

196273
CAUSE NO. 23662

JULIE MICHELLE DICKESON
Plaintiff

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IN THE DISTRICT COURT

v.

IN AND FOR

TRAVIS A. TULLOS,
Defendant

TRINITY COUNTY, TEXAS

**JUDGMENT CONFIRMING COMMISSIONER'S REPORT
AND PARTITIONING PROPERTY**

On this day came to be considered in the above-entitled and numbered cause. The Court considered the Report of Commissioners previously appointed to partition a certain tract of real property among the parties to this cause. The Commissioner's Report has been duly filed, and is attached hereto as Exhibit "A". The Commissioners declined to allot the parcels to the respective owners, so the Court decided by lot which co-tenant receives which parcel of land. The parties have agreed to this Judgment, waive any applicable notice provisions and request the Court enter this Final Judgment. The Court is of the opinion and finds the partition so made is fair and lawful in all respects. The Commissioners are found to have faithfully carried out their responsibilities contained in the Decree Appointing Commissioners signed by the Court in this cause. The tract to be partitioned is identified as an approximately 76.28 acre tract, but after re-survey described as 75.06 acres. The original tract is the same tract of land conveyed to W.B. Hutson by R.L. Hutson and wife, Rosa B. Hutson by deed dated July 19, 1929, and duly recorded in Vol. 73, Pg. 576 of the Deed Records of Trinity County, Texas, and being the same land described in that certain deed in 1943 from W.B. Hutson to Travis Tullos, recorded in Volume 99, Page 625 and the same tract described in that certain deed dated March 19, 1976 from Mabel Tullos, et al to Travis J. Tullos, recorded in Volume 236, Page 136, Deed Records, Trinity County, Texas, and being also the

"Third Tract" described in Application for Partition, filed in Cause No. 2237, styled "Guardianship of the Estate of Glenda E. Tullos, a Minor" in the Probate Court Records of Trinity County, Texas reference to all of said instruments for further description. The original 76.28 acres, after re-survey being 75.06 acres, is described after partition as two tracts of 37.53 acres each in Exhibits "B" and "C-1" attached hereto and incorporated herein.

The 75.06 acre tract will be partitioned into two equal parcels of 37.53 acres each, denoted as Parcel No. 1 and Parcel No. 2. The partition is a division of the surface estate only and does not partition the oil, gas and other mineral interest. Parcel No. 1 will be subject to an easement described herein, which easement will be a covenant running with the land.

IT IS, THEREFORE ORDERED that the Report of the Commissioners is in all things approved and confirmed.

IT IS ADJUDGED, ORDERED AND DECREED THAT the tracts vest in each party as follows:

1. The Plaintiff, Julie Michelle Dickeson, shall receive and be vested with the west one half of 75.06 acres of the partitioned tract, denoted as Parcel No. 1, specifically described by metes and bounds as Parcel No. 1 in Exhibit "B", containing 37.53 acres, more or less, and shown on the plat attached as Exhibit "D".
2. The Defendant, Travis A. Tullos shall receive and be vested with the east one half of 75.06 acres of the partitioned tract, described as Parcel No. 2 and specifically described by metes and bounds in Exhibit "C-1", containing 37.53 acres, more or less, and shown on the plat attached as Exhibit "D".
3. In addition to Parcel No. 2, Defendant Travis A. Tullos shall also be entitled to an easement on and across Parcel No. 1, described by metes and bounds in Exhibit "C-2", containing 1.55 acres, more or less, and shown on the plat attached as Exhibit "D". Tullos, his successors and assigns, shall have the rights and benefits necessary or convenient for the full enjoyment of the easement, including the right of maintenance to clear trees, undergrowth and other obstructions that may injure, endanger or interfere with the use, operations and maintenance of the road.

IT IS FURTHER ORDERED that the partition shall be as to the surface and the surface mined minerals, including coal, lignite, sand, gravel and iron ore, but shall not include any oil, gas or other minerals, including associated hydrocarbons, which shall continue to be held by the parties in undivided interests.

IT IS FURTHER ORDERED that title to each tract described above is vested in the parties to whom such tract is awarded, as against each of the other parties of the suit and against their heirs, executors, administrators and assigns, as fully and effectively as deeds by those could vest title.

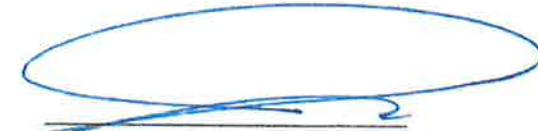
IT IS FURTHER ORDERED that this Decree shall have the same force and effect as a full warranty deed as conveyance between and amongst the parties concerning the properties described herein.

IT IS FURTHER ORDERED that Sherman Jones, Keith Alford and Phil Hawthorne, as Commissioners duly appointed by this Court are allowed the sum of Seven Hundred and Fifty Dollars (\$750.00) each for their service as Commissioners and that the surveyor, Everett Griffith, Jr & Associates, Inc., is allowed the sum of six thousand one hundred forty dollars and forty eight cents (\$6,140.48) as fees due for services in connection with this suit. The Court has determined these fees to be reasonable in light of the difficulty and complexity of making the partition. The Court also finds that the costs of Court, including clerk fees, citation fees and service fees are to be taxed as costs to be paid by the parties in accordance with the following schedule:

- | | |
|----------------------------|-----|
| 1. Julie Michelle Dickeson | 50% |
| 2. Travis A. Tullos | 50% |

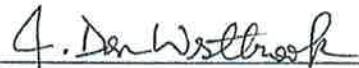
All other costs and expenses, including attorney's fees are to be borne by the party incurring same.

SIGNED on this the 4 day of April, 2023.

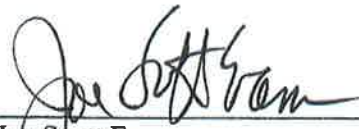


JUDGE PRESIDING

AGREED AS TO FORM AND SUBSTANCE:



J. Don Westbrook
Attorney for Plaintiff, Julie Michelle Dickeson



Joe Scott Evans
Attorney for Defendant, Travis A. Tullos

FILED
AT 10:26 O'CLOCK A.M.
APR 04 2023
Jillian Steptoe
District Clerk, Trinity, Co.

Cause No. 23662; Julie Michelle Dickeson vs. Travis A. Tullos

January 12, 2022

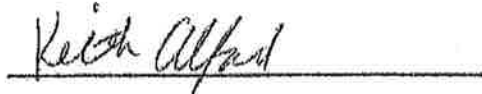
We, Sherman Jones, Keith Alford and Phil Hathorn as appointed commissioners of the District Court in and for Trinity County, Texas, make the following recommended partition of the surface estate in accordance with the law regarding the property in this cause number:

Starting at the corner of the Northwest boundary line of the property to the mid-point of the North boundary line. Then, starting at the corner of the Southwest boundary line of the property to the mid-point of the South boundary line. The dividing property line will be the mid-way points of the North and South boundary lines.

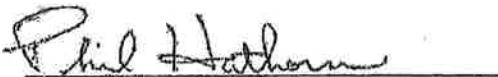
There will be a 60 feet wide access easement along the North boundary line to the beginning of the East partitioned property.



Sherman Jones



Keith Alford



Phil Hathorn

DICKESON TIMBER APPRAISAL

AERIAL IMAGE



Note: The south boundary line of the subject property, as depicted here, differs from the south boundary as mapped by the Trinity County Appraisal District. The boundary depicted herein reflects the location of the fencelines observed on the ground, and is assumed to be accurate for the purposes of this appraisal.

MICHELLE DICKESON
 TRACT 1 - 37.53 ACRES
 G. RICARDO SURVEY, ABSTRACT NO. 34
 TRINITY COUNTY, TEXAS

BEING all that certain tract or parcel of land lying and situated in Trinity County, Texas, out of the G. RICARDO SURVEY, ABSTRACT NO. 34 and being a part or portion of that certain 38.58 acre tract described in a deed from Mabel Tullos et al to Travis J. Tullos dated March 19, 1976 and recorded in Volume 236 on Page 136 of the Deed Records of Trinity County, Texas, to which reference is hereby made for any and all purposes, and the said tract or parcel being described by metes and bounds as follows, to wit:

BEGINNING at the Southwest corner of the aforesaid referred to 38.58 acre tract and the Northwest corner of that certain 61.176 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated December 13, 1993 and recorded in Volume 546 on Page 196 of the Deed Records of Trinity County, Texas in the East boundary line of that certain 93 acre tract described as Tract 1 in a deed from Norman Swanson et ux to Joe Bob Tullos et ux dated September 1, 1981 and recorded in Volume 297 on Page 109 of the Deed Records of Trinity County, Texas, a concrete monument found for corner, said corner witnessed by a fence corner bearing S 87° E 6.1 feet, a 32" Pine bearing S 16° E 10.7 feet, a 28" White Oak snag bearing N 49° E 11.7 feet and a 12" White Oak snag bearing S 68° E 31.7 feet;

THENCE N 00° 08' 51" E with the West boundary line of the said 38.58 acre tract and in part with the East boundary line of the said 93 acre tract and the East boundary line of that certain 80 acre tract described in a deed from Mabel Tullos et al to Glenda E. Tullos dated March 19, 1976 and recorded in Volume 236 on Page 152 of the Deed Records of Trinity County, Texas, at 1349.56 feet pass on line a 1/2" rod found for the North corner of the said 93 acre tract and the Southeast corner of the said 80 acre tract, at 1453.96 feet the Northwest corner of the said 38.58 acre tract and a Southwest corner of that certain 2488.814 acre tract described as Tract 9 in a deed from RMS Texas Timberlands I LP to Evergreen Timberco TX LP dated December 15, 2020 and recorded in Volume 1054 on Page 827 of the Deed Records of Trinity County, Texas, a 1/2" rod set for corner, said corner witnessed by a fence corner bearing N 02° W 3.6 feet and a 30" Pine bearing N 30° E 4.5 feet;

THENCE N 88° 56' 13" E with the North boundary line of the said 38.58 acre tract and a South boundary line of the said 2488.814 acre tract, at 590.23 feet pass on line a 3/8" rod, at 1126.64 feet a 1/2" pipe set for corner;

THENCE S 00° 12' 18" W severing the said 38.58 acre tract, at 1453.52 feet intersect the South boundary line of the said 38.58 acre tract and the North boundary line of the said 61.176 acre tract, a 1/2" pipe set for corner;

THENCE S 88° 54' 46" W with the South boundary line of the said 38.58 acre tract and the North boundary line of the said 61.176 acre tract, at 1124.19 feet the point and place of beginning and containing 37.53 acres of land, more or less.

Basis of Bearings: The combined North boundary lines of that certain 61.176 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated December 13, 1993 and recorded in Volume 546 on Page 196 of the Deed Records of Trinity County, Texas and that certain 69.203 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated August 30, 1996 and recorded in Volume 587 on Page 781 of the Deed Records of Trinity County, Texas - (Deed calls of N 88° 54' 46" E with combined length of 3406.54 feet - found concrete monuments 3406.22 feet apart)



EVERETT GRIFFITH, JR. & ASSOCIATES, INC.
 Engineering and Surveying

R.F.

R.F. (Rick) Freeman (Signature in blue ink)
 Registered Professional Land Surveyor No. 4202
 Texas Surveying Firm No. 10029100
 408 North Third Street
 Lufkin, Texas 75901
 936-634-5528
 November 2, 2022

SEE ATTACHED PLAT

TRAVIS TULLOS
TRACT 2 - 37.53 ACRES
G. RICARDO SURVEY, ABSTRACT NO. 34
TRINITY COUNTY, TEXAS

BEING all that certain tract or parcel of land lying and situated in Trinity County, Texas, out of the G. RICARDO SURVEY, ABSTRACT NO. 34 and being a part or portion of that certain 38.58 acre tract and all of that certain 37.7 acre tract described in a deed from Mabel Tullos et al to Travis J. Tullos dated March 19, 1976 and recorded in Volume 236 on Page 136 of the Deed Records of Trinity County, Texas, to which reference is hereby made for any and all purposes, and the said tract or parcel being described by metes and bounds as follows, to wit:

BEGINNING N 88° 54' 46" W 1124.19 feet from a concrete monument found for the Southwest corner of the said 38.58 acre tract and the Northwest corner of that certain 61.176 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated December 13, 1993 and recorded in Volume 546 on Page 196 of the Deed Records of Trinity County, Texas, a 1/2" pipe set for corner in the South boundary line of the aforesaid referred to 38.58 acre tract and the North boundary line of the said 61.176 acre tract;

THENCE N 00° 12' 18" E severing the said 38.58 acre tract, at 1453.52 feet intersect the North boundary line of the said 38.58 acre tract and a South boundary line of that certain 2488.814 acre tract described as Tract 8 in a deed from RMS Texas Timberlands I LP to Evergreen Timberco TX LP dated December 15, 2020 and recorded in Volume 1054 on Page 827 of the Deed Records of Trinity County, Texas, a 1/2" pipe set for corner;

THENCE N 88° 56' 13" E in part with the North boundary line of the said 38.58 acre tract and the North boundary line of the aforesaid 37.7 acre tract and with a South boundary line of the said 2488.814 acre tract, at 1126.37 feet the Northeast corner of the said 37.7 acre tract and the Northwest corner of that certain 12.782 acre tract described as Tract Two in a deed from E.L. Tullos et al to Geraldine Tullos Luce dated November 16, 1984 and recorded in Volume 330 on Page 840 of the Deed Records of Trinity County, Texas, a 3" flat bar found for corner, said corner witnessed by a fence corner bearing N 63° W 1.6 feet;

THENCE S 00° 17' 30" W with the East boundary line of the said 37.7 acre tract and the West boundary line of the said 12.782 acre tract, at 1453.10 feet the Southeast corner of the said 37.7 acre tract and the Southwest corner of the said 12.782 acre tract in the North boundary line of the aforesaid 61.176 acre tract, a point for corner, said corner witnessed by a 1/2" rod bearing S 00° 17' 30" W 0.99 feet and a fence corner bearing S 19° W 2.5 feet;

THENCE S 88° 54' 46" W in part with the South boundary line of the said 37.7 acre tract and the South boundary line of the said 38.58 acre tract and with the North boundary line of the said 61.176 acre tract, at 1124.19 feet the point and place of beginning and containing 37.53 acres of land, more or less.

Basis of Bearings: The combined North boundary lines of that certain 61.176 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated December 13, 1993 and recorded in Volume 546 on Page 196 of the Deed Records of Trinity County, Texas and that certain 69.203 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated August 30, 1996 and recorded in Volume 587 on Page 781 of the Deed Records of Trinity County, Texas - (Deed calls of N 88° 54' 46" E with combined length of 3406.54 feet - found concrete monuments 3406.22 feet apart)

EVERETT GRIFFITH, JR. & ASSOCIATES, INC.
Engineering and Surveying



R.F.
R.F. (Rick) Freeman (Signature in blue ink)
Registered Professional Land Surveyor No. 4202
Texas Surveying Firm No. 10029100
408 North Third Street
Lufkin, Texas 75901
936-634-5528
November 2, 2022

SEE ATTACHED PLAT

TRAVIS TULLOS
60 FEET WIDE ACCESS EASEMENT
G. RICARDO SURVEY, ABSTRACT NO. 34
TRINITY COUNTY, TEXAS

BEING all that certain tract or parcel of land lying and situated in Trinity County, Texas, out of the G. RICARDO SURVEY, ABSTRACT NO. 34 and being a part or portion of that certain 38.58 acre tract described in a deed from Mabel Tullos et al to Travis J. Tullos dated March 19, 1976 and recorded in Volume 236 on Page 136 of the Deed Records of Trinity County, Texas, to which reference is hereby made for any and all purposes, and the said tract or parcel being described by metes and bounds as follows, to wit:

BEGINNING N 00° 08' 51" E 1393.95 feet from a concrete monument found for the Southwest corner of the aforesaid referred to 38.58 acre tract, the point of beginning of the herein described access easement in the West boundary line of the said 38.58 acre tract and the East boundary line of that certain 80 acre tract described in a deed from Mabel Tullos et al to Glenda E. Tullos dated March 19, 1976 and recorded in Volume 236 on Page 162 of the Deed Records of Trinity County, Texas, a point for corner;

THENCE N 00° 08' 51" E with the West boundary line of the said 38.58 acre tract and the East boundary line of the said 80 acre tract, at 60.01 feet the Northwest corner of the said 38.58 acre tract and a Southwest corner of that certain 2488.814 acre tract described as Tract 9 in a deed from RMS Texas Timberlands LP to Evergreen Timberco TX LP dated December 15, 2020 and recorded in Volume 1054 on Page 827 of the Deed Records of Trinity County, Texas, a 1/2" rod set for corner, said corner witnessed by a fence corner bearing N 02° W 3.6 feet and a 30" Pine bearing N 30° E 4.5 feet;

THENCE N 88° 56' 13" E with the North boundary line of the said 38.58 acre tract and with a South boundary line of the said 2488.814 acre tract, at 598.23 feet pass on line a 3/8" rod, at 1125.84 feet a 1/4" pipe set for corner;

THENCE two calls severing the said 38.58 acre tract as follows:

- (1) S 00° 12' 18" W, at 60.01 feet a point for corner;
- (2) S 88° 56' 13" W, at 1125.58 feet the point and place of beginning and containing 1.55 acres of land, more or less.

Basis of Bearings:

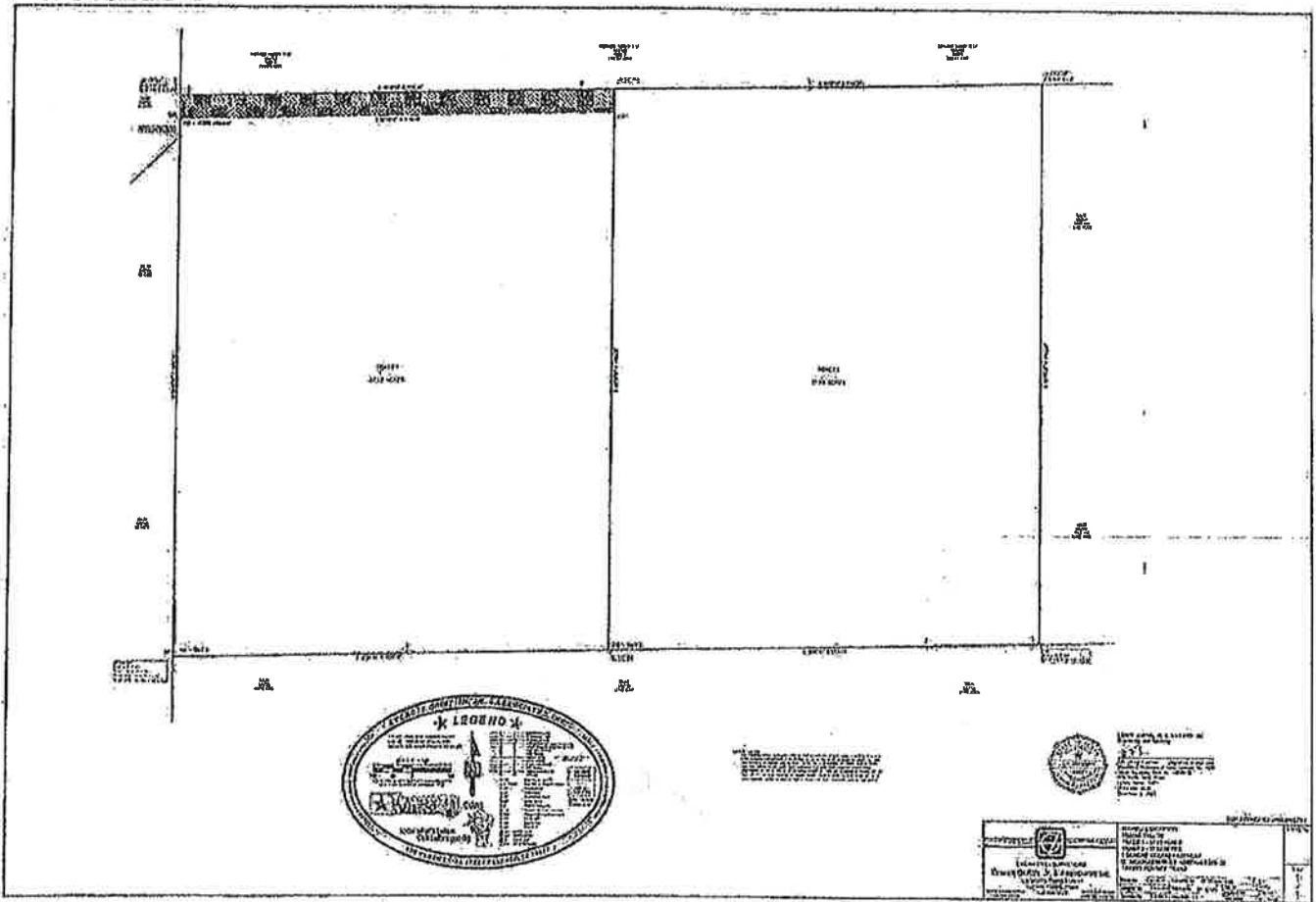
The combined North boundary lines of that certain 61.176 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated December 13, 1993 and recorded in Volume 546 on Page 196 of the Deed Records of Trinity County, Texas and that certain 69.203 acre tract described in a deed from Champion International Corporation to Joe B. Tullos et ux dated August 30, 1996 and recorded in Volume 587 on Page 781 of the Deed Records of Trinity County, Texas - (Deed calls of N 88° 54' 46" E with combined length of 3406.54 feet - found concrete monuments 3406.22 feet apart)

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R.F. (Rick) Freeman (Signature in blue ink)
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Texas Surveying Firm No. 10029100
408 North Third Street
Lufkin, Texas 75901
936-634-5528
November 2, 2022

SEE ATTACHED PLAT




THE STATE OF TEXAS
COUNTY OF TRINITY

I hereby certify that the instrument was FILED on the date and at the time stated herein by me and was duly RECORDED in the Official Public Records of Trinity County, Texas in the Volume and Page as noted herein by me.

Shasta Bergman
County Clerk, Trinity County

By:

[Handwritten Signature]



FILED
at 11:10 o'clock *A* M

MAY 12 2023

SHASTA BERGMAN
COUNTY CLERK, TRINITY CO., TEXAS

[Handwritten Signature]