

NOTICE OF MEETING
COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
MONDAY, NOVEMBER 23, 1998, 9:00 AM, SPECIAL SESSION
UPSHUR COUNTY COURTHOUSE, THIRD FLOOR

VOL 52 PG 421

AGENDA

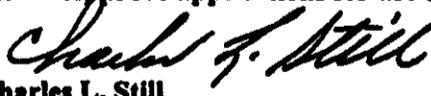
1. Approve minutes of previous meetings.
2. Consider any budget amendments and take action.
3. Consider approval of accounts payable and take action.
4. Consider approval of any payroll changes and take action.
5. Consider request from the Yulefest Committee for County assistance with lighting for Yulefest.
6. Hear Mary Lee Baird concerning title on land given to the County.
7. Accept for recording the oath of Kevin Kilgore in the Sheriff's Office.
8. Accept for recording the renewal bond for Judge Charles Still.
9. Consider accepting for recording a plat in Pct. 1 and start the 2 year period for accepting roads into the lateral road system.
10. Consider accepting the holidays for 1999.
11. Hear from Richard Henson on any questions he or the Court may have on selling the Rock Building.
12. Consider agenda item #10 from 10-9-98 meeting concerning changing the front of the Boot Camp building the County owns.
13. Consider accepting the County Surveyors report.
14. Consider approval of agreement with the Texas Department of Health concerning the tobacco money settlement.
15. Acknowledge receipt of notification letter from the Railroad Commission concerning open quarries.
16. Consider requesting a financial management review by the State Comptrollers Office and take any necessary action.
17. Discuss setting date for payroll distribution in December.
18. Approve applications for use of Upshur County roads and right of way.

BT
DEPUTY

UPSHUR COUNTY, TX.

98 NOV 19 PM 1:50

FILED
REX A. SHAW
COUNTY CLERK


Charles L. Still
County Judge

UPSHUR COUNTY COMMISSIONER'S COURT

11-23-1998

COMMISSIONERS COURT MET IN SPECIAL SESSION. ALL MEMBERS PRESENT.

1. MOTION BY TOMMY STANLEY SECONDED BY RICK JACKSON TO APPROVE MINUTES OF PREVIOUS MEETING DATED 11-9-1998. MOTION CARRIED.

2. NO ACTION NEEDED ON AGENDA ITEM CONCERNING BUDGET AMENDMENTS. THERE WERE NONE.

3. MOTION BY KENNEY THOMPSON SECONDED BY RICK JACKSON TO APPROVE PAYING ACCOUNTS PAYABLE DUE NOW. MOTION CARRIED.

4. MOTION BY TOMMY STANLEY SECONDED BY GADDIS LINDSEY TO APPROVE THE FOLLOWING PAYROLL CHANGES:

KEVIN KILGORE-DUE TO NEW HIRE
VICKY SPRAYBERRY-INTRODUCTORY PERIOD ENDED
LATICIA JENKINS-INTRODUCTORY PERIOD ENDED
JOE DANIELS-PROMOTION
JOE DANIELS-DEMOTION

ALSO IN THIS MOTION IS TO INCLUDE PAYING THE ELECTION WORKER FROM PREVIOUS ELECTION. AND TO PAY FOR TWO COURT BAILIFF OUT OF THE COURTHOUSE SECURITY FUND. MOTION CARRIED. COPIES OF PAYROLL CHANGES AND PAYROLL REGISTER FOR ELECTION WORKERS ATTACHED.

6. MOTION BY GADDIS LINDSEY SECONDED BY RICK JACKSON TO TAKE WHAT EVER ACTION IS NECESSARY TO CORRECT WARRANTY TITLE FOR MR. MARVIN SNAP. MOTION CARRIED. COPIES OF DEEDS AND OTHER TITLE PAPERS SUBMITTED BY MRS. MARY LEE BAIRD ATTACHED.

5. MOTION BY GADDIS LINDSEY SECONDED BY KENNEY THOMPSON TO APPROVE DONATING \$2,080.00 TO THE YULEFEST COMMITTEE FOR THE 1998 YULEFEST. MOTION CARRIED. COPY OF REQUEST ATTACHED.

7. MOTION BY KENNEY THOMPSON SECONDED BY GADDIS LINDSEY TO ACCEPT FOR RECORDING THE OATH OF KEVIN KILGORE IN THE SHERIFF'S OFFICE. MOTION CARRIED. COPY ATTACHED.

8. MOTION BY KENNEY THOMPSON SECONDED BY TOMMY STANLEY TO ACCEPT FOR RECORDING THE RENEWAL BOND FOR COUNTY JUDGE

CHARLES STILL. MOTION CARRIED. BOND ON FILE IN OFFICIAL BOND BOOK VOLUME 7 PAGE 491 IN OFFICE OF COUNTY CLERK.

9. MOTION BY KENNEY THOMPSON SECONDED BY GADDIS LINDSEY TO ACCEPT FOR RECORDING PLAT OF CANARY ROAD. MOTION CARRIED. COPY OF PLAT ATTACHED. THIS WILL START THE 2 YEAR PERIOD FOR ACCEPTING THIS ROAD INTO THE LATTERAL ROAD SYSTEM.

10. MOTION BY KENNEY THOMPSON SECONDED BY RICK JACKSON TO ACCEPT THE LIST FOR THE 1999 HOLIDAYS FOR UPSHUR COUNTY EMPLOYEES. MOTION CARRIED, WITH COMMISSIONER RICK JACKSON VOTING NO. COPY ATTACHED.

11. NO ACTION TAKEN ON AGENDA ITEM CONCERNING HEARING FROM RICHARD HENSON ON SALE OF ROCK BUILDING. MR. HENSON WAS NOT HERE.

12. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO NOT CHANGE THE FRONT OF THE BOOT CAMP BUILDING THAT COUNTY OWNS. COMMISSIONER LINDSEY STATED TO LEAVE IT THE WAY IT IS. MOTION CARRIED WITH COMMISSIONER RICK JACKSON VOTING NO.

13. JOE COX, UPSHUR COUNTY SURVEYOR, MET WITH COMMISSIONER COURT TO GIVE A SURVEYOR REPORT. AFTER DISCUSSION ABOUT LAND IN DISPUTE WITH STATE OF TEXAS, MR. COX RECOMMENDED SEVERAL COUNTY SURVEYOR BOOKS IN HIS POSSESSION NEEDED TO BE IN A SECURE PLACE AND ALSO SEVERAL OLD BOOKS LOCATED IN COUNTY CLERKS OFFICE NEEDS TO BE MICROFILMED.

14. MOTION BY TOMMY STANLEY SECONDED BY GADDIS LINDSEY TO RECORD THE AGREEMENT WITH THE TEXAS DEPARTMENT OF HEALTH CONCERNING THE TOBACCO MONEY SETTLEMENT. MOTION CARRIED.

15. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO ACKNOWLEDGE RECEIPT OF NOTIFICATION LETTER FORM THE RAILROAD COMMISSION CONCERNING OPEN QUARRIES. MOTION CARRIED. COPY ATTACHED. TEXAS AGGREGATE QUARRY AND PIT SAFETY ACT AND RULES AND REGULATIONS ON FILE IN OFFICE OF COUNTY CLERK.

16. MOTION BY RICK JACKSON SECONDED BY GADDIS LINDSEY TO CONSIDER TAKING ANY ACTION ON REQUESTING A FINANCIAL MANAGEMENT REVIEW BY THE STATE COMPTROLLERS OFFICE AND TAKE ANY NECESSARY ACTION AT A LATER DATE. MOTION CARRIED.

17. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE PAYROLL FOR THE MONTH OF DECEMBER ON DECEMBER 21, 1998 AND TO ISSUE CHECKS ON THIS DATE ALSO. MOTION CARRIED.

VOL. 52 PG. 424

18. MOTION BY TOMMY STANLEY SECONDED BY GADDIS LINDSEY TO APPROVE THE FOLLOWING SPECIAL ROAD USE AGREEMENT CONTRACTS, PERMIT APPLICATIONS AND APPLICATION FOR FILLING ABANDONED WELLS:

PERMIT APPLICATION SUBMITTED BY JEFF LEWIS TO PLACE A CULVERT IN ROW OF APRICOT ROAD.

SPECIAL ROAD USE AGREEMENT SUBMITTED BY TATUM TRUCKING TO HAUL LOGS ON OWL ROAD.

APPLICATION FOR FILLING ABANDONED WELL SUBMITTED BY HUGH PHILLIPS. WELL IS LOCATED ON OF HWY. 271.

PERMIT APPLICATION SUBMITTED BY RICHARD BROWN TO PLACE A CULVERT IN ROW OF ASTER ROAD.

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

MOTION BY KENNEY THOMPSON SECONDED BY GADDIS LINDSEY TO ADJOURN. MOTION CARRIED.

ATTENDANCE SHEET PLACED INTO MINUTES FOR RECORDING PURPOSES ONLY.

ACCOUNTS PAYABLE DISBURSEMENT SHEET PREVIOUSLY APPROVED ON 11-1-998 PLACED INTO MINUTES FOR RECORDING PURPOSES ONLY.

Charles Still
JUDGE CHARLES STILL

Gaddis Lindsey
COMMISSIONER GADDIS LINDSEY

Tommy Stanley
COMMISSIONER PCT. #2 TOMMY STANLEY

Rick Jackson
COMMISSIONER PCT. #3 RICK JACKSON

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

Upsher County Treasurer
17 Nov 1998
THE SOFTWARE GROUP, INC

PAYROLL / PERSONNEL SYSTEM

CHECK REGISTER FOR CURRENT PAYROLL

CHECK	DATE PRINTED	PAYROLL DATE	Issued to	NET PAY
82214-PCA	11/17/98	11/16/98	AILLS, TAMI	78.00
82215-PCA	11/17/98	11/16/98	ANDRUS, JOHN	84.00
82216-PCA	11/17/98	11/16/98	ARRINGTON, FARRIS R.	81.00
82217-PCA	11/17/98	11/16/98	ARTERBURN, LILLIAN M.	84.00
82218-PCA	11/17/98	11/16/98	ATTAHAY, LED	115.00
82219-PCA	11/17/98	11/16/98	BACON, JOY	78.00
82220-PCA	11/17/98	11/16/98	BELSCAMPER, BILL	75.00
82221-PCA	11/17/98	11/16/98	BLANKLEY, CECIL M.	100.00
82222-PCA	11/17/98	11/16/98	BLANKENSTEIN, BOBBI	75.00
82223-PCA	11/17/98	11/16/98	BLANKENSTEIN, HARVEY	97.00
82224-PCA	11/17/98	11/16/98	BURCH, JANE	78.00
82225-PCA	11/17/98	11/16/98	CASE, RICHARD	78.00
82226-PCA	11/17/98	11/16/98	CHILDRESS, LYNDA	85.50
82227-PCA	11/17/98	11/16/98	CLEMENT, JOHN	103.00
82228-PCA	11/17/98	11/16/98	CLEMENT, MARGIE	78.00
82229-PCA	11/17/98	11/16/98	CLEMENT, THOMAS	42.00
82230-PCA	11/17/98	11/16/98	COLLINS, WILLIAM B. JR.	75.94
82231-PCA	11/17/98	11/16/98	CONROY, JAMES	106.00
82232-PCA	11/17/98	11/16/98	CORBIN, CHERYL A.	78.00
82233-PCA	11/17/98	11/16/98	DOLLAR, DELBERT	110.50
82234-PCA	11/17/98	11/16/98	DOLLAR, EVELYN	85.50
82235-PCA	11/17/98	11/16/98	DUNN, MELANIE	15.00
82236-PCA	11/17/98	11/16/98	EVANS, SVETTE	109.00
82237-PCA	11/17/98	11/16/98	FERGUSON, CYNDI	78.00
82238-PCA	11/17/98	11/16/98	FOUNTAIN, MARY P.	72.00
82239-PCA	11/17/98	11/16/98	FULLER, KAY	78.00
82240-PCA	11/17/98	11/16/98	GILBERT, SUSAN	90.00
82241-PCA	11/17/98	11/16/98	GRAHAM, JAMES H.	103.00
82242-PCA	11/17/98	11/16/98	GRAHAM, MARY	78.00
82243-PCA	11/17/98	11/16/98	HANKINS, ERNESTA F.	109.00
82244-PCA	11/17/98	11/16/98	HARRIS, VIRGINIA	78.00
82245-PCA	11/17/98	11/16/98	HARTE, F. D.	103.00
82246-PCA	11/17/98	11/16/98	HARTE, IRIS H.	72.00
82247-PCA	11/17/98	11/16/98	HOLLOWAY, BARBARA	224.00
82248-PCA	11/17/98	11/16/98	HOLMES, GAYNELL	70.50
82249-PCA	11/17/98	11/16/98	JOHNSON, LEDRA C.	78.00
82250-PCA	11/17/98	11/16/98	JOWERS, ANGELA	81.00
82251-PCA	11/17/98	11/16/98	KATHER, BETTY	81.00
82252-PCA	11/17/98	11/16/98	KATHER, JOHN LEROY	106.00
82253-PCA	11/17/98	11/16/98	LADEN, JERRY	72.00
82254-PCA	11/17/98	11/16/98	LAHLER, JEANELLE	75.00
82255-PCA	11/17/98	11/16/98	LAWTON, MARIE	72.00
82256-PCA	11/17/98	11/16/98	LONG, PAMELA H.	116.50
82257-PCA	11/17/98	11/16/98	MAUK, CODY	72.00
82258-PCA	11/17/98	11/16/98	MCKENZIE, PAMELA	78.00
82259-PCA	11/17/98	11/16/98	MCKENZIE, SCOTT	103.00
82260-PCA	11/17/98	11/16/98	MONTS, DEBRA	72.00
82261-PCA	11/17/98	11/16/98	MOON, HARDD	78.00
82262-PCA	11/17/98	11/16/98	MOON, JOYCE	78.00
82263-PCA	11/17/98	11/16/98	MOORE, MARY JO	109.00
82264-PCA	11/17/98	11/16/98	MUCKLERODY, MARY	78.00
82265-PCA	11/17/98	11/16/98	NARRAMORE, CHARLES	81.00

Vol 82 pg 112

CHECK.....	DATE PRINTED	PAYROLL DATE	Issued to.....	NET PAY	DD	STATUS
82266-PCA	11/17/98	11/16/98	NOLTE, DARREN	112.00		
82267-PCA	11/17/98	11/16/98	NOLTE, MELINDA	75.00	N	
82268-PCA	11/17/98	11/16/98	NUCENT, BOBBIE G.	81.00	N	
82269-PCA	11/17/98	11/16/98	NUCENT, VELMA H	78.00		
82270-PCA	11/17/98	11/16/98	NULL, LARRY	75.00	N	
82271-PCA	11/17/98	11/16/98	NULL, TERRI	78.00	N	
82272-PCA	11/17/98	11/16/98	OVERSTREET, TALMA	87.00	N	
82273-PCA	11/17/98	11/16/98	PACE, EMMA L.	78.00	N	
82274-PCA	11/17/98	11/16/98	PATTERSON, BRENDA	78.00	N	
82275-PCA	11/17/98	11/16/98	PATTERSON, SHIRLEE H	113.50	N	
82276-PCA	11/17/98	11/16/98	PATTERSON, TONI ELOISE	78.00	N	
82277-PCA	11/17/98	11/16/98	PEERLES, LYNDA SUE	78.00	N	
82278-PCA	11/17/98	11/16/98	PLANT, DONALD	78.00	N	
82279-PCA	11/17/98	11/16/98	PLANT, HELEN	52.50	N	
82280-PCA	11/17/98	11/16/98	POWELL, MELBA	81.00		
82281-PCA	11/17/98	11/16/98	RICHARDS, JEWELL D.	87.00	N	
82282-PCA	11/17/98	11/16/98	RUSSELL, BETTY	79.50	N	
82283-PCA	11/17/98	11/16/98	SANSON, FREDDA C	76.50	N	
82284-PCA	11/17/98	11/16/98	SCOTT, BEN	18.00	N	
82285-PCA	11/17/98	11/16/98	SCOTT, GILBERT	72.00	N	
82286-PCA	11/17/98	11/16/98	STEELMAN, LAURA ELIZABETH	106.00	N	
82287-PCA	11/17/98	11/16/98	TIPTON, ROYCE	72.00	N	
82288-PCA	11/17/98	11/16/98	TUCKER, BOBBY HUGH	78.00		
82289-PCA	11/17/98	11/16/98	TUCKER, H. D.	109.00		
82290-PCA	11/17/98	11/16/98	WALKER, COLLEEN	78.00		
82291-PCA	11/17/98	11/16/98	WESTENDORF, SARAH	75.00	N	
82292-PCA	11/17/98	11/16/98	WESTIN, MARK	78.00	N	
82293-PCA	11/17/98	11/16/98	WILCOX, GENEVA	106.00	N	
82294-PCA	11/17/98	11/16/98	WILER, CAROL	70.50	N	
82295-PCA	11/17/98	11/16/98	WILLIAMS, EVELYN	115.00	N	
82296-PCA	11/17/98	11/16/98	WILLIAMS, MARSHALL	90.00	N	
82297-PCA	11/17/98	11/16/98	WOOD, THOMAS	109.00	N	

7,130.96

7,130.96

84 records listed.

VOL 52 PG 1488

Charles L. Still
COUNTY JUDGE, CHARLES L. STILL

Gaddis Lindsey
COMMISSIONER PCT #1, GADDIS LINDSEY

Tommy Stanley
COMMISSIONER PCT#2, TOMMY STANLEY

Rick Jackson
COMMISSIONER PCT#3, RICK JACKSON

Kenny Thompson
COMMISSIONER PCT#4, KENNY THOMPSON

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

All Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 1

FILED
REX A. SHAW
COUNTY CLERK
NOV 23 AM 10:34
UPSHUR COUNTY, TX

CHQ #	Date	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
81765-APCA	11/09/98	A & F HILL AND WELDING SUPPL	\$40.40	\$15.15	PCT#4-ACCT#173135/CYL. RENT (ACEN(2), OX150(1))
				\$25.25	PCT#2-CUST#173000/CYL. RENT (ACEL, ACEN; OX275(3))
81766-APCA	11/09/98	A BAIL BONDING	\$225.00	\$225.00	DA-SONDRA J. HOLLIER/HOT CHK. RESTITUTION
81768-APCA	11/09/98	A-IRENTALL	\$110.00	\$110.00	CO. S-RENTAL OF TOOLS TO BUILD SHED
81769-APCA	11/09/98	ABC AUTO PARTS	\$30.44	\$30.44	D A -LIGHT BULB; WIPER BLADES, WINDSHIELD CLEANER FLUID; ANTIFREEZE, SCREWS FOR LICENSE PLATE
81770-APCA	11/09/98	ABC AUTO PARTS	\$30.14	\$7.14	DA -LARRY OMEN/HOT CHECK RESTITUTION
				\$23.00	DA -LARRY OMEN/HOT CHECK RESTITUTION
81771-APCA	11/09/98	AIR LIQUIDE AMERICA COPR.	\$34.85	\$34.85	PCT#1-TORCH REPAIR
81772-APCA	11/09/98	AIR POWER EQUIPMENT	\$246.50	\$246.50	PCT#3-AIR COMPRESSOR REPAIR-VALVE PLATE; IN-SHOP LABOR; FREIGHT
81773-APCA	11/09/98	ALAN MADE	\$15.00	\$15.00	CO. JAIL-REIMBURSE FOR TEST
81774-APCA	11/09/98	ALL TEL	\$15.02	\$15.02	PCT#4-ACCT#CM262HT/OCT. 9 '98 BILLING
81775-APCA	11/09/98	AMERICAN HERITAGE LIFE INSUR	\$444.03	\$444.03	CASE#47939 OCTOBER '98 PAYROLL DEDUCTIONS
81776-APCA	11/09/98	AMERICAN TRAVELLERS LIFE	\$203.15	\$203.15	GROUP#44 OCTOBER '98 PAYROLL DEDUCTIONS
81777-APCA	11/09/98	AT & T INFORMATION SYSTEMS	\$27.19	\$27.19	SUP-ACCT#0142860638001/OCT. 18 '98 BILLING
81778-APCA	11/09/98	AM'S COUNTRY STORE	\$123.97	\$30.00	PCT#1-DIESEL
				\$10.98	PCT#1-(2)CANS OFF SPRAY
				\$24.37	PCT#1-DIESEL
				\$10.00	PCT#1-GAS
				\$28.42	PCT#1-(32)GALS DIESEL
				\$10.00	PCT#1-GAS
81779-APCA	11/09/98	BARRY CLARK WALLACE, P.C.	\$1,700.00	\$150.00	D. CT-CAUSE#445-95/IN INTEREST OF NICKELBUR CHILDREN
				\$150.00	D. CT-CAUSE#403-94/IN INTEREST OF P. & D. HARROD
				\$350.00	D. CT-CAUSE#11-722/ST. VS. M. D. EAVES
				\$350.00	D. CT-CAUSE#12, 165/ST. VS. TONY LEE COLLIER
				\$350.00	D. CT-CAUSE#12, 081/ST. VS. ROBERT JOHN LEUSCHNER
				\$350.00	D. CT-CAUSE#11-922/ST. VS. ARBERRY MOORE, JR.
81780-APCA	11/09/98	BAXTER SALES CO., INC.	\$800.05	\$222.22	CO. JAIL-CUST#100950/TOWELS; JOY, BLADES; GLOVES; SIGN
				\$370.23	CO. JAIL-CUST#100950/EINDO
				\$207.60	CLEAN; LYSOL, ENDEAVOR, TOWELS; GLOVES, RESTORER
					CO. JAIL-CUST#100950/AEROSOL, HANDLE, BROOMS
81781-APCA	11/09/98	BRUCE ACKER	\$422.91	\$422.91	CO. EXT. REIMBURSEMENT FOR

Vol 52 pg 109

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

All Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 3

Check #.... HC Date.... Vendor..... Check Amount. Invoice Amt. Invoice Descriptions.....

GRANVILLE(MEDICAL)

82005-APCA 11/09/98 EAST TEXAS PHYSICIANS CLINIC \$19.35 \$19.35 CO. INDIO-PAT#D20721-98100264/ALTON GRANVILLE(MEDICAL)

82006-APCA 11/09/98 EBB B. NOBLEY \$1,150.00 \$1,150.00 D. CT-CAUSE#12.026/ST. VS. B. E. MEGGINSON

82007-APCA 11/09/98 ECONO SIGN & BARRICADE \$601.00 \$601.00 PCT#1-ROAD SIGNS

82008-APCA 11/09/98 ECONOMY AUTO SUPPLY, INC. \$273.58 \$400.14 PCT#4-STARTER: CORE CHARGE \$22.80 PCT#3-4" MUFFLER & EXHAUST PART FOR BACKHOE \$4.64 PCT#3-BOLT KITS \$154.00 PCT#4-RETURN CORE

82009-APCA 11/09/98 ELECTIONS SYSTEMS & SOFTWARE \$1,295.85 \$1,295.85 ELECTIONS-ACCT#U67387/NOV. 3, 1998 ELECTION MATERIAL

82010-APCA 11/09/98 ELLIOTT ELECTRIC SUPPLY, INC \$59.15 \$59.15 CO. BLDGS-ACCT#3289472/BALLAST

82011-APCA 11/09/98 ELWELL'S OIL & LUBE \$67.25 \$24.00 CO. BLDGS-RANGER/OIL; FILTER; LABOR \$25.00 CO. S-UNIT#6-OIL; FILTER; LABOR \$18.25 CO. S-UNIT#2/OIL; FILTER; LABOR

82012-APCA 11/09/98 ETEX TELEPHONE COOP., INC. \$203.14 \$36.80 PCT#1/ACCT#734-5609/NOV. 01/98 BILLING \$27.70 TELE COMM-ACCT#8968-2941/NOV. 01/98 BILLING \$49.42 PCT#3-ACCT#734-5822/NOV. 01/98 BILLING \$40.41 PCT#4-ACCT#762-6731/NOV. 01/98 BILLING \$48.81 PCT#2-#762-6266 11/01/98 BILLING

82013-APCA 11/09/98 FANNIN FARM EQUIPMENT \$24.75 \$24.75 PCT#4-FILL 145 ACETYLENE

82014-APCA 11/09/98 FEDEX \$40.25 \$40.25 CO. S-ACCT#1716-1325-6/SHIPMENTS TO HUNTSVILLE(2)

82015-APCA 11/09/98 FUTURE EQUIPMENT CO., INC \$149.34 \$1,143.96 PCT#2-PARTS/CREDIT TO OFFSET BALANCE DUE) \$90.38 PCT#2-CUST#3UC9002/BLADES \$1,085.00 PCT#2-CUST#3UC9002/RETURN PARTS FROM IV. #L07776

82016-APCA 11/09/98 GENERAL TELEPHONE COMPANY \$3,895.61 \$3,886.59 TELE COMM-#843-3083/OCT 19'98 BILLING \$9.02 CO. S-#105229283216344000/#IBA-2703 10/19/98 BILL

82017-APCA 11/09/98 GILMER COUNSELING SERVICES \$550.00 \$550.00 CCP-SEPT'98 COUNSELING

82018-APCA 11/09/98 GILMER DRUG COMPANY \$234.83 \$28.16 CO. JAIL-LED MARSH/PRESCRIPTIONS #2519034 \$101.21 CO. JAIL-D FERGUSON&D BENNETT/PRESCRIPTIONS \$109.56 CO. JAIL-JOSE OCANAS/PRESCRIPTION R#0252187 \$106.40 CO. JAIL-A MOORE, RIGGS/PRESCRIPTIONS \$9.45 CO. JAIL-BRIAN GREEN/PRESCRIPTION R#253148

10/22/98 pg. 1437

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

All Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 4

Check #.... HC Date.... Vendor..... Check Amount. Invoice Accts Invoice Descriptions.....

\$76.02 CO JAIL-JOE NICKELBUR/PRESRIPTION
\$43.82 CO JAIL-H RIGGS, G. ALLEN; J. NICKELBUR/PRESRIPT
IONS
\$221.18 CO JAIL-G AIRHART; J. OCANAS/PRESRIPTIONS
\$7.15 CO JAIL-TAMARA CORBETT/PRESRIPTION
\$24.73 CO JAIL-D MARTIN; D KEMP/PRESRIPTIONS
\$70.35 CO JAIL-J. BROWNELL, L. SNEANEY/PRESRIPTIONS
\$6.24 CO JAIL-PREGNANCY TEST
\$577.47cr CO JAIL-CREDIT ON DAVID HELNICK

82019-APCA 11/09/98 GILMER LUMBER COMPANY INC. \$174.82 \$28.70 CO. BLDGS-ACCT#0021020/PAINT; BRUSHES
\$13.34 CO. BLDGS-CUST#0021020/STYROFOAM; DRILL BIT
\$73.97 PCT#1-CUST#0021020/LUMBER; WIRE; STAKES
\$58.81 PCT#1-CUST#0021020/LUMBER; STAKES; NAILS

82020-APCA 11/09/98 GILMER OFFICE CENTER \$495.29 \$289.53 JP#4-STEEL CABINET; PANASONIC FAX
\$46.65 JP#2-TONER CARTRIDGE FOR FAX
\$259.50 D. A. -COPY PAPER
\$16.97 CO TAX-LABELS; BUS CARDS
\$11.99 DA-2 HOLE PUNCH
\$4.87 DA-CALLENDAR PAD
\$4.97 CO EXT-COLOR PAPER
\$41.25 SUP-BUSINESS CARDS
\$16.90 DA-NAME PLATE
\$2.66 CO AUD-RING BINDERS

82021-APCA 11/09/98 GILMER WRECKER \$50.00 \$50.00 CO. S-TONED '94 CAPRICE TO ORE CITY

82022-APCA 11/09/98 GLENWOOD GROCERY \$116.94 \$116.94 CONST#1-GAS

82023-APCA 11/09/98 H & D TIRE \$203.75 \$162.11 D. A-LARRY OWEN/HOT CK. RESTITUTION
\$41.64 D. A-LARRY OWEN/HOT CK. RESTITUTION

82024-APCA 11/09/98 H&D TIRE & AUTOMOTIVE \$1,307.45 \$30.96 CO BLDG-CABLE (50 FT); TURN BUCKLE; WIRE
CLIPS; DUCT TAPE
\$17.05 PCT#1-CLEANER; ARMOR-ALL, PROTECTANT & WASH
NIT
\$39.87 PCT#4-BATTERY; RECYCLE FEE
\$4.80 PCT#1-EZE MIX CEMENT
\$26.34 PCT#3-FILTERS (3); ADAPTOR
\$1.11 CO BLDG-TRAP ADAPTOR; COUPLING
\$19.15 CO BLDG-MANDRELL; HOLE SAW
\$10.35 CO BLDG-CREDIT FOR MANDRELL; MANDRELL
\$2.42 PCT#3-RECEPTICLE
\$4.29 CO JAIL-PLUG; SWITCH
\$5.37 PCT#2-BOLTS (3); WHEEL HARDWARE (4)
\$6.10 PCT#3-BOLT; EZE MIX
\$68.73 PCT#1-MANIFOLD SET; RADIATOR SEALER; TOOL;
TROWEL (2); THINE; LINE LEVEL; GLOVES (11 PR)
\$41.88 PCT#1-ELBOW, TROWEL, CONDUIT
\$17.61 PCT#1-COUPLINGS & ELLS; PVC CONDUIT

Vertical text on the right edge of the page, possibly a page number or reference code.

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

THE SOFTWARE GRUP. INC.

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 5

ALL Checking Accounts

Check #.... HC Date.... Vendor..... Check Amount. Invoice Amt Invoice Descriptions.....

				\$13.57		CO. BLDG-SCREWDRIER SET; SWITCH
				\$4.32		PCT#3-CASKETHAKER
				\$47.62		PCT#3-HYDRAULIC FITTINGS (4); HYDRAULIC HOSE
				\$1.96		CO. BLDG-KEYS
				\$6.64		CO. S-GLOVES
				\$113.20		PCT#1-BRAKE CLEANER; WINDSHIELD WASHER; BRAKE SHOE SET; CORE CHARGE; SILICONE ADHESIVE; BRAKE PADS; CARBURETOR CLEANER; PAPER TOWELS
				\$81.82		PCT#3-SUPPORT BEARING; BRASS FITTING; U-JOINT
				\$9.45		PCT#1-CABLE ENDS
				\$137.32		PCT#3-BATTERY; RECYCLE FEE; LABOR
				\$5.48		PCT#3-BRASS FITTINGS
				\$5.18		CO. S-WINDSHIELD WIPER REFILLS
				\$68.62		CO. BLDG-CIRCULAR SAW; SAW BLADE, SPOUT FOR TANK
				\$25.11		CO. BLDG-POWER STEERING FLUID; BELT FOR TOOL POUCH; HEX KEY SET; THREAD-LOC; GLOVES
				\$87.70		CO. S-BOLTS, NUTS, WASHERS, HAMMER, ETC
				\$7.91		CO. S-DRILL BIT
				\$162.19		PCT#1-AIR FILTERS(FOR EQUIPMENT); FLASHERS; WIRING TOOL; SCREWDRIER
				\$5.00		PCT#1-TIRE PLUGS
				\$112.42		CO. BLDG-TIRES; LABOR
				\$48.00		PCT#2-FREON
				\$2.60		CO. BLDG-EPOXY
				\$49.65		PCT#1-SEALS; FILTERS (2); BRAKE-CLEAN
				\$63.16		PCT#1-WHEEL CYLINDERS
				\$5.84cr		PCT#3-RETURNED TRAILER ADAPTER
				\$24.34cr		PCT#1-RETURNED ELBOWS; CONDUIT
				\$17.32cr		PCT#1-RETURNED OIL SEALS

82025-APCA 11/09/98 HANDY MART GRD. \$107.02 \$107.02 PCT#1-DIESEL FUEL

82026-APCA 11/09/98 HOLMES CONCRETE PIPE \$2,010.00 \$1,350.00 PCT#2-36" DOUBLE WALL PLASTIC CULVERT
 \$450.00 PCT#2-36" DOUBLE WALL PLASTIC CULVERT
 \$84.00 PCT#1-15" X 36" TILE
 \$126.00 PCT#1-15" X 36" TILE

82027-APCA 11/09/98 I DEAL COMPUTERS, INC \$1,865.00 \$89.00 CO. JAIL-(1)SERIAL I/F CARD/OKIDATA
 \$446.00 CO. CLK DA. TREAS-LABOR/IN SHOP-LABOR
 \$875.00 NON. DEPT-LIGHTNING/HP LASERJET PRINTER(CJAS CO. CLK)
 \$440.00 CO. CLK-692C PRINTER
 \$15.00 COMPUTER-LABOR

82028-APCA 11/09/98 IKON OFFICE SOLUTIONS \$92.00 \$92.00 NON-DEPT. TONER FOR FAX MACHINE

82029-APCA 11/09/98 IRVIN TIRE COMPANY \$323.09 \$323.09 CONST#1-TIRES, WIPER SET; LABOR

82030-APCA 11/09/98 JAMES GEE \$16.51 \$16.51 CCP-REIMBURSE/MEAL 10/98

Vol 502 pg 133

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 11/09/98 thru 11/20/98

PAGE

Check #	HC Date	Vender	Check Amount	Invoice Amt	Invoice Descriptions
82031-APCA	11/09/98	JEFFERSON JIMPLECUTE	\$9.15	\$9.15	SUP-SUPPLIES
82032-APCA	11/09/98	JERREL L. MCBRIDE ENTERPRISE	\$965.24	\$965.24	CO S-MATERIALS FOR CARPORT COVER/PIPE(BEHIND J. CTR)
82033-APCA	11/09/98	JERROD DAVIS	\$350.00	\$350.00	D. CT-CAUSE#J-26-98/ST. VS. ROBERT DODSON
82034-APCA	11/09/98	JODAC OFFICE SUPPLY	\$488.00	\$488.00	CO. S-FILE CABINETS-LEGAL SIZE/W LOCKS; FILE CABINET-LEGAL SIZE; 6-FT FOLDING TABLE
82035-APCA	11/09/98	JOHN MCGRAM, JR.	\$135.45	\$135.45	D. CT-MILEAGE & MEALS/2 DAYS AS VISITING JUDGE
82036-APCA	11/09/98	JOSHUA MARTIN	\$15.00	\$15.00	CO. JAIL-REIMBURSE FOR TEST
82037-APCA	11/09/98	JR'S OF DIANA	\$81.73	\$81.73	DA-LINDA STANFORD/HOT CHK. RESTITUTION
82038-APCA	11/09/98	KELLY FORD TRACTOR, INC.	\$459.71	\$159.91 \$423.26 \$123.46	PCT#1-ACCT#05609/ELEMENTS; FILTERS PCT#1-ACCT#05609/KIT WHEEL; HUB; SPINDLE PCT#1-CUST#05609/CREDIT ON PARTS
82039-APCA	11/09/98	KERNS BAKERY	\$118.50	\$45.00 \$30.00 \$43.50	CO. JAIL-60 LOAVES OF BREAD CO. JAIL-40 LOAVES OF BREAD CO. JAIL-58 LOAVES OF BREAD
82040-APCA	11/09/98	LAURENCE MARSHALL CHEV	\$38,763.00	\$38,763.00	PCT#4-(111999 HODER KOOLAK CHEV 4x4-DUMP TRUCK(S#168N7HIC5XJ101306)
82041-APCA	11/09/98	LANSON PRODUCTS, INC	\$74.02	\$74.02	PCT#1-ACCT#7307636 38821/SURF COND-PAD-FRT.
82042-APCA	11/09/98	LEROY RADER FUNERAL HOME, IN	\$296.00	\$296.00	JP#1-H. D. THOMPSON/TRANSPORT FOR AUTOPSY
82043-APCA	11/09/98	LLOYD'S BODY SHOP	\$45.00	\$45.00	JUV. PROB-REPAIR SIDE DOOR ON DODGE VAN
82044-APCA	11/09/98	LOCK DOC INC	\$26.00	\$26.00	CO. BLDGS-RESET SIMPLEX LOCK-KEYS
82045-APCA	11/09/98	LONG MOTOR COMPANY, INC.	\$10.50	\$10.50	D. A. -STATE INSPECTION
82046-APCA	11/09/98	LONVIEW ALTERNATOR	\$209.90	\$209.90	PCT#3-ALTERNATOR FOR UNIT 337
82047-APCA	11/09/98	MARTY MASSOLETTI	\$15.00	\$15.00	CO. JAIL-REIMBURSE FOR TEST
82048-APCA	11/09/98	MARY LOU TEVEBAUGH	\$350.00	\$350.00	D. CT-CAUSE#11,876/ST. VS. MICHAEL R. PEARSON
82049-APCA	11/09/98	MARY MORRIS, SMITH CO. CLERK	\$265.00	\$265.00	CO. CT-CAUSE#5280/TEMPORARY COMMITMENT HEARING
82050-APCA	11/09/98	MED SHOP PHARMACY	\$228.66	\$228.66	CO. INDIC-LODEN, GRANVILLE, METCALF/PRESCRIPTIONS
82051-APCA	11/09/98	MELINDA SMITH	\$835.47	\$835.47	JUV. PROB-REIMBURSE/1099#18-315#18-MEALS-LOGGIN 10/98

Vol. 10 Pg 1334

11/20/98 11:11 AM

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

All Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 7

Check #....	NC Date....	Vender.....	Check Amount	Invoice Amt	Invoice Descriptions.....
82052-APCA	11/09/98	METROPLEX CONTROL SYS INC	\$1,597.00	\$1,597.00	NON DEPT. I CTR--REPAIR DOORS(RELAYS DUE TO LIGHTNING)
82053-APCA	11/09/98	MICHAEL BURROUS	\$28.98	\$28.98	SUP-REIMBURSE/92a# 315a# 10/98
82054-APCA	11/09/98	MICHAEL MARTIN, ATTY	\$1,050.00	\$350.00 \$350.00 \$350.00	D CT-ST. VS. JAMES ANDREW PHEIFFER D CT-CAUSE#12.012/ST. VS DENNIS A. MARTIN D. CT-CAUSE#12.079/ST. VS. J. T. JONES
82055-APCA	11/09/98	MID-CONTINENT LIFE INSURANCE	\$34.00	\$34.00	OCT'98 PAYROLL DEDUCTIONS
82056-APCA	11/09/98	MINGO SALES&SERVICE CO.	\$545.75	\$545.75	PCT#2-PARTS; LABOR
82057-APCA	11/09/98	MISCO AMERICA INC.	\$161.59	\$161.59	COMPUTER-2 OKIDATA RS232 SERIAL INTERF; SHIPPING
82058-APCA	11/09/98	MUSIC MOUNTAIN WATER CO.	\$20.90	\$20.90	CO. BLDGS-ACCT#18700100/OCT. 31 '98 BILLING
82059-APCA	11/09/98	NATIONAL DISTRICT ATTORNEYS	\$155.00	\$155.00	DA-MEMBERS#7578/1999 MEMBERSHIP DUES
82060-APCA	11/09/98	NATIONAL FAMILY CARE	\$500.10	\$500.10	\$3152 OCTOBER '98 PAYROLL DEDUCTIONS
82061-APCA	11/09/98	NATIONSBANK OF DELAWARE, N.A	\$1,831.43	\$62.85 \$22.83 \$28.04 \$187.11 \$225.11 \$93.94 \$470.49 \$452.36 \$24.75 \$266.95	SUP&CCP--#5342880011049013/OCT. 24 '98 CCP-#5342883000008644/OCT. 24 '98 CCP-#5342883000026109/OCT. 24 '98 SUP-#5342880011049005/OCT. 24 '98 SUP-#5342883000075148/OCT. 24 '98 SUP-#5342883000083951/OCT. 24 '98 SUP-#5342883000084611/OCT. 24 '98 SUP-#5342883000088612/OCT. 24 '98 SUP-#5342883000088620/OCT. 24 '98 SUP-#5342883000083944/OCT. 24 '98
82062-APCA	11/09/98	OFFICE DEPOT, INC	\$299.99	\$299.99	PCT#3-ACCT#20303440011/HP OFFICE JET FAX MACHINE
82063-APCA	11/09/98	OLYMPIC WASTE - KILGORE	\$914.37	\$724.37 \$72.00 \$118.00	WASTE-ACCT#070-0020542/OCT. 31/98 BILLING CO. BLDGS-ACCT#171-0020542/OCT 01/98 BILLING PCT#3-ACCT#070-0020542/OCT. 01/98 BILLING
82064-APCA	11/09/98	PATRICIA HARRISON	\$540.00	\$90.00 \$90.00 \$90.00 \$180.00 \$90.00	CO JUDGE-COURT REPORTING 10/22/98 CO. CT-COURT REPORTING 10/27/98 CO. CT-COURT REPORTING 10/27/98 CO. CT-COURT REPORTING 10/28/98 CO. CT-COURT REPORTING 10/29/98
82065-APCA	11/09/98	PATTON LAW FIRM	\$2,850.00	\$1,800.00 \$350.00 \$350.00 \$350.00	D CT-CAUSE#12.108/ST. VS. JOE DON SMITH D. CT-CAUSE#10.341/ST. VS. ALLEN D. CT-CAUSE#12.152/ST. VS TIGER CARVER D. CT-CAUSE#11.429/ST. VS. BRIAN BRUMLEY

NOV 50 PM 1998

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 9

Check #	MC Date	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
				\$1,417.53	CO. CTM-ACCT#56747/NOV. 3 '98 BILLING
				\$45.51	CO. BLDG-ACCT#62646989/NOV. 3 '98/BILLING
82086-APCA	11/09/98	STANDARD SUPPLY & DIST. CO.	\$56.16	\$56.16	CO. BLDGS-CUST#241070/FILTERS
82087-APCA	11/09/98	SUSAN RICHEY	\$309.58	\$309.58	CO. EXT-REIMBURSEMENTS FOR OCTOBER
82088-APCA	11/09/98	SYSCO FOOD SYSTEMS, INC	\$328.57	\$328.57	CO. JAIL-CUST#288639/ASSORTED FOODS
82089-APCA	11/09/98	TAC PROPERTY&CASUALTY	\$29,002.00	\$11,118.00	NON. DEPT-AUTO-PHY. DAMAGE COVERAGE 10/1/98-10/1/99
				\$17,884.00	NON. DEPT-#2300/PROPERTY COVERAGE 10/1/98-10/1/99
82090-APCA	11/09/98	TAC RISK MANAGEMENT POOL	\$53,835.00	\$29,174.00	NON. DEPT-#2300/AUTO LIAB. COVERAGE 10/1/98-10/1/99
				\$24,661.00	NON. DEPT-GENERAL LIAB. COVERAGE 10/1/98-10/1/99
82091-APCA	11/09/98	TEFTELLER & PELAIA	\$1,050.00	\$350.00	D. CT-CAUSE#12, 223/ST. VS. JOHN MIX
				\$350.00	D. CT-CAUSE#12, 078/ST. VS. JOHN MIX
				\$350.00	D. CT-CAUSE#11, 713/ST. VS. JIMMY JOE GARDNER
82092-APCA	11/09/98	TELETOUCH CORPORATION	\$177.54	\$177.54	CO. S-ACCT#3062303/PAGER SERVICE 11/1/98-11/30/98
82093-APCA	11/09/98	TEXAS DIST. & CO. ATTY. ASSOC.	\$130.00	\$25.00	D. A-MARY BRUNSON/MEMBERSHIP '98-99
				\$30.00	D. A-RICHARD LINGLE/MEMBERSHIP '98-99
				\$50.00	D. A-TIM CONE/MEMBERSHIP '98-99
				\$25.00	D. A-EVELYN D. JONES/MEMBERSHIP '98-99
82094-APCA	11/09/98	TEXAS HEALTH FOUNDATION-BVS	\$40.00	\$40.00	CO. CLK-REGISTRATION/REX SHAW
82095-APCA	11/09/98	THE GILMER MIRROR	\$11.60	\$11.60	CO. LIB-RUBBER STAMPS
82096-APCA	11/09/98	THE LOGO	\$761.00	\$739.50	CO. JAIL-25 SHIRTS
				\$21.50	CO. S-JACKET LOGO
82097-APCA	11/09/98	THE MCGRAW-HILL COMPANIES	\$113.63	\$113.63	CO. LIB-SCIENCE & TECHNOLOGY YEARBOOK
82098-APCA	11/09/98	THE TEXAS LAWYER	\$225.00	\$225.00	D. A-ACCT#31106/1YR. RENEWAL
82099-APCA	11/09/98	THOMAS NORWOOD	\$15.00	\$15.00	CO. JAIL-REIMBURSE FOR TEST
82100-APCA	11/09/98	TRANSIT MIX CONCRETE SUPPLY	\$603.00	\$603.00	PCT#1-CEMENT
82101-APCA	11/09/98	TYLER DIGESTIVE	\$26.87	\$26.87	IND-ALVIS LODEN/MEDICAL 10/26/98
82102-APCA	11/09/98	TYLER EQUIPMENT, INC	\$402.18	\$402.18	PCT#3/ACCT#7345822/PARTS-LABOR
82103-APCA	11/09/98	TYLER RADIOLOGY	\$63.42	\$63.42	CO. INDIG-PAT#20625323/DANNY

NO. 5240 AB7

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements
All Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 10

Check #.... HC Date.... Vendor..... Check Amount. Invoice Accts Invoice Descriptions.....

CRANVILLE (RAD. SERVICES)

Check #	HC Date	Vendor	Check Amount	Invoice Accts	Invoice Descriptions
82104-APCA	11/09/98	TYLER UNIFORM CO., INC.	\$910.00	\$910.00	CO. S-SHIRTS; SHIPPING
82105-APCA	11/09/98	UNDERWOOD REPORTING	\$150.00	\$150.00	D. CT-COURT REPORTING 10/19/98
82106-APCA	11/09/98	UPSHUR COUNTY	\$166.55	\$166.55	SUB-SERT '98 VALU-LINE CALLS
82107-APCA	11/09/98	UPSHUR COUNTY AMBULANCE SERV	\$500.00	\$500.00	CO JAIL-PAT#021489/DANIEL LANGSTON (TAKEN TO ETHC IN GILMER THEN TO TYLER
82108-APCA	11/09/98	UPSHUR-RURAL ELECTRIC COOP.,	\$153.53	\$74.77 \$71.00 \$7.76	PCT#1-ACCT#31885226/OCT. 28 '98 READING PCT#3-ACCT#902475306/OCT. 30/98 BILLING COMPACTOR-ACCT#10793251/OCT. 27 '98 READING
82109-APCA	11/09/98	VALU-LINE	\$635.14	\$635.14	TELE COMM-ACCT#9087390 NOV 2 '98 BILLING
82110-APCA	11/09/98	VIKING OFFICE PRODUCTS	\$120.15	\$81.26 \$38.89	CO. S-DESK PAD CALENDARS; BINDERS; CALENDAR REFILLS; ERASABLE PLANNER; INSURANCE CO. S-WIRE BOUND NOTEBOOKS; INSURANCE
82111-APCA	11/09/98	M. M. CRAINGER, INC.	\$69.45	\$69.45	CO. BLDGS-ACCT#436-90-513-171-1/LANPS
82112-APCA	11/09/98	WAL-MART #146	\$66.52	\$66.52	DA-GLENDA GRUBBS/HOT CHK. RESTITUTION
82113-APCA	11/09/98	WALMART STORE #146	\$241.31	\$62.73 \$37.79 \$54.62 \$13.18 \$69.03 \$3.96	CO. TAX-VACUUM CLEANER; BAGS D. CT-ACCT#188/CUPS; COFFEE; DRINKS CO. S-ACCT#188/BOOKCASE; BOOKS; PHOTO PROCESSING CO. S-ACCT#188/LAB PROCESSING; ENLARGEMENTS CO. S-ACCT#188/BITS; TAPES; FILM; BATTERY CO. TREAS-PHONE CARD (25 FT)
82114-APCA	11/09/98	WEST PUBLISHING	\$1,499.25	\$43.25 \$175.50 \$43.25 \$59.75 \$81.75 \$43.25 \$161.50 \$371.00 \$59.75 \$161.50 \$161.50 \$23.25	LAW LIB-ACCT#858-338-296/FED. REP 3D VOL 142 LAW LIB-ACCT#858-338-296/TX DIG 2D V30, 30A, 31&31A LAW LIB-ACCT#858-338-296/FED. REP 3D V143 LAW LIB-ACCT#858-338-296/TX CASES V965-966 LAW LIB-ACCT#858-338-296/TX JURISPRUDENCE 3D V144 LAW LIB-ACCT#858-338-296/FED. REP 3D V144 DA-ACCT#417-636-300/TX STATUTES & CODE GOV V3-4A 4BKS LAW LIB-ACCT#858-338-296/AMER. LAW REPTS. FED '98 POCKET PART LAW LIB-ACCT#858-338-296/TX CASES V967-968 D. CT-ACCT#240-343-314/TX STST. & CODE GOV. CODE V3-4A 4BKS LAW LIB-ACCT#858-338-296/TX STAT. & CODE GOV. CODE V3-4A 4BKS LAW LIB-ACCT#858-338-296/TX PRAC V12 2D 1998

Vertical text on the right margin, possibly a page number or reference code.

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 11

Check #.... HC Date.... Vendor..... Check Amount. Invoice Amt. Invoice Descriptions.....

				\$38.00	DA-ACCT#417-436-300/TX UCC FORMS V1&2 1998 PP
				\$38.00	D. CT-ACCT#240-543-314/TX UCC FORMS V1&2 1998 PP
				\$38.00	LAW LIB-ACCT#858-338-296/TX UCC FORMS V1&2 1998 PP
82115-APCA	11/09/98	WEST SIDE FURNITURE	\$78.25	\$20.30	PCT#2-FILES, SPARK PLUG, OIL (4-PK), BAR OIL, SPROCKET
				\$57.95	PCT#2-CHAIN SAW BAR, CHAIN
82116-APCA	11/09/98	WHITE SWAN, NORTH	\$1,224.57	\$647.95	CO. JAIL-CUST#420711/ASSORTED FOODS
				\$576.62	CO. JAIL-CUST#420711/ASSORTED FOODS
82117-APCA	11/09/98	WHOLESALE SUPPLY COMPANY	\$136.02	\$136.02	I. C. -PRINTRONIX PRINTER RIBBONS; PAPERMATE GEL-WRITER PENS; SHIPPING
82118-APCA	11/09/98	WILLIAMS ELECTRONICS	\$340.00	\$340.00	DA-WORK ON STROBES
82119-APCA	11/09/98	YAZELL CHEVROLET-OLDS, INC.	\$21.50	\$21.50	911-CUST#1584/WASH & CLEAN VEHICLE
82120-APCA	HC 11/09/98	FIRST NATIONAL BANK OF GILME	\$187,022.21	\$187,022.21	CD#29550 PURCHASED@4.99%(14days)TO MATURE 11/23/98
82121-APCA	HC 11/09/98	FIRST NATIONAL BANK GILMER	\$600,000.00	\$400,000.00	CD#29551 PURCHASED@4.99%(94days)TO MATURE 2/11/99
				\$200,000.00	CD#29552 PURCHASED@4.99%(119days)TO MATURE 3/08/99
82122-APCA	HC 11/12/98	POSTMASTER	\$2,919.32	\$2,919.32	TAX-FIRST CLASS MAIL OUT TAX STATEMENTS 9896 @ \$.295
82123-APCA	HC 11/12/98	LISA GIPSON	\$443.55	\$443.55	JUV. PROB-NOVEMBER '98 TRAVEL
82124-APCA	HC 11/12/98	UPSHUR COUNTY DISTRICT ATTOR	\$80.00	\$80.00	DA-(8)610BILLS TO ATTACH TO CIVIL SUBPOENAS
82125-APCA	HC 11/12/98	MIKE PAPPAS, DALLAS CO. CONST	\$45.00	\$45.00	DA-CIVIL SERVICE FEES/WISE VS. WHITAKER #430-96
82126-APCA	HC 11/12/98	HENDERSON COUNTY SHERIFF	\$50.00	\$50.00	DA-CIVIL SERVICE FEES/WISE VS. WHITAKER #430-96
82298-APCA	HC 11/17/98	GARY R. TRAYLOR & ASSOCIATES	\$1,000.00	\$1,000.00	DIANA. WATER-PROJECT#717801-12/OCT. 1-31 '98
82299-APCA	HC 11/18/98	FIRST NATIONAL BANK GILMER	\$300,000.00	\$300,000.00	CD#29560 PURCHASED@5.06%(187days)TO MATURE 5/24/99

Total for APCA - Accounts Payable Clearing Account \$1,289,091.42

Vol 52 pg 139

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

All Checking Accounts

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 12

Check #... HC Date... Vendor... Check Amount. Invoice Amt. Invoice Descriptions.....

1186-ENB 125 HC 11/16/98 HANNAH JARISON \$176.00 \$176.00 125 UNREIMBURSED MEDICAL

1187-FNB 125 HC 11/16/98 ERMA SMITH \$120.00 \$120.00 125 UNREIMBURSED MEDICAL

Total for FNB. 125 - IRC/125 PLAN \$296.00

440

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

23 Nov 1998

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 11/09/98 thru 11/20/98

PAGE 13

Check #....	HC Date....	Vendor.....	Check Amount.	Invoice Amt	Invoice Descriptions.....
920-FNB. INS	HC 11/09/98	HEALTHCARE PARTNERS	\$17,352.76	\$17,352.76	GROUP UPS01 MONTHLY COSTS FOR 11/98
921-FNB. INS	HC 11/10/98	MANAGED PHARMACY BENEFITS, I	\$3,458.40	\$3,458.40	GROUP #80096; 10/29/98 PAYMENT REGISTER
922-FNB. INS	HC 11/10/98	UPSHUR COUNTY INSURANCE CLEA	\$9,360.72	\$8,121.20	110598-UP PAYMENT REGISTER
				\$1,239.52	110598-UPOS PAYMENT REGISTER

Total for FNB. INS - INSURANCE \$30,171.88

Grand Total \$1,319,559.30

167 records listed

Charles L. Still
COUNTY JUDGE, CHARLES L. STILL

Gaddis Lindsey
COMMISSIONER PCT.#1, GADDIS LINDSEY

Tommy Stanley
COMMISSIONER PCT#2, TOMMY STANLEY

Rick Jackson
COMMISSIONER PCT#3, RICK JACKSON

Kenny Thompson
COMMISSIONER PCT#4, KENNY THOMPSON

NOV 52 PM 1998

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 11-1-98 Dept. Sheriff / Dispatch
 Employee Kevin Kilgore
 Social Security No. 466-89-0566 Emp. ID# 907

PG 442
VOL 52

X	CHANGES(S)	FROM	TO
	Grade Step	14.20 (825.40)	
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input checked="" type="checkbox"/>	Hired		Re-Hired
	Introductory Period Ended		Merit Increase
	Promotion		Transfer
	Longevity Increase		Demotion
	Re-evaluation of Job		Retirement
	Layoff		Discharged
	Leave-of-Absence		Other

Comments

New Employee in Dispatch

BY
 UPSHUR COUNTY, TX
 DEPUTY
 98 NOV 23 AM 10:38
 FILED
 REX A. SHAW
 COUNTY CLERK

Authorized by:

Approved by: R.D. Crow Date: 11-17-98

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 11-1-98 Dept. 450/D. Clerk
 Employee Vicky Sprayberry
 Social Security No. _____ Emp. ID# 882

X	CHANGES(S)	FROM	TO
	Grade Step	8,14	8,15
	Rate	\$1375.00	\$1400.00
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

Hired	Re-Hired
<input checked="" type="checkbox"/> Introductory Period Ended	<input type="checkbox"/> Merit Increase
<input type="checkbox"/> Promotion	<input type="checkbox"/> Transfer
<input type="checkbox"/> Longevity Increase	<input type="checkbox"/> Demotion
<input type="checkbox"/> Re-evaluation of Job	<input type="checkbox"/> Retirement
<input type="checkbox"/> Layoff	<input type="checkbox"/> Discharged
<input type="checkbox"/> Leave-of-Absence	<input type="checkbox"/> Other

FILED
 REX A. SHAW
 COUNTY CLERK
 98 NOV 23 AM 10:33
 JEFFERSON, TX
 REPUT

Comments: 1 step raise upon completion of introductory period.

Authorized by: _____

Approved by: F. [Signature]

Date: 11-19-98

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 11-1-98 Dept. 450/D. Clerk
 Employee Laticia Jenkins
 Social Security No. _____ Emp. ID# 163

VOL 52 PG 444

X	CHANGES(S)	FROM	TO
	Grade Step	8,14	8,15
	Rate	\$ 1375.00	\$ 1400.00
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input checked="" type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

FILED
 REX A. SHAW
 COUNTY CLERK
 98 NOV 23 AM 10:33
 UPSHUR COUNTY, TX
 DEPUTY

Comments 1 step raise upon completion of introductory period.

Authorized by: _____
 Approved by: J. Humbert Date: 11-18-98

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 10-1-98 Dept. 565/O. Jail
 Employee Joe Daniel
 Social Security No. _____ Emp. ID# 775

X	CHANGES(S)	FROM	TO
	Grade Step	14, 21	14, 23
	Rate	\$ 1850.00	\$ 1900.00
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input checked="" type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments:

Promoted Sergeant

FILED
 REX A. SHAW
 COUNTY CLERK
 98 NOV 23 AM 10:33
 UPSHUR COUNTY, DE
 DEPUTY

Authorized by:

R. Conley

Approved by:

Date:

11-20-98

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 11-20-98 Dept. 565/C. Gail
 Employee Joe Daniel
 Social Security No. _____ Emp. ID# 775

PG 446
VOL 52

X	CHANGES(S)	FROM	TO
	Grade Step	14,23	14,21
	Rate	\$1900.00	\$1850.00
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Longevity Increase	<input checked="" type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

FILED
 REX A. SHAW
 COUNTY CLERK
 98 NOV 23 AM 10:38
 UPSHUR COUNTY, TX

Comments: _____

Authorized by: [Signature]
 Approved by: _____ Date: 11-20-98

1180.62'

(BEARING BASE)
(LINED SOUTH)

FILED R/W CURVE DATA
REX A. SHAW COUNTY CLERK
98 NOV 23 AM 10:38
UPSHUR COUNTY, TX
 $\Delta = 02^{\circ} 27' 24''$
 $R = 2814.79$
 $L = 120.69'$
 $C = S 45^{\circ} 57' 28'' E 120.68'$

RESIDUE
V. 233, P. 474 P.L.D. 4-21-58

541.62'

CONC. R/W MKR.

S 53° 56' 46" E 84.10'

CONC. DR.

CL. FNC.

CARPORT

WAT. WELL

WEST LP

1-STY BR

DEPUTY

CONC. R/W MKR.

V. 150, P. 326
F.L.D. 12-16-42

SET 3/8" I. ROD

EAST 174.01'

SOUTH 79.12'

P.O.B.

V. 151, P. 619
F.L.D. 11-20-43

SET 3/8" I. ROD

WEST 524.65'

208.88'
ALLOS

E. L. RATCLIFF SVY.
A-419
UPSHUR COUNTY, TEXAS

(DEED WEST 327, - 308.33)

141.00

VOL 52 PG 448

BEFORE ME, the undersigned authority,
FILED FOR RECORD May 21 1964 at 2:56 o'clock P.M.
RECORDED ON THIS July 4 1964 at 3:22 o'clock P.M.
BY Bess Justice Deputy O. W. LOYD, COUNTY CLERK,
UPSHUR COUNTY, TEXAS.

she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it

122—WARRANTY DEED TEXAS STANDARD FORM

The State of Texas, } Know All Men by These Presents:
County of UPSHUR

That we, MATT DAVIS and wife, EDDIE MAE DAVIS

of the County of Upshur State of Texas
of the sum of

TEN AND NO/100 (\$10.00) -----
to us in hand paid by COUNTY OF UPSHUR, STATE OF TEXAS

FILED
REX A. SHAW
COUNTY CLERK
UPSHUR COUNTY, TX
98 NOV 23 AM 10:39
DEPUTY

Paid in full, receipt of which is acknowledged;
SUBJECT TO THE EXCEPTIONS AND RESERVATIONS HEREBINAFTER SET FORTH:
have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

COUNTY OF UPSHUR, STATE OF TEXAS

of the County of Upshur State of Texas all that certain
tract or parcel of land lying and being situated in the Ed L. Ratcliff
HR Survey in Upshur County, Texas, about 11 miles Northwest of the town
of Gilmer and described as follows:

BEGINNING at a point 96 yards North of the present J. W. Sharp 50
acre tract of land;
THENCE West 105 yards to a stake for corner;
THENCE North 70 yards to stake for corner;
THENCE East 105 yards to stake for corner in the East boundary line
of said Sharp 50 acre tract of land;
THENCE South 70 yards along said Sharp East boundary line to the
place of beginning, containing one and one-half (1-1/2) acres of land,
more or less, and being the same land described in a Warranty Deed from
U. W. Sharp and wife, Fannie Sharp to James Fort and wife, Leola Fort,
dated December 16, 1942, and recorded in Vol. 150 at page 526-527, Deed
Records of Upshur County, Texas, Leola Fort being one and the same per-
son as Leola Fort referred to in said Warranty Deed.

LESS AND EXCEPT, HOWEVER, all of the oil, gas and other minerals
whether of the same or similar kind or not, in and under and which may
be produced from the above described land, together with the rights of
ingress and egress into, on, over and across and from the above described

Vol 52 pg 419

320

land, for the purpose of exploring for, prospecting for, mining, drilling and marketing such oil, gas and other minerals therefrom, which excepted interest is not conveyed hereby and is retained by the Grantors Matt Davis and wife, Eddie Mae Davis, as their separate property for themselves, their heirs and assigns forever.

SUBJECT TO THE EXCEPTIONS AND RESERVATIONS ABOVE SET FORTH, TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said

COUNTY OF UPSHUR, STATE OF TEXAS, its

SUCCESSORS heirs and assigns forever and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said

COUNTY OF UPSHUR, STATE OF TEXAS, its

SUCCESSORS heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof

WITNESS OUR hands at Gilmer, Texas this 23rd day of October, 1963

[Signature]
MATT DAVIS
[Signature]
Eddie Mae Davis
EDDIE MAE DAVIS

Witness at request of Grantor:

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS, COUNTY OF UPSHUR *Bowde*

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared MATT DAVIS and EDDIE MAE DAVIS, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said EDDIE MAE DAVIS, wife of the said MATT DAVIS, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said EDDIE MAE DAVIS, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24th day of October A. D. 19 63.



(L S)

[Signature]
Notary Public in and for *Upshur Bowde* County, Texas

THE STATE OF TEXAS, COUNTY OF

I HEREBY CERTIFY that the foregoing instrument of writing with its certificate of authentication, was filed for record in my office on the day of A. D. 19 at o'clock M., and was duly recorded by me on the day of A. D. 19 in Vol of the Records of said County.

FILED FOR RECORD *May 20* 1964, at *6:40* o'clock *P.M.*
RECORDED ON THIS *June 2* 1964, at *1:30* o'clock *P.M.*
W. W. LOYD, COUNTY CLERK.

The State of Texas, } ⁴⁹³⁶ Know All Men by These Presents:
 County of UPSHUR }

That We, **MATT DAVIS** and wife, **EDDIE MAE DAVIS**

of the County of **Upshur** State of **Texas** for and in consideration
 of the sum of

TEN AND NO/100 (\$10.00) ----- **DOLLARS**

to us in hand paid by **MILTON GREER MELL**,

as follows:

Paid in full, receipt of which is acknowledged; and other valuable considerations by us received from the said Milton Greer Mell;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said
MILTON GREER MELL

of the County of **UPSHUR** State of **TEXAS** all that certain
 tract or parcel of land lying and being situated in the **Ed L. Ratcliff**
HR Survey in **Upshur County, Texas**, about **11 miles Northwest** of the town
 of **Gilmer** and described as follows:

BEGINNING at a point **96 yards North** of the present **J. W. Sharp 50**
acre tract of land;
THENCE West 105 yards to a stake for corner;
THENCE North 70 yards to stake for corner;
THENCE East 105 yards to stake for corner in the **East boundary line**
 of said **Sharp 50 acre tract of land;**
THENCE South 70 yards along said **Sharp East boundary line** to the
 place of beginning, containing **one and one-half (1-1/2) acres of land,**
 more or less, and being the same land described in a **Warranty Deed** from
J. W. Sharp and wife, Fannie Sharp to **James Fort and wife, Leola Fort,**
 dated **December 16, 1942,** and recorded in **Vol. 150** at page **526-527,** **Deed**
Records of Upshur County, Texas, **Leola Fort** being one and the same per-
 son as **Leola Fort** referred to in said **Warranty Deed.**

LESS AND EXCEPT, HOWEVER, all of the **oil, gas and other minerals**
 whether of the same or similar kind or not, in and under and which may
 be produced from the above described land, together with the rights of
ingress and egress into, on, over and across and from the above described

Vol 52 pg 421

246

land, for the purpose of exploring for, prospecting for, mining, drilling and marketing such oil, gas and other minerals therefrom, which excepted interest is not conveyed hereby and is retained by the Grantors Matt Davis and wife, Eddie Mae Davis, as their separate property for themselves, their heirs and assigns forever.

SUBJECT TO THE EXCEPTIONS AND RESERVATIONS ABOVE SET FORTH TO HAVE AND TO HOLD the above described premises, together with all and singular the rights

and appurtenances thereto in anywise belonging unto the said

MILTON GREER MELL, his

heirs and assigns forever and we do hereby bind ourselves, our

heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises

unto the said

MILTON GREER MELL, his

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under us and to such extent only.

WITNESS our hands at Gilmer, Texas this 9th day of September, 1964

[Signature]
MATT DAVIS

Witness at request of Grantor:

[Signature]
EDDIE MAE DAVIS

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS, }
COUNTY OF UPSHUR }

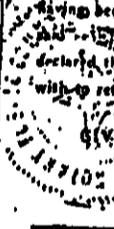
BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

MATT DAVIS and EDDIE MAE DAVIS, his wife, both

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said

EDDIE MAE DAVIS, wife of the said MATT DAVIS

having been examined by me privily and apart from her husband, and having the same fully explained to her, she declared that she willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12th day of September, A. D. 1964.

[Signature]
ANDREW LEE GILBERT
Notary Public in and for UPSHUR County, Texas

FILED FOR RECORD September 19 1964, at 1:24 o'clock PM.
RECORDED ON THIS December 12 1964, at 11:15 o'clock AM.

BY D. E. Lawrence Deputy

O. V. LOYD, COUNTY CLERK,
UPSHUR COUNTY, TEXAS.

WITNESS MY HAND and the Seal of the County Court of said County, at my office in the day and year last above written.

(L. S.)

County Clerk

County, Texas

By

Property ID: R41480
 Notice Date: 05/06/1998
 XREF ID :

111 LATCH RD. (HWY 28149) • P.O. BOX 280
 GILMER, TX 75644-0280
 HOURS: M - F 8:00 A.M. TO 4:30 P.M.
 PHONE: (903) 843-3041
 FAX: (903) 843-5764

SHARED COUNTY INFORMATION

VOL 52 PG 452
 SNAPP, FRANCES E. (29419)
 524 W 4TH ST
 TYLER, TX 75701-4042

|||||

Appraiser: GO

DBA :
 SITUS:
 LEGAL:A419 RATCLIFF, E.L., ACRES 1.5

TAX YEAR	LAND HOMESITE	LAND NON-HOME SITE	AG LAND MARKET VALUE	AG LAND USE VALUE	IMPROVEMENT HOMESITE	IMPROVEMENT NON-HOMESITE
1997		2,820				
1998		2,820				
TAX YEAR	APPRAISED VALUE		HOMESTEAD CAP VALUE (10% MAXIMUM ANNUAL VALUE INCREASE ALLOWED ON HOMESTEAD)		ASSESSED VALUE	
1997		2,820		N/A		2,820
1998		2,820		N/A		2,820
1997 NET TAXABLE	TAXING UNIT	1998 ASSESSED VALUE	1998 EXEMPTIONS	1998 NET TAXABLE	EST. TAX RATE	1998 ESTIMATED TAX LEVY
2,820	UPSHUR COUNTY PH	2,820	0	2,820	.57	16.07
2,820	UNION HILL ISD	2,820	0	2,820	1.365	38.49
2,820	FIRE DISTRICT 1 PH	2,820	0	2,820	.0290	0.82

"The Current Year Estimated Tax Rate for these Taxing Units as calculated will raise the same amount of revenue for operating purposes from properties taxed in the preceding year as these units raised for those purposes in the preceding year. Each governing body of these Taxing Units may NOT adopt a rate that will increase tax revenues for operation purposes from properties taxed in the previous year without publishing notice in a newspaper that it is considering a tax increase and holding a hearing for taxpayers to discuss the tax increase. The Current Year Estimated Taxes indicated would be levied on the above described property if the Taxing Units adopted these Current Year estimated Tax Rates."

"THE TEXAS LEGISLATURE DOES NOT SET THE AMOUNT OF YOUR LOCAL TAXES. YOUR PROPERTY TAX BURDEN IS DECIDED BY YOUR LOCALLY ELECTED OFFICIALS, AND ALL INQUIRIES CONCERNING YOUR TAXES SHOULD BE DIRECTED TO THOSE OFFICIALS."

"For school districts: For those taxpayers 65 years of age or older who received the \$15,000 residences homestead exemption for school district purposes, the amount of school taxes that will be imposed for the current year will not exceed the tax ceiling established for those homesteads."

TAX CEILING

HEARINGS BEGIN MAY 11. MINERAL HEARING JUNE 1. LAST DAY TO FILE PROTEST JUNE 8, 1998. CALL FOR APPT. THIS IS NOT A BILL. DO NOT PAY.

The documents enclosed with this notice are intended to provide general information, informal procedures, and to assist you in preparing, filing, and presenting a formal protest to the Appraisal Review Board (ARB). Please review these documents before you pursue an informal or formal protest.

Vol 52

454

P-020
R49787

P-019
P-017
P-015
P-014
P-013
P-012
P-011
P-010
P-009
P-008
P-007
P-006
P-005
P-004
P-003
P-002
P-001

P-018-1

F-023
T-186

LLAMA

P-017-1
R50265
P-017
P-016
P-015
P-014
P-013
P-012
P-011
P-010
P-009
P-008
P-007
P-006
P-005
P-004
P-003
P-002
P-001

P-012-1
R69980

P-010

P-012-4
R72089

512

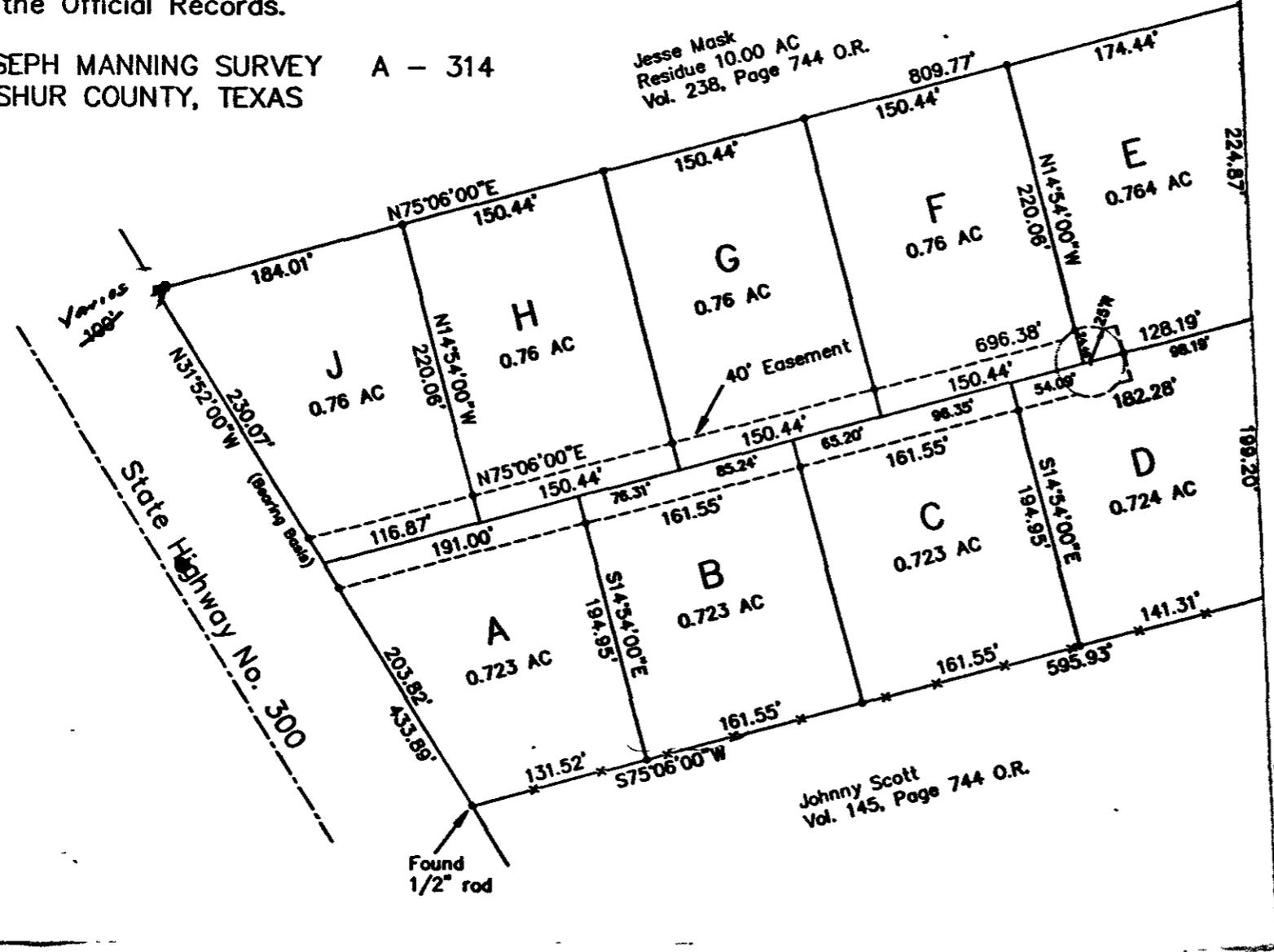
PLAT OF SURVEY

Showing a subdivision of part of a tract called
10.00 acres described in Vol. 238, Page 744
of the Official Records.

JOSEPH MANNING SURVEY A - 314
UPSHUR COUNTY, TEXAS

Jesse Mask
Residue 10.00 AC
Vol. 238, Page 744 O.R.

Johnny Scott
Vol. 145, Page 744 O.R.



FILED
REX A. SHAW
COUNTY CLERK
88 NOV 23 AM 10:34
N
BY _____
DEPUTY

Scale: 1" = 100'
Job No. 970015



See Field Notes for written boundary descriptions of these lots.

• Denotes set 1/2" rod, except as noted

Found
1/2" rod

S03°01'52"E

424.07'

SURVEYED MAY 1997 BY

G.G. HUDDLESTON, R.P.L.S. No. 1521

VOL 52 PG 151e

MEMORANDUM

VOL. 52 PG. 457

Date: 11-12-98

To: County Judge and Commissioners

From: County Auditor

Re: Yulefest Lights

On November 9, 1998, the Yulefest Committee came before the Court requesting \$2,080.00 for Christmas lights for the courthouse square and courthouse building. Last year we gave Yulefest \$2,500.00 for this purpose. Additionally, we are in the second year of a three-year \$10,000.00 pledge to Yulefest for the Christmas wreaths and lights surrounding the square.

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 23 AM 10:33
UPSHAW COUNTY, TX
BY _____
DEPUTY

1998 YULEFEST BUDGET

Printing Supplies(stamps, envelopes, colored paper, etc).....	\$250.00
Hill Electric.....	750.00
Santa's Fees.....	360.00
Lights & extra extension cards/decorations on Courthouse.....	300.00
Breakfast with Santa-giveaway ornaments, sign, lights, decorations.....	335.00
Santa House-repairs.....	200.00
Gingerbread House-prize money-ribbons.....	100.00
Parade-prize money/signs.....	800.00
Jingle Jog-prize money/T-shirts.....	475.00
Advertising-paper/brochures.....	350.00
Decorated House/Business Contest.....	240.00

Total \$4160.00

½ half from City \$2080.00, ½ from County \$2080.00

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 23 AM 10:33
IPSALA COUNTY, TX.
BY _____
DEPUTY

In the name and by the authority of

The State of Texas

OATH OF OFFICE

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 23 AM 10:34
UPSHUR COUNTY, TX
BY _____
DEPUTY

I, KEVIN KILGORE, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of UPSHUR COUNTY SHERIFF'S OFFICE of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Kevin Kilgore
Affiant

SWORN TO and subscribed before me by affiant on this 2 day of November, 19 98.



Lyle Potter Jr
Signature of Person Administering Oath
Lyle Potter Jr
Printed Name
Justice of the Peace Pet 2
Title

Z 142 406 471

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

460
PG
58
VOL
PS Form 3800, March 1993

Sent to Dept. of Health Joe Walton, Data Analyst	
Street and No. 1100 W. 49th Street	
P.O. State and ZIP Code Austin, Texas 78756	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

DOESN'T APPLY TO UPSHUR

USE THIS FORM FOR ANY ADDITIONAL POLITICAL SUBDIVISIONS IN YOUR COUNTY WHICH HAVE RESPONSIBILITY TO PROVIDE INDIGENT HEALTH CARE.

County Name: Upshur

The population for which this political subdivision has responsibility to provide indigent health care, based on the 1990 federal census, is indicated below.

Political Subdivision: _____ *(Enter population here): 31,370

Address of Political Subdivision: UPSHUR COUNTY COURTHOUSE
P. O. Box 790
Gilmer, Texas 75644

This is to certify that the above-named political subdivision is eligible to receive a lump sum payment distribution in accordance with the Agreement Regarding Disposition of Settlement Proceeds between the State of Texas and American Tobacco Company, et al., and that the population figure indicated above is correct for this political subdivision based on the 1990 federal census.

Name of Certifying Officer: CHARLES STILL

Certifying Officer's Signature: * *Charles Still*

Certifying Officer's Title (county judge, chief executive officer, etc.):
UPSHUR COUNTY JUDGE

Signature Date: 11-10-98 Telephone Number: (903)843-4003

Payee Number (if known): 16907400192026

The use of direct deposit is strongly encouraged. This payment method provides the most secure means of transmitting funds and ensures the earliest availability of the funds at your bank. If you prefer direct deposit, but are not currently set up for it, please complete the enclosed Direct Deposit Authorization form and return it with this certification.

* If you are not currently set up for direct deposit, and do not complete and return the enclosed Authorization form, the payment will be made by check. (NOT CURRENTLY SET-UP FOR DIRECT DEPOSIT)

Return this document by certified mail no later than November 23, 1998, to:

Texas Department of Health
Bureau of State Health Data and Policy Analysis
Attn: Joe Walton
1100 W. 49th Street
Austin, Texas 78756-3199

You may direct any questions to Mr. Walton at the above address or by telephone, fax, or e-mail as follows:
Tel: (512) 458-7261 Fax: (512) 458-7344 E-mail: joe.walton@tdh.state.tx.us

*Please note: the combined population of the eligible political subdivisions within your county cannot exceed the county's 1990 census number. Census information is enclosed.



VOL 52 PG 462

Texas Department of Health

William R. Archer III, M.D.
Commissioner of Health

<http://www.tdh.state.tx.us>

Patti J. Patterson, M.D., M.P.H.
Executive Deputy Commissioner

1100 West 49th Street
Austin, Texas 78756-3199
(512)458-7111

October 23, 1998

The Honorable Charles L. Still
Upshur County Judge
P. O. Box 730
Gilmer, TX 75644

Dear Judge Still:

This letter is to verify the political subdivisions in your county which are eligible for a lump sum payment in 1999 based on the enclosed Agreement Regarding Disposition of Settlement Proceeds (Agreement) between the State of Texas and American Tobacco Company, et al. Political subdivisions are defined in the Agreement as "all hospital districts, other local political subdivisions owning and maintaining public hospitals, and counties of the State of Texas responsible for providing indigent health care to the general public." The eligible subdivisions identified for your county are as follows:

Upshur County

Please submit the verifications and additional information indicated on the attached forms to the Texas Department of Health (TDH) by November 23, 1998. Payment cannot be made without completion of these attachments and receipt by TDH at the designated address. *The county judge is responsible for obtaining the required certifications and submitting them to TDH on behalf of all eligible political subdivisions in the county.*

Each political subdivision must complete a form specifying the population for which it has indigent health care responsibility. County governments are to submit only one form indicating the *total* population for which they have such responsibility. This form will designate the combined population served through county-owned hospitals or other instrumentalities of the county.

An Equal Employment Opportunity Employer

Tobacco Settlement
October 23, 1998
Page 2

VOL 52 PG 463

Submit corrected information regarding the above-named subdivision(s), including additions, deletions, and name revisions as appropriate based on your verified information. An extra form is attached for any additional subdivisions that you may identify. Late or incomplete submission of these documents may result in delayed payment. *Please return the forms by certified mail.*

The Agreement specifies that an initial payment of \$300 million in settlement proceeds shall be distributed to political subdivisions in 1999 on a per capita basis in accordance with the 1990 federal census. The population of Upshur county based on this census was 31,370 (0.18467596% of the state population). Note that the combined population of the eligible political subdivisions within your county cannot exceed this census number.

Regarding payment procedures, please refer to Section 5. A. of the Agreement, which states that if a county contains one or more hospital districts or public hospitals with territorial boundaries different from those of the county, separate distributions shall be made to (1) each of these political subdivisions and (2) to the county government for any portion of the county that is outside the boundaries of these political subdivisions. Note that if your county has a hospital district with the same boundaries as the county, that district will receive the entire distribution.

Any questions may be directed to TDH as indicated on the attached forms. Thank you for your assistance with this important certification process.

Sincerely,



William R. Archer III, M.D.
Commissioner of Health

Enclosures

An Equal Employment Opportunity Employer

County Name: Upshur

The population for which this political subdivision has responsibility to provide indigent health care, based on the 1990 federal census, is indicated below.

Upshur County *(Enter population here): 31,370

This is to certify that the above-named political subdivision is eligible to receive a lump sum payment distribution in accordance with the Agreement Regarding Disposition of Settlement Proceeds between the State of Texas and American Tobacco Company, et al., and that the population figure indicated above is correct for this political subdivision based on the 1990 federal census.

Name of Certifying Officer: CHARLES STILL

Certifying Officer's Signature: *Charles F. Still*

Certifying Officer's Title (county judge, chief executive officer, etc.):
UPSHUR COUNTY JUDGE

Signature Date: 11-10-98 Telephone Number: (903)843-4003

The payee number identified by the State of Texas for this political subdivision is as follows:
16907400192026 (direct deposit)

The use of direct deposit is strongly encouraged. This payment method provides the most secure means of transmitting funds and ensures the earliest availability of the funds at your bank. If you prefer direct deposit, but are not currently set up for it, please complete the enclosed Direct Deposit Authorization form and return it with this certification.

* If you are not currently set up for direct deposit, and do not complete and return the enclosed Authorization form, the payment will be made by check. (NOT CURRENTLY SET-UP FOR DIRECT DEPOSIT)

Return this document by certified mail no later than November 23, 1998, to:

Texas Department of Health
Bureau of State Health Data and Policy Analysis
Attn.: Joe Walton
1100 W. 49th Street
Austin, Texas 78756-3199

You may direct any questions to Mr. Walton at the above address or by telephone, fax, or e-mail as follows:
Tel: (512) 458-7261 Fax: (512) 458-7344 E-mail: joe.walton@tdh.state.tx.us

*Please note: the combined population of the eligible political subdivisions within your county cannot exceed the county's 1990 census number. Census information is enclosed.

HOLIDAYS 1999

VOL. 52 PG. 465

JANUARY 1	FRIDAY	NEW YEARS DAY
JANUARY 18	MONDAY	MARTIN LUTHER KINGS DAY
FEBRUARY 15	MONDAY	PRESIDENTS DAY
APRIL 2	FRIDAY	GOOD FRIDAY
MAY 31	MONDAY	MEMORIAL DAY
JULY 5	MONDAY	INDEPENDENCE DAY
SEPTEMBER 6	MONDAY	LABOR DAY
OCTOBER 21-22	THUR-FRI	YAMBOREE
NOVEMBER 11	THURSDAY	VETERANS DAY
NOV. 25-26	THUR-FRI	THANKSGIVING
DECEMBER 23-24	THUR-FRI	CHRISTMAS
DECEMBER 31	FRIDAY	NEW YEAR

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 23 AM 11:48
DEPUTY
DEPUTY

'Vacancy' threatens mineral rights

Alleged survey inaccuracy throws royalty interests into question

By SARAH GREENE

More than 100 owners of land and/or oil and gas interests along the southern boundary of the Aniseta Lumbra Survey about three miles south of Gilmer have received a letter from Goldston Oil Corp. advising them that their ownership is threatened by a "vacancy application" filed with the Texas General Land Office.

State law provides that all land in Texas that has never been surveyed is part of the state's public school lands. The Texas Natural Resources Code outlines a procedure whereby anyone may make application to purchase or lease land determined to be "vacant" by the General Land Office.

One of several Upshur County applications now on file in Austin was made by Barton W. McDonald of Rt. 1, Gilmer, a surveyor licensed in the county; Hiram A. Jones of Canton and Forest Williams of Jacksonville.

They claim that the surveyors who surveyed the Crow, Smith, McClanahan, Spencer and Powell Surveys (all located just south of the Lumbra Survey) did not know the true location of the southern boundary of the A. Lumbra Survey, and left a vacant gap.

The long, narrow strip in contention is bisected by U. S. 271.

The Oct. 30 letter from Goldston Oil to Gilmer Field interest owners states that the claim of McDonald and the other two "asserts that you do not own or have title to your proportionate part" of the land, believed to total about 150 acres. "If you are currently receiving oil and gas royalties, you may be subject to a decrease in your current royalty payments as well as a claim for prior royalties paid to you."

The letter, signed by Kent M. Johnston, Goldston land manager, says that independent research and a survey by a Licensed State Land Sur-

veyor, shows that no vacancy exists. It also said:

"Goldston believes that title to [the land in question] claimed by the Applicants to be vacant land is, and has been for more than 150 years [since the time of the establishment of Upshur County] owned and occupied by Goldston's lessors and their predecessors and successors in title."

If the vacancy claim succeeds, current owners would either lose their interest outright or have to buy their current surface interest back from the state at market price, the letter says. They would not own their minerals, but the successful applicants would earn a royalty interest in any minerals determined to be vacant and owned by the state.

Goldston advises in the letter that it will "vigorously contest" the applicants' claim when a hearing (as yet unscheduled) is held at the General Land Office "and in court if necessary." (Losing side in a

hearing has the right to appeal to a district court in Upshur County.)

Contacted by *The Mirror* Wednesday, the manager of the survey department of the General Land Office, Ben Thomson, said he understood the application in question had been withdrawn. Subsequently it was learned that the original application was withdrawn, but a new joint application involving the Lumbra and Torres Surveys was filed on Oct. 23 and reached the General Land Office on Nov. 3.

Contacted by *The Mirror* Thursday, Bart McDonald said he would prefer to let his lawyer, Wayne Toliver, speak about the status of the application. Toliver did not return *The Mirror's* phone calls.

In a paper written earlier this year, the director of the Real Estate Section, Legal Division of the Texas General Land Office addressed the subject of land vacancies.

See ROYALTIES, Page 5A

Royalties

Continued from Page 1

Kenneth W. Mills wrote: "The idea of vacant, unsurveyed public land may seem somewhat anachronistic in 1998, when Texas is one of the most populous states in the country." But there were ten vacancy applications on file when he wrote the paper, and these "continue to be an issue of concern," he said.

Mills noted that the mineral value of an alleged vacancy is often the driving force behind a vacancy application. This fact, he wrote, "is the source of the traditional, if unofficial, definition of a vacancy as 'A long, narrow strip of land surrounded by oil wells.'"

The high level of drilling southeast of Gilmer in recent years has made the several Upshur County vacancy applications appear to fit that definition — adding "gas" as well as "oil" wells.

Goldston has pointed out that the vacancy applications do not involve any "excess acreage" or any additional lands that the current owners might have the right to acquire.

Application for a vacancy

must state whether it comes from a "good-faith applicant," and whether the applicant intends to purchase the vacancy or obtain a mineral lease on it. It must also give the name and last known address of "all interested persons."

A "good-faith claimant" is a person who occupies or uses a vacancy for purposes other than minerals activity, or whose predecessors have done so. Or he is a person who has had the vacancy enclosed for 10 or more years with a good-faith belief that he or his predecessors had title to it. Or he may be the owner of land adjoining a vacancy on which no application has previously been filed.

In addition to the Lumbrera strip of land, where Goldston Oil operates oil and gas units, there are applications on file in the Upshur County clerk's office for other claimed vacancies. (The law requires that the applications be made first to the county surveyor, who keeps them in a book, before they are sent on within ten days to the General Land Office.)

Applicants claimed an interest in the land as a "finders' fee" for finding the vacancy.

McDonald, Jones and Williams, none being a "good-faith" claimant, also applied to have a vacancy declared along 5,600 varas of a parcel of land six miles southeast of Gilmer, bounded on the west by the Maria del Pilar Torres Survey A-6 and the Maria Finolia Flores Survey.

Earl B. Johnson of Rt. 1, Gilmer, has applied to claim a vacant triangle on the west side of FM 3358 eight miles south of Gilmer, bounded on the north by the David Meredith Survey and on the west by a Carol Florence 42-acre tract.

A. W. Witcher applied as a "good-faith" applicant in December, 1997 to claim a narrow strip nine miles south of Gilmer on each side of FM 3358 and Hwy. 300 with the north boundary along the north boundary of the William King Survey.

VOL 52 PG 467

W. L. Dixon of Rt. 9, Gilmer, filed a claim as a "good-faith applicant" to "the area presently recognized as the William King Survey." The application states that the present position of the King Survey is

east of the originally surveyed position. The acreage has been used by Dixon as a cattle ranch and leased to Amoco, the application states.

Dixon also applied for a vacancy claim to two tracts, one on the west side of Hwy. 300 and on the west side of FM 3358.

Other applications since 1995 involving tracts in the area were filed in County Surveyor Joe Cox's book by Weldon Mackey and Larry Frank Fyffe.

The applications are attached to long lists of surface and mineral interest owners living in Upshur County and elsewhere around the country. Most are individuals but some are businesses or institutions, including Baylor University and East Texas Baptist University.

The legal process calls for the General Land Office to conduct an independent survey of the land in question before it holds a hearing.

VOL. 52 PG. 468

November 17, 1998

Commissioner's Court
Upshur County
P. O. Box 730
Gilmer, TX 75644

Re: INTERIM COUNTY SURVEYOR'S REPORT

Gentlemen:

Please consider the attached article from the Saturday, November 14, 1998, GILMER MIRROR, Headlined on Page 1 as "Vacancy", to be an INTERIM COUNTY SURVEYOR'S REPORT, as it appears to reasonably summarize those items in which I believe the Commissioners will be most interested; and it does so in a grammatical, readable, interesting, and thus informative, manner.

Respectfully Submitted

Joe H Cox

Joe H. Cox
County Surveyor

VOL. 52 PG. 469

FILED
REX A. SHAW
COUNTY CLERK

98 NOV 23 AM 10:34

IPSUW COUNTY, TX

BY _____
DEPUTY

4

CAROLE KEETON RYLANDER, CHAIRMAN
BARRY WILLIAMSON, COMMISSIONER
CHARLES R. MATTHEWS, COMMISSIONER



MELVIN B. HODGKISS, P.E., DIRECTOR

RAILROAD COMMISSION OF TEXAS SURFACE MINING AND RECLAMATION DIVISION

November 4, 1998

Judge Charles L. Still
County Judge, Upshur County
P.O. Box 790
Gilmer, TX 75644

RE: Initial Compliance Notification Letter
Texas Aggregate Quarry and Pit Safety Act
RCT Pit No. 1453

Dear Judge Still:

This letter and enclosed documents are being sent to you because our research indicates you may have a quarry or pit in Upshur County that is subject to the jurisdiction of the Texas Aggregate Quarry and Pit Safety Act. This act requires safety barriers at certain aggregate quarries and pits for the protection of the public. A map indicating the location of the quarry or pit identified is attached.

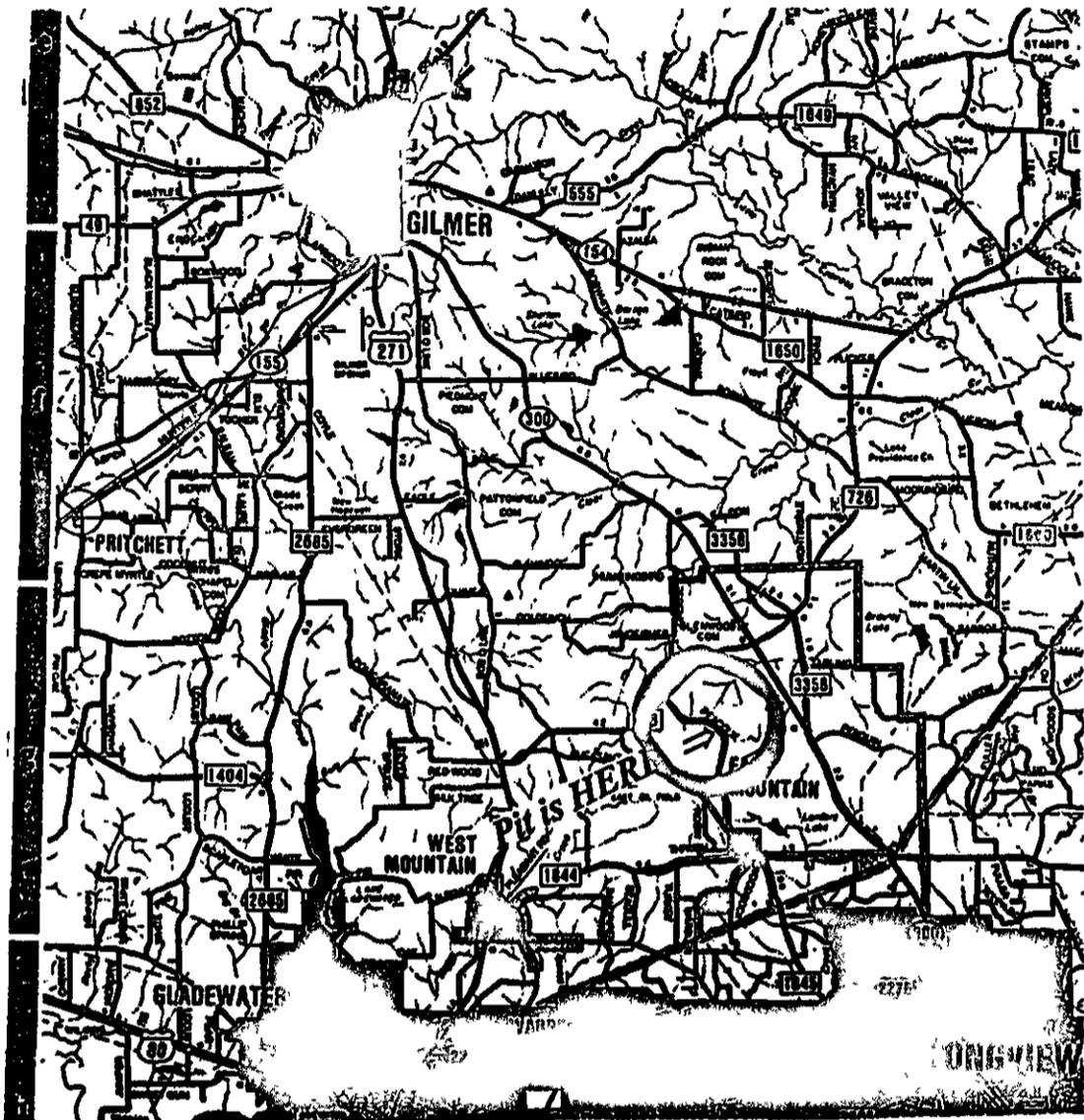
To implement the objectives of the Quarry and Pit Safety Act, the Railroad Commission has promulgated the Quarry and Pit Safety Regulations. The Regulations were adopted by the Commission on November 4, 1991 and became effective November 27, 1991. These Regulations require that persons responsible for active, inactive and abandoned aggregate quarries or pits, located within 200 feet of a public roadway edge, submit an application for a Safety Certificate (Section 11.1038). The issuance of a Safety Certificate is subject to having approved safety barriers or devices constructed. The application must be filed on SMRD Form SC1 (attached) and accompanied by a \$500 application fee. A civil penalty of up to \$10,000 (Section 11.1061, civil Penalties) may result from failure to comply with the Act. Please provide an appropriate response to this notification letter within 30 days. A copy of the Act and Regulations is enclosed.

Should you have any questions regarding the requirements of the Texas Aggregate Quarry and Pit Safety Act or our Regulations, please call Mr. Paul Mohle at (512) 463-9985. Your cooperation in complying with this program and protecting the motoring public is appreciated.

Sincerely,

for Patrick Manfield
Melvin B. Hodgkiss

MBH/PM/fj
Enclosures





**RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION**

FAX (512)463-6709

PHONE (512)463-6900

1701 N. CONGRESS

CAPITOL STATION - P.O. BOX 12967

AUSTIN, TEXAS 78711-2967

APPLICATION FOR QUARRY AND PIT SAFETY CERTIFICATE

For Railroad Commission Use Only: Not to be filled out by applicant

Application Number _____ Date Filed _____

Pit Number _____

I. Person responsible for quarry or pit:

Name: _____

Address (Street): _____

City: _____ State: _____

Zip: _____ Telephone Number: _____

II. Owner of pit (if different than person responsible for pit):

Name: _____

Address (Street): _____

City: _____ State: _____

Zip: _____ Telephone Number: _____

III. Quarry/Pit Address: _____

Signature of Responsible Party

Date

APPLICATION FOR QUARRY AND PIT SAFETY CERTIFICATE

VOL. 52 PG. 473

IV. Common Name for Quarry/Pit
(e.g. Jones #5) _____

V. County(ies) where Quarry/Pit
is Located _____

VI. Commodity mined at quarry or pit
(Check the one most appropriate)

- Sand/Gravel
- Caliche
- Clay
- Stone
- Gypsum
- Other _____

(Specify)

VII. Depth in feet of the deepest excavation
from the edge of the pit highwall within
200 feet of the public roadway edge:

Feet: _____

VIII. Is Quarry/Pit Active or Inactive

IX. Month/Year mining or quarrying ceased:
(if applicable)

Month: _____ Year: _____

APPLICATION FOR QUARRY AND PIT SAFETY CERTIFICATE

VOL 52 PG 474

- X. Provide a brief description of the quarry or pit site, including the acreage outside and inside the pit. The description shall include the quarry/pit location marked on either USGS 7-1/2 minute map, USGS 15 minute map, or Texas Department of Transportation 1/2 scale county map.

APPLICATION FOR QUARRY AND PIT SAFETY CERTIFICATE

VOL. 02 PG. 475

- XI. Provide a detailed description of and a construction plan for the barrier or other device to be constructed in accordance with the Regulations and the Act. The barrier must meet the regulation Barrier Construction Standards (Section 11.1034). The construction plan shall include an accurate map drawing or aerial photograph (scale no greater than 1"=100') of the quarry/pit site indicating the following features: public road right-of-way lines, intersections of public or private roads or driveways, quarry/pit location and barrier location and any other information or condition that in the opinion of the operator or owner, constitutes an unacceptable unsafe location. The drawing shall include a north arrow and bar scale. (Attach additional sheets and/or construction plans as necessary.)

APPLICATION FOR QUARRY AND PIT SAFETY CERTIFICATE

VOL. 52 PG. 476

XII. Quarry Safety Plan: Applications for safety certificates for new pits in hazardous proximity to a public road opened from and after November 1, 1991 must provide the following additional information:

A statement as to the yearly progress of the encroachment of the pit perimeter within the hazardous proximity to the public road.

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 23 AM 10:34
DEPOSIT COUNTY, TX
DEPOSIT

The Railroad Commission of Texas complies with Federal and State laws applicable to race, religion, national origin, sex, and disability. Information is available upon request by calling (512) 463-7288 or 1-800-735-2989 if special assistance is required.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS,
TEXARKANA DIVISION

THE STATE OF TEXAS,
Plaintiff,

vs.

No. 5-96CV-91

THE AMERICAN TOBACCO
COMPANY, et. al.
Defendants

AGREEMENT REGARDING DISPOSITION OF SETTLEMENT PROCEEDS

THIS AGREEMENT ("Agreement") is made as of the date hereof, by and among the parties hereto, as indicated by their signatures below, to settle and resolve certain outstanding issues and controversies relating to the settlement of the above-entitled and numbered cause of action and the distribution of the settlement proceeds among the various parties entitled thereto, including the State of Texas and certain political subdivisions of the State of Texas.

WHEREAS, the State of Texas, through its Attorney General, Dan Morales, commenced this action on March 28, 1996 asserting various claims for monetary and injunctive relief on behalf of the State of Texas against certain tobacco manufacturers and others as Defendants; and

WHEREAS, certain Texas Counties and Hospital Districts ("Intervenor Applicants") have previously sought to intervene in the litigation, or have appeared before the Court in an amicus capacity, so as to preserve their claims, or alternatively, their rights to a fair and reasonable allocation of the settlement proceeds in recognition of their claims against the Settling Defendants for their unreimbursed expenditures incurred as a result of their treatment of persons with tobacco related illness; and

WHEREAS, through the efforts of the State of Texas, Attorney General, Private Counsel and others, an agreement in principle has been reached to settle all claims and causes of action by and between the State of Texas and the Tobacco Defendants (the "Settling Defendants") pursuant to financial terms which will achieve for Texas and its political subdivisions significant financial benefits; and

WHEREAS, the State of Texas, acting by and through its Attorney General with the approval of the State Legislative Leadership has agreed to a direct allocation of a portion of the settlement proceeds to Intervenor Applicants and other political subdivisions of the State which provide health care services to the general public, subject to the terms and conditions set forth in this Agreement; and

July 18, 1998 (6:27PM)

1

VOL 52 PG 478

WHEREAS, it is intended by the parties to this Agreement that the terms and conditions set forth herein shall be presented to the Court for consideration as a proposed Judgment .

NOW, THEREFORE, BE IT KNOWN THAT, in consideration of the payments to be allocated to Intervenor Applicants from the Tobacco Settlement, the withdrawal of Intervenor Applicants' objections, and such other consideration described herein, the sufficiency of which is hereby acknowledged, the parties hereto, acting by and through their authorized agents, memorialize and agree as follows:

1. Jurisdiction. The State of Texas and Intervenor Applicants acknowledge that this Court has jurisdiction over the subject matter of the claims giving rise to this Agreement, and over each of the parties hereto, and that this Court shall retain jurisdiction for the purposes of implementing and enforcing this Agreement. The parties hereto agree to present any disputes under this Agreement, including without limitation any claims for breach or enforcement of this Agreement, exclusively to this Court.

2. Intended Beneficiaries. The intended beneficiaries of this Agreement shall be Political Subdivisions as defined herein.

3. Definitions.

- a. "CSA" means the January 16, 1998, Comprehensive Settlement Agreement and Release, together with all exhibits thereto, filed in the Tobacco Litigation.
- b. "Court" means the United States District Court for the Eastern District of Texas, Texarkana Division.
- c. "Final Approval" means Final Approval as defined in paragraph 4(h) of the CSA.
- d. "Parties" means the signatories to this Agreement.
- e. "Political Subdivisions" means all hospital districts, other local political subdivisions owning and maintaining public hospitals, and counties of the State of Texas responsible for providing indigent health care to the general public.
- f. "Prospective Intervenor" means certain counties and hospital districts that have previously sought to intervene in the Tobacco Litigation, or have appeared before the Court in an amicus capacity.
- g. "Settling Defendants" means the Settling Defendants as defined in paragraph 4(b) of the CSA.
- h. "State" means the State of Texas.
- i. "State Legislative Leadership" means the Chairman of the Senate Finance Committee and the Chairman of the House Committee on Appropriations.

July 18, 1998 (6:27PM)

2

j. "Tobacco Litigation" means the suit styled *The State of Texas v. American Tobacco Co., et al.*, No. 5-96CV-91, in the United States District Court, Eastern District of Texas, filed by the State against the Tobacco Companies on March 28, 1996.

k. "Tobacco Settlement" means the the January 16, 1998, Comprehensive Settlement Agreement and Release, together with all exhibits thereto, and any and all subsequent amendments thereto, including the February 3, 1998 Memorandum of Understanding filed in the Tobacco Litigation.

4. **Payments.** The parties agree to distribute from the Tobacco Settlement for the exclusive benefit of Political Subdivisions a sum of money equal to One Hundred Percent (100%) of the increased payments made to the State of Texas by the Settling Defendants as a result of the State of Minnesota Settlement and the Most Favored Nation clause contained in paragraph 16 of the January 16, 1998 settlement agreement between the State of Texas and the Settling Defendants.

The payments shall be allocated to two fund pools. One fund shall be subject to distribution from the Court's registry to a Lump Sum Trust Account from which payments shall be made directly to the Political Subdivisions. The Lump Sum Trust Account shall be composed of the following payments made on the dates and in the amounts set forth below:

LUMP SUM TRUST ACCOUNT PAYMENT SCHEDULE

DATE:	AMOUNT:
January 4, 1999	\$300 million
January 3, 2000	\$100 million
January 2, 2001	\$ 50 million
Total	\$ 450 million

The Lump Sum Trust Account shall be placed in a trust account with the Comptroller of Public Accounts to be distributed in accordance with the Court Order.

The second fund pool ("Permanent Trust Account") shall fund the Permanent Trust Account for the exclusive and long term benefit of the Political Subdivisions. The Permanent Trust Account shall be composed of the following payments (as defined in "Payments" in Paragraph 4) made on the dates and in the estimated amounts set forth below, which may be adjusted by inflation or volume adjustments as set forth in the Tobacco Settlement:

PERMANENT TRUST ACCOUNT PAYMENT SCHEDULE

July 18, 1998 (6:27PM) 3

DATE:	AMOUNT:
January 3, 2000	\$501.5 million
January 2, 2001	\$551.5 million
January 2, 2002	\$ 551.5 million
January 2, 2003	\$201.4 million
Total	\$1,805.9 million

All funds comprising the Permanent Trust Account shall initially be paid into the Court's registry and promptly be paid thereafter from the Court's registry into a permanent trust account placed with and under the management of the Comptroller of Public Accounts for the exclusive benefit of the Political Subdivisions. In no event shall the Permanent Trust Account be placed into the State Treasury, nor shall such Permanent Trust Account funds or any earnings generated therefrom be subject to legislative appropriation.

All payments contemplated in this Section 4 (Lump Sum Trust Account and Permanent Trust Account) shall be made to the Political Subdivisions in recognition of their unreimbursed health care expenses for providing health care services to the general public.

5. Distributions.

A. Initial lump sum distribution. The lump sum payment made on January 4, 1999, in the amount of Three Hundred Million Dollars (\$300,000,000) shall be distributed as soon as practical from the Lump Sum Trust Account to the Political Subdivisions on a per capita basis based upon the 1990 federal census. Adjustments to such distributions shall be made in counties where two or more Political Subdivisions are separately obligated by law to provide indigent health care services to apportion each Political Subdivision's share of the lump sum payment in a manner based upon the number of persons within its territorial boundaries for which it is statutorily obligated to provide indigent health care services. In no instance shall any Political Subdivision be entitled to a lump sum payment based upon any person(s) for which another Political Subdivision is statutorily responsible for the provision of indigent health care services. The January 4, 1999, lump sum payment shall be the only payment distributed on a per capita basis.

B. Pro rata lump sum distributions. The lump sum payments for the year 2000 and year 2001 shall be distributed from the Lump Sum Trust Account to the Political Subdivisions on a pro rata basis based upon each Political Subdivision's total unreimbursed health care expenditures for providing health care services to the general public for the calendar year immediately preceding the year of such lump sum distribution (referred to hereafter as "Unreimbursed Expenditures"). Unreimbursed Expenditures shall be defined as those actual expenditures made by a Political Subdivision which are directly attributable to the provision of health care services to the general public, either directly or by

July 18, 1998 (6.27PM)

contract or agreement with a third party provider, and for which no reimbursement is made by or expected from any third party source or fund. (Lump Sum Trust Account or Permanent Trust Account payments shall not constitute reimbursement). Unreimbursed Expenditures shall be calculated as follows:

(1) The total annual unreimbursed health care expenditures for a hospital district are defined as the total amount of taxes collected by the hospital district, together with the unreimbursed amounts expended by a county coterminous with such hospital district for jail health care; or

(2) The total annual unreimbursed health care expenditures for a county not wholly located within a hospital district are defined as all unreimbursed amounts, including unreimbursed jail health care, expended by such county for health care services to the general public during that year plus 15% of that total; or

(3) The total annual unreimbursed health care expenditures for a non-hospital district public hospital owned by a political subdivision are defined as the total unreimbursed amount of political subdivision funds paid to such public hospital by any political subdivision during that year.

(4) To the extent not already included, a political subdivision shall be eligible to include expenditures from the political subdivision reserve funds and other expenditures, to the extent they are verifiable, which are attributable to proceeds from the sale or lease of public health care facilities. To the extent that proceeds from the sale or lease of public health care facilities are represented by contractually obligated health care services for indigent residents of the political subdivision performed by the purchaser or lessee, such services shall be valued as if they had been reimbursed at Medicaid rates.

C. Permanent Trust Account Distributions. The Comptroller of the State of Texas shall make annual distributions of the earnings from the Permanent Trust Account to each Political Subdivision on a pro rata basis based upon each Political Subdivision's Unreimbursed Expenditures for the immediately preceding calendar year. The Department of Health shall certify to the Comptroller the percentage of each annual distribution to be paid to each Political Subdivision based on the formula in paragraph 5.B. above.

6. Management of Permanent Trust Account. The Comptroller shall manage and invest the funds comprising the Permanent Trust Account for the exclusive benefit of the Political Subdivisions. In addition, the Comptroller shall act as paying agent for purposes of making distributions of the earnings from the Permanent Trust Account. No Political Subdivision shall be entitled to receive any portion, distribution or specific allocation of the funds comprising the corpus of the Permanent Trust Account; rather, such funds shall be invested exclusively for the benefit of the Political Subdivisions. The rights of each Political Subdivision with respect to the Permanent Trust Account shall be limited to its respective entitlement to an allocation of the earnings from the Permanent Trust Account in the amounts described in section 5.C. herein.

July 18, 1998 (6:27PM)

5

An Advisory Board consisting of representatives of the Political Subdivisions shall be created pursuant to the enabling legislation referred to herein for the express purpose of providing advice and consultation to the Comptroller of Public Accounts regarding investments of the Permanent Trust Account.

7. Potential Reduction of Payments. The parties agree that to the extent federal legislation or other similar federal action effective on or before January 1, 2003, lowers the aggregate amounts paid under the Tobacco Settlement, the amounts payable to the Political Subdivisions pursuant to this Agreement shall be reduced in an amount proportionate to the overall reduction of such payments for the time period extending through January 1, 2003.

The parties agree that the Health Care Finance Administration ("HCFA") is not entitled to any of the settlement proceeds received by the State and, pursuant to this Agreement, by the Political Subdivisions paid by the Settling Defendants in the settlement of the Tobacco Litigation. Nevertheless, in the event that any of the settlement funds involved in the Tobacco Settlement are determined to be subject to such reduction, whether by legislation, court order, or other federal action, such reduction shall be proportionate, on a present value basis, at the time of any such reduction, with the State and the Political Subdivisions bearing the reduction in their respective proportionate percentages, which are presently estimated at 86.7% for the State and 13.3% for the Political Subdivisions. In the event that, in any given year, the Political Subdivisions' share of any such reduction exceeds the amount of money to be disbursed to the Political Subdivisions pursuant to this Agreement, money deposited to the credit of the Permanent Trust Account shall be withdrawn from that account in an amount sufficient to cover the shortfall. The State hereby agrees that it will reach no settlement or agreement with HCFA without prior consultation with counsel for the Political Subdivisions.

8. Withdrawal of Objections to Settlement/Sanctions Motions. On or before the effective date of this Agreement, the Intervenor Applicants agree to file appropriate motions with the Court withdrawing their intervention requests, objections and claims previously filed with the Court in this action. In addition, on or before the effective date of this Agreement, the Attorney General shall withdraw the State's motion for sanctions against the Governor and State Legislators. It is agreed by the parties that this Agreement shall become effective at such time as the Intervenor Applicants' intervention requests, objections and claims, and the State's motion for sanctions are withdrawn and/or dismissed by the Court.

9. Prohibition of Contingent Fee Payments. The Political Subdivisions warrant and agree that none of the funds distributed to the Political Subdivisions pursuant to this Agreement shall be expended to satisfy contingent fee contracts with attorneys retained in connection with the Tobacco Settlement.

10. Court Approval. If the Court refuses to approve this Agreement or any material provision hereof and to incorporate its terms in a judgment, or if such approval is modified in any material respect or set aside on appeal, then this Agreement shall be canceled and terminated and it and all orders issued pursuant hereto shall become null and void and of no effect.

11. Implementing Legislation. The parties to this Agreement agree to utilize good faith efforts to seek to secure the passage of all legislation necessary to implement the terms and conditions

July 18, 1998 (6:27PM)

of this Agreement.

VOL. 52 PG. 483

12. **Cooperation.** The parties hereto agree to use their best efforts and to cooperate with each other to cause this Agreement to become effective, to obtain all necessary approvals, consents and authorizations, if any and to execute all documents and to take such other action as may be appropriate in connection therewith. All parties hereto agree to support the integrity and enforcement of the terms of this Agreement. Further, all parties hereto agree to use their best efforts to obtain Final Approval of the Tobacco Settlement.

13. **Counterparts.** This Agreement may be executed in counterparts. Facsimile or photocopied signatures shall be considered as valid signatures as of the date hereof, although the original signature pages shall thereafter be appended to this Agreement.

IN WITNESS WHEREOF, the parties hereto, through their fully authorized representatives, have agreed to this Agreement on the 18 day of July, 1998.

STATE OF TEXAS

By: Dan Morales
Dan Morales, Attorney General

July 18, 1998 (6:27PM)

7

AUG 26 '98 15:00

TX Attorney General PAGE.000

By: [Signature]
Rob Junell, Chairman
House Appropriations Committee

By: [Signature]
Bill Ratliff, Chairman
Senate Finance Committee

NUECES COUNTY and NUECES COUNTY HOSPITAL DISTRICT

DALLAS COUNTY and DALLAS COUNTY HOSPITAL DISTRICT

By: [Signature]
Carl Lewis

By: _____
Robert Ries

TARRANT COUNTY HOSPITAL DISTRICT

EL PASO and EL PASO COUNTY HOSPITAL DISTRICT

By: _____
J. Greg Hudson

By: _____
Robert Ries

MONTGOMERY COUNTY HOSPITAL DISTRICT

AMICUS COUNTIES

By: [Signature]
J. Greg Hudson

By: [Signature]
James Allison

HARRIS COUNTY AND HARRIS COUNTY HOSPITAL DISTRICT

By: _____
Richard Mithoff

By: [Signature]
Rob Junell, Chairman
House Appropriations Committee

By: [Signature]
Bill Ratliff, Chairman
Senate Finance Committee

NUECES COUNTY and NUECES COUNTY HOSPITAL DISTRICT

By: [Signature]
Carl Lewis

DALLAS COUNTY and DALLAS COUNTY HOSPITAL DISTRICT

By: _____
Robert Ries

TARRANT COUNTY HOSPITAL DISTRICT

By: [Signature]
J. Greg Hudson

EL PASO and EL PASO COUNTY HOSPITAL DISTRICT

By: _____
Robert Ries

By: [Signature]
Steve Bickerstaff

MONTGOMERY COUNTY HOSPITAL DISTRICT

By: [Signature]
J. Greg Hudson

AMICUS COUNTIES

By: [Signature]
James Allison

HARRIS COUNTY AND HARRIS COUNTY HOSPITAL DISTRICT

By: _____
Richard Mithoff

By: [Signature]
Rob Junell, Chairman
House Appropriations Committee

By: [Signature]
Bill Radtke, Chairman
Senate Finance Committee

NUECES COUNTY and NUCES COUNTY HOSPITAL DISTRICT

DALLAS COUNTY and DALLAS COUNTY HOSPITAL DISTRICT

By: [Signature]
Carl Lewis

By: _____
Robert Ries

TARRANT COUNTY HOSPITAL DISTRICT

EL PASO and EL PASO COUNTY HOSPITAL DISTRICT

By: _____
J. Greg Hudson

By: _____
Robert Ries

MONTGOMERY COUNTY HOSPITAL DISTRICT

AMICUS COUNTIES

By: [Signature]
J. Greg Hudson

By: [Signature]
James Allison

HARRIS COUNTY AND HARRIS COUNTY HOSPITAL DISTRICT

By: [Signature]
Richard Mithoff

SUBJECT TO FINAL ACTION ON JULY 28, 1998

RW?

By: [Signature]
Rob Juney, Chairman
House Appropriations Committee

By: [Signature]
Bill Ratliff, Chairman
Senate Finance Committee

**NUECES COUNTY and NUECES
COUNTY HOSPITAL DISTRICT**

**DALLAS COUNTY and DALLAS COUNTY
HOSPITAL DISTRICT**

By: [Signature]
Carl Lewis

By: [Signature]
Robert Ries

**TARRANT COUNTY
HOSPITAL DISTRICT**

**EL PASO and EL PASO COUNTY
HOSPITAL DISTRICT**

By: _____
J. Greg Hudson

By: [Signature]
Robert Ries

**MONTGOMERY COUNTY
HOSPITAL DISTRICT**

AMICUS COUNTIES

By: [Signature]
J. Greg Hudson

By: [Signature]
James Allison

**HARRIS COUNTY AND HARRIS
COUNTY HOSPITAL DISTRICT**

By: _____
Richard Mithoff

VOL. 52 PG. 488

**CLARIFICATION OF
AGREEMENT REGARDING DISPOSITION OF SETTLEMENT PROCEEDS**

To give effect to the intent of the parties to the Agreement in Principle, dated July 14, 1998, and to The Agreement Regarding Disposition of Settlement Proceeds, dated July 18, 1998, entered into by Dan Morales, Attorney General of the State of Texas, Senator Bill Radtiff, Chairman, Senate Finance Committee, Representative Robert Junell, Chairman, House Appropriations Committee, and representatives of certain counties and hospital districts, the parties hereby agree to the following in clarification of the Agreement Regarding Disposition of Settlement Proceeds:

Lump Sum Payments - Resolution of Population or Boundary Disputes. The parties hereto agree that, in the event that there is a dispute regarding the population or boundaries of a political subdivision that affects the amount of money to be disbursed to a political subdivision in the form of a lump sum payment under Paragraph 5(a) of this Agreement, data certified by the Texas Department of Health will be used to resolve the dispute.

Diversion of certain moneys to the State Treasury. The parties hereto acknowledge that, in order that sufficient moneys be made available to make the initial lump sum payment to the Political Subdivisions in January 1999, approximately \$150 million of settlement proceeds that would otherwise be credited in the General Revenue Fund of the State Treasury will instead be credited to the Lump Sum Trust Account overseen by the Comptroller of Public Accounts. The parties hereto further acknowledge that, in accordance with the Agreement in Principle entered into by the parties hereto on July 14, 1998, and the Agreement Regarding the Disposition of Settlement Proceeds entered into by the parties hereto on July 18, 1998, approximately \$50 million of the MFN payments paid to the State by the Tobacco Companies in January 2002 and approximately \$100 million of the MFN payments paid to the State by the Tobacco Companies in January 2003 that would otherwise have been deposited to the credit of the Political Subdivisions' trust accounts will instead be deposited to the credit of the General Revenue Fund of the State Treasury.

STATE OF TEXAS

By: Dan Morales
Dan Morales
Attorney General of the State of Texas

By: Bill Radtiff
Bill Radtiff, Chairman
Senate Finance Committee

By: _____
Robert Junell, Chairman
House Appropriations Committee

**CLARIFICATION OF
AGREEMENT REGARDING DISPOSITION OF SETTLEMENT PROCEEDS**

To give effect to the intent of the parties to the Agreement in Principle, dated July 14, 1998, and to The Agreement Regarding Disposition of Settlement Proceeds, dated July 18, 1998, entered into by Dan Morales, Attorney General of the State of Texas, Senator Bill Radtke, Chairman, Senate Finance Committee, Representative Robert J. Jones, Chairman, House Appropriations Committee, and representatives of certain counties and hospital districts, the parties hereby agree to the following clarification of the Agreement Regarding Disposition of Settlement Proceeds:

Lump Sum Payments - Resolution of Population or Boundary Disputes. The parties hereto agree that, in the event that there is a dispute regarding the population or boundaries of a political subdivision that affects the amount of money to be disbursed to a political subdivision in the form of a lump sum payment under Paragraph 5(a) of this Agreement, data certified by the Texas Department of Health will be used to resolve the dispute.

Diversion of certain moneys to the State Treasury. The parties hereto acknowledge that, in order that sufficient moneys be made available to make the initial lump sum payment to the Political Subdivisions in January 1999, approximately \$150 million of settlement proceeds that would otherwise be credited in the General Revenue Fund of the State Treasury will instead be credited to the Lump Sum Trust Account overseen by the Comptroller of Public Accounts. The parties hereto further acknowledge that, in accordance with the Agreement in Principle entered into by the parties hereto on July 14, 1998, and the Agreement Regarding the Disposition of Settlement Proceeds entered into by the parties hereto on July 18, 1998, approximately \$50 million of the MFN payments paid to the State by the Tobacco Companies in January 2002 and approximately \$100 million of the MFN payments paid to the State by the Tobacco Companies in January 2003 that would otherwise have been deposited to the credit of the Political Subdivisions' trust accounts will instead be deposited to the credit of the General Revenue Fund of the State Treasury.

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT #3

DATE 11-17-98

Formal notice is hereby given that JEFF LEWIS whose principal address is RT. 8 BOX 38, GILMER, TX.75644 does hereby propose to place a CULVERT within the ROW of County Road APRICOT 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 [Signature] TITLE _____

903-759-9593

APPROVAL OF PERMIT APPLICATION

The Upshur County Commissioners Court offers no objections 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.

FILED
REXIA SHAW
COUNTY CLERK
98 NOV 23 AM 10:34
DEPUTY
CLERK
UPS HUR COUNTY, TX

3. Parallel lines will be installed as near the right of way lines as possible and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioners Court.

4. Overhead lines will have minimum clearance of 18 feet above the road surface at the point of crossing.

5. Operations along roadways shall be performed in such a manner that all excavated material be kept off the surface at all times, as well as all operating equipment and materials. No equipment or installation procedures will be used which will damage any road surface, roadbed, structures or other right of way feature. Any expenditure that is a direct result of this installation will be borne by owner of this line.

6. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from the right of way line to right of way line. Pipe used for casing may be of any type approved by the County Engineer or Commissioners Court and shall be capable of supporting load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through casing for its entire length; Inside diameter of casing shall be at least 2 inches greater than the largest diameter of carrier pipe, joints or couplings.

7. All excavations within the right of way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material will be removed from the right of way and the excavation finished flush with surrounding natural ground.

8. All ground lines are to be installed a minimum of 36 inches below the flow line of the adjacent drainage or borrow ditch. (Any material placed in county right of way by permit will be of a nature or composition that said line can be located with the use of a standard locator device used in locating buried cables and pipe.)

9. Lines crossing under roads and under cross roads within the right of way will be placed by boring. Boring shall extend from crown line to crown line. Gravity flow sewer lines under roadway will be cast iron or equivalent pipe.

10. Where evidence is presented indicating the impracticability of boring or tunnelling, the Commissioners Court may grant permission to cut the surface no wider than 4 inches. In the event a cut is permitted the following conditions will govern: (a) Excavation areas are to be filled and packed with compatible material. (b) The surfacing will be replaced with equivalent quality surfacing.

11. Notice will be given to the precinct Commissioner 48 hours prior to starting construction of the line in his precinct.

12. Where in the opinion of the Commissioners Court it may be necessary to protect losses incurred by damage to the roads, bridges or right of way structures, they may by action of the Court require a surety bond in an amount sufficient to cover any damages.

13. Where, in the opinion of the Commissioners Court, an inspector is necessary, the party receiving permit will bear the cost of the inspection.

APPROVED ON THIS _____ DAY OF _____, 19____

COUNTY JUDGE

[Signature]
COMMISSIONER PCT. 1

[Signature]
COMMISSIONER PCT. 2

COMMISSIONER PCT. 3

[Signature]
COMMISSIONER PCT. 4

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS ()
COUNTY OF UPSHUR ()

KNOW ALL MEN BY THESE PRESENTS

The undersigned TATUM TRUCKING, 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) _____

OWL 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. 1, Upshur County.

4.
First Party agrees to put said road back into the same condition 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

P.O. BOX 565
Street or Box

TATUM, TX. 75691
City, State and Zip Code

803-836-4601
Telephone

Timber Tract

11-23-98
Date Signed

Permit issued for a period not to exceed 90 days.

[Signature]
County Judge

[Signature]
Commissioner 1

[Signature]
Commissioner 2

Commissioner 3

[Signature]
Commissioner 4

Date Signed

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 29 AM 10:34
UPSHUR COUNTY, TX

VOL. 52 PG. 494

APPLICATION FOR FILLING ABANDONED WELL

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

RE: ABANDONED WELL OWNED BY HUGH PHILLIPS
1201 SLAYDON, HENDERSON, TX. 75654
. HWY. 271 ROAD.

GENTLEMEN:

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

RESPECTFULLY YOURS,

Hugh M. Phillips

903-657-4730

PRECINCT 41

DATE 11-10-98

APPROVED _____ REJECTED _____

cl

CHARLES L. STILL, COUNTY JUDGE

Gaddis Lindsey

GADDIS LINDSEY, COMMISSIONER 1

Tommy Stanley

TOMMY STANLEY, COMMISSIONER 2

David Lynn

DAVID LYNN, COMMISSIONER 3

Charles K. Thompson

CHARLES K. THOMPSON, COMMISSIONER 4

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 23 AM 10:34
UPSHER COUNTY, TX.
DEPUTY

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT #2 _____

DATE 1-17-98

Formal notice is hereby given that RICHARD BROWN whose principal address is P.O. BOX 847, GILMER, TX. 75644 does hereby propose to place a CULVERT within the ROW of County Road ASTER 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 Carl Brown TITLE _____

903-843-5194

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.

3. Parallel lines will be installed as near the right of way lines as possible and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioners Court.

4. Overhead lines will have minimum clearance of 18 feet above the road surface at the point of crossing.

5. Operations along roadways shall be performed in such a manner that all excavated material be kept off the surface at all times, as well as all operating equipment and materials. No equipment or installation procedures will be used which will damage any road surface, roadbed, structures or other right of way feature. Any expenditure that is a direct result of this installation will be borne by owner of this line.

6. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from the right of way line to right of way line. Pipe used for casing may be of any type approved by the County Engineer or Commissioners Court and shall be capable of supporting load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through casing for its entire length; Inside diameter of casing shall be at least 2 inches greater than the largest diameter of carrier pipe, joints or couplings.

7. All excavations within the right of way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material will be removed from the right of way and the excavation finished flush with surrounding natural ground.

8. All ground lines are to be installed a minimum of 36 inches below the flow line of the adjacent drainage or borrow ditch. (Any material placed in county right of way by permit will be of a nature or composition that said line can be located with the use of a standard locator device used in locating buried cables and pipe.)

9. Lines crossing under roads and under cross roads within the right of way will be placed by boring. Boring shall extend from crown line to crown line. Gravity flow sewer lines under roadway will be cast iron or equivalent pipe.

10. Where evidence is presented indicating the impracticability of boring or tunnelling, the Commissioners Court may grant permission to cut the surface no wider than 4 inches. In the event a cut is permitted the following conditions will govern: (a) Excavation areas are to be filled and packed with compatible material. (b) The surfacing will be replaced with equivalent quality surfacing.

11. Notice will be given to the precinct Commissioner 48 hours prior to starting construction of the line in his precinct.

12. Where in the opinion of the Commissioners Court it may be necessary to protect losses incurred by damage to the roads, bridges or right of way structures, they may by action of the Court require a surety bond in an amount sufficient to cover any damages.

13. Where, in the opinion of the Commissioners Court, an inspector is necessary, the party receiving permit will bear the cost of the inspection.

APPROVED ON THIS _____ DAY OF _____, 19____

COUNTY JUDGE

Charles Lude
COMMISSIONER PCT. 1

COMMISSIONER PCT. 2

Johnny Stanley
COMMISSIONER PCT. 2

COMMISSIONER PCT. 3

COMMISSIONER PCT. 4

DEPUTY

FILED
REX A. SHAW
COUNTY CLERK
98 NOV 23 AM 10:36
TARRANT COUNTY, TX

Date: 11-23-98

COMMISSIONER COURT
ATTENDANCE SHEET

Name	City of Residence
Russell Brown	Greene
John Small	City of C
Betty Johnson	Delmer
Mary Lee Paul	Delmer
Walter Small	Delmer
D. J. Harris	Delmer
Sam Johnson	White Oak
Mac Overton	M. C. C.
Buck Crow	Collier
Joe H. Cox	Colmer
Glenn Evans	Longview News Journal

