

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

2024 AUG -8 PM 2:58

THE STATE OF TEXAS §
 §
COUNTY OF COLORADO §

KIMBERLY MENKE
COUNTY CLERK

MK

THAT, WHEREAS, **RODGER RUTLEDGE** (hereinafter collectively "Mortgagor"), executed and delivered to **GEORGE W. DANA** ("Original Trustee") for the benefit of **REYNALDO HUERTA** (collectively "Mortgagee"), that certain Deed of Trust recorded on September 28, 2022 in Volume 1014, Page 541, in the Official Records of Real Property of Colorado County, Texas (the "Deed of Trust"), to secure the indebtedness, liabilities, and obligations (the "Indebtedness") described in the Deed of Trust in the original amount of FOUR HUNDRED TWENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$427,200.00);

WHEREAS, pursuant to and in accordance with the terms and conditions of the Deed of Trust, Assignee has appointed **Stephanie A. Roman, T. Michael Neville and/or Don Thomas**, with an address of 4141 Southwest Freeway, Suite 250, Houston, Texas 77027 (the "Substitute Trustee"), to act independently, to succeed to all of the rights, powers, and estates granted and delegated in the Deed of Trust to the Original Trustee and any previously appointed substitute trustee;

WHEREAS, to secure the Indebtedness the Deed of Trust creates a lien on, among other things, certain real property and improvements situated in Colorado County, Texas, as described below (the "Mortgaged Property"):

Grantor's remainder interest in Tract 1: Being 2 acres, more or less, out of the G. & B.N. Co. Survey No. 5, A-778, Colorado County, Texas, more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes. Grantor's remainder interest arises out of that certain General Warranty Deed with Reservation of Life Estate from Lloyd Zahradnick as Grantor to Reynaldo Huerta as Grantee dated August 23, 2022 and recorded under Vol. 1011, Page 885 of the Deed Records of Colorado County, Texas, reference to which deed is made herein for all purposes;

Grantor's remainder interest in Tract 2: 30' roadway easement, G. & B.N. Co. Survey, No. 5, A-778, Colorado County, Texas, more particularly described by metes and bounds on Exhibit "B" attached hereto and made a part hereof for all purposes. Grantor's remainder interest arises out of that certain General Warranty Deed with Reservation of Life Estate from Lloyd Zahradnick as Grantor to Reynaldo Huerta as Grantee dated August 23, 2022 and recorded under Vol. 1011, Page 885 of the Deed Records of Colorado County, Texas, reference to which deed is made herein for all purposes.

Tract 3: 48.01 acres, more or less, G. & B.N. Co. Survey No. 5, A-778, Colorado County, Texas, more particularly described by metes and bounds on Exhibit "C" attached hereto and made a part hereof for all purposes SAVE AND EXCEPT 2 acres, more or less, more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof and SAVE AND EXCEPT 30' roadway easement more particularly described by metes and bounds on Exhibit "B" attached hereto and made a part hereof for all purposes;

Tract 4: 40 acres, more or less, G. & B.N. Co. Survey No. 5, A-778, Colorado County, Texas, more particularly described by metes and bounds on Exhibit "D" attached hereto and made a part hereof for all purposes;

Tract 5: 35.65 acres, more or less, J. D. Schultze Survey, A-848 and the J. I. Dilly Survey, A-855, Colorado County, Texas, more particularly described by metes and bounds on Exhibit "E" attached hereto and made a part hereof for all purposes (the "Property").

WHEREAS, a default occurred under the Indebtedness and Deed of Trust, and all of the Indebtedness has matured and is now due; and

WHEREAS, the Assignee, as owner and holder of the Indebtedness, has requested the Substitute Trustee to sell the Mortgaged Property to satisfy, in whole or in part, the Indebtedness;

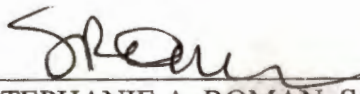
NOW, THEREFORE, NOTICE IS HEREBY GIVEN, that on **Tuesday, September 3, 2024**, no earlier than 10:00 a.m. and no later than three hours after that time, the Substitute Trustee will commence the sale of the Mortgaged Property, in parcels or as a unit, at public auction to the highest bidder for cash; that such sale will be held in that area designated for such sales by Order of the Commissioners' Court of Colorado County, Texas filed in Volume 697, Page 872, such designated area being as follows: in the foyer, inside the main entrance, of the Colorado County Annex Building, or if the preceding area is no longer the designated area, at the area most recently designated by the Colorado County Commissioner's Court, SUBJECT, however, to all liens, exceptions to title, easements, restrictions, and encumbrances affecting any of the Mortgaged Property or title thereto which are equal or prior to the liens and security interests created by the Deed of Trust;

If such sale does not result in full satisfaction of all of the Indebtedness now due, the liens and security interests of the Deed of Trust shall remain in full force and effect in respect of any of or any portion of the Mortgaged Property not so sold and any and all items and types of real and personal property covered by the Deed of Trust and not described herein.

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of the reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE OR BENEFICIARY, EXPRESS, IMPLIED, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OF FITNESS FOR A PARTICULAR PURPOSE IS EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE AND BENEFICIARY MAKE NO REPRESENTATION OR WARRANTY WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY.

EXECUTED effective as of August 7, 2024.


STEPHANIE A. ROMAN, Substitute Trustee

A 2.00 AC. TRACT OF LAND, SITUATED IN THE G. & B. N. CO. SURVEY NO. 5, (JAS. ALEXANDER), ABSTRACT NO. 776, COLORADO COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 144.000 AC. TRACT OF LAND CONVEYED FROM THE EVERETT AMMAN, TESTAMENTARY TRUST AND CELESTINA AMMANN TO EVERETT AMMAN, TESTAMENTARY TRUST, IN DEED DATED OCTOBER 19, 1993, RECORDED IN VOLUME 97, PAGE 376, OF THE OFFICIAL RECORDS OF COLORADO COUNTY, TEXAS; SAID 2.00 AC. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FOR REFERENCE begin at a 5/8 inch iron rod called & found for a corner of a called 329.109 Ac. tract of land conveyed to Celestina Ammann (Vol. 87, Pg. 370; O.R.), same being a corner of a called 89.11 Ac. tract of land conveyed to Darla Jean Ammann (Vol. 843, Pg. 98; O.R.), an interior corner of said 144.000 Ac. tract, and an interior corner of a 46.01 Ac. tract of land, this day surveyed; from which corner, the East corner of said 144.000 Ac. tract, same being the East line of said 46.01 Ac. tract, and the North corner of said 89.11 Ac. tract, bears, North 43 Deg. 03 Min. 25 Sec. East, 1181.32 ft.;

THENCE North 43 Deg. 03 Min. 25 Sec. East (called North 45 Deg. 16 Min. 48 Sec. East), with the common line between said 144.000 Ac. tract and said 329.109 Ac. tract, same being with the Northwest line of said 89.11 Ac. tract, 138.44 ft. to a point;

THENCE North 48 Deg. 56 Min. 35 Sec. West, across said 144.00 Ac. tract, 524.74 ft. to a chain-linked fence corner post for the South and BEGINNING corner hereof;

THENCE North 42 Deg. 25 Min. 09 Sec. West, at 65.19 ft. pass a 5/8 inch iron rod capped #5319, set for the Northeast corner of a 30 FT. ROADWAY EASEMENT, this day surveyed, at 80.24 ft. pass the centerline of said ROADWAY EASEMENT, at 95.29 ft. pass a 5/8 inch iron rod capped #5319, set for the Northwest corner of said ROADWAY EASEMENT, and in all, 259.90 ft. to a 5/8 inch iron rod capped #5319, set for the West corner hereof;

THENCE North 44 Deg. 41 Min. 45 Sec. East, 320.82 ft. to a 5/8 inch iron rod capped #5319, set for the North corner hereof;

THENCE South 42 Deg. 04 Min. 57 Sec. East, 288.85 ft. to a 5/8 inch iron rod capped #5319, set for the East corner hereof;

THENCE South 49 Deg. 43 Min. 08 Sec. West, 316.95 ft. to the PLACE OF BEGINNING and containing 2.00 Ac. of land.

EXHIBIT A
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CENTERLINE DESCRIPTION OF A 30 FT. ROADWAY EASEMENT, SITUATED IN THE G. & B. N. CO. SURVEY NO. 5, (JAS. ALEXANDER), ABSTRACT NO. 778, COLORADO COUNTY, TEXAS, BEING OUT OF THAT CERTAIN CALLED 144.000 AC. TRACT OF LAND CONVEYED FROM THE EVERETT AMMAN, TESTAMENTARY TRUST AND CELESTINA AMMANN TO EVERETT AMMAN, TESTAMENTARY TRUST, IN DEED DATED OCTOBER 18, 1993, RECORDED IN VOLUME 87, PAGE 376, OF THE OFFICIAL RECORDS OF COLORADO COUNTY, TEXAS; SAID CENTERLINE OF SAID ROADWAY EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FOR REFERENCE begin at a 5/8 inch iron rod called & found in the Northeast line of COUNTY ROAD NO. 114 (mess. 50 ft. wide), for an interior corner of a called 329.109 Ac. tract of land conveyed to Celestina Ammann (Vol. 87, Pg. 370; O.R.), same being an interior corner of a called 89.11 Ac. tract of land conveyed to Darla Jean Ammann (Vol. 843, Pg. 98; O.R.), a corner of said 144.000 Ac. tract, and a corner of a 48.01 Ac. tract of land, this day surveyed; from which corner, the East corner of said 144.000 Ac. tract, same being the East corner of said 48.01 Ac. tract, and the North corner of said 89.11 Ac. tract, bears, North 41 Deg. 58 Min. 44 Sec. West, 78.28 ft. and North 43 Deg. 03 Min. 28 Sec. East, 1131.32 ft.;

THENCE North 41 Deg. 58 Min. 44 Sec. West, with the common line between said 144.000 Ac. tract and said 329.109 Ac. tract, 48.45 ft. to the North corner of said COUNTY ROAD NO. 114;

THENCE South 42 Deg. 17 Min. 40 Sec. West, with the Northwest line of said COUNTY ROAD NO. 114, 32.32 ft. to the POINT OF BEGINNING of this Centerline Description;

THENCE North 48 Deg. 17 Min. 09 Sec. West, 44.02 ft. to the Point of Curvature of a curve to the left;

THENCE with said curve to the left, whose radius is 180.00 ft., an arc length of 104.33 ft. (chord = North 82 Deg. 53 Min. 28 Sec. West, 102.88 ft.) to the Point of Tangency;

THENCE North 79 Deg. 29 Min. 48 Sec. West, 208.88 ft. to the Point of Curvature of a curve to the right;

THENCE with said curve to the right, whose radius is 110.00 ft., an arc length of 182.89 ft. (chord = North 37 Deg. 04 Min. 28 Sec. West, 148.41 ft.) to the Point of Tangency;

THENCE North 05 Deg. 20 Min. 58 Sec. East, 266.31 ft. to the Point of Curvature of a curve to the right;

THENCE with said curve to the right, whose radius is 40.00 ft., an arc length of 26.13 ft., (chord = North 24 Deg. 03 Min. 48 Sec. East, 25.87 ft.) to the Point of Tangency;

THENCE North 42 Deg. 46 Min. 36 Sec. East, 56.28 ft. to the POINT OF TERMINATION in the Southwest line of a 2.00 Ac. tract of land, this day surveyed.

EXHIBIT B
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A 48.01 AC. TRACT OF LAND, SITUATED IN THE G. & S. N. CO. SURVEY NO. 5, (JAS. ALEXANDER), ABSTRACT NO. 778, COLORADO COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 144.000 AC. TRACT OF LAND CONVEYED FROM THE EVERETT AMMAN, TESTAMENTARY TRUST AND CELESTINA AMMANN TO EVERETT AMMAN, TESTAMENTARY TRUST, IN DEED DATED OCTOBER 19, 1983, RECORDED IN VOLUME 87, PAGE 376, OF THE OFFICIAL RECORDS OF COLORADO COUNTY, TEXAS; SAID 48.01 AC. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod called & found in the Southeast line of a called 187.8381 Ac. tract of land conveyed to Joe J. Janocka, Jr. (Vol. 833, Pg. 107; O.R.) for the Northwest corner of a called 328.109 Ac. tract of land conveyed to Celestina Ammann (Vol. 87, Pg. 376; O.R.), same being the North corner of said 144.000 Ac. tract, and the North corner hereof;

THENCE South 25 Deg. 01 Min. 57 Sec. East, 741.14 ft. (called South 22 Deg. 48 Min. 34 Sec. East, 741.14 ft.) to a 5/8 inch iron rod capped #8319, set for an interior corner of said 328.109 Ac. tract, same being the Northwest corner of a called 89.11 Ac. tract of land conveyed to Daria Juan Ammann (Vol. 843, Pg. 68; O.R.), the East corner of said 144.000 Ac. tract and the East corner hereof;

THENCE South 43 Deg. 03 Min. 25 Sec. West, 1131.32 ft. (called South 45 Deg. 18 Min. 48 Sec. West, 1131.32 ft.) to a 5/8 inch iron rod called & found for a corner of said 328.109 Ac. tract, same being a corner of said 89.11 Ac. tract, an interior corner of said 144.000 Ac. tract, and an interior corner hereof;

THENCE South 41 Deg. 56 Min. 44 Sec. East (called South 39 Deg. 42 Min. 21 Sec. East), with the alignment of COUNTY ROAD NO. 114 (meas. 80 ft. wide), 78.28 ft. (call & meas.) to a 5/8 inch iron rod called & found in the Northeast line of said COUNTY ROAD NO. 114, for an interior corner of said 328.109 Ac. tract, same being an interior corner of said 89.11 Ac. tract, a corner of said 144.000 Ac. tract, and a corner hereof;

THENCE South 43 Deg. 07 Min. 08 Sec. West (called South 45 Deg. 20 Min. 28 Sec. West), with the common line between said 144.000 Ac. tract and said 328.109 Ac. tract, same being with the Northwest line of said 89.11 Ac. tract, 63.17 ft. to a point in said COUNTY ROAD NO. 114, for the Northeast corner of a called 40.0 Ac. tract of land conveyed to Reynaldo Huerta (Vol. 743, Pg. 88; O.R.), same being the Southeast corner hereof;

THENCE North 48 Deg. 52 Min. 54 Sec. West, 47.44 ft. to a 5/8 inch iron rod capped #8319, set in the Northwest line of said COUNTY ROAD NO. 114, for an angle point in the North line of said 40.0 Ac. tract, same being an angle point hereof;

THENCE North 61 Deg. 31 Min. 22 Sec. West, 79.74 ft. to a 5/8 inch iron rod capped #8319, set for an angle point in the North line of said 40.0 Ac. tract, same being an angle point hereof;

THENCE North 76 Deg. 22 Min. 52 Sec. West, 849.73 ft. to a 5/8 inch iron rod capped #8319, set for an angle point in the North line of said 40.0 Ac. tract, same being an angle point hereof;

THENCE South 88 Deg. 52 Min. 82 Sec. West, 447.44 ft. to a 5/8 inch iron rod capped #8319, set for an interior corner of said 40.0 Ac. tract, same being the Southwest corner hereof;

THENCE North 39 Deg. 52 Min. 51 Sec. West, 742.88 ft. to a 5/8 inch iron rod capped #8319, set in the Southeast line of a called 74.2447 Ac. tract of land conveyed to Lawrence C. Shimok, etux (Vol. 888, Pg. 312; O.R.), same being in the Northwest line of said 144.000 Ac. tract, for the Northwest corner of said 40.0 Ac. tract, same being the West corner hereof;

THENCE North 66 Deg. 42 Min. 13 Sec. East (called North 68 Deg. 55 Min. 35 Sec. East), with the common line between said 74.2447 Ac. tract and said 144.000 Ac. tract, 1078.81 ft. to a 1/2 inch iron rod called & found for a common corner of said 74.2447 Ac. tract and said 187.8381 Ac. tract, same being an angle point in the Northwest line of said 144.000 Ac. tract, and an angle point hereof;

THENCE North 85 Deg. 52 Min. 14 Sec. East (called North 88 Deg. 06 Min. 37 Sec. East), with the common line between said 187.8381 Ac. tract and said 144.000 Ac. tract, 1358.81 ft. (call & meas.) to the PLACE OF BEGINNING and containing 48.01 Ac. of land.

EXHIBIT C
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ROBERT KOLACNY & ASSOC. LLC - LAND SURVEYORS

Registered Professional Land Surveyor
140 E. Houston Street - Waco, TX 77781 - (767) 532-6864 - Fax: (767) 533-4043

A 40.0 AC. TRACT OF LAND, SITUATED IN THE S. & E. N. 00. SURVEY NO. 5, (JAS ALEXANDER), ABSTRACT NO. 778, COLORADO COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 144.00 AC. TRACT OF LAND CONVEYED FROM THE EVERETT AMMAN, (L) AMPHARTY TRUST AND CELESTINA AMMANN TO EVERETT AMMAN, TESTAMENTARY TRUST, IN DEED DATED OCTOBER 19, 1983, RECORDED IN VOLUME 87, PAGE 375, OF THE OFFICIAL RECORDS OF COLORADO COUNTY, TEXAS; SAID 40.0 AC. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FOR REFERENCE begin at a 2 inch iron pipe called & found for the South corner of a called 74.2447 Ac. tract of land conveyed to Lawrence C. Ghimel, et al (Vol. 589, Pg. 312; O.R.), same being the West corner of said 144.00 Ac. tract and the West corner of a called 25.00 Ac. tract of land, surveyed by this Firm: August 9, 2012:

TRENCH North 68 Deg. 43 Min. 13 Sec. East (called North 68 Deg. 56 Min. 35 Sec. East), with the common line between said 74.2447 Ac. tract and said 144.00 Ac. tract, at 470.53 ft. pass a 3/8 inch iron rod capped #5319, set on line, at 731.3 ft. pass the centerline of PIN OAK CREEK for the North corner of said 25.00 Ac. tract, same being the West corner of a 30.00 Ac. tract of land conveyed to James K. Patten, et al (Vol. 710, Pg. 899; O.R.), at 1044.8 ft. pass a 5/8 inch iron rod capped #5319, set on line, and in line, 1182.7 ft. to a 5/8 inch iron rod capped #5319, set for the North corner of said 30.00 Ac. tract, same being the West and **BEGINNING** corner hereof.

TRENCH North 68 Deg. 47 Min. 13 Sec. East (called North 68 Deg. 56 Min. 35 Sec. East), continuing with the common line between said 74.2447 Ac. tract and said 144.00 Ac. tract, at 713.59 ft. pass a 3/8 inch iron rod capped #5319, set on line, and in line, 736.92 ft. to a point for the Northwest corner hereof;

TRENCH South 28 Deg. 52 Min. 51 Sec. East, 742.66 ft. to a 5/8 inch iron rod capped #5319, set for an interior corner hereof;

TRENCH North 58 Deg. 52 Min. 02 Sec. East, 447.44 ft. to a 3/8 inch iron rod capped #5319, set for a corner hereof;

TRENCH South 76 Deg. 22 Min. 52 Sec. East, 848.73 ft. to a 5/8 inch iron rod capped #5319, set for an angle point hereof;

TRENCH South 51 Deg. 31 Min. 22 Sec. East, 78.74 ft. to a 5/8 inch iron rod capped #5319, set in the Northwest line of said COUNTY ROAD NO. 114, for an angle point hereof;

TRENCH South 48 Deg. 09 Min. 34 Sec. East, 47.44 ft. to a point in said COUNTY ROAD NO. 114, same being in the Southeast line of said SURVEY NO. 5, and in the Southeast line of said 144.00 Ac. tract for the Northwest corner hereof;

TRENCH South 43 Deg. 07 Min. 08 Sec. West (called South 43 Deg. 20 Min. 29 Sec. West), with the Southeast line of said SURVEY NO. 5, same being with the Southeast line of said 144.00 Ac. tract, and with said COUNTY ROAD NO. 114, 1435.64 ft. to a point for the East corner of said 30.00 Ac. tract, same being the Southeast corner hereof;

TRENCH North 48 Deg. 59 Min. 34 Sec. West, with the Northwest line of said 30.00 Ac. tract, at 28.66 ft. pass a 5/8 inch iron rod capped #5319, set in the Northwest line of said COUNTY ROAD NO. 114, and in line, 2018.66 ft. to the **PLACE OF BEGINNING** and containing 40.0 Ac. of land.

NOTE: Bearings are based on the Texas Coordinate System of 1883, Texas South-Central Zone.

NOTE: A Plat accompanies this Metes & Bounds description.

I, Robert W. Kolacny, Registered Professional Land Surveyor No. 5319, do hereby certify that the foregoing Field Note Description correctly describes results of a survey made under my supervision on the ground, March 12, 2013.

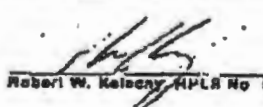

Robert W. Kolacny, RPLS No. 5319



EXHIBIT D
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A 35.65 AC. TRACT OF LAND, SITUATED IN THE J.D. SCHULZE SURVEY, ABSTRACT NO. 648, AND IN THE J.I. DILLY (I.R.R.) SURVEY NO. 24, ABSTRACT NO. 855, COLORADO COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 329.109 AC. TRACT OF LAND CONVEYED FROM EVERETT AMMANN TESTAMENTARY TRUST & CELESTINA AMMANN TO CELESTINA AMMANN IN DEED DATED OCTOBER 19, 1993, RECORDED IN VOLUME 87, PAGE 370, OF THE OFFICIAL RECORDS OF WHARTON COUNTY, TEXAS; BEING ALSO A PORTION OF THAT CERTAIN CALLED 89.11 AC. TRACT OF LAND CONVEYED FROM NATALIE LITTON TO SHIMEK INVESTMENTS, LP IN DEED DATED APRIL 27, 2012, RECORDED IN VOLUME 693, PAGE 841, OF THE OFFICIAL RECORDS OF COLORADO COUNTY, TEXAS; SAID 35.65 AC. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the centerline of COUNTY ROAD NO. 114 (mess. 50 ft. wide), same being in the Southeast line of the JAS. ALEXANDER (G&B CO.) SURVEY NO. 5, ABSTRACT NO. 776, in the Southeast line of a called 144.00 Ac. tract of land conveyed to the Everett Ammann Testamentary Trust (Vol. 87, Pg. 375; O.R.), and in the Southeast line of a called 30.00 Ac. tract of land conveyed to Jason K. Pawlik, etux (Vol. 710, Pg. 900; O.R.), for a common corner of said DILLY SURVEY and the G&B CO. SURVEY NO. 5, ABSTRACT NO. 912, same being the West corner of said 329.109 Ac. tract, the West corner of said 89.11 Ac. tract, and the West corner hereof;

THENCE North 43 Deg. 07 Min. 06 Sec. East (called North 45 Deg. 20 Min. 29 Sec. East), with the common line between said SURVEY NO. 5, and said DILLY SURVEY, and its extension thereof, same being with the common line between said SURVEY NO. 5, and said SCHULZE SURVEY, with the common line between said 144.00 Ac. tract and said 329.109 Ac. tract, with a line in said COUNTY ROAD NO. 114 (Northeast - Southwest segment), and with the common line between said 30.00 Ac. tract, a called 40.0 Ac. tract of land conveyed to Reynaldo Huerta (Vol. 742, Pg. 89; O.R.), and said 89.11 Ac. tract, 1560.81 ft. to a 1/2 inch iron rod capped #5319, set in the centerline of said COUNTY ROAD NO. 114 (Southeast - Northwest segment), for the North corner hereof; from which corner, a 5/8 inch iron rod called & found for a common corner of said 144.00 Ac. tract and said 329.109 Ac. tract, same being an interior corner of said 89.11 Ac. tract bears, North 43 Deg. 07 Min. 06 Sec. East, 25.09 ft.;

THENCE South 41 Deg. 55 Min. 44 Sec. East, with the centerline of said COUNTY ROAD NO. 114 (Southeast - Northwest segment), 1029.30 ft. to a 1/2 inch iron rod capped #5319, set for the East corner hereof, a point in the Southeast line of said 89.11 Ac. tract; from which corner, an interior corner of said 89.11 Ac. tract, same being an interior corner of said 329.109 Ac. tract, and the Northwest corner of a called 831.700 Ac. tract of land conveyed to the Everett Ammann Testamentary Trust & Celestine Ammann (Vol. 87, Pg. 364; O.R.), bears, North 43 Deg. 18 Min. 07 Sec. East, 11.93 ft.;

THENCE South 43 Deg. 18 Min. 07 Sec. West (called South 45 Deg. 30 Min. West), with the Southeast line of said 89.11 Ac. tract, at 25.09 ft. pass a 5/8 inch iron rod capped #5319, called & found in the Southwest line of said COUNTY ROAD NO. 114, at 868.27 ft. pass a 1/2 inch iron rod capped #5319, set on line, at 706.38 ft. pass a 1/2 inch iron rod capped #5319, set on line, at 839.14 ft. pass a 1/2 inch iron rod capped #5319, set on line, and in all 1475.03 ft. to a 1/2 inch iron rod capped #5319, set in the common line between said DILLY SURVEY and said SURVEY NO. 5, for the West corner of said 831.700 Ac. tract, same being the Southwest corner of said 329.109 Ac. tract, the Southwest corner of said 89.11 Ac. tract, and the South corner hereof;

THENCE North 46 Deg. 41 Min. 53 Sec. West (called North 44 Deg. 28 Min. 30 Sec. West), with the common line between said DILLY and said SURVEY NO. 5, at 996.14 ft. pass a 5/8 inch iron rod capped #5319, called & found in the Southeast line of said COUNTY ROAD NO. 114, and in all 1020.74 ft. (call & mess.) to the **PLACE OF BEGINNING** and containing 35.65 Ac. of land.

NOTE: A Plat accompanies this Metes & Bounds description.
 Bearings are based on the Texas Coordinate System of 1983, Texas South-Central Zone.
 Unless this Metes and Bounds Description (Field Note Description), including preamble, seal and signature, appears in its entirety, and in its original form, Surveyor assumes no responsibility or liability for its accuracy.

I, Robert W. Kolacny, Registered Professional Land Surveyor No. 5319, do hereby certify that the foregoing Field Note Description correctly describes results of a Survey made under my supervision on the ground, December 16, 2018.



Robert W. Kolacny, RPLS No. 5319



EXHIBIT E
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