

CAUSE NOS. 003-3180-2008

COLLIN COUNTY, TEXAS	§	IN THE COUNTY COURT
	§	
Condemnor,	§	
	§	
v.	§	AT LAW NO. 3
	§	
R & D AYCOCK, LTD., LP, a	§	
Nevada Limited Partnership,	§	
	§	
Condemnee.	§	COLLIN COUNTY, TEXAS

AGREED FINAL JUDGMENT

The Court has been advised by the parties that the matters in controversy between them have been resolved and the parties have requested the entry of a Final Judgment in the form set forth herein. It is therefore

ORDERED, ADJUDGED AND DECREED that Collin County, Texas have and recover from R & D Aycok, Ltd., LP fee simple title (excluding from said estate to be condemned all the oil, gas, and sulphur which can be removed from beneath said land, aforesaid without any right whatever remaining in the owner of such oil, gas, and sulphur of ingress or egress to or from the surface of said land for the purpose of exploring, developing, drilling, pumping, extracting, storing or mining the same) in and to the properties described in Exhibits "1" through "4" attached hereto and incorporated herein for all purposes by this reference, situated in Collin County, Texas (hereinafter collectively referred to as the "Property"); it is further

ORDERED, ADJUDGED AND DECREED that the fee simple title (excluding from said estate to be condemned all the oil, gas, and sulphur which can be removed from beneath said land, aforesaid without any right whatever remaining in the owner of such oil, gas, and sulphur of ingress or egress to or from the surface of said land for the purpose of exploring, developing, drilling, pumping, extracting, storing or mining the same) to the Property is hereby decreed to and vested in Collin County, Texas; it is further

ORDERED, ADJUDGED AND DECREED that R & D Aycock, Ltd., LP is entitled to compensation from Collin County, Texas in the total sum of ONE MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND EIGHTY-EIGHT AND 00/100 DOLLARS (\$1,475,088.00) for the interests in the Property herein condemned; it is further

ORDERED, ADJUDGED AND DECREED that Collin County, Texas is entitled to credit against such sum the total amount of ONE MILLION THREE HUNDRED EIGHTY-SIX THOUSAND THREE HUNDRED THIRTY-SIX AND 00/100 DOLLARS (\$1,386,336.00) which Collin County, Texas has already deposited into and which R & D Aycock, Ltd., LP has withdrawn from the registry of this Court; it is therefore

ORDERED, ADJUDGED AND DECREED that R & D Aycock, Ltd., LP have and recover from Collin County, Texas the unpaid balance of EIGHTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-TWO AND 00/100 DOLLARS

(\$88,752.00) for the Property as full compensation for the condemnation thereof; it is further

ORDERED, ADJUDGED AND DECREED that upon payment by Collin County, Texas to R & D Aycock, Ltd., LP of the unpaid balance of EIGHTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-TWO AND 00/100 DOLLARS (\$88,752.00), either directly to R & D Aycock, Ltd., LP or deposited into the registry of this Court, the Condemnor, Collin County, Texas, shall stand RELEASED and DISCHARGED of its constitutional obligation to pay such compensation for the taking of the Property for public use; it is further

ORDERED, ADJUDGED AND DECREED that, upon the deposit by Collin County, Texas of the unpaid balance into the registry of this Court, then R & D Aycock, Ltd., LP is authorized by this Judgment to withdraw such funds and the clerk of the Court is directed to pay such funds to R & D Aycock, Ltd., LP; it is further

ORDERED, ADJUDGED AND DECREED that, in the event Collin County, Texas fails to deposit the unpaid balance into the registry of this Court or otherwise satisfy this Judgment within 30 days of the date hereof, then R & D Aycock, Ltd., LP shall be entitled to such writs and process as are necessary for the enforcement of this Judgment; it is further

ORDERED, ADJUDGED AND DECREED that all costs of this proceeding be, and the same are hereby, taxed against the party incurring same.

This is a full and final judgment dispensing with all claims of all parties herein. Any request for relief not granted herein is denied.

Signed this ___ day of July, 2010.

JUDGE JOHN BARRY
County Court at Law No. 3
Collin County, Texas

AGREED:



Keith Self, County Judge

Baxter W. Banowsky
State Bar No. 00783593

BANOWSKY & LEVINE, P.C.
12801 N. Central Expressway
Suite 1700
Dallas, Texas 75243
(214) 871-1300
(214) 871-0038 (fax)

ATTORNEYS FOR COLLIN COUNTY

Clay Beard
State Bar No. 01973525
Glenn Sodd
State Bar No. 24037083
Jody McSpadden
State Bar No. 24037083
Jason Sodd
State Bar No. 24034684

**Dawson, Sodd, Beard,
McSpaden & Sodd, P.C.**
P.O. Box 837
Corsicana, Texas 75151

**ATTORNEY FOR LANDOWNER
R & D AYCOCK, LTD., LP**

FIELD NOTES

Parcel No. 15 Right of Way
39.766 Acres

SITUATED IN THE STATE OF TEXAS, COUNTY OF COLLIN, OUT OF THE D.E.W. BABB SURVEY, ABSTRACT NUMBER 33, BEING PART OF THAT TRACT OF LAND CONVEYED TO R & D AYCOCK, LTD., LP BY DEED OF RECORD IN VOLUME 5251, PAGE 5302, ALL REFERENCES BEING TO THE RECORDS OF THE RECORDER'S OFFICE, COLLIN COUNTY, TEXAS, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron rod found at a northeasterly corner of that tract conveyed to R&D Aycock, Ltd. by deed of record in Volume 5105, Page 2819, the northwesterly corner of said R & D Aycock, Ltd., LP tract, in the southerly line of that tract conveyed to JNC Partners, LLC by deed of record in Volume 5785, Page 3731;

THENCE South 89°39'12" East, with said southerly line, a distance of 2076.95 feet to a ½" iron rod found;

THENCE South 89°28'40" East, with said southerly line, a distance of 1380.35 feet to a ½" iron rod found in the centerline of County Road 418;

THENCE South 00°09'04" East, with said centerline, a distance of 500.04 feet to an iron rod set;

THENCE crossing said R & D Aycock, Ltd., LP tract the following courses and distances:

North 89°28'40" West, a distance of 1385.46 feet to an iron rod set;

North 89°39'12" West, a distance of 1417.42 feet to an iron rod set at a point of curvature to the left; and

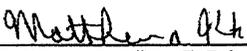
With the arc of said curve, (Delta = 03°11'03", Radius = 11750.00 feet) a chord bearing and distance of South 88°45'16" West, 652.91 feet to an iron rod set in an easterly line of said R&D Aycock, Ltd. tract;

THENCE North 00°19' 41" West, with said easterly line, a distance of 518.18 feet to the POINT OF BEGINNING, containing 39.766 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron rods set, where indicated, are ½ inch diameter, solid iron rods, 24 inches long with a plastic cap bearing the initials G&A placed on the top.

Bearings for this description were transferred from a field traverse originating from and tying to TXDOT control monuments, including monument numbers R0430030, R0430040, R0430050 and CR-476-1, and are based on the Texas State Plane Coordinate System, North Central Zone, as per NAD 83.

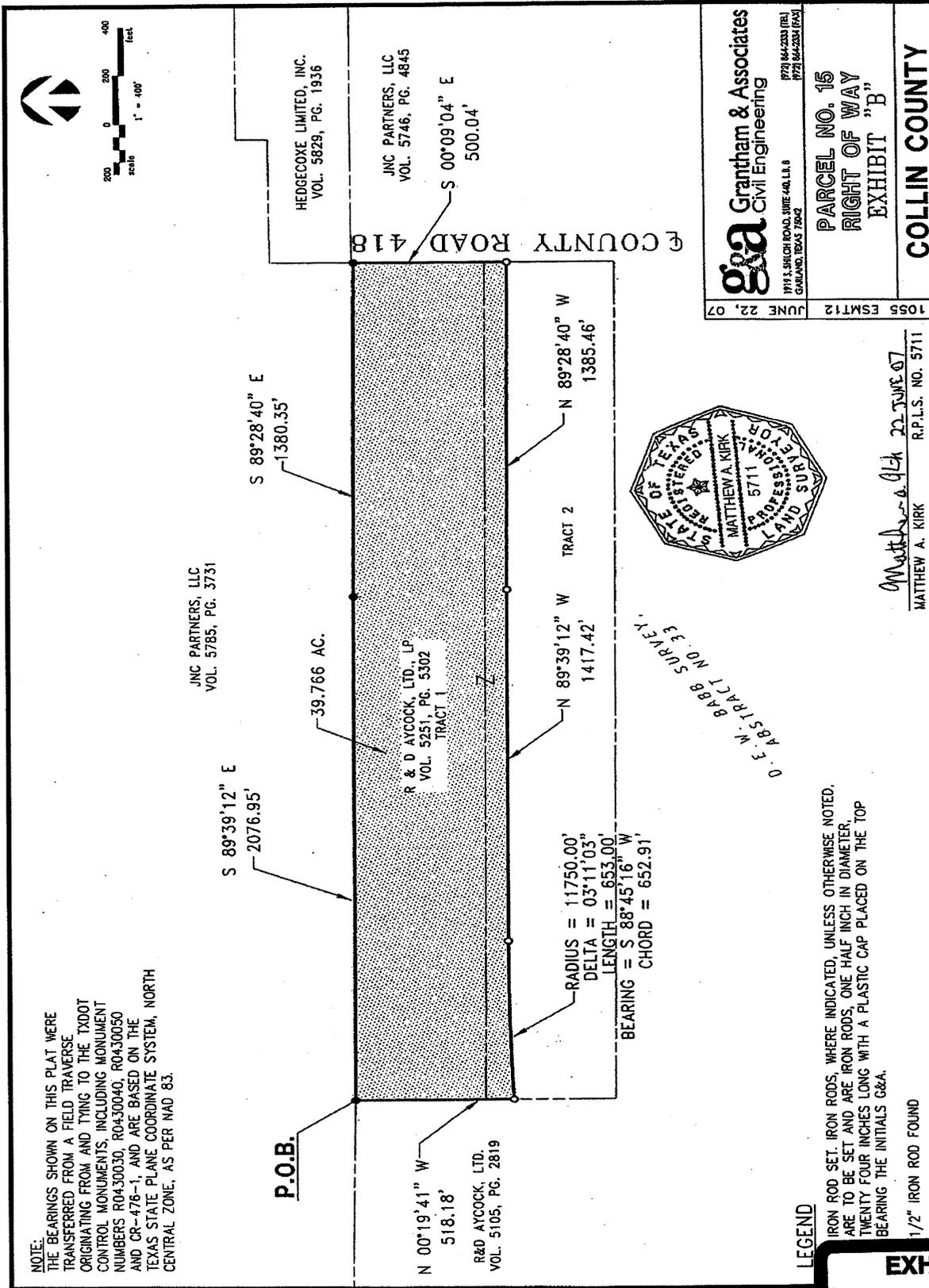

Matthew A. Kirk, R.P.L.S. No. 5711
Grantham & Associates, Inc.



22 JUNE 07
Date



PARCEL SKETCH



tabbles®

EXHIBIT

2

FIELD NOTES - CONTINUED

Parcel No. 16 Right of Way
21.696 Acres

SITUATED IN THE STATE OF TEXAS, COUNTY OF COLLIN, OUT OF THE D.E.W. BABB SURVEY, ABSTRACT NUMBER 33, BEING PART OF THAT TRACT OF LAND CONVEYED TO R&D AYCOCK, LTD., BY DEED OF RECORD IN VOLUME 5105, PAGE 2819, ALL REFERENCES BEING TO THE RECORDS OF THE RECORDER'S OFFICE, COLLIN COUNTY, TEXAS, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron rod found at a northeasterly corner of that tract conveyed to The Hixon Family Partnership, Ltd. by deed of record in Volume 5063, Page 4061, the northwesterly corner of said R&D Aycock, Ltd., tract, in the southerly line of that tract conveyed to JNC Partners, LLC by deed of record in Volume 5785, Page 3731;

THENCE South 89°02'34" East, with said southerly line, a distance of 1661.06 feet to a ½" iron rod found at the northwesterly corner of that tract conveyed to R & D Aycock, Ltd., LP by deed of record in Volume 5251, Page 5302;

THENCE South 00°19'41" East, with the westerly line of said R & D Aycock, Ltd., LP tract, a distance of 518.18 feet to an iron rod set;

THENCE crossing said R&D Aycock, Ltd. tract the following courses and distances:

With the arc of a curve to the left, (Delta = 01°17'33", Radius = 11750.00 feet) a chord bearing and distance of South 86°30'58" West, 265.06 feet to an iron rod set at a point of reverse curvature;

With the arc of said curve, (Delta = 06°35'40", Radius = 12250.00 feet) a chord bearing and distance of South 89°10'00" West, 1409.11 feet to an iron rod set in an easterly line of said Hixon tract;

THENCE North 00°57' 26" East, with said easterly line, a distance of 582.60 feet to the POINT OF BEGINNING, containing 21.696 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron rods set, where indicated, are ½ inch diameter, solid iron rods, 24 inches long with a plastic cap bearing the initials G&A placed on the top.

Bearings for this description were transferred from a field traverse originating from and tying to TXDOT control monuments, including monument numbers R0430030, R0430040, R0430050 and CR-476-1, and are based on the Texas State Plane Coordinate System, North Central Zone, as per NAD 83.

Matthew A. Kirk
Matthew A. Kirk, R.P.L.S. No. 5711
Grantham & Associates, Inc.



22 JUNE 07
Date



PARCEL SKETCH - CONTINUED

