

6

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

**AFFIDAVIT OF FACT
CONCERNING
VICK CEMETERY**

BEFORE ME, the undersigned, being duly sworn, depose and say:

"The Vick Cemetery was established soon after Vick descendants arrived in Montgomery County, Texas in 1860, and it has been continuously used as a cemetery since 1860.

"In the early days of the cemetery, individual plots were fenced with decorative wire, shrubs or stones.

"The perimeter of the cemetery was first fenced in the early 1940s by William Arthur Vick using barbed wire and treated posts.

"The barbed wire perimeter fence was replaced in the 1950s with a chain link fence which remains in place today.

"Recently, Joe A. McDaniel, a registered public surveyor, was asked by the undersigned to prepare a legal metes and bounds description of all area within the chain link fence encompassing Vick Cemetery, which description for Vick Cemetery is attached to this Affidavit as EXHIBIT "A".

"On this date, Vick Cemetery Association purchased an additional 0.410 acre tract of land, together with two road easements, from Dale Warren Minnis for cemetery use, and the description of such additional property is described in EXHIBIT "B" attached hereto.

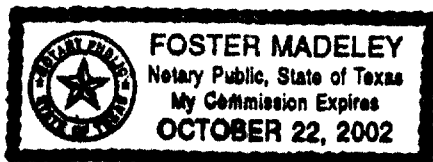
"Further affiants sayeth not."

DATED this the 5th day of September, 2001.

Moogene Vick Macias
Affiant - **MOGENE VICK MACIAS**

Dave Freeman
Affiant - **DAVE FREEMAN**

SWORN TO AND SUBSCRIBED BEFORE ME on this the 5th day of SEPTEMBER, 2001.

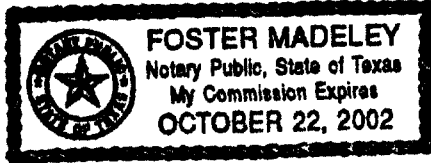


Foster Madeley
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

Acknowledgment

This instrument was acknowledged before me on the 5th day of September, 2001,
by IMOGENE VICE MACIAS and DAVE FREEMAN.





NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING,
PLEASE RETURN TO:
FOSTER MADELEY
Attorney at Law
300 W. Davis, Suite 403
Conroe, Texas 77301

FM:jks

EXHIBIT "A"

JOE A. McDANIEL
12010 Highway 105 E.
Conroe, Texas 77306
(936) 539-6656 Fax (936) 441-6656
August 9, 2001

Vick Cemetery
0.992 Acre Tract

Being 0.992 acres of land (Vick Cemetery) and being situated in the Duncan McIntyre Survey A-386, Montgomery County, Texas : more fully described as follows ;

COMMENCING : at an iron rod in the South Line of a Road being the Northeast Corner of a 27.263 acre tract recorded in film code 413-01-1348, Real Property Records, Montgomery County, Texas ;

THENCE : N 89° 10' 35" W 452.28 feet following the South line of above said Road to a railroad spike set for the Northwest Corner of a 0.195 acre Road easement and the Northeast Corner of Vick Cemetery and being the PLACE OF BEGINNING ;

THENCE : S 03° 36' 31" E at 25.00 feet passing a 5/8" iron rod set as a reference point and continuing in all a total distance of 240.50 feet following a chain link fence to a 5/8" iron rod being the Southeast Corner of above said Vick Cemetery ;

THENCE : S 88° 44' 15" W 180.10 feet following a chain link fence to a 5/8" iron rod found being the Southwest Corner of above said Vick Cemetery ;

THENCE : N 02° 24' 00" W at 221.73 feet passing a 5/8" iron rod set as a reference point and continuing in all a total distance of 246.73 feet to a railroad spike set in Vick Road being the Northwest Corner of above said Vick Cemetery ;

THENCE : S 89° 10' 35" E 175.27 following above said Road to the PLACE OF BEGINNING, containing 0.992 acres of land .

FILE NO. : M38646D

EXHIBIT "B"

Page 1 of 3

JOE A. McDANIEL
12010 Highway 105 E.
Conroe, Texas 77306
(936) 539-8858 Fax (936) 441-8656
August 9, 2001

0.410 Acre Tract

Being 0.410 acres of land, being out of and a part of a 27.263 acre tract described in film code No. 413-01-1348, Real Property Records, Montgomery County, Texas and being situated in the Duncan McIntyre Survey A-386, Montgomery County, Texas: more fully described as follows;

COMMENCING : at an iron rod in the South Line of a Road being the Northeast Corner of the above said 27.263 acre tract;

THENCE : N 89° 10' 35" W 452.28 feet following the South line of above said Road to a rail road spike set for the Northwest Corner of a 0.195 acre Road easement and the Northeast Corner of Vick Cemetery;

THENCE : S 03° 36' 31" E at 25.00 feet passing a 5/8" iron rod set as a reference point and continuing in all a total distance of 240.50 feet following a chain link fence to a 5/8" iron rod being the Southeast Corner of Vick Cemetery and the Northeast Corner of the herein described tract and being the **PLACE OF BEGINNING**;

THENCE : S 03° 36' 31" E 100.97 feet to a 5/8" iron rod set being the Southeast Corner of the herein described tract;

THENCE : S 85° 12' 13" W 156.43 feet to a 5/8" iron rod set for the Southwest Corner of the herein described tract;

THENCE : N 15° 31' 32" W 114.04 feet to a 5/8" iron rod found being the Southwest Corner of above said Vick Cemetery and the Northwest Corner of the herein described tract;

THENCE : N 88° 44' 15" E 180.10 feet following a chain link fence to the **PLACE OF BEGINNING** containing 0.410 acres of land.

FILE NO. : M38646C

EXHIBIT "B"

Page 2 of 3

JOE A. McDANIEL
12010 Highway 105 E.
Conroe, Texas 77308
(936) 539-6656 Fax (936) 441-6656
August 9, 2001

**0.208 Acre Tract
25.00 Foot Wide Road Easement**

Being 0.208 acres of land, being a 25.00 foot wide strip of land to be used for ingress and egress to Vick Cemetery, being out of and a part of a 27.263 acre tract described in film code No. 413-01-1348, Real Property Records, Montgomery County, Texas and being situated in the Duncan McIntyre Survey A-386, Montgomery County, Texas: more fully described as follows;

COMMENCING: at an iron rod in the South Line of a Road being the Northeast Corner of the above said 27.263 acre tract;

THENCE: N 89° 10' 35" W 627.55 feet following the South line of above said Road to a rail road spike set for the Northeast Corner of the herein described Road easement and the PLACE OF BEGINNING;

THENCE: N 89° 10' 35" W 25.04 feet following the South Line of above said Road to a rail road spike set for the Northwest Corner of the herein described easement;

THENCE: S 02° 24' 00" E at 25.00 feet passing a 5/8" iron rod set as a reference point and continuing in all a total distance of 251.01 feet to a 5/8" iron rod set being an angle point;

THENCE: S 15° 31' 32" E 112.18 feet to a 5/8" iron rod set for the Southwest Corner of the herein described easement;

THENCE: N 85° 12' 13" E 25.44 feet to a 5/8" iron rod set for the Southeast Corner of the herein described easement;

THENCE: N 15° 31' 32" W 114.04 feet to a 5/8" iron rod found being an angle point;

THENCE: N 02° 24' 00" W at 221.73 feet following a chain link fence and passing a 5/8" iron rod set as a reference point and continuing in all a total distance of 246.73 feet to the PLACE OF BEGINNING, containing 0.208 acres of land.

FILE NO. : M38646B

EXHIBIT "B"

Page 3 of 3

JOE A. McDANIEL
 12010 Highway 105 E.
 Conroe, Texas 77306
 (936) 539-6656 Fax (936) 441-6656
 August 9, 2001

0.195 Acre Tract
 25.00 Foot Wide Road Easement

Being 0.195 acres of land, being a 25.00 foot wide strip of land to be used for ingress and egress to Vick Cemetery, being out of and a part of a 27.263 acre tract described in film code No. 413-01-1346, Real Property Records, Montgomery County, Texas and being situated in the Duncan McIntyre Survey A-386, Montgomery County, Texas: more fully described as follows;

COMMENCING: at an iron rod in the South Line of a Road being the Northeast Corner of the above said 27.263 acre tract;

THENCE: N 89° 10' 35" W 427.21 feet following the South line of above said Road to a rail road spike set for the Northeast Corner of the herein described Road easement and the PLACE OF BEGINNING;

THENCE: N 89° 10' 35" W 25.07 feet following the South Line of above said Road to a rail road spike set for the Northwest Corner of the herein described easement;

THENCE: S 03° 36' 31" E at 25.00 feet passing a 5/8" iron rod set as a reference point and continuing in all a total distance of 341.47 feet to a 5/8" iron rod set for the Southwest Corner of the herein described tract;

THENCE: N 85° 12' 13" E 25.01 feet to a 5/8" iron rod set for the Southeast Corner of the herein described tract;

THENCE: N 03° 36' 31" W at 314.02 feet passing a 5/8" iron rod set as a reference point and continuing in all a total distance of 339.02 feet to the PLACE OF BEGINNING, containing 0.195 acres of land.

FILE NO. : M38646A

FILED FOR RECORD

2001 SEP -6 PM 3:15

Mark Turball
 COUNTY CLERK
 MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in
 File Number Sequence on the date and at the time
 stamped herein by me and was duly RECORDED in
 the Official Public Records of Real Property at
 Montgomery County, Texas.

SEP - 6 2001

*Mark Turball*

County Clerk
 Montgomery County, Texas