall have and possess all powers enumerated in such Act including the powers to make or acquire "home mortgages" and to finance the cost of "residential development" (as such terms are defined in such Act) and to exercise all other purposes contained therein.

ARTICLE V

The Corporation shall have no members.

ARTICLE VI

All powers of the Corporation shall be vested in a Board of Directors consisting of three (3) persons, each of whom shall be appointed by written resolution of the governing body of Upshur County, Texas, and each of whom shall be a resident of such county. Each initial director shall serve for a term of one (1) years or until his or her successor is appointed by the governing body of Upshur County, Texas; provided, however, that any director may be removed from office at any time, with or without cause, by written resolution of the governing body of Upshur County, Texas.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the by-laws of the Corporation, so long as such by-laws are not inconsistent with these Articles of Incorporation, the Texas Housing Finance Corporations Act, or any other law of the State of Texas.

Exhibit A

ARTICLE VII

The street address of the initial registered office of the Corporation is County Courthouse, Gilmer, Texas, and the name of the initial registered agent at such address is Everett Dean, County Judge.

ARTICLE VIII

The number of directors constituting the initial Board of Directors of the Corporation is three (3). The names and addresses of the directors, each of whom resides within Upshur County, Texas, are:

| <u>NAME:</u>             | <u>ADDRESS:</u>          |               |
|--------------------------|--------------------------|---------------|
| <u>Ray H. Greene</u>     | <u>214 E. Marshall</u>   | Gilmer, Texas |
| <u>Richard S. Potter</u> | <u>Greenway Street</u>   | Gilmer, Texas |
| <u>Steve Dean</u>        | <u>504 S. Montgomery</u> | Gilmer, Texas |

ARTICLE IX

The names and street addresses of the incorporators, each of whom resides within Upshur County, Texas, are:

|                          |                          |               |
|--------------------------|--------------------------|---------------|
| <u>Ray H. Greene</u>     | <u>214 E. Marshall</u>   | Gilmer, Texas |
| <u>Richard S. Potter</u> | <u>Greenway Street</u>   | Gilmer, Texas |
| <u>Steve Dean</u>        | <u>504 S. Montgomery</u> | Gilmer, Texas |

ARTICLE X

On February 25, 1980 the governing body of Upshur County, Texas, duly adopted a resolution approving the form of these Articles of Incorporation and approving the creation of the Corporation.

ARTICLE XI

These Articles of Incorporation may be amended at any time and from time to time by the Board of Directors with the approval of the governing body of Upshur County, Texas, or by the governing body of said County, Texas, in its sole discretion, subject, however, to limitations on the impairment of contracts entered into by the Corporation, all under and in accordance with the Texas Housing Finance Corporations Act.

IN WITNESS WHEREOF, we have hereunto set our hands this 25 day of Feb., 1980.

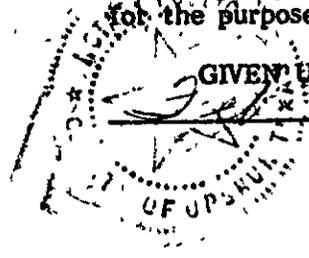
Ray H. Greene  
Incorporator

Richard S. Potter  
Incorporator

Steve Dean  
Incorporator

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

BEFORE ME, the undersigned authority, on this day personally appeared Ray A. Greene, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

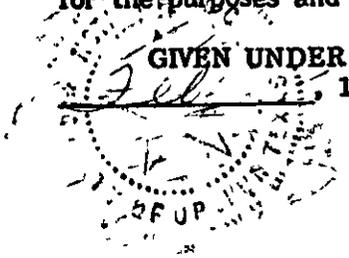


GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.

Bobbe Hankins  
Notary Public, Upshur County, Texas

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

BEFORE ME, the undersigned authority, on this day personally appeared Robert A. Ketter, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.

Bobbe Hankins  
Notary Public, Upshur County, Texas

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

BEFORE ME, the undersigned authority, on this day personally appeared Steve Dean, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of Feb, 1980.

Bobbe Hankins  
Notary Public, Upshur County, Texas

SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned, Snider Industries, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of Precinct No. 2, Upshur County, Texas, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 2, over which Commissioner has jurisdiction and obligation to maintain in good repair and both parties being aware of possible damage to said roads as a result of hauling on and over same enter into the following agreement.

1.

First Party agrees to use only that section of (describe road) Nasturtium Lane

---

---

2.

First Party agrees to use its vehicles in such a manner as not to block or interfere with other traffic on said road so that said road will be open to travel by the public at all times.

3.

First Party agrees to grade, maintain and otherwise repair said road using its own equipment, labor and materials, if any needed, during the duration of time that First Party is removing timber from its lands located in Precinct No. 2, Upshur County.

4.

First Party agrees to put said road back into the same condition as it was prior to the commencement of hauling operations on the part of First Party.

5.

~~First Party agrees to furnish proof of liability insurance with \_\_\_\_\_ to the Commissioners Court of Upshur County.\*~~

First Party agrees to furnish proof of liability insurance with \_\_\_\_\_ to the  
(Name of insurance company)  
Commissioners Court of Upshur County.\*

6.

Nothing herein shall be construed as a waiver by the Commissioner of the authority granted him by Article 6716, V.A.C.S., but the rights and authority granted the Commissioner by the terms of Article 6716, V.A.C.S. are expressly reserved by the Commissioner in the event First Party fails to abide by the conditions above set forth.

WITNESS our hands this the 25 day of Feb.  
A.D. 19 80.

Louis Colombo (Logging Dept)  
FIRST PARTY Snider Industries

P.O. Box 668  
Marshall, Texas 75670

Garrett Dean  
COUNTY JUDGE

Bernice Weber  
COMMISSIONER #1

Jew Meadows  
COMMISSIONER #2

Chas. J. Mill  
COMMISSIONER #3

Donald Drayman  
COMMISSIONER #4

\* Strike if not applicable

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

Date February 25, 1980

TO: THE UPSHUR COUNTY COMMISSIONERS COURT  
COUNTY OF UPSHUR  
GILMER, TEXAS

Formal notice is hereby given that Russell Tackett  
whose principal address is Rt. 6 Box 62A, Gilmer, Texas 75644  
does propose to place a culvert installation  
within the ROW of County Road Bob White Road  
as follows:

The location and description of the proposed lines or  
improvements is more fully shown by three (3) copies of  
drawings attached to this application.

All work will be as directed by the County Commissioner or  
his designate in full accordance with Upshur County Road &  
Bridge Department policies and specifications.

Proposed construction will begin, if approved, on or after  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

FIRM: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1980 FEB 25 PM. 2:06

*Approved*  
*2.25.80*

THE UPSHUR COUNTY COMMISSIONERS COURT  
BOX 39  
GILMER, TEXAS 75644

LONGVIEW - LEE

RO 78191

VOL. 20 PG. 137

FORMAL NOTICE IS HEREBY GIVEN AND REQUEST MADE THAT SOUTHWESTERN BELL TELEPHONE COMPANY PROPOSES TO PLACE BURIED CABLE WITHIN THE RIGHT-OF-WAY OF COUNTY ROAD KIEFFER AS FOLLOWS:

(DESCRIBE AND ATTACH PLAT)

THIS AUTHORIZATION PROVIDES BURIED DISTRIBUTION CABLE  
ALONG KIEFFER ROAD AS SHOWN ON ATTACHED PRINT.

THE LOCATION AND DESCRIPTION OF THE PROPOSED CONSTRUCTION AND APPURTENANCES IS MORE FULLY SHOWN BY THE ATTACHED DRAWING AND PLAT. THE LINE WILL BE CONSTRUCTED AND MAINTAINED ON THE COUNTY RIGHT-OF-WAY AS DIRECTED BY THE COUNTY COMMISSIONERS COURT IN ACCORDANCE WITH CURRENT UPSHUR COUNTY SPECIFICATIONS.

IT IS EXPRESSLY UNDERSTOOD THAT THE UPSHUR COUNTY COMMISSIONERS COURT DOES NOT PURPORT HEREBY, TO GRANT ANY RIGHT, CLAIM, TITLE, OR EASEMENT IN OR UPON THIS COUNTY ROAD. IT IS FURTHER UNDERSTOOD THAT IN THE FUTURE, SHOULD FOR ANY REASON UPSHUR COUNTY NEED TO WORK, IMPROVE, RELOCATE, WIDEN, INCREASE, ADD TO, OR IN MANNER CHANGE THE STRUCTURE OF THIS RIGHT-OF-WAY, THIS LINE, IF AFFECTED, WILL BE MOVED UNDER THE DIRECTION OF THE UPSHUR COUNTY COMMISSIONERS AND SHALL BE RELOCATED AT THE COMPLETE EXPENSE OF THE OWNER.

IT IS FURTHER UNDERSTOOD AND AGREED THAT UPSHUR COUNTY ASSUMES NO LIABILITY FOR DAMAGES TO ANY LINE, POLE, CONSTRUCTION, OR APPURTENANCES IN THE NORMAL MAINTENANCE OF THE COUNTY ROAD.

ALL WORK ON THE COUNTY RIGHT-OF-WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE COUNTY COMMISSIONER'S INSTRUCTIONS. THE INSTALLATION SHALL NOT DAMAGE ANY PART OF THE HIGHWAY AND ADEQUATE PROVISIONS MUST BE MADE TO CAUSE MINIMUM INCONVENIENCE TO TRAFFICE AND ADJACENT OWNERS.

WITH APPROVAL OF THE COMMISSIONERS COURT CONSTRUCTION WILL BEGIN ON OR AFTER 2ND DAY OF FEBRUARY 19 80

FIRM SOUTHWESTERN BELL TELEPHONE COMPANY

RM

BY Edgar A. Lee

NTWK. SERV. SUPV. - OSP ENGR.

301 MAMON

LONGVIEW, TEXAS 75604

APPROVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(THIS FORM TO BE SUBMITTED IN DUPLICATE FOR EACH PROPOSED INSTALLATION.)







| FACILITY | LENGTH | D. C. RES. |
|----------|--------|------------|
| 26 GA.   | 1.3    | 1.2        |
| 24 GA.   | 14.3   | 74.2       |
| 22 GA.   | 3.5    | 2.1        |
| 19 GA.   | 3.1    | 1.8        |
| WIRE     |        |            |
| BT & ES  | 7.6    |            |
| LOADING  | 5-NES  | 4.5        |
| TOTAL    | 34.5   | 13.4       |

| FACILITY | LENGTH | D. C. RES. |
|----------|--------|------------|
| 26 GA.   |        |            |
| 24 GA.   | 6.5    | 3.1        |
| 22 GA.   | 28.0   | 8.1        |
| 19 GA.   |        |            |
| WIRE     |        |            |
| BT & ES  | 7.6    |            |
| LOADING  | 5.1    | 2.3        |
| TOTAL    | 34.5   | 13.4       |

ULTIMATE LOOP

| FACILITY | LENGTH | D. C. RES. |
|----------|--------|------------|
| 26 GA.   |        |            |
| 24 GA.   |        |            |
| 22 GA.   | 15.7   | 24.1       |
| 19 GA.   | 16.1   | 8.2        |
| WIRE     |        |            |
| BT & ES  | 6.4    |            |
| LOADING  | 7-NES  | 5.1        |
| TOTAL    | 41.2   | 127.6      |

**GENERAL NOTES**

SPECIAL ATTENTION POWER WIRES INVOLVED  
 YES  NO

UNDERGROUND TEL PLANT INVOLVED  
 YES  NO

GAS OR WATER LINES INVOLVED  
 YES  NO

SPECIAL CIRCUITS INVOLVED  
 YES  NO  
 SW - CROSS REQUIRED  YES  NO  
 SW - CROSS BENT  YES  NO

HIGHWAY COUNTY BUREAU APPROVAL REQUIRED  
 YES  NO

DATE REC'D BY APP. \_\_\_\_\_

ON PREMISE MILEAGE INVOLVED  
 YES  NO

TRANSMISSION ULT. PROPOSED LOOP

| OFFICE         | SUPPLY   |
|----------------|--|
| 26 GA.         | _____  |
| 24 GA.         | _____  |
| 22 GA.         | _____  |
| 19 GA.         | _____  |
| WIRE           | _____  |
| LOAD COILS     | _____  |
| L. L. COPY NO. | _____ YES <input type="checkbox"/> NO <input type="checkbox"/> |
| DRILLED TAP    | _____  |
| TOTAL          | _____  |

TRANSMISSION ZONE \_\_\_\_\_

AIR PRESSURE INVOLVED  
 YES  NO

CONTRACTOR \_\_\_\_\_

POLE OR CABLE STAKED  
 YES  NO  CALL

TELEPHONE NO. \_\_\_\_\_

RECON WORK INVOLVED  
 YES  NO

SOUTHWESTERN BELL TELEPHONE COMPANY  
 SOUTH DALLAS DIVISION

JOB NO. 10 151

TOTAL PLATS 2

ONLY AREA TV 3000 LONGVIEW

C. O. NO. 11250

VAR. DIST. 11 40 3

ISSUED BY \_\_\_\_\_

OTHER \_\_\_\_\_

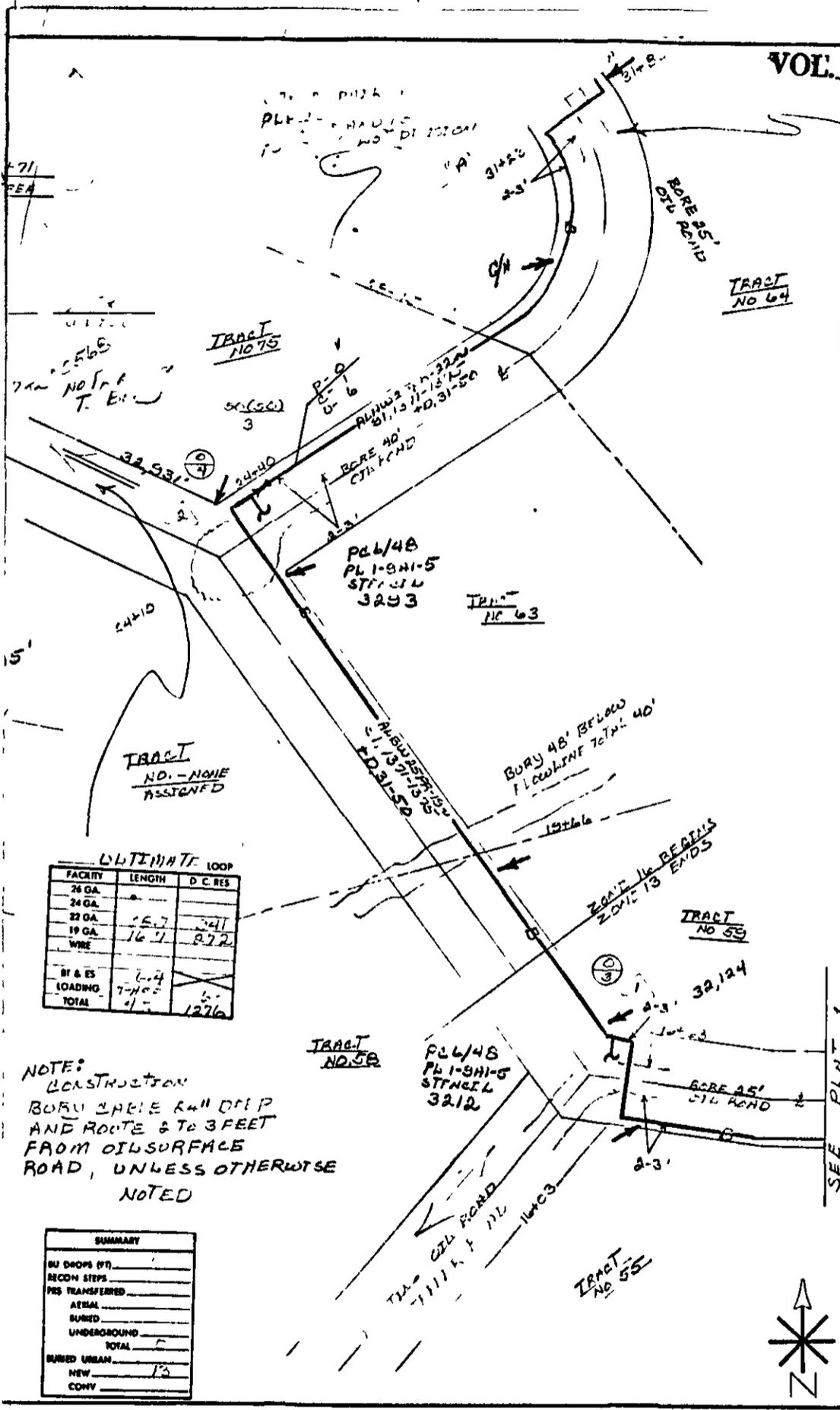
REVISED \_\_\_\_\_

REC'D BY 166

NOTE: CONSTRUCTION BURY CABLE RUN DEEP AND ROUTE 6 TO 3 FEET FROM OIL SURFACE ROAD, UNLESS OTHERWISE NOTED

SUMMARY

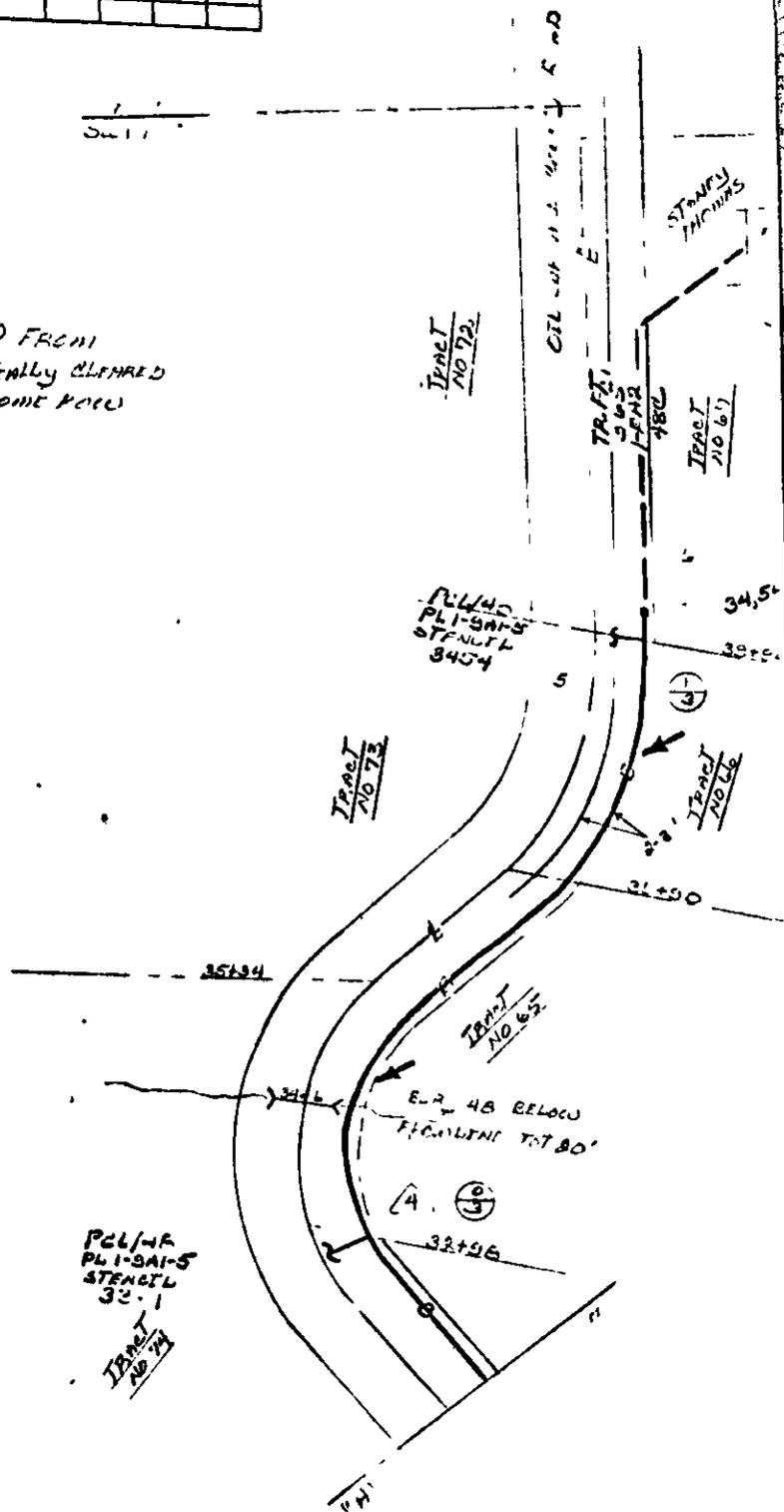
|                 |       |
|-----------------|-------|
| BU DROPS (FT)   | _____ |
| RECON STEPS     | _____ |
| PLS TRANSFERRED | _____ |
| AERIAL          | _____ |
| BURIED          | _____ |
| UNDERGROUND     | _____ |
| TOTAL           | 5     |
| BURIED URBAN    | _____ |
| NEW             | 13    |
| CONV.           | _____ |



| FROM<br>CPL. PLAT | TO<br>CPL. PLAT | DESCRIPTION      | ACQ.<br>CODE | PL.  | ML.  | BRANCH<br>FEET | CREW<br>NO. | DATE |
|-------------------|-----------------|------------------|--------------|------|------|----------------|-------------|------|
| 1-1               | 3-2             | FL. BL. 25PR-19  | 45           | 2520 | 2540 | 20             |             |      |
| 3-A               | 4-2             | H. H. 1. 25PR-22 | 45C          | 1624 | 1614 | 10             |             |      |
|                   |                 |                  |              |      |      |                |             |      |

NOTE TRACTS NO 68, 69, 70  
ARE OUTSIDE OF SURVING A  
BOUNDARY

NOTE: Construction - ROW FROM  
16+63 TO 24+40 IS PARTIALLY CLEARED  
WILL REQUIRE STAKING AND SOME POLE  
CLEARING



LETTER OF INTENT TO SUBSCRIBE  
WITH COUNTIES IN TEXAS

COUNTY GOVERNMENT RECIPROCAL INSURANCE EXCHANGE

The undersigned county does hereby evidence its intent to become a member and subscriber to a Texas Association of Counties reciprocal exchange for purchasing liability insurance.

This intention is not legally binding and may be withdrawn at any time. It will be exercised by the county only when said insurance company is organized and then only if deemed by the county to be in its best financial interest.

Upshur  
(COUNTY)

BY *[Signature]*  
(SIGN)

County Judge  
(TITLE)

February 25, 1980  
(DATE)

MAIL TO:

Texas Association of Counties  
P.O. Box 2131  
Austin, Texas 78768

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1980 FEB 25 PM 2:07

VOL. 20 PG. 144

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1980 FEB 25 PM 2:07

State Board of Insurance  
General Liability Section  
Austin, Texas 78701

Please release to The County Government Reciprocal Insurance Exchange,  
P.O. Box 2131, Austin, Texas 78768, the current and renewal rates and rate data  
including (a) rates which are on file in your office, for general liability.

Thank you for your assistance.

Upshur  
(county)

P.O. Box 730, Gilmer, Texas 75644  
(address)

  
(signed)

Upshur County Judge  
(title)

February 25, 1980  
(date)

**Dorchester Refining Company**

Dorchester Place • 5735 Pineland Dr • P.O. Box 31049  
Dallas, Texas 75231

Writer's Direct Dial Number  
(214) 750-3664

**ASPHALT PRICES**

Mt. Pleasant, Texas

12:01 A.M. February 28, 1980

|                           | <u>PER GALLON</u> | <u>PER TON</u>   |
|---------------------------|-------------------|------------------|
| Penetration or AC Asphalt | \$ .5400          | \$126.90         |
| MC Cutbacks               | .6200             | 155.00           |
| RC Cutbacks               | .6200             | 155.00           |
| Emulsion                  | .6200             | 145.70           |
| Texas Road Oil            | .5400             | 22.68 per bbl.   |
| Precoat                   | .5400             |                  |
| Primer for HMCL           | .6200             |                  |
| RC-2 in our drums         |                   | \$ 1.22 per gal. |
| RC-2 in customer drums    |                   | \$ 1.17 per gal. |

All sales must be on our Posted Price Date of Delivery. Our posted prices today are shown as a matter of information and are subject to change.

W.A. Edwards, Jr.  
Manager - Asphalt Sales

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1980 FEB 25 AM 11:04

GENERAL FUND

| <u>Claim No.</u> | <u>Pay To:</u>         | <u>Classification</u> | <u>Amount</u> |
|------------------|------------------------|-----------------------|---------------|
| 500              | Copy Products          | Supplies              | 392.20        |
| 501              | Racal - Milgo          | Services & Charges    | 210.00        |
| 502              | Kaufman County Sheriff | Services & Charges    | 10.00         |
| 503              | First National Bank    | C.D. Purchase         | 25,000.00     |
| 504              | J. J. Thomas           | Services & Charges    | 5.00          |
| 505              | Carrie Fulson          | Supplies              | 3.74          |
| 506              | W. C. "Bill" Jones     | Services & Charges    | 7.50          |
| 507              | First National Bank    | Supplies              | 10.92         |
| 508              | Arkla Gas              | Services & Charges    | 601.93        |
| 509              | Swepeco                | Services & Charges    | 83.48         |
| 510              | General Telephone      | Services & Charges    | 15.64         |

UNDIVIDED ROAD & BRIDGE

|    |        |          |          |
|----|--------|----------|----------|
| 11 | R&B #1 | Transfer | 498.50   |
| 12 | R&B #2 | Transfer | 1,580.82 |
| 13 | R&B #3 | Transfer | 6,648.98 |
| 14 | R&B #4 | Transfer | 2,403.70 |

ROAD & BRIDGE #3

|    |                          |              |        |
|----|--------------------------|--------------|--------|
| 89 | Darr Equipment Company   | Repair Parts | 570.99 |
| 90 | Cottingham Bearing Corp. | Repair Parts | 10.52  |
| 91 | Arkla Gas                | Utilities    | 14.58  |
| 92 | Max Teffteller           | Maintenance  | 50.00  |

SALARY FUND

|    |              |                             |        |
|----|--------------|-----------------------------|--------|
| 27 | General Fund | To correct error in Deposit | 633.00 |
|----|--------------|-----------------------------|--------|

PERM SCHOOL FUND

|  |                     |       |          |
|--|---------------------|-------|----------|
|  | Throckmorton County | Taxes | 2,835.02 |
|  | Throckmorton I.S.D. | Taxes | 1,734.12 |
|  | Baylor County       | Taxes | 1,489.15 |
|  | Seymour I.S.D.      | Taxes | 2,760.23 |

1960 FEB 25 AM 11:04  
 CLERK DEKALB COUNTY  
 J. B. FRED  
 18