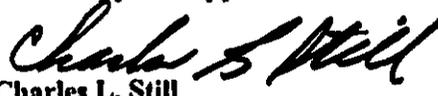


**NOTICE OF MEETING  
COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
FRIDAY, JANUARY 30, 1998, 9:00 AM, SPECIAL SESSION  
UPSHUR COUNTY COURTHOUSE, THIRD FLOOR**

**AGENDA**

1. Approve the minutes of previous meetings.
2. Consider any budget amendments and take appropriate action.
3. Consider approval of accounts payable and take appropriate action.
4. Approve payroll for January 1998.
5. Consider approval of any payroll changes and take action.
6. Accept Financial Statements.
7. Consider request from TxDOT on right of way and construction costs and take any action needed. Tabled from January 27, 1998 meeting.
8. Consider adopting a resolution submitted by TxDOT for transfer of funds for SH 154.
9. Hear Bridget Fowler from the Chamber of Commerce on the Chambers' Economic Development Committee. Tabled from January 27, 1998 meeting.
10. Consider request by David Griffith to pay attorneys fees and take any action necessary. Tabled from January 27, 1998 meeting.
11. Discuss and take action on County space availability and how to utilize space, discuss with Department Heads.
12. Adopt a citizen complaint policy in regard to Glenwood Water Supply grant.
13. Approve applications for use of Upshur County roads and right of way.

  
Charles L. Still  
County Judge

FILED  
JAN 27 1998  
8:28 AM  
COUNTY CLERK

**NOTICE OF MEETING  
COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
FRIDAY, JANUARY 30, 1998, 9:00 AM, SPECIAL SESSION  
UPSHUR COUNTY COURTHOUSE, THIRD FLOOR**

**AGENDA**

**ADDENDUM**

- 1. Consider accepting a resolution for 2nd year funding for Safe and Drug Free Schools and Community Program.**

EX-118  
JAN 30 1998  
9:05 AM  
CLERK

UPSHUR COUNTY COMMISSIONERS COURT

1-30-1998

COMMISSIONERS COURT MET IN SPECIAL SESSION. ALL MEMBER PRESENT.

1. MOTION BY TOMMY STANLEY SECONDED BY RICK JACKSON TO APPROVE MINUTES OF PREVIOUS MEETING DATED 1-26-1998. MOTION CARRIED.
2. NO ACTION TAKEN ON AGENDA ITEM CONCERNING BUDGET AMENDMENTS.
3. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE PAYMENT OF ACCOUNTS PAYABLE. MOTION CARRIED. COPY ATTACHED.
5. NO ACTION TAKEN ON AGENDA ITEM CONCERNING PAYROLL CHANGES.
4. MOTION BY TOMMY STANLEY SECONDED BY RICK JACKSON TO APPROVE PAYROLL REGISTER FOR THE MONTH OF JANUARY. MOTION CARRIED. COPY ATTACHED.
6. MOTION BY TOMMY STANLEY SECONDED BY KENNY THOMPSON TO APPROVE FINANCIAL STATEMENT OF MONTH ENDING DECEMBER. MOTION CARRIED. COPY ON FILE IN OFFICE OF COUNTY CLERK.
7. NO ACTION TAKEN ON AGENDA ITEM CONCERNING REQUEST FORM TXDOT ON RIGHT OF WAY AND CONSTRUCTION COST.
8. MOTION BY KENNY THOMPSON SECONDED BY GADDIS LINDSEY TO APPROVE ADOPTING RESOLUTION CONCERNING TRANSFERRING OF FUNDS ON CERTAIN TXDOT PROJECTS AND TO PAY DIFFERENCE OF \$115.00. MOTION CARRIED. COPY OF RESOLUTION ATTACHED.
9. PRIDGET FOWLER, FROM THE CHAMBER OF COMMERCE MET WITH COURT TO REQUEST JUDGE STILL OR ANY MEMBER OF THE COMMISSIONERS COURT WAS ASKED TO COME TO A CHAMBER MEETING. MS. FOWLER STATED THAT THEIR INPUT WAS NEEDED. THE CHAMBER MEETS ON THE 2ND THURSDAY OF EACH MONTH. THE NEXT MEETING WILL BE HELD 2-12-1998.
10. MOTION BY RICK JACKSON SECONDED BY KENNY THOMPSON TO APPROVE PAYMENT TO ATTORNEY DAVID GRIFFITH FOR SERVICES RENDERED TO THE COUNTY. AMOUNT OF PAYMENT IS \$52,143.81.  
MOTION BY KENNY THOMPSON SECONDED BY RICK JACKSON TO APPROVE BUDGET AMENDMENT (LINE ITEM TRANSFER) SUBMITTED FOR PAYMENT OF COURT APPOINTED ATTORNEY(DAVID GRIFFITH.) MOTION CARRIED. COPY ATTACHED.
11. DARRILL RAY, CHIEF PROBATION OFFICER, MET WITH COURT TO

DISCUSS OFFICE SPACE FOR THE ENTIRE PROBATION OFFICE. AFTER LENGTHY DISCUSSION BETWEEN COURT, MR. RAY AND MEMBERS OF THE AUDIENCE IT WAS DECIDED THAT A WORK SESSION WAS NEEDED.

MOTION BY TOMMY STANLEY SECONDED BY GADDIS LINDSEY TO APPROVE APPOINTING COMMISSIONERS RICK JACKSON AND GADDIS LINDSEY TO MEET WITH CERTAIN DEPARTMENT HEADS AND DISCUSS AVAILABLE SPACE. THE TWO COMMISSIONERS ARE THEN GOING TO REPORT BACK TO THE COURT ON THE DATE OF 2-27-1998. COURT WILL THEN HAVE THE OPTION TO TAKE ACTION IF DEEMED APPROPRIATE.

12. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE RESOLUTION ESTABLISHING LOCAL WRITTEN CITIZEN COMPLAINT PROCEDURES REGARDING THE TEXAS COMMUNITY DEVELOPMENT PROGRAMS AND DESIGNATING THE COUNTY JUDGE AS THE COMMUNITY DEVELOPMENT CITIZEN COORDINATOR. MOTION CARRIED. COPY ATTACHED.

APPENDUM: MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE ADOPTING A RESOLUTION FOR 2ND YEAR FUNDING FOR TAFE AND DRUG FREE SCHOOLS AND COMMUNITY PROGRAM. MOTION CARRIED. COPY ATTACHED.

13. MOTION BY RICK JACKSON SECONDED BY KENNY THOMPSON TO APPROVE THE FOLLOWING SPECIAL ROAD USE AGREEMENT CONTRACTS, PERMIT APPLICATIONS AND APPLICATION FOR FILLING ABANDONED WELLS:

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY JAMES MITCHELL LOGGING TO HAUL LOGS ON BLAIR ROAD.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY FOREST RESOURCE TO HAUL LOGS ON PHILLIP SPRINGS.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY FOREST RESOURCE TO HAUL LOG ON CHINABERRY AND CRAB APPLE.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY FOREST RESOURCE TO HAUL LOGS ON POMEGRANATE.

APPLICATION FOR FILLING ABANDONED WELL SUBMITTED BY ELLIS HANLEY. WELL IS LOCATED ON HWY. 555.

APPLICATION FOR FILLING ABANDONED WELL SUBMITTED BY DEAN HANLEY. WELL IS LOCATED ON HWY. 555.

APPLICATION FOR FILLING ABANDONED WELL SUBMITTED BY OLAN KEFL. WELL IS LOCATED ON HWY. 155.

PERMIT APPLICATION SUBMITTED BY VIRGINIA ALFORD TO PLACE A CULVERT IN ROW OF BARBER ROAD.

PERMIT APPLICATION SUBMITTED BY ELMER WEDDELL TO PLACE A CULVERT IN ROW OF GINGER.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY ROBERTSON LOGGING TO HAUL LOGS ON PERIWINKLE ROAD.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY FOREST RESOURCE TO HAUL LOGS ON RED MAPLE ROAD.

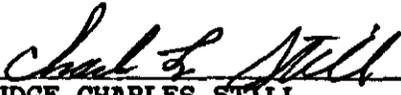
SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY TUCKERS TRUCKING TO HAUL LOGS ON STAG ROAD.

MOTION CARRIED ON ALL THE ABOVE. COPIES OF ALL ABOVE.

ATTENDANCE SHEET PLACED INTO MINUTES FOR RECORDING PURPOSES ONLY.

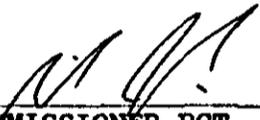
VOL. 49 PG 944

APPROVED THIS 9TH DAY OF Febraury 1998.

  
JUDGE CHARLES STILL

  
COMMISSIONER PCT. #1 GADDIE LINDSEY

  
COMMISSIONER PCT. #2 TOMMY STANLEY

  
COMMISSIONER PCT. #3 RICK JACKSON

  
COMMISSIONER PCT. #4 CHARLES K. THOMPSON

ATTEST:

\_\_\_\_\_  
COUNTY CLERK AND EX-OFFICIO CLERK  
OF THE COMMISSIONERS' COURT OF  
UPSHUR COUNTY, TEXAS

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

06 Feb 1998

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 01/30/98 thru 02/06/98

PAGE 1

| Check #    | HC Date  | Vendor                       | Check Amount | Invoice Amt | Invoice Descriptions                       |
|------------|----------|------------------------------|--------------|-------------|--|
| 73293-APCA | 01/30/98 | UPSHUR COUNTY INSURANCE ACCO | \$3,198.95   | \$3,198.95  | ADP/CLAIMS; EMP INS COSTS                  |
| 73296-APCA | 01/30/98 | DIVERSIFIED COLLECTION SERVI | \$102.00     | \$102.00    | ALICE MATHIS HOPKINS/SS#454-06-0192        |
| 73297-APCA | 01/30/98 | PEBSCO PAYROLL PROCESSING    | \$3,271.97   | \$3,271.97  | ENTITY#52039 PAYROLL DEDUCTIONS            |
| 73298-APCA | 01/30/98 | FIRST NATIONAL BANK GILMER   | \$45,896.82  | \$45,896.82 | FICA/MEDICARE PAYROLL DEDUCTIONS           |
| 73299-APCA | 01/30/98 | FIRST NATIONAL BANK GILMER   | \$28,133.12  | \$28,133.12 | WITHHOLDING PAYROLL DEDUCTIONS             |
| 73300-APCA | 01/30/98 | UPSHUR COUNTY IRC/125        | \$1,579.66   | \$1,579.66  | UNREIMBURSED MEDICAL PAYROLL DEDUCTION     |
| 73301-APCA | 01/30/98 | UPSHUR COUNTY IRC/125        | \$346.30     | \$346.30    | 125/NATIONAL FAMILY CARE PAYROLL DEDUCTION |
| 73302-APCA | 01/30/98 | UPSHUR COUNTY IRC/125        | \$336.52     | \$336.52    | 125/AMERICAN HERITAGE PAYROLL DEDUCTION    |
| 73303-APCA | 01/30/98 | UPSHUR COUNTY IRC/125        | \$217.95     | \$217.95    | 125/TRANSPORT LIFE PAYROLL DEDUCTION       |
| 73304-APCA | 01/30/98 | UPSHUR COUNTY IRC/125        | \$1,040.54   | \$1,040.54  | 125/CENTRAL UNITED PAYROLL DEDUCTION       |
| 73305-APCA | 01/30/98 | UPSHUR COUNTY IRC/125        | \$7,222.81   | \$7,222.81  | 125 DEPENDENT INS PREMIUMS/PAYROLL         |
| 73306-APCA | 01/30/98 | ATTORNEY GENERAL OF TEXAS    | \$310.00     | \$310.00    | MULTIPLE PAYORS 01/30/98 PAYROLL           |
| 73307-APCA | 01/30/98 | AUSTIN BANK GILMER           | \$250.00     | \$250.00    | ABC/PAYROLL SAVINGS PLAN                   |
| 73308-APCA | 01/30/98 | EAST TEXAS PROFESSIONAL      | \$2,487.00   | \$2,487.00  | ETPCU/PAYROLL SAVINGS PLAN                 |
| 73309-APCA | 01/30/98 | FIRST NATIONAL BANK          | \$730.00     | \$730.00    | FNB/PAYROLL SAVINGS PLAN                   |
| 73310-APCA | 01/30/98 | GILMER NATIONAL BANK         | \$255.00     | \$255.00    | GNB/PAYROLL SAVINGS PLAN                   |
| 73311-APCA | 01/30/98 | GILMER SAVINGS BANK          | \$50.00      | \$50.00     | GSB/PAYROLL SAVINGS PLAN                   |
| 73312-APCA | 01/30/98 | UPSHUR COUNTY INSURANCE ACCO | \$646.04     | \$646.04    | DEPENDENT INS PREMIUMS/PAYROLL             |
| 73313-APCA | 01/30/98 | RHONDA GAIL YOUNG            | \$250.00     | \$250.00    | \$281-93/JOEY YOUNG#460253977 12/22/97     |
| 73314-APCA | 01/30/98 | RUBY COOPER, DISTRICT CLERK  | \$215.00     | \$215.00    | EARNEST BECK CAUSE#97-2125-DR 01/30/98     |
| 73315-APCA | 01/30/98 | TEXAS COUNTY & DISTRICT RETI | \$47,734.19  | \$47,734.19 | UNIT#329 MONTHLY REPORT                    |
| 73456-APCA | 01/30/98 | 360 COMMUNICATIONS           | \$199.63     | \$199.63    | SUP&CCP-ACCT#GH00318/JAN 9'98 BILLING      |
| 73457-APCA | 01/30/98 | AT & T INFORMATION SYSTEMS   | \$43.77      | \$43.77     | SUP-ACCT#0142860638001/JAN 15'98 BILLING   |
| 73458-APCA | 01/30/98 | BILLY JACK DAVIS             | \$300.00     | \$300.00    | PCT #3 24HRS @ 12 50 REMODEL BARN          |
| 73459-APCA | 01/30/98 | CHARLES L STILL              | \$270.79     | \$270.79    | CD JUDGE/BRYAN TX REIMB                    |
| 73460-APCA | 01/30/98 | CITY OF GILMER               | \$1,436.34   | \$131.79    | CD CTH-ACCT#130274000/JAN 20'98 BILLING    |

VA 1/19/98  
97/0

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

06 Feb 1998

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 01/30/98 thru 02/06/98

PAGE 2

| Check #    | HC Date  | Vendor                      | Check Amount | Invoice Amt | Invoice Descriptions                                      |
|------------|----------|-----------------------------|--------------|-------------|---|
|            |          |                             |              | \$15 00     | 911-ACCT#010076050/JAN 20 '98 BILLING                     |
|            |          |                             |              | \$15 00     | ROCK BLDG-ACCT#130345000/JAN 20 '98 BILLING               |
|            |          |                             |              | \$15 00     | PORTER BLDG-ACCT#120171000/JAN 20 '98 BILLING             |
|            |          |                             |              | \$42 60     | CO TAX-ACCT#120151000/JAN 20 '98 BILLING                  |
|            |          |                             |              | \$1,216 95  | J CTR-ACCT#010675000/JAN 20 '98 BILLING                   |
| 75461-APCA | 01/30/98 | DAVID B GRIFFITH            | \$52,143 81  | \$52,143 81 | D CT-CAUSE#902-90 KERR CHILDREN                           |
| 75462-APCA | 01/30/98 | DR BACHERIAN                | \$43 00      | \$43 00     | D A-DEBRA CLARK/HOT CK RESTITUTION                        |
| 75463-APCA | 01/30/98 | EAST TEXAS POLICE ACADEMY   | \$398 00     | \$398 00    | CO S/DISPATCH SCHOOL-FENNEL/WILLIAMS                      |
| 75464-APCA | 01/30/98 | GENERAL TELEPHONE COMPANY   | \$3,436 70   | \$283 06    | SUP-#L00-3497/JAN 7 '98 BILLING                           |
|            |          |                             |              | \$33 72     | TELE COM#-#436-9970/JAN 13 '98 BILLING                    |
|            |          |                             |              | \$3,119 92  | TELE COM#-#843-3083/JAN 98                                |
| 75465-APCA | 01/30/98 | GILMER CABLE TV CO . INC    | \$432 80     | \$11 80     | FEB DATA LINK   |
|            |          |                             |              | \$421 00    | FEB REPEATER & X REPEATER                                 |
| 75466-APCA | 01/30/98 | MICHAEL BURROUS             | \$17 33      | \$17 33     | SUP-REIMBURSE/JAN '98 BALANCE OF TRAVEL                   |
| 75467-APCA | 01/30/98 | MICHEAL L SMITH-TAX-ASSESSO | \$367 93     | \$367 93    | D A-BESSIE J MATTHEWS/HOT CK RESTITUTION                  |
| 75468-APCA | 01/30/98 | NEWSOME'S GROCERY           | \$290 46     | \$290 46    | D A-PENNIE LLOYD/HOT CK RESTITUTION                       |
| 75469-APCA | 01/30/98 | OLYMOIC WASTE - KILGORE     | \$784 16     | \$784 16    | WASTE-ACCT#070-20542/DEC 31 '97 BILLING                   |
| 75470-APCA | 01/30/98 | PITNEY BOWES                | \$587 76     | \$587 76    | NON DEPT-ACCT#1288928/PARAGON EQUIP<br>12/30/97-1/30/98   |
| 75471-APCA | 01/30/98 | POSTMASTER                  | \$192 00     | \$192 00    | SUP-(6)ROLLS STAMPS                                       |
| 75472-APCA | 01/30/98 | POMRILT                     | \$6,050 00   | \$6,050 00  | PCT#1-8 2 DETROIT DIESEL ENGINE                           |
| 75473-APCA | 01/30/98 | R D CROSS                   | \$55 55      | \$55 55     | CO S-REIMB C JESTER/FARMINGTON N.H. TRIP                  |
| 75474-APCA | 01/30/98 | SHARON WATER SUPPLY CORP    | \$14 57      | \$14 57     | PCT#4-ACCT#1133/12/12 01/15 '8                            |
| 75475-APCA | 01/30/98 | SHERIFF ASSOCIATION OF TEXA | \$75 00      | \$75 00     | CO S-REGISTRATION/STANLEY<br>E JENKINS(COURSE#3232 CIVIL) |
| 75476-APCA | 01/30/98 | SOUTHWESTERN BELL TELEPHONE | \$199 72     | \$199 72    | SUP#A PROB-#665-3909/JAN 15 '98 BILLING                   |
| 75477-APCA | 01/30/98 | SOUTHWESTERN ELECTRIC POWER | \$3,651 56   | \$176 91    | 911-ACCT#254136955/JAN 15 '98 BILLING                     |
|            |          |                             |              | \$587 72    | CO TAX-ACCT#254104958/JAN 15 '98 BILLING                  |
|            |          |                             |              | \$2,036 02  | J CTR-ACCT#716860/JAN 15 '98 BILLING                      |
|            |          |                             |              | \$54 55     | PORTER BLDG-ACCT#326852/JAN 15 '98 BILLING                |
|            |          |                             |              | \$531 36    | CO LIB-ACCT#66859/JAN 20 '98 BILLING                      |
|            |          |                             |              | \$81 11     | CO LIB-ACCT#4036695/JAN 20 '98 BILLING                    |
|            |          |                             |              | \$80 59     | ROCK BLDG-ACCT#406819/JAN 20 '98 BILLING                  |
|            |          |                             |              | \$103 30    | ROCK BLDG-ACCT#3596699/JAN 20 '98 BILLING                 |

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UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

06 Feb 1998

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 01/30/98 thru 02/06/98

PAGE 3

| Check #  | HC Date     | Vendor                       | Check Amount   | Invoice Amt               | Invoice Descriptions  |
|--|-------------|------------------------------|----------------|---------------------------|---|
| 73478-APCA   | 01/30/98    | STATE COMPTROLLER            | \$46,727 42    | \$44,700 92<br>\$2,014 00 | STATE COURT COSTS 12/31/97 QTR ENDING<br>INDIGENT LEGAL SERVICE FEE 12/31/97<br>QTR ENDING<br>STATE FEES/TIME PAYMENT FEE 12/31/97<br>NO ENDING |
| 73479-APCA   | 01/30/98    | UNITED STATES POSTAL SERVICE | \$5,000 00     | \$3,000 00<br>\$2,000 00  | NON DEPT-CD CTR METER#20660346/POSTAGE<br>NON DEPT-J CTR METER#20475091/POSTAGE   |
| 73480-APCA   | 01/30/98    | UPSHUR RURAL ELECTRIC COOP   | \$47 29        | \$47 29                   | PCT#2-ACCT#4186323&91396012/JAN 22 '98 BILLING  |
| 73481-APCA   | HC 01/30/98 | FIRST NATIONAL BANK GILMER   | \$550,000 00   | \$550,000 00              | CD#26248 PURCHASED 1/30/98 @ 5.65% TO MATURE<br>07/13/98(164DAYS)   |
| 73482-APCA   | HC 01/30/98 | TEXAS ASSOC OF COUNTIES      | \$11,902 00    | \$11,902 00               | #2300 1ST QTR BILLING   |
| 73483-APCA   | HC 02/03/98 | FIRST NATIONAL BANK GILMER   | \$600,000 00   | \$600,000 00              | CD#28320 PURCHASED \$ 722(174days) TO MATURE<br>7/27/98   |
| 73484-APCA   | HC 02/03/98 | AMERICAN TILE SUPPLY INC     | \$245 54       | \$245 54                  | CD MAINT-(100)RED QUARRY TILE&SEALER  |
| 73485-APCA   | HC 02/06/98 | FIRST NATIONAL BANK GILMER   | \$450,000 00   | \$450,000 00              | CD#28330 PURCHASED \$ 722(206days) TO MATURE<br>8/31/98   |
| Total for APCA - Accounts Payable Clearing Account |             |                              | \$1,879,187 20 |                           |   |

LTD 02 07 PM

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

06 Feb 1998

Approved Disbursements

THE SOFTWARE GROUP, INC

Disbursements Made From 01/30/98 thru 02/06/98

PAGE 4

| Check #                          | HC Date  | Vendor                       | Check Amount | Invoice Amt | Invoice Description                             |
|----------------------------------|----------|------------------------------|--------------|-------------|---|
| 1049-FNB 125                     | 01/30/98 | UPSHUR COUNTY-INSURANCE-ACCO | \$7,222.81   | \$7,222.81  | JAN '98 PAYROLL/DEP INS PREMIUMS/125 PLAN       |
| 1050-FNB 125                     | 01/30/98 | UPSHUR CO OPERATING ACCOUNT  | \$1,941.51   | \$1,941.51  | JAN 98 PAYROLL-CANCER/HEARTSTROKE PREN/125 PLAN |
| 1054-FNB 125                     | 02/03/98 | BOBBY DRIGGERS               | \$600.00     | \$600.00    | 125 UNREIMBURSED MEDICAL                        |
| 1055-FNB 125                     | 02/03/98 | CARLTON SMITH                | \$200.00     | \$200.00    | 125 UNREIMBURSED CHILD CARE                     |
| 1056-FNB 125                     | 02/03/98 | DARLENE BARBER               | \$200.00     | \$200.00    | 125 UNREIMBURSED MEDICAL                        |
| 1057-FNB 125                     | 02/03/98 | GADDIS LINDSEY               | \$413.10     | \$413.10    | 125 UNREIMBURSED MEDICAL                        |
| 1058-FNB 125                     | 02/03/98 | GERALD JOHNSON               | \$305.00     | \$305.00    | 125 UNREIMBURSED MEDICAL                        |
| 1059-FNB 125                     | 02/03/98 | JOE DANIELS                  | \$42.71      | \$42.71     | 125 UNREIMBURSED MEDICAL                        |
| 1060-FNB 125                     | 02/03/98 | KAREN STEELMAN               | \$125.00     | \$125.00    | 125 UNREIMBURSED MEDICAL                        |
| 1061-FNB 125                     | 02/03/98 | LINDA TUEL                   | \$391.53     | \$391.53    | 125 UNREIMBURSED MEDICAL                        |
| 1062-FNB 125                     | 02/03/98 | MIKE DAVIS                   | \$64.50      | \$64.50     | 125 UNREIMBURSED MEDICAL                        |
| 1063-FNB 125                     | 02/03/98 | MILTON WYLIE                 | \$600.00     | \$600.00    | 125 UNREIMBURSED MEDICAL                        |
| 1064-FNB 125                     | 02/03/98 | RENE MORRIS                  | \$80.35      | \$80.35     | 125 UNREIMBURSED MEDICAL                        |
| 1065-FNB 125                     | 02/03/98 | ROBIN RODENBERG              | \$91.14      | \$91.14     | 125 UNREIMBURSED MEDICAL                        |
| 1066-FNB 125                     | 02/03/98 | STANLEY JENKINS              | \$157.46     | \$157.46    | 125 UNREIMBURSED MEDICAL                        |
| 1067-FNB 125                     | 02/03/98 | TOMMY STANLEY                | \$79.53      | \$79.53     | 125 UNREIMBURSED MEDICAL                        |
| 1068-FNB 125                     | 02/03/98 | HYRA HARRIS                  | \$288.56     | \$288.56    | 125 UNREIMBURSED MEDICAL                        |
| Total for FNB 125 - IRC/125 PLAN |          |                              | \$12,803.20  |             |   |

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Approved Disbursements ALL Checking Accounts

Disbursements Made from 01/30/98 thru 02/06/98 PAGE 5

| Check #     | MC Date     | Vender                       | Check Amount | Invoice Amt  | Invoice Descriptions  |
|-------------|-------------|------------------------------|--------------|--------------|---|
| 651-FNS-INS | MC 02/03/98 | FIRST NATIONAL BANK          | \$105,000.00 | \$105,000.00 | CD#28321 PURCHASED 76Z(1954)STU MATURE 7/8/98   |
| 652-FNS-INS | MC 02/04/98 | MANAGED PHARMACY-BENEFITS, I | \$3,875.20   | \$3,875.20   | GROUP #800961 1/22/98 PAYMENT REGISTER  |
| 653-FNS-INS | MC 02/04/98 | UPSHUR COUNTY INSURANCE CLEA | \$11,197.36  | \$10,993.09  | 01/29/98 PAYMENT REGISTER (STOP LOSS)<br>\$264.27 01/29/98 PAYMENT REGISTER (STOP LOSS)<br>\$60 Dckt VOIDED CK#1735, J WALTON (WRONG PATIENT) |

Total for FNS-INS - INSURANCE \$120,072.56

Grand Total \$2,012,062.96

71 records listed

GRANT JAMES, CHARLES L. STILL

*Charles L. Still*  
COMMISSURER FCTM, CHARLES L. STILL

*Sony Stanley*  
COMMISSURER FCTM, SONY STANLEY

*[Signature]*  
COMMISSURER FCTM, RUD. JOHNSON

COMMISSURER FCTM, CHARLES K. THOMPSON



| Usbur County Treasurer<br>THE SOFTWARE GROUP, INC. |              | PAYROLL / PERSONNEL SYSTEM         |                        | 29 Jan 1998 |        |
|--|--------------|------------------------------------|------------------------|-------------|--------|
|  |              | CHECK REGISTER FOR CURRENT PAYROLL |                        | PAGE 2      |        |
| CHECK  | DATE PRINTED | PAYROLL DATE                       | ISSUED TO              | NET PAY     | STATUS |
| 75170-PCA  | 01/29/98     | 01/30/98                           | MITCHINS, WANDA L      | 1,006.61    | M      |
| 75171-PCA  | 01/29/98     | 01/30/98                           | JAMISON, HANNAH S      | 1,014.87    | M      |
| 75172-PCA  | 01/29/98     | 01/30/98                           | JOINER, MARTHA JOE     | 94.50       | M      |
| 75173-PCA  | 01/29/98     | 01/30/98                           | MULLINS, STEPHANIE S   | 1,081.51    | M      |
| 75174-PCA  | 01/29/98     | 01/30/98                           | RUTMAN, TRACY L        | 171.22      | M      |
| 75175-PCA  | 01/29/98     | 01/30/98                           | SMITH, RICHARD LOVD    | 1,910.38    | M      |
| 75176-PCA  | 01/29/98     | 01/30/98                           | TIMMONS, DONNA J       | 342.43      | M      |
| 75177-PCA  | 01/29/98     | 01/30/98                           | FLIPP, DONNA           | 1,287.72    | M      |
| 75178-PCA  | 01/29/98     | 01/30/98                           | OFFIELD, STELLA GINA   | 245.70      | M      |
| 75179-PCA  | 01/29/98     | 01/30/98                           | COOK, JOHN RUBIN       | 1,341.73    | M      |
| 75180-PCA  | 01/29/98     | 01/30/98                           | DANIELS, CHARLES D     | 1,071.24    | M      |
| 75181-PCA  | 01/29/98     | 01/30/98                           | ROEDER, RAYMOND R      | 1,482.48    | M      |
| 75182-PCA  | 01/29/98     | 01/30/98                           | BULLOCK, JOEL K        | 1,115.45    | M      |
| 75183-PCA  | 01/29/98     | 01/30/98                           | ROSEN, WILLIAM A       | 1,129.20    | M      |
| 75184-PCA  | 01/29/98     | 01/30/98                           | CORLEY, ROLAN D        | 1,115.45    | M      |
| 75185-PCA  | 01/29/98     | 01/30/98                           | HENSON, CLODDIE D      | 584.27      | M      |
| 75186-PCA  | 01/29/98     | 01/30/98                           | ALFORD, JOHN MATTHEW   | 1,497.08    | M      |
| 75187-PCA  | 01/29/98     | 01/30/98                           | BENGE, RONALD DALE     | 1,428.58    | M      |
| 75188-PCA  | 01/29/98     | 01/30/98                           | BETTERTON, NANCY LYN   | 1,473.07    | M      |
| 75189-PCA  | 01/29/98     | 01/30/98                           | BURRIS, RANDY DAVID    | 1,597.30    | M      |
| 75190-PCA  | 01/29/98     | 01/30/98                           | CROSS, RICHARD D       | 1,789.04    | M      |
| 75191-PCA  | 01/29/98     | 01/30/98                           | DAVIS, MICHAEL WAYNE   | 1,540.35    | M      |
| 75192-PCA  | 01/29/98     | 01/30/98                           | DECURT, JAMES A        | 1,643.39    | M      |
| 75193-PCA  | 01/29/98     | 01/30/98                           | FORTSON, LARRY WAYNE   | 1,749.72    | M      |
| 75194-PCA  | 01/29/98     | 01/30/98                           | HAYS, SHELIA R         | 1,209.03    | M      |
| 75195-PCA  | 01/29/98     | 01/30/98                           | JENKINS, STANLEY E     | 1,287.83    | M      |
| 75196-PCA  | 01/29/98     | 01/30/98                           | JORDAN, MURRAY K       | 1,818.60    | M      |
| 75197-PCA  | 01/29/98     | 01/30/98                           | MATTHEWS, GENEVA NELL  | 1,004.82    | M      |
| 75198-PCA  | 01/29/98     | 01/30/98                           | ROACH, KAY LYNN        | 1,633.45    | M      |
| 75199-PCA  | 01/29/98     | 01/30/98                           | ROBERTS, GARY DALE     | 1,501.48    | M      |
| 75200-PCA  | 01/29/98     | 01/30/98                           | SALDIS, GEORGE CARL    | 1,489.68    | M      |
| 75201-PCA  | 01/29/98     | 01/30/98                           | YOUNG, LELAND WAYNE    | 1,497.20    | M      |
| 75202-PCA  | 01/29/98     | 01/30/98                           | BARBER, BILLIE DARLENE | 2,254.85    | M      |
| 75203-PCA  | 01/29/98     | 01/30/98                           | BEAN, ELIZABETH M      | 1,274.38    | M      |
| 75204-PCA  | 01/29/98     | 01/30/98                           | BROWN, DONNA G         | 1,332.98    | M      |
| 75205-PCA  | 01/29/98     | 01/30/98                           | COPELAND, MELINDA D    | 1,388.73    | M      |
| 75206-PCA  | 01/29/98     | 01/30/98                           | CROWLEY, ROBERT ALLEN  | 1,425.98    | M      |
| 75207-PCA  | 01/29/98     | 01/30/98                           | DANIELS, JOE NATHAN    | 1,053.38    | M      |
| 75208-PCA  | 01/29/98     | 01/30/98                           | EDGE, PAPELA S         | 1,232.90    | M      |
| 75209-PCA  | 01/29/98     | 01/30/98                           | FENNELL, SHERRY L      | 1,224.76    | M      |
| 75210-PCA  | 01/29/98     | 01/30/98                           | GRISHOLD, JAMES E      | 1,304.25    | M      |
| 75211-PCA  | 01/29/98     | 01/30/98                           | HELPERSTILL, RAY B     | 1,199.68    | M      |
| 75212-PCA  | 01/29/98     | 01/30/98                           | HOPKINS, ALICE MATHIS  | 903.25      | M      |
| 75213-PCA  | 01/29/98     | 01/30/98                           | MARTIN, JOSHUA P       | 1,282.42    | M      |
| 75214-PCA  | 01/29/98     | 01/30/98                           | MASSOLETTI, MARTY      | 1,298.93    | M      |
| 75215-PCA  | 01/29/98     | 01/30/98                           | MONTS, BRANDY L        | 1,288.33    | M      |
| 75216-PCA  | 01/29/98     | 01/30/98                           | MOORE, JERRY A         | 1,350.74    | M      |
| 75217-PCA  | 01/29/98     | 01/30/98                           | MURPHY, MADRA H        | 1,344.03    | M      |
| 75218-PCA  | 01/29/98     | 01/30/98                           | PREUNINGER, WILLIAM L  | 1,332.98    | M      |
| 75219-PCA  | 01/29/98     | 01/30/98                           | TILLERY, HIRAM D       | 1,347.19    | M      |
| 75220-PCA  | 01/29/98     | 01/30/98                           | WADE, ALAN M           | 1,284.15    | M      |
| 75221-PCA  | 01/29/98     | 01/30/98                           | WALKER, DIANE          | 1,016.48    | M      |
| 75222-PCA  | 01/29/98     | 01/30/98                           | WHORTON, PAULA M       | 1,204.63    | M      |

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| CHECK     | DATE PRINTED | PAYROLL DATE | Issued to               | NET PAY  | DD | STATUS |
|-----------|--------------|--------------|-------------------------|----------|----|--------|
| 75223-PCA | 01/29/98     | 01/30/98     | WILLIAMS, BILLY JOE     | 1,319.23 |    |        |
| 75224-PCA | 01/29/98     | 01/30/98     | BROWN, CHRISTOPHER E.   | 1,874.33 |    |        |
| 75225-PCA | 01/29/98     | 01/30/98     | BURROUS, JAMES MICHAEL  | 1,492.92 |    |        |
| 75226-PCA | 01/29/98     | 01/30/98     | GEE, JAMES R            | 1,236.11 |    |        |
| 75227-PCA | 01/29/98     | 01/30/98     | GRANT, GLENDA ANN       | 1,073.60 |    |        |
| 75228-PCA | 01/29/98     | 01/30/98     | HANCOCK, KATHRYN B.     | 1,353.41 |    |        |
| 75229-PCA | 01/29/98     | 01/30/98     | HUDDINS, ROYCE L. III   | 1,891.32 | N  |        |
| 75230-PCA | 01/29/98     | 01/30/98     | JACKSON, SHANE MICHELLE | 1,923.27 |    |        |
| 75231-PCA | 01/29/98     | 01/30/98     | KELLER, LINDA H.        | 1,711.83 |    |        |
| 75232-PCA | 01/29/98     | 01/30/98     | MAYFIELD, KENNETH MURL  | 730.32   | N  |        |
| 75233-PCA | 01/29/98     | 01/30/98     | MCCAY, WILLIAM CARTER   | 1,999.84 | N  |        |
| 75234-PCA | 01/29/98     | 01/30/98     | OGDEN, CHRISTI D.       | 1,611.06 |    |        |
| 75235-PCA | 01/29/98     | 01/30/98     | PHILLIPS, KRISTIE B.    | 1,390.15 |    |        |
| 75236-PCA | 01/29/98     | 01/30/98     | RAY, JIMMY DARRELL      | 2,317.13 |    |        |
| 75237-PCA | 01/29/98     | 01/30/98     | SPIVEY, JOHN K.         | 1,660.48 |    |        |
| 75238-PCA | 01/29/98     | 01/30/98     | WARREN, SHERRY L.       | 1,027.21 |    |        |
| 75239-PCA | 01/29/98     | 01/30/98     | WETTERTON, ANTHONY S.   | 1,508.62 | N  |        |
| 75240-PCA | 01/29/98     | 01/30/98     | EDWARDS, SANDRA D.      | 1,246.82 | N  |        |
| 75241-PCA | 01/29/98     | 01/30/98     | MITCHELL, RONNIE GENE   | 2,294.24 | N  |        |
| 75242-PCA | 01/29/98     | 01/30/98     | SMITH, MELINDA J.       | 1,369.28 | N  |        |
| 75243-PCA | 01/29/98     | 01/30/98     | VINES, LISA S.          | 1,407.00 | N  |        |
| 75244-PCA | 01/29/98     | 01/30/98     | WYLIE, MILTON J.        | 1,741.78 | N  |        |
| 75245-PCA | 01/29/98     | 01/30/98     | SMITH, MADRA CITA       | 1,073.32 | N  |        |
| 75246-PCA | 01/29/98     | 01/30/98     | BECK, EARNEST EARL      | 662.98   | N  |        |
| 75247-PCA | 01/29/98     | 01/30/98     | BULLOCK, JOEL R.        | 807.88   |    |        |
| 75248-PCA | 01/29/98     | 01/30/98     | DAVIS, CECIL W. SR.     | 1,184.41 | N  |        |
| 75249-PCA | 01/29/98     | 01/30/98     | JONES, ELLIS            | 774.23   |    |        |
| 75250-PCA | 01/29/98     | 01/30/98     | LINDSEY, GADDIS R.      | 1,445.21 | N  |        |
| 75251-PCA | 01/29/98     | 01/30/98     | ROBERTSON, OSCAR        | 1,054.32 | N  |        |
| 75252-PCA | 01/29/98     | 01/30/98     | SMITH, EDDIE J.         | 1,294.61 | N  |        |
| 75253-PCA | 01/29/98     | 01/30/98     | STINE, ANTHONY CARL     | 668.16   |    |        |
| 75254-PCA | 01/29/98     | 01/30/98     | STOKER, JAMES LOUIS     | 1,629.79 | N  |        |
| 75255-PCA | 01/29/98     | 01/30/98     | WILSON, JAMES R.        | 1,230.07 | N  |        |
| 75256-PCA | 01/29/98     | 01/30/98     | CROCKETT, HARRY JAMES   | 1,180.37 | N  |        |
| 75257-PCA | 01/29/98     | 01/30/98     | MARGEST, CHARLES P.     | 751.08   | N  |        |
| 75258-PCA | 01/29/98     | 01/30/98     | JEFFERY, DONALD RAY     | 1,100.54 | N  |        |
| 75259-PCA | 01/29/98     | 01/30/98     | JOHNSON, IVORY GENE     | 1,542.26 | N  |        |
| 75260-PCA | 01/29/98     | 01/30/98     | JONES, LEDN             | 929.97   |    |        |
| 75261-PCA | 01/29/98     | 01/30/98     | NELSON, WILLIAM B.      | 1,130.94 |    |        |
| 75262-PCA | 01/29/98     | 01/30/98     | PENDARVIS, ABBOTT LYNN  | 1,623.48 | N  |        |
| 75263-PCA | 01/29/98     | 01/30/98     | STANLEY, TOPYEE LEE     | 2,074.69 | N  |        |
| 75264-PCA | 01/29/98     | 01/30/98     | YOUNG, JOEY A.          | 961.79   | N  |        |
| 75265-PCA | 01/29/98     | 01/30/98     | TRIGGERS, BOBBY D.      | 1,574.38 | N  |        |
| 75266-PCA | 01/29/98     | 01/30/98     | GAGE, PAUL E.           | 1,336.75 |    |        |
| 75267-PCA | 01/29/98     | 01/30/98     | GLENN, GEORGE R.        | 388.65   | N  |        |
| 75268-PCA | 01/29/98     | 01/30/98     | JACKSON, RICK D.        | 2,043.68 |    |        |
| 75269-PCA | 01/29/98     | 01/30/98     | LATHAM, GARY D.         | 1,178.73 | N  |        |
| 75270-PCA | 01/29/98     | 01/30/98     | MILLER, LONNIE E.       | 1,077.00 |    |        |
| 75271-PCA | 01/29/98     | 01/30/98     | THOMPSON, DANNY R.      | 971.95   |    |        |
| 75272-PCA | 01/29/98     | 01/30/98     | THOMPSON, GERALD WAYNE  | 1,302.13 | N  |        |
| 75273-PCA | 01/29/98     | 01/30/98     | BALLARD, GERALD WAYNE   | 1,384.82 | N  |        |
| 75274-PCA | 01/29/98     | 01/30/98     | BLACKSTONE, WILLY PAT   | 1,023.92 |    |        |
| 75275-PCA | 01/29/98     | 01/30/98     | CAMPBELL, GLENN EDWARD  | 1,342.20 | N  |        |

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 419  
 958

| CHECK     | DATE PRINTED | PAYROLL DATE | Issued to               | NET PAY  | DO | STATUS |
|-----------|--------------|--------------|-------------------------|----------|----|--------|
| 75276-PCA | 01/29/98     | 01/30/98     | DAVIS, GARY M.          | 1,178.24 |    |        |
| 75277-PCA | 01/29/98     | 01/30/98     | HELLENSTILL, EDWIN J.   | 1,193.03 |    |        |
| 75278-PCA | 01/29/98     | 01/30/98     | RITTER, DON L.          | 1,137.75 |    |        |
| 75279-PCA | 01/29/98     | 01/30/98     | SHAM, TOM P.            | 1,211.42 | N  |        |
| 75280-PCA | 01/29/98     | 01/30/98     | SMITH, MELVIN DON       | 1,210.89 |    |        |
| 75281-PCA | 01/29/98     | 01/30/98     | THOMPSON, CHARLES R.    | 2,014.67 |    |        |
| 75282-PCA | 01/29/98     | 01/30/98     | JOHNSON, GERALD DON     | 1,597.08 | N  |        |
| 75283-PCA | 01/29/98     | 01/30/98     | COOK, JESSICA M.        | 306.00   |    |        |
| 75284-PCA | 01/29/98     | 01/30/98     | CORN, MISTY D.          | 331.89   |    |        |
| 75285-PCA | 01/29/98     | 01/30/98     | GILES, PEGGY J.         | 750.99   |    |        |
| 75286-PCA | 01/29/98     | 01/30/98     | MORRISON, JOYCE FRANCES | 1,708.73 | N  |        |
| 75287-PCA | 01/29/98     | 01/30/98     | SMITH, EMMA JEAN        | 1,005.44 | N  |        |
| 75288-PCA | 01/29/98     | 01/30/98     | THOMPSON, NANCY K.      | 951.32   | N  |        |
| 75289-PCA | 01/29/98     | 01/30/98     | WILLIAMS, JANET C.      | 1,020.72 | N  |        |
| 75290-PCA | 01/29/98     | 01/30/98     | ACKER, BRUCE E.         | 348.79   |    |        |
| 75291-PCA | 01/29/98     | 01/30/98     | CAMPBELL, MARY ROSE     | 1,271.79 | N  |        |
| 75292-PCA | 01/29/98     | 01/30/98     | RICHEY, SUSAN G.        | 348.79   |    |        |

218,859.39

218,859.39

173 records listed

| CHECK #                  | CHECK DATE | VENDOR NAME                              | AMOUNT     |
|--------------------------|------------|--|------------|
| 73295-APCA               | 01/30/98   | UPSHUR COUNTY INSURANCE ACCOUNT          | 3,198 95   |
| 73296-APCA               | 01/30/98   | DIVERSIFIED COLLECTION SERVICES, INC     | 102 00     |
| 73297-APCA               | 01/30/98   | PESSCO PAYROLL PROCESSING                | 3,271 97   |
| 73298-APCA               | 01/30/98   | FIRST NATIONAL BANK GILMER               | 45,096 82  |
| 73299-APCA               | 01/30/98   | FIRST NATIONAL BANK GILMER               | 28,133 12  |
| 73300-APCA               | 01/30/98   | UPSHUR COUNTY IRC/123                    | 1,579 66   |
| 73301-APCA               | 01/30/98   | UPSHUR COUNTY IRC/123                    | 344 50     |
| 73302-APCA               | 01/30/98   | UPSHUR COUNTY IRC/123                    | 336 32     |
| 73303-APCA               | 01/30/98   | UPSHUR COUNTY IRC/123                    | 217 95     |
| 73304-APCA               | 01/30/98   | UPSHUR COUNTY IRC/123                    | 1,040 54   |
| 73305-APCA               | 01/30/98   | UPSHUR COUNTY IRC/123                    | 7,222 81   |
| 73306-APCA               | 01/30/98   | ATTORNEY GENERAL OF TEXAS                | 310 00     |
| 73307-APCA               | 01/30/98   | AUSTIN BANK-GILMER                       | 230 00     |
| 73308-APCA               | 01/30/98   | EAST TEXAS PROFESSIONAL                  | 2,487 00   |
| 73309-APCA               | 01/30/98   | FIRST NATIONAL BANK                      | 730 00     |
| 73310-APCA               | 01/30/98   | GILMER NATIONAL BANK                     | 255 00     |
| 73311-APCA               | 01/30/98   | GILMER SAVINGS BANK                      | 50 00      |
| 73312-APCA               | 01/30/98   | UPSHUR COUNTY INSURANCE ACCOUNT          | 646 04     |
| 73313-APCA               | 01/30/98   | RHONDA GAIL YOUNG                        | 250 00     |
| 73314-APCA               | 01/30/98   | RUBY COOPER, DISTRICT CLERK              | 213 00     |
| 73315-APCA               | 01/30/98   | TEXAS COUNTY & DISTRICT RETIREMENT SYSTE | 47,734 19  |
| Total for All Payments - |            |  | 144,274 07 |

Vol 49 pg 054

*Charles L. Still*  
COUNTY CLERK, CHARLES L. STILL

*Chobis Lindsey*  
COMMISSIONER PCT 1, CHOBIS LINDSEY

*Tommy Stanley*  
COMMISSIONER PCT 2, TOMMY STANLEY

*Bill Jackson*  
COMMISSIONER PCT 3, BILL JACKSON

*Charles M. Thompson*  
COMMISSIONER PCT 4, CHARLES M. THOMPSON



**GRIFFITH & BENNETT, P.C.**  
A Professional Legal Corporation

**DAVID B. GRIFFITH**  
Board Certified Personal Injury Trial Law  
Texas Board of Legal Specialization  
**ROBERT D. BENNETT**  
Attorney at Law  
**TERRI W. GRIFFITH**  
Attorney at Law

98 FEB -2 11:12 AM  
PO Box 864  
404 N. Titus  
Gilmer, Texas 75644-0864  
Telephone (903) 843-5005  
FAX (903) 843-5392

January 16, 1998

**HAND DELIVERED**

Honorable Charles L. Still and Commissioners  
Upshur County Courthouse  
Gilmer, TX 75644

Dear Judge Still and Commissioners:

Please find enclosed a copy of two Orders for Payment of Attorneys Fees, which have been submitted to Judge Zimmermann for his approval. It is my belief that one of these Orders will be signed by Judge Zimmermann in the near future. This Order directs Upshur County to pay certain attorneys fees to this law firm on or before January 19, 1998.

I realize that this will have to come before the Commissioners Court on its regularly scheduled agenda. Please advise me as to any dates and times that this matter will be discussed before the Court as I would like to be present.

Thank you for your courtesy and cooperation in this matter.

Sincerely,

GRIFFITH & BENNETT, P.C.

DAVID B. GRIFFITH

DBG/ra

Copy

CAUSE NO. 502-90

IN THE INTEREST OF  
JOYCE J. KERR,  
SAMANTHA L. KERR,  
WENDELL P. KERR AND  
WILLIAM O. KERR,  
  
CHILDREN

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF  
  
UPSHUR COUNTY, TEXAS  
  
115<sup>TH</sup> JUDICIAL DISTRICT

ORDER

On November 18, 1997 the Court considered Respondent's Motion for Payment of Attorneys' Fees. Respondent Loretta Kerr appeared in person and by attorney. Petitioner Texas Department of Protective and Regulatory Services appeared by its attorney. Upshur County appeared by its District Attorney, Tim Cone. All parties announced ready for hearing. After hearing the evidence and argument of counsel, the Court finds that the Motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Petitioner Texas Department of Protective and Regulatory Services and Upshur County, Texas shall be jointly and severally liable to the law firm of Griffith and Bennett, P.C. for its attorney fees in the sum of FIFTY-TWO THOUSAND ONE HUNDRED FORTY-THREE AND 81/100 (\$52,143.81) DOLLARS, for which let execution issue if not timely paid. Upshur County shall pay its share of the amount on or before January 19, 1998.

All relief not expressly granted herein is denied.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_

\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO FORM ONLY:



Mark Coffee  
Assistant Attorney General  
SBN: 04483500  
P. O. Box 12548  
Austin, Texas 78711-2548  
(512) 463-7975  
(512) 474-4570 fax  
Attorney for Petitioner

---

DAVID GRIFFITH  
Attorney for Respondent Loretta Kerr  
SBN: 08479300  
POB 864  
Gilmer, Texas 75644-0864  
(903) 843-5005  
(903) 843-5392 FAX

---

TIM CONE  
Upshur County District Attorney  
SBN 04660350  
405 N. Titus Street  
Gilmer, Texas 75644  
903-843-5513 Telephone  
903-843-3661 Facsimile

Order  
Cause No. 502-90  
In the Interest of Kerr  
Page 2 of 2



# Texas Department of Transportation

P.O. BOX 1210 • ATLANTA, TEXAS 75551-1210 • (903) 796-2851

January 22, 1998

Upshur County  
FM 852: From: 0.2 Mile South of Cypress Creek  
To: 0.4 Mile North of Cypress Creek  
Advance Acquisition for Archeological Site Testing

Honorable Charles Still  
Upshur County Courthouse  
PO Box 790  
Gilmer, Texas 75644

Dear Judge Still:

As per our recent meeting, I am enclosing a resolution to be executed by the County allowing the transfer of funds from our SH 154 project, CSJ 0402-02-019, 8019-1-73, in the amount of \$5,385 00 into the new FM 852 project at Cypress Creek described above.

Please return the original and two signed copies to us with the county's check in the amount of \$115 00 (which is the difference between the county's estimated \$5,500.00 less the \$5385.00 to be transferred)

Also, send the executed original and two signed copies of the Agreement to Contribute Funds along with Resolution previously mailed to you on October 21, 1997.

Should you have any questions call me at 903-799-1320

Sincerely,

*Dan C Weathersby*  
Dan C Weathersby  
District R.O.W. Administrator

DCW:cm  
Enclosures

903 799 1320

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

WHEREAS, the Texas Department of Transportation has approved a project for FM 852 from 0.2 Mile South of Cypress Creek to 0.4 Mile North of Cypress Creek.

WHEREAS, the County has on previous dates contributed funds for the following projects:

SH 154 From 0.1 Mile East of US 259 To 0.5 Mile East of US 259, CSJ 0402-02-019, 8019-1-73

WHEREAS, the County desires the State to transfer funds in the amount of \$5,385.00 from CSJ 0402-02-019, 8019-1-73 to the upcoming FM 852 project From 0.2 Mile South of Cypress Creek To 0.4 Mile North of Cypress Creek in order to satisfy part of the County's ten (10) percent of the cost of the said right of way;

NOW, THEREFORE, BE IT RESOLVED THAT the Commissioners' Court of the County of Upshur, State of Texas, has no objection to the Texas Department of Transportation's transferring said funds in the amounts shown above into said FM 852 project From 0.2 Mile South of Cypress Creek To 0.4 Mile North of Cypress Creek.

This resolution shall become effective immediately upon passage and approval.

MOTION made by Commissioner \_\_\_\_\_ and  
SECONDED by Commissioner \_\_\_\_\_, 1998.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 1998.

UPSHUR COUNTY COMMISSIONERS' COURT:

Charles A. Still  
COUNTY JUDGE

Gaddis Lundy  
COMMISSIONER - PRECINCT NO. 1

Tommy [Signature]  
COMMISSIONER - PRECINCT NO. 2

[Signature]  
COMMISSIONER - PRECINCT NO. 3

Charles [Signature]  
COMMISSIONER - PRECINCT NO. 4

ATTEST:

\_\_\_\_\_  
COUNTY CLERK, UPSHUR COUNTY

VOL 49 PG 960

IN THE DISTRICT COURT OF UPSHUR COUNTY, TEXAS  
115TH JUDICIAL DISTRICT

IN THE INTEREST OF

JOYCE J. KERR,  
SAMANTHA L. KERR,  
WENDELL P. KERR AND  
WILLIAM O. KERR,  
MINOR CHILDREN

§  
§  
§  
§  
§  
§

BY \_\_\_\_\_

CAUSE NO. 502-90

ORDER AUTHORIZING PAYMENT OF ATTORNEYS' FEES

On the 18th day of November, 1997 a hearing was held on Respondent's Motion for Payment of Attorneys' Fees. The Respondent, LORETTA KERR, appeared in person by and through her attorneys and announced ready for trial. The State of Texas appeared by and through its representative, the Honorable Mark Coffee. Upshur County appeared by and through its duly elected District Attorney, the Honorable Tim Cone. All parties announced ready for hearing.

After hearing the evidence and argument of counsel, the Court finds that said Motion should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the Department of Protective and Regulatory Services and Upshur County, Texas shall jointly and severally pay to the law firm of Griffith & Bennett, P.C. the sum of FIFTY-TWO THOUSAND ONE HUNDRED FORTY-THREE AND 81/100 (\$ 52,143.81) DOLLARS on or before the <sup>15<sup>th</sup></sup> day of ~~January~~ <sup>February</sup>, 1998. The above stated amount is due and payable on ~~January 6~~ <sup>February 6</sup>, 1998 absent further order of the Court.

The Court finds that said amount should be taxed as costs and

reasonable attorneys' fees as provided by the Family Code.

The above stated amount shall be considered a judgment, and shall draw interest at the legal rate from <sup>Feb</sup> ~~January 19~~, 1998.

The above stated amount is to be paid to Griffith & Bennett, P.C. for which let execution issue if not timely paid.

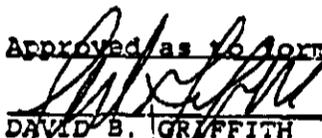
The Court further finds that said amount shall be jointly and severally adjudged against the Department of Protective and regulatory and Upshur County, except that all parties shall have forty-five (45) days from November 7, 1997 to present a brief to the Court showing any reason why the judgment should not require The Department of Protective and Regulatory Services to pay without a specific legislative appropriation.

All further relief not herein expressly granted is denied.

SIGNED on this the 24 day of January, 1998

  
JAMES B. ZIMMERMANN  
Presiding Judge

Approved as to form only:

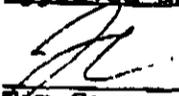
  
DAVID B. GRIFFITH  
State Bar No. 08479300  
P.O. Box 864  
Gilmer, TX 75644  
(903) 843-5005  
(903) 843-5392 (fax)

VOL 49 PG 962

Approved as to form only:

MARK COFFEE  
Assistant Attorney General  
State Bar No. 04483500  
P.O. Box 12548  
Austin, TX 78711-2548  
(512) 463-7975  
(512) 474-4570 fax

Approved as to form only:

  
Jim Cone  
Upshur County District Attorney  
State Bar No. 04660350  
405 N. Titus Street  
Gilmer, TX 75644  
(903) 843-5513  
(903) 843-3661

UPSHUR COUNTY  
BUDGET AMENDMENTS

The following budget amendments were approved on this the 30<sup>TH</sup>  
day of JANUARY, 1998.

Charles L. Still  
Charles Still, County Judge

Gaddis Lindsey  
Gaddis Lindsey, Comm. Pct. 1

Tommy Stanley  
Tommy Stanley, Comm. Pct. 2

Rick Jackson  
Rick Jackson, Comm. Pct. 3

Charles K. Thompson  
Charles K. Thompson, Comm. Pct. 4

93 FEB -5 11:11:37

**BUDGET AMENDMENT**

**LINE ITEM TRANSFER:**

Date: 1-30-98

Honorable Commissioners Court of Upshur County:

Submitted for your consideration are the following line-item transfers:

| From: | <u>FUND</u> | <u>DEPT.</u> | <u>ACCOUNT</u> | <u>AMOUNT</u> |
|-------|-------------|--------------|----------------|---------------|
|       | 10          | 435          | 4110           | 47000         |
| To:   | 10          | 435          | 4120           | 47000         |

Reason: Kerr case

AS  
Department Head Dist. Ct.

Attest - County Clerk

RESOLUTION

VOL. 49 PG. 964A

WHEREAS, THE MEMBERS OF THE UPSHUR COUNTY COMMISSIONERS' COURT  
HEREBY ACCEPT THE SUBMISSION OF APPLICATION FOR "SAFE AND DRUG  
FREE SCHOOLS" IN THE AMOUNT OF \$ 25,257 TO THE EAST TEXAS COUNCIL  
OF GOVERNMENT AND THE GOVERNOR'S OFFICE OF CRIMINAL JUSTICE.

VOL. 49 PG 9648

DONE AND ENTERED ON THIS THE 30TH DAY OF JANUARY, 1998.

Charles Still  
CHARLES STILL, COUNTY JUDGE

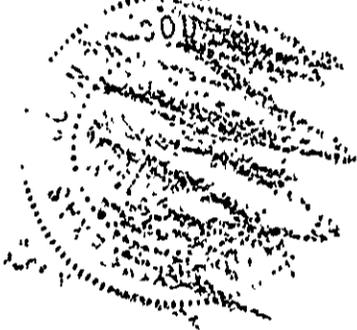
Gaddis Lindsey  
GADDIS LINDSEY, COMMISSIONER, PCT. 1

Tommy Stanley  
TOMMY STANLEY, COMMISSIONER, PCT. 2

Rick Jackson  
RICK JACKSON, COMMISSIONER, PCT. 3

Charles K. Thompson  
CHARLES K. THOMPSON, COMMISSIONER PCT. 4

Rex Shaw  
REX SHAW, COUNTY CLERK



98 JAN 30 PM 10:17

WHEREAS, it is hereby declared that Upshur County establish local written Citizen Complaint Procedures regarding its Texas Community Development Programs; and

WHEREAS, it is further declared that establishment of such procedures requires the designation of a person to receive and respond to such complaints; and

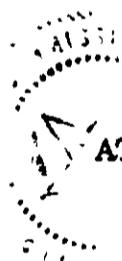
WHEREAS, it is the intent of Upshur County to investigate complaints about proposed TCDP activities or implementation of past TCDP assisted activities.

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

1. That the County adopt the attached citizen complaint handling procedures.
2. That the Commissioners Court designates the County Judge as the Community Development Citizen Coordinator.
3. That the County directs the Community Development Citizen Coordinator to receive and respond to complaints.

PASSED AND APPROVED THIS 30th DAY OF JANUARY, 1998

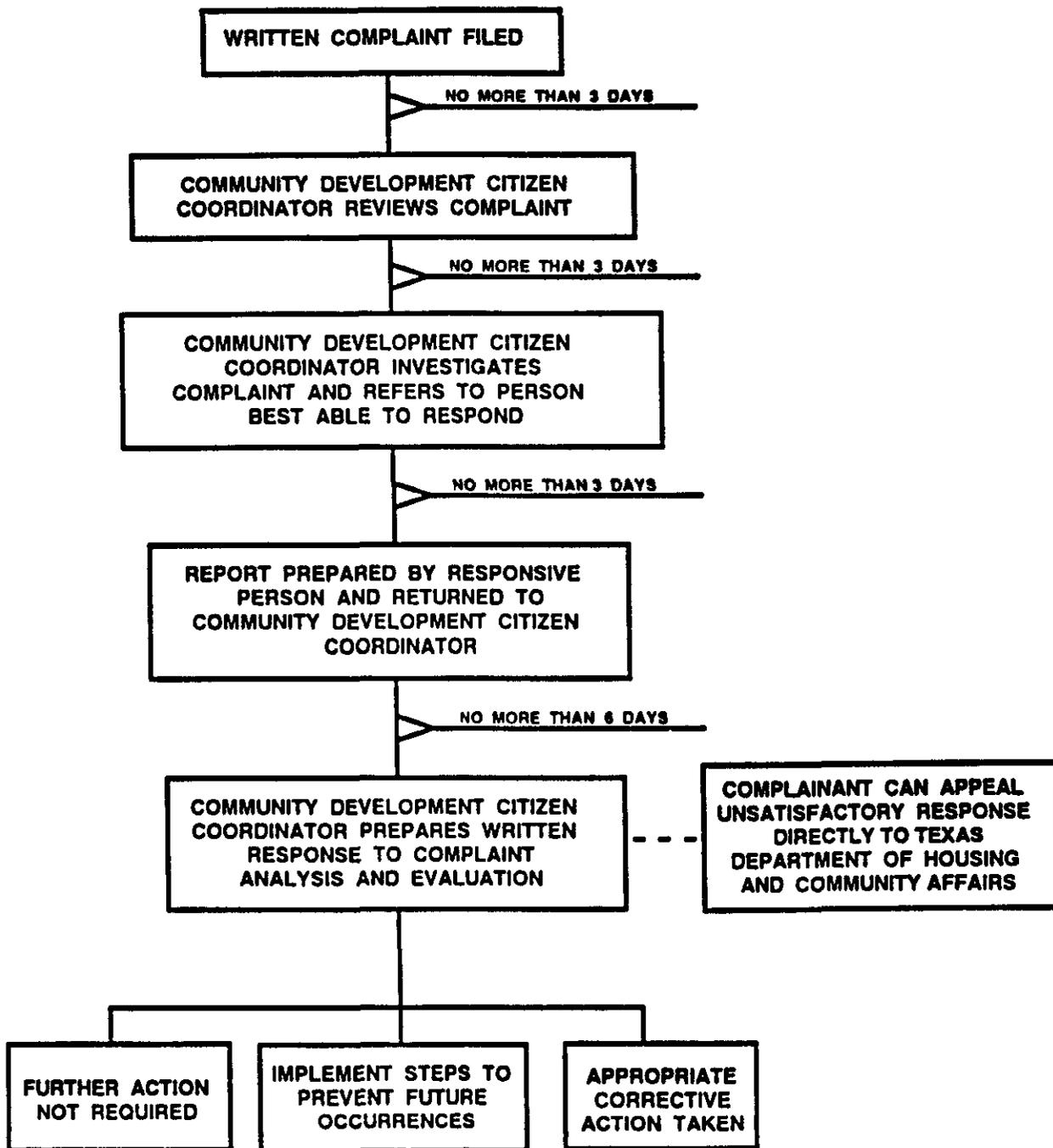
Charles L. Still, Judge



ATTEST:

Rex Shaw, County Clerk

**CITIZEN COMPLAINT PROCEDURE  
TEXAS COMMUNITY DEVELOPMENT PROGRAM**



SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned JAMES MITCHELL LOGGING, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 3, Upshur County, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 3, 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 exact route, direction and miles in tenths) \_\_\_\_\_  
BLAIR RD.

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 LOGS from its lands located in Precinct No. 3, 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 POST SURETY BOND in the amount of \$ \_\_\_\_\_ to Upshur County Commissioner's Court to insure performance of agreement.

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

[Signature]  
First Party Signature

RT. 2 BOX 116-C-9  
Street or Box

KILGORE, TX. 75604  
City, State and Zip Code

903-643-0138  
Telephone

EMITH  
Timber Tract

1-2 1-21-98  
Date Signed

[Signature]  
County Judge

[Signature]  
Commissioner 1

[Signature]  
Commissioner 2

[Signature]  
Commissioner 3

[Signature]  
Commissioner 4

\_\_\_\_\_  
Date Signed

93 JAN 30 PM 12:04

Permit issued for a period not to exceed 90 days.

SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned FOREST RESOURCE, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 3, Upshur County, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 3, 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 exact route, direction and miles in tenths) \_\_\_\_\_  
.10 MILE ON PHILLIP SPRINGS RD TO HWY 2685

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 LOGS from its lands located in Precinct No. 3, 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 POST SURETY BOND in the amount of \$ \_\_\_\_\_ to Upshur County Commissioner's Court to insure performance of agreement.

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.

X Kevin Bell  
\_\_\_\_\_  
First Party Signature

RT. 1 BOX 308  
\_\_\_\_\_  
Street or Box

QUEEN CITY, TX. 75561  
\_\_\_\_\_  
City, State and Zip Code

903-728-5233  
\_\_\_\_\_  
Telephone

DAVIS  
\_\_\_\_\_  
Timber Tract

1-20-98  
\_\_\_\_\_  
Date Signed

[Signature]  
\_\_\_\_\_  
County Judge

[Signature]  
\_\_\_\_\_  
Commissioner 1

[Signature]  
\_\_\_\_\_  
Commissioner 2

[Signature]  
\_\_\_\_\_  
Commissioner 3

[Signature]  
\_\_\_\_\_  
Commissioner 4

\_\_\_\_\_  
Date Signed

99 JAN 20 11:12 AM

Permit issued for a period not to exceed 90 days.

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS ( )  
COUNTY OF UPSHUR ( )

KNOW ALL MEN BY THESE PRESENTS

The undersigned Forest Resource, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 3, Upshur County, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 3, 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 exact route, direction and miles in tenths) \_\_\_\_\_

China Berry about 1 m  
to Crab Apple approx 1/2 m

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 LOGS from its lands located in Precinct No. 3, 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 POST SURETY BOND in the amount of \$ \_\_\_\_\_ to Upshur County Commissioner's Court to insure performance of agreement.

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.

[Signature]  
First Party Signature  
RT. 1 BOX 308  
Street or Box  
QUEEN CITY, TX. 75561  
City, State and Zip Code  
903-728-5233  
Telephone  
GROSSO  
Timber Tract  
1-15.98  
Date Signed

[Signature]  
County Judge  
[Signature]  
Commissioner 1  
[Signature]  
Commissioner 2  
[Signature]  
Commissioner 3  
[Signature]  
Commissioner 4  
Date Signed

3  
8  
11:05

Permit issued for a period not to exceed 90 days.

SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned FOREST RESOURCE, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 1, Upshur County, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 1, 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 exact route, direction and miles in tenths) \_\_\_\_\_

POMEGRANATE AND \_\_\_\_\_

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 LOGS from its lands located in Precinct No. 1, 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 POST SURETY BOND in the amount of \$ \_\_\_\_\_ to Upshur County Commissioner's Court to insure performance of agreement.

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.

X. Hewitt Bell  
\_\_\_\_\_  
First Party Signature

RT. 1 BOX 308  
\_\_\_\_\_  
Street or Box

QUEEN CITY, TX. 75561  
\_\_\_\_\_  
City, State and Zip Code

903728-5233  
\_\_\_\_\_  
Telephone

SHIPP  
\_\_\_\_\_  
Timber Tract

1-22-98  
\_\_\_\_\_  
Date Signed

[Signature]  
\_\_\_\_\_  
County Judge

[Signature]  
\_\_\_\_\_  
Commissioner 1

[Signature]  
\_\_\_\_\_  
Commissioner 2

[Signature]  
\_\_\_\_\_  
Commissioner 3

[Signature]  
\_\_\_\_\_  
Commissioner 4

\_\_\_\_\_  
Date Signed

ES JAMES FILED:05

Permit issued for a period not to exceed 90 days.

APPLICATION FOR FILLING ABANDONED WELL

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

RE: ABANDONED WELL OWNED BY ELLIS HAGLER  
RT. 6 BOX 5858, GILMER, TX. 75644  
HWY. 555 ROAD.

GENTLEMEN:  
DUE TO HEALTH AS WELL AS SAFETY HAZARDS, WE REQUEST THAT AN  
ABANDONED WELL BE FILLED AS SOON AS POSSIBLE.

RESPECTFULLY YOURS,  
*x Ellis Hagler*

797-6100

PRECINCT 12

DATE \_\_\_\_\_

APPROVED \_\_\_\_\_ REJECTED \_\_\_\_\_

*cl*  
CHARLES L. STILL, COUNTY JUDGE

*Gaddis Lindsey*  
GADDIS LINDSEY, COMMISSIONER 1

*Tommy Stanley*  
TOMMY STANLEY, COMMISSIONER 2

*David Lord*  
DAVID LORD, COMMISSIONER 3

*Charles K. Thompson*  
CHARLES K. THOMPSON, COMMISSIONER 4

98 JAN 30 PM 12:05

APPLICATION FOR FILLING ABANDONED WELL

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

RE: ABANDONED WELL OWNED BY DEAN HAGLER  
RT. 6 GILMER, TX. 75644  
HWY. 555 ROAD.

GENTLEMEN:

DUE TO HEALTH AS WELL AS SAFETY HAZARDS, WE REQUEST THAT AN  
ABANDONED WELL BE FILLED AS SOON AS POSSIBLE.

RESPECTFULLY YOURS,

*X Dean Hagler*  
\_\_\_\_\_  
\_\_\_\_\_

797-6100

PRECINCT       #2      

DATE       1-21-98      

APPROVED \_\_\_\_\_ REJECTED \_\_\_\_\_

*Ch*  
\_\_\_\_\_  
CHARLES L. STILL, COUNTY JUDGE

*Gaddis Lindsey*  
\_\_\_\_\_  
GADDIS LINDSEY, COMMISSIONER 1

*Tommy Stanley*  
\_\_\_\_\_  
TOMMY STANLEY, COMMISSIONER 2

\_\_\_\_\_  
DAVID LOZO, COMMISSIONER 3

*Charles K. Thompson*  
\_\_\_\_\_  
CHARLES K. THOMPSON, COMMISSIONER 4

98 JAN 20 11:29:04  
NO. 511

APPLICATION FOR FILLING ABANDONED WELL

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

RE: ABANDONED WELL OWNED BY OLAN KEEL  
RT. 10 BOX 780, GILMER, TX. 75644  
HWY. 155 ROAD.

GENTLEMEN:  
DUE TO HEALTH AS WELL AS SAFETY HAZARDS, WE REQUEST THAT AN  
ABANDONED WELL BE FILLED AS SOON AS POSSIBLE.

RESPECTFULLY YOURS,  
*Olan Keel*

797-2013

PRECINCT #2  
DATE 1-20-98

APPROVED \_\_\_\_\_ REJECTED \_\_\_\_\_

*Ch*  
CHARLES L. STILL, COUNTY JUDGE  
*Gaddis Lindsey*  
GADDIS LINDSEY, COMMISSIONER 1  
*Tommy Stanley*  
TOMMY STANLEY, COMMISSIONER 2  
*David Loyd*  
DAVID LOYD, COMMISSIONER 3  
*Charles K. Thompson*  
CHARLES K. THOMPSON, COMMISSIONER 4

58 JAN 20 PM 12:04

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

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

98 JUN 30 11:12 AM  
FILED

PRECINCT # 4

DATE 1-16-98

Formal notice is hereby given that VIRGINIA ALFORD whose principal address is RT. 2 BOX 2699, GILMER, TX. 75644 does hereby propose to place a CULVERT within the ROW of County Road BARBER RD.. The location and description of

the proposed lines or appurtenances is more fully shown by three (3) copies of drawings attached to the application. Proposed construction will begin, if approved, on or after the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I, \_\_\_\_\_, hereby attest that I have read the conditions set forth in this application and understand it's contents.

NAME Virginia Alford TITLE \_\_\_\_\_  
762-6340

APPROVAL OF PERMIT APPLICATION

The Upshur County Commissioners Court offers no objections to the location on the right of way of your proposed \_\_\_\_\_ as shown by accompanying drawings and notice dated \_\_\_\_\_, except as noted below:

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 any manner change the structure of this right of way, this appurtenance, if affected, will be moved under the direction of the Upshur County Commissioners Court representative and shall be relocated at the complete expense of the owner within thirty (30) days upon receipt of notice from the Commissioners Court.

All work on the County right of way shall be performed in accordance with the Commissioners Court instructions. The installation shall not damage any part of the roadway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent owners. Specifications for placing this line are as follows:

1. Barricades, warning signs, lights and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.

*Tommy Stanley*

*Virginia Alford*

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

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

68 JUN 30 FILED-04

PRECINCT #2

DATE 1-21-98

Formal notice is hereby given that ELMER WEDDELL whose  
principal address is 801 W. HOUSTON, ARLINGTON, TX. 76012 does hereby propose  
to place a CULVERT within the ROW of County Road  
GINGER. The location and description of  
the proposed lines or appurtenances is more fully shown by three  
(3) copies of drawings attached to the application. Proposed  
construction will begin, if approved, on or after the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

I, \_\_\_\_\_, hereby attest that I have read the  
conditions set forth in this application and understand it's  
contents. NAME Elmer Weddell TITLE \_\_\_\_\_

817-274-8873

APPROVAL OF PERMIT APPLICATION

The Upshur County Commissioners Court offers no objections to  
the location on the right of way of your proposed \_\_\_\_\_  
as shown by accompanying drawings and notice dated \_\_\_\_\_,  
except as noted below:

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 any manner  
change the structure of this right of way, this appurtenance, if  
affected, will be moved under the direction of the Upshur County  
Commissioners Court representative and shall be relocated at the  
complete expense of the owner within thirty (30) days upon receipt  
of notice from the Commissioners Court.

All work on the County right of way shall be performed in  
accordance with the Commissioners Court intructions. The  
installation shall not damage any part of the roadway and adequate  
provisions must be made to cause minimum inconvenience to traffic  
and adjacent owners. Specifications for placing this line are as  
follows:

1. Barricades, warning signs, lights and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.

*Tommy Stanley*

*Elmer Weddell*

SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned ROBERTSON LOGGING, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 2, Upshur County, 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 exact route, direction and miles in tenths) \_\_\_\_\_  
PERWINKLE RD.

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 LOGS 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 POST SURETY BOND in the amount of \$ \_\_\_\_\_ to Upshur County Commissioner's Court to insure performance of agreement.

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.

William Robertson  
First Party Signature  
  
RT. 5 BOX 506  
Street or Box  
  
GILMER, TX. 75644  
City, State and Zip Code  
  
903-734-6949  
Telephone  
  
BROYHILL  
Timber Tract  
  
1-28-98  
Date Signed

[Signature]  
County Judge  
  
[Signature]  
Commissioner 1  
  
[Signature]  
Commissioner 2  
  
[Signature]  
Commissioner 3  
  
[Signature]  
Commissioner 4  
  
Date Signed

Permit issued for a period not to exceed 90 days.





Date: 1-30-98

COMMISSIONER COURT  
ATTENDANCE SHEET

| Name            | City of Residence    |
|-----------------|----------------------|
| DAVID Griffith  | Glenwood;            |
| Robert Bennett  | Gilmer               |
| Nancy Thompson  | Gilmer               |
| David Royal     | Gladesville          |
| John Small      | Gilmer               |
| Bryant Sawyer   | Gilmer               |
| Billy Rogers    | ORE City             |
| David Royal     | Gilmer               |
| Newton Jeff     | Gilmer               |
| Franklin Tolson | Gilmer               |
| Russ Moore      | ORE City             |
| Bill Bagan      | County               |
| James Brown     | OR Gray: Auto-Tyler  |
| Danell Day      | Gilmer               |
| Sam Stephens    | White Oak            |
| Philly Williams | GILMER (OFFER PAPER) |
| Myra Johnson    | Gilmer               |
| Tim Core        | Gilmer               |
| W.D. Ray        | Gilmer               |
| Myra Johnson    | ORE City             |
| Beth McPherson  | Longview             |
| DAVID A. BISHOP | Gilmer               |

CO. JUDGE

