

# NOTICE OF FORECLOSURE SALE

26 JUN -3 AM 9:37

**DATE OF SALE: July 7, 2026**

KIMBERLY WISE  
CO. CLERK, MARION CO.

BY \_\_\_\_\_ DEPUTY

**DEED OF TRUST:**

Dated: August 14, 2023

Grantor: Base EngageR, LLC, James Kenneth McIntosh as Managing Member

Trustee: PEGGY S. GARMON

Lender: JOHN ELLIOTT DEAN

Recorded in: Deed of Trust dated August 14, 2023 and recorded in Volume 1066, Page 703, Real Property Records, Marion County, Texas, being in renewal and extension of Deed of Trust dated February 25, 2021, recorded in Volume 1016, Page 25, Real Property Records, Marion County, Texas

Legal Description: **See Exhibit A** attached hereto, describing the real property, improvements, and personal property, if any, described in and mortgaged in the Deed of Trust, including all rights and appurtenances thereto.

Secures: Promissory Note ("Note") dated August 14, 2023, in the original principal amount of \$621,800.00, executed by Base EngageR, LLC, by James Kenneth McIntosh, Managing Member ("Borrower") and payable to the order of Lender

Modifications and Renewals: As used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed, and/or extended

Guaranty: The Note is personally guaranteed by a Guaranty Agreement dated August 14, 2023, and executed by JAMES KENNETH McINTOSH in favor of Lender

Trustee: PEGGY S. GARMON

Trustee's Address: 312 N. Titus Street, Gilmer, TX, 75644

**FORECLOSURE SALE:**

**Date:** Tuesday, July 7, 2026

**Time:** The sale of the Property will be held between the hours of **10:00 A.M. and 4:00 P.M.** local time; the earliest time at which the Foreclosure Sale will begin is **10:00 a.m. and not later than three hours thereafter.**

**Place:** 114 West Austin Street, Thomas Jefferson Park, Jefferson, Marion County, Texas (or at the Marion County Courthouse in the area designated for the conduct of foreclosure sales by the Commissioners of Marion County).

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash (or certified cashier's check from a local financial institution), except that JOHN ELLIOTT DEAN's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, JOHN ELLIOTT DEAN, the Lender, owner and holder of the Note, has requested Trustee to sell the Property at public auction to the highest bidder for cash.

The Deed of Trust encumbers real property. However, if any personal property is located on said real property, formal notice is hereby given of JOHN ELLIOTT DEAN's election to proceed against and sell both the real property and any personal property, if any, described in the Deed of Trust in accordance with JOHN ELLIOTT DEAN's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If JOHN ELLIOTT DEAN passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

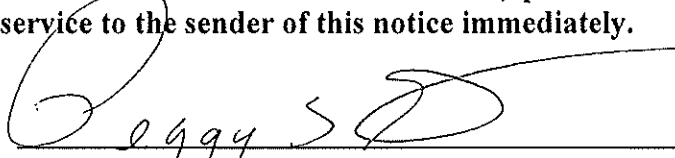
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by

JOHN ELLIOTT DEAN. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

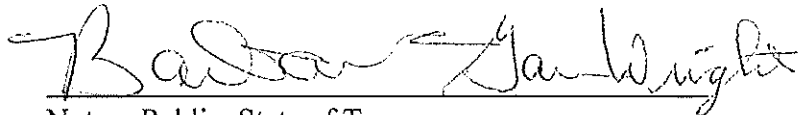
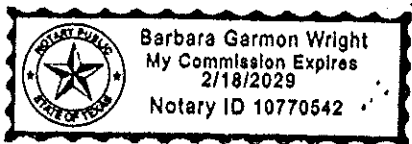
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the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



PEGGY S. GARMON, Attorney at Law  
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[psgarmon@aol.com](mailto:psgarmon@aol.com)

STATE OF TEXAS       §  
                                  §  
COUNTY OF UPSHUR   §

This instrument was acknowledged before me on June 1, 2026, by Peggy S. Garmon.



Notary Public, State of Texas

## EXHIBIT A

### TRACT 1:

Being a lot, tract or parcel of land situated in the Joseph Harrell Survey, Abstract No. 211, the John Caldwell Survey, Abstract No. 068, the John Shoemaker Survey, Abstract No. 349, the J.H. Sutton Survey, Abstract No. 360, and the E. Hamilton Survey, Abstract No. 182, Marion County, Texas, and being all of that certain called 309.61 acre tract, called Tract One, and 12.47 acre tract, called Tract Two, conveyed from Charles Fohl et ux to Harold Nix, by Warranty Deed with Vendor's Lien, as recorded in Volume 910, Page 661, Official Public Records, Marion County, Texas, and being all of that certain called 0.48 acre tract of land conveyed from Historic Jefferson Foundation to Harold Nix, by Warranty Deed, as recorded in Volume 944, Page 414, Official Public Records, Marion County, Texas, and being all of a called 17.699 acre tract conveyed from Charles Fohl et ux to Harold Nix, by Warranty Deed, as recorded in Volume 910, Page 676, Official Public Records, Marion County, Texas, and being all of that certain called 0.25 acre tract of land conveyed from Danny Nix to Harold Nix, by Deed Without Warranty, as recorded in Volume 916, Page 299, Official Public Records, Marion County, Texas, and also being all of that certain called 6.430 acre tract conveyed from Charles Fohl et ux to Harold Nix, by Deed Without Warranty, as recorded in Volume 910, Page 680, Official Public Records, Marion County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at an ell corner of said 309.61 acre tract and a Southwest corner of a called 237.71 acre tract, called Tract No. 13, conveyed to the Terry Family Partnership LTD, by deed as recorded in Volume 561, Page 223, Deed Records, Marion County, Texas;

THENCE, North 88 Degrees 48 Minutes 20 Seconds East, with a line common to said 309.61 acre tract, and said 237.71 acre tract, a distance of 2,139.08 feet to a 1/2 inch iron rod found with plastic cap stamped (CBG INC) at a Northeast corner of said 309.61 acre tract, and a Northwest corner of a called 298 acre tract, called Tract No. 14, conveyed to the Terry Family Partnership LTD, by deed as recorded in Volume 561, Page 223, Deed Records, Marion County, Texas;

THENCE, South 01 Degrees 58 Minutes 51 Seconds East, with a line common to said 309.61 acre tract, and said 298 acre tract, a distance of 3,378.48 feet to a 1/2 inch iron rod found with plastic cap stamped (CBG INC) at a Southeast corner of said 309.61 acre tract, and a Southwest corner of said 298 acre tract, said point being in the North line of said 12.47 acre tract;

THENCE, North 76 Degrees 39 Minutes 49 Seconds East, with a line common to said 12.47 acre tract, and said 298 acre tract, a distance of 1,126.63 feet to a 1/2 inch iron rod found with a plastic cap stamped (ET SURVEY) at the Northeast corner of said 12.47 acre tract, and the Northwest corner of said 6.430 acre tract;

THENCE, North 76 Degrees 47 Minutes 23 Seconds East, with a line common to said 6.430 acre tract, and said 298 acre tract, a distance of 416.10 feet to a 1/2 inch iron rod found with a plastic cap stamped (ET SURVEY) at the Northeast corner of said 6.430 acre tract, and the Northwest corner of said 17.699 acre tract;

THENCE, North 76 Degrees 46 Minutes 48 Seconds East, with a line common to said 17.699 acre tract, and said 298 acre tract, a distance of 895.48 feet to a 3/8 inch iron rod found at the Northeast corner of said 17.699 acre tract, and the Northwest corner of a called 22.25 acre tract once conveyed to David Key, by deed as recorded in Volume 330, Page 222, Deed Records, Marion County, Texas;

THENCE, South 03 Degrees 25 Minutes 48 Seconds East, with a line common to said 17.699 acre tract, said 22.25 acre tract, and said 0.25 acre tract, a distance of 1,024.50 feet to a 1/2 inch iron rod found with a plastic cap stamped (ET SURVEY) at the Southeast corner of said 17.699 acre tract, said point being int the North line of the Kansas City Southern Railroad;

THENCE, North 85 Degrees 21 Minutes 39 Seconds West, with a line common to said 17.699 acre tract, said 6.430 acre tract, said 12.47 acre tract, and said railroad, a distance of 2,668.32 feet to a 1/2 Inch iron rod found with a plastic cap stamped (ET SURVEY) at the Southwest corner of said 12.47 acre tract, said point being in the East line of an original called 110 acre tract described in a deed into REC Interests Inc., by deed as recorded in Volume 592, Page 472, Deed Records, Marion County, Texas;

THENCE, North 03 Degrees 24 Minutes 37 Seconds West, with a line common to said 12.47 acre tract, and said 110 acre tract, a distance of 191.34 feet to a 1/2 inch iron rod found with a plastic cap stamped (ET SURVEY) at the Northwest corner of said 12.47 acre tract and the Northeast corner of said 110 acre tract, said point being in a South line of said 309.61 acre tract;

THENCE, South 76 Degrees 18 Minutes 10 Seconds West, with a line common to said 309.61 acre tract, and said 110 acre tract, a distance of 602.20 feet to a 1/2 inch iron rod found at an angle point in a South line of said 309.61 acre tract, said point being in the North line of said railroad;

THENCE, North 85 Degrees 21 Minutes 39 Seconds West, with a line common to said 309.61 acre tract, and said railroad, a distance of 1,982.25 feet to a 1/2 inch iron rod found with plastic cap stamped (CBG INC) at the beginning of a curve to the right, with a radius of 1,955.00 feet, a delta angle of 23 Degrees 52 Minutes 52 Seconds, the chord of which bears North 73 Degrees 59 Minutes 54 Seconds West, for a chord distance of 808.96 feet;

THENCE, along the arc of said curve, and a line common to said 309.61 acre tract, and said railroad, for an arc length of 814.85 feet to a 1/2 inch iron rod found at the beginning of another curve to the right, with a radius of 1,158.38 feet, a delta angle of 14 Degrees 40 Minutes 18 Seconds, the chord of which bears North 53 Degrees 22 Minutes 51 Seconds West, for a chord distance of 295.82 feet;

THENCE, along the arc of said curve, and a line common to said 309.61 acre tract, and said railroad, for an arc length of 296.63 feet to a 1/2 inch iron rod found;

THENCE, North 02 Degrees 40 Minutes 16 Seconds West, with a line common to said 309.61 acre tract, and said railroad, a distance of 14.57 feet to a 1/2 inch iron rod found at the beginning of a curve to the right, with a radius of 1,148.38 feet, a delta angle of 06 Degrees 08 Minutes 57 Seconds, the chord of which bears North 42 Degrees 28 Minutes 08 Seconds West, for a chord distance of 123.19 feet;

THENCE, along the arc of said curve, and a line common to said 309.61 acre tract, and said railroad, for an arc length of 123.25 feet to a 1/2 inch iron rod found;

THENCE, North 37 Degrees 07 Minutes 49 Seconds West, with a line common to said 309.61 acre tract, and said railroad, a distance of 138.79 feet to a point for corner;

THENCE, North 35 Degrees 58 Minutes 32 Seconds West, with a line common to said 309.61 acre tract, and said railroad, a distance of 280.65 feet to a 1/2 inch iron rod found at a Southwest corner of said 309.61 acre tract, said point being near the bank of the Big Cypress Bayou;

THENCE, with the West line of said 309.61 acre tract, and generally along the bank of the Big Cypress Bayou, the following courses and distances, (there is a bridge spike found at the end of each call):

THENCE, North 13 Degrees 09 Minutes 04 Seconds West, a distance of 127.03 feet;

THENCE, North 02 Degrees 38 Minutes 28 Seconds West, a distance of 65.19 feet;

THENCE, North 23 Degrees 17 Minutes 04 Seconds East, a distance of 260.46 feet;

THENCE, North 44 Degrees 32 Minutes 12 Seconds East, a distance of 184.76 feet;

THENCE, North 77 Degrees 14 Minutes 46 Seconds East, a distance of 129.16 feet;

THENCE, North 70 Degrees 55 Minutes 59 Seconds East, a distance of 208.43 feet;

THENCE, South 81 Degrees 36 Minutes 49 Seconds East, a distance of 271.80 feet;

THENCE, North 49 Degrees 03 Minutes 25 Seconds East, a distance of 185.08 feet;

THENCE, North 09 Degrees 53 Minutes 23 Seconds West, a distance of 33.66 feet to a point for corner at a Northwest corner of said 309.61 acre tract, said point being in the South line of said 0.48 acre tract;

THENCE, South 87 Degrees 42 Minutes 11 Seconds West, with the South line of said 0.48 acre tract, a distance of 112.09 feet to a 3/8 inch iron rod found at the Southwest corner of said 0.48 acre tract, said point being near the bank of the Big Cypress Bayou;

THENCE, North 39 Degrees 05 Minutes 44 Seconds East, with the West line of said 0.48 acre tract, and generally along the bank of the Big Cypress Bayou, a distance of 152.94 feet to a point for corner;

THENCE, North 17 Degrees 35 Minutes 17 Seconds East, with the West line of said 0.48 acre tract, and generally along the bank of the Big Cypress Bayou, a distance of 93.59 feet to a point for corner at the Northwest corner of said 0.48 acre tract, and a Southwest corner of said 309.61 acre tract;

THENCE, with the West line of said 309.61 acre tract, and generally along the bank of the Big Cypress Bayou, the following courses and distances, (there is a bridge spike found at the end of each call, unless otherwise noted):

THENCE, North 14 Degrees 01 Minutes 11 Seconds East, a distance of 181.09 feet;

THENCE, North 27 Degrees 55 Minutes 37 Seconds East, a distance of 152.11 feet;

THENCE, North 06 Degrees 53 Minutes 06 Seconds East, a distance of 122.45 feet;

THENCE, North 14 Degrees 05 Minutes 19 Seconds East, a distance of 267.89 feet to a point for corner;

THENCE, North 01 Degrees 16 Minutes 23 Seconds West, a distance of 110.99 feet;

THENCE, North 02 Degrees 19 Minutes 21 Seconds East, a distance of 240.01 feet to a point for corner;  
THENCE, North 18 Degrees 31 Minutes 51 Seconds West, a distance of 120.19 feet;  
THENCE, North 22 Degrees 08 Minutes 21 Seconds East, a distance of 75.04 feet;  
THENCE, North 33 Degrees 53 Minutes 53 Seconds West, a distance of 127.60 feet;  
THENCE, North 13 Degrees 52 Minutes 52 Seconds West, a distance of 90.67 feet;  
THENCE, North 24 Degrees 21 Minutes 14 Seconds West, a distance of 118.73 feet;  
THENCE, North 15 Degrees 27 Minutes 43 Seconds West, a distance of 185.50 feet;  
THENCE, North 30 Degrees 31 Minutes 37 Seconds West, a distance of 140.34 feet to a point for corner;  
THENCE, North 01 Degrees 43 Minutes 35 Seconds West, a distance of 208.51 feet to a point for corner;  
THENCE, North 06 Degrees 17 Minutes 29 Seconds East, a distance of 237.36 feet;  
THENCE, North 11 Degrees 53 Minutes 20 Seconds East, a distance of 416.38 feet;  
THENCE, North 13 Degrees 37 Minutes 46 Seconds East, a distance of 278.96 feet to a point for corner;  
THENCE, North 18 Degrees 24 Minutes 08 Seconds East, a distance of 204.24 feet;  
THENCE, North 23 Degrees 51 Minutes 01 Seconds East, a distance of 157.57 feet to a 60D nail found;  
THENCE, North 09 Degrees 16 Minutes 14 Seconds East, a distance of 118.10 feet;  
THENCE, North 33 Degrees 25 Minutes 33 Seconds East, a distance of 169.44 feet;  
THENCE, North 24 Degrees 14 Minutes 55 Seconds East, a distance of 178.26 feet;  
THENCE, North 40 Degrees 18 Minutes 03 Seconds East, a distance of 108.02 feet;  
THENCE, North 69 Degrees 33 Minutes 57 Seconds East, a distance of 65.46 feet;  
THENCE, South 87 Degrees 28 Minutes 32 Seconds East, a distance of 120.35 feet;  
THENCE, North 89 Degrees 27 Minutes 46 Seconds East, a distance of 70.92 feet;  
THENCE, South 81 Degrees 19 Minutes 59 Seconds East, a distance of 142.34 feet to a four inch iron pipe found in concrete at the Northern most Northeast corner of said 309.61 acre tract, and a Northwest corner of said 237.71 acre tract;

THENCE, South 03 Degrees 08 Minutes 27 Seconds West, with a line common to said 309.61 acre tract, and said 237.71 acre tract, a distance of 821.69 feet to a four inch iron pipe found in concrete;

THENCE, South 04 Degrees 44 Minutes 56 Seconds East, with a line common to said 309.61 acre tract, and said 237.71 acre tract, a distance of 1,419.40 feet to the POINT OF BEGINNING and CONTAINING 345.52 acres of land.

**Tract 2 (Easement)**

Being a lot, tract, or parcel of land situated in the John Caldwell Survey, Abstract No. 068, Marion County, Texas, and being part of that certain called 13.627 acre tract, called Tract III, conveyed to Charles Fohl et ux, by Warranty Deed With Vendor's Lien, as recorded in Volume 720, Page 835, Official Public Records, Marion County Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pipe found at the Southwest corner of said 13.627 acre tract, and the Southeast corner of a called 0.8612 acre tract, called Tract III, conveyed to Charles Fohl et ux, by Warranty Deed With Vendor's Lien, as recorded in Volume 720, Page 838, Official Public Records, Marion County, Texas, said point being in the Northeast line of Farm To Market No. 134, (190' R.O.W.);

THENCE, North 00 Degrees 12 Minutes 01 Seconds West, with the West line of said 13.627 acre tract, and the East line of said 0.8612 acre tract, a distance of 157.57 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (DCA INC) at the Northwest corner of said 13.627 acre tract, and an angle point in the Southwest line of the KCS Railroad, (Variable Width R.O.W.);

THENCE, South 35 Degrees 23 Minutes 14 Seconds East, with a Northeast line of said 13.627 acre tract, and the Southwest line of said railroad, a distance of 9.06 feet to a 1/2 inch iron rod found at the beginning of a curve to the left, with a radius of 1,268.38 feet, a delta angle of 04 Degrees 53 Minutes 25 Seconds, the chord of which bears South 39 Degrees 28 Minutes 50 Seconds East, for a chord distance of 108.22 feet;

THENCE, along the arc of said curve, a Northeast line of said 13.627 acre tract, and the Southwest line of said railroad, for an arc length of 108.26 feet to a 1/2 inch iron rod found at the end of said curve;

THENCE, South 89 Degrees 56 Minutes 10 Seconds East, with a Northeast line of said 13.627 acre tract, and the Southwest line of said railroad, a

distance of 13.40 feet to a 1/2 inch iron rod found, said point being in a curve to the left, with a radius of 1,258.38 feet, a delta angle of 03 Degrees 09 Minutes 20 Seconds, the chord of which bears South 43 Degrees 51 Minutes 07 Seconds East, for a chord distance of 69.30 feet;

THENCE, along the arc of said curve, a Northeast line of said 13.627 acre tract, and the Southwest line of said railroad, for an arc length of 69.31 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (DCA INC);

THENCE, South 27 Degrees 30 Minutes 42 Seconds West, with a division line, a distance of 121.39 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (DCA INC) in the Southwest line of said 13.627 acre tract, and the Northeast line of said Farm To Market No. 134;

THENCE, North 40 Degrees 54 Minutes 30 Seconds West, with the Southwest line of said 13.627 acre tract, and the Northeast line of said Farm To Market No. 134, a distance of 120.40 feet to the POINT OF BEGINNING and CONTAINING 16,683 square feet or 0.38 acres of land.

**Tract 3 (EASEMENT):**

Being an easement situated in the J.H. Sutton Survey, Abstract No. 360, Marion County, Texas, and being part of that certain called 0.8612 acre tract, called Tract III, conveyed to Charles Fohl et ux, by Warranty Deed with Vendor's Lien, as recorded in Volume 720, Page 838, Official Public Records, Marion County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner in the North line of said 0.8612 acre tract, and the South line of the KCS Railroad right of way, from said point, a 1/2 inch iron rod found at the Northwest corner of said 0.8612 acre tract, bears North 33 Degrees 39 Minutes 27 Seconds West, a distance of 86.26 feet;

THENCE, South 33 Degrees 39 Minutes 27 Seconds East, with the North line of said 0.8612 acre tract, and the South line of the KCS Railroad right of way, a distance of 13.02 feet to a point for corner, from said point, a 1/2 inch rod found, bears South 33 Degrees 39 Minutes 27 Seconds East, a distance of 65.00 feet;

THENCE, South 53 Degrees 08 Minutes 17 Seconds West, a distance of 47.73 feet to a point for corner in a curve to the right, with a radius of 1,916.47 feet, a delta angle of 00 Degrees 23 Minutes 21 Seconds, the chord of which bears North 39 Degrees 43 Minutes 58 Seconds West, for a chord distance of 13.02 feet;

THENCE, along the arc of said curve, for an arc length of 13.02 feet to a point for corner;

THENCE, 53 Degrees 08 Minutes 17 Seconds East, a distance of 49.11 feet to the POINT OF BEGINNING and CONTAINING 630 square feet or 0.01 acres of land

**TRACT 4 (EASEMENT):**

Being an easement situated in the J.H. Sutton Survey, Abstract No. 360, Marion County, Texas, and being part of that certain called 0.8612 acre tract, called Tract III, conveyed to Charles Fohl, et ux, by Warranty Deed With Vendor's Lien, as recorded in Volume 720, Page 838, Official Public Records, Marion County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod found at the Northeast corner of said 0.8612 acre tract, and an ell corner in the South line of the KCS Railroad right of way;

THENCE, South 00 Degrees 16 Minutes 21 Seconds East, with the East line of said 0.8612 acre tract, and a West line in said right of way, and passing a Southwest corner of said right of way, and the Northwest corner of a called 13.627 acre tract, called Tract III, conveyed to Charles Fohl, et ux, by Warranty Deed, as recorded in Volume 720, Page 835, Official Public Record, Marion County, Texas, and continuing on for a total distance of 75.69 feet to a point for corner;

THENCE, North 31 Degrees 26 Minutes 27 Seconds West, a distance of 25.12 feet to a point for corner;

THENCE, North 00 Degrees 16 Minutes 21 Seconds West, a distance of 50.14 feet to a point for corner;

THENCE, North 38 Degrees 12 Minutes 31 Seconds West, a distance of 31.54 feet to a point for corner;

THENCE, North 47 Degrees 10 Minutes 11 Seconds East, a distance of 14.95 feet to a point for corner in the North line of said 0.8612 acre tract, and the South line of said right of way;

THENCE, South 34 Degrees 55 Minutes 11 Seconds East, with the North line of said 0.8612 acre tract, and the South line of said right of way, a distance of 37.60 feet to the POINT OF BEGINNING and CONTAINING 1,297 square feet or 0.03 acres of land.

**SAVE AND EXCEPT AND THERE IS EXCEPTED FROM COVERAGE  
HEREIN THE FOLLOWING DESCRIBED TRACTS:**

**TRACT 1:**

All that certain 6.430 acre tract of land in the ELIAS E. HAMILTON SURVEY, ABSTRACT 182 in Marion County, Texas. Being that part of the called 80 acre tract of land described in deed recorded in Volume 607, Page 538, Deed Records of Marion County Texas, lying North of the L & A Railroad (K.C.S.). Said 6.430 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" re-bar with cap set in the South line of the John G. Shoemaker Survey, Abstract 349 and the North line of said Hamilton Survey, 1043.42 feet S 80° 09' 14" W, from its Northeast corner for the Northeast corner of this tract and the Northwest corner of a 17.699 acre tract of land which is part of the same land described in Deed recorded under File No. 119 dated January 11, 1999;

THENCE S 00° 01' 26" E, with the West line of said 17.699 acre tract of land, 747.60 feet to a ½" re-bar with cap set for its Southwest corner and the Southeast corner of this tract in the North right-of-way line of said Railroad;

THENCE N 81° 57' 38" W, with said North right-of-way line, 414.13 feet to a ½" re-bar with cap set for the Southwest corner of this tract in the East line of a called 110 acre tract of land described in Field Notes recorded in Volume W-1, Page 469, Deed Records of Marion County, Texas;

THENCE N 00° 01' 26" W, with said East line, 618.52 feet to a ½" re-bar with cap set in the South line of said Shoemaker Survey for the Northwest corner of this tract and the Northeast corner of said called 110 acre tract of land;

THENCE N 80° 09' 14" E, with the South line of said Shoemaker Survey, 416.14 feet to the POINT OF BEGINNING containing 6.430 acres of land, more or less.

**TRACT 2:**

All that certain 17.699 acre tract of land in the Elias E. Hamilton Survey, Abstract 182, Marion County, Texas; being part of the same land described in a deed recorded under File No. 119 dated January 11, 1999; said 17.699 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a  $\frac{3}{4}$ " iron rod found in the North line of said Hamilton Survey 147.84 feet South 80 deg. 09' 14" West from its Northeast corner for the Northeast corner of this tract and the Northwest corner of the called 22.25 acre tract of land described in Deed recorded under File 779 dated May 4, 1970;

THENCE South 00 deg. 01' 26" East with the West line of said called 22.25 acre tract of land 709.49 feet to a  $\frac{1}{2}$ " rebar with cap set for the Northeast corner of the called  $\frac{1}{2}$  acre tract of land described in deed recorded in Volume N-1, Page 130, Deed Records of Marion County, Texas;

THENCE North 82 deg. 01' 05" West with the North line of said called  $\frac{1}{2}$  acre tract of land 105.00 feet to a  $\frac{1}{2}$ " rebar with cap set for its Northwest corner;

THENCE South 00 deg. 01' 26" East with the West line of said called  $\frac{1}{2}$  acre tract of land 105.00 feet to a  $\frac{1}{2}$ " rebar with cap set for its Southwest corner;

THENCE South 82 deg. 01' 05" East with the South line of said called  $\frac{1}{2}$  acre tract of land 105.00 feet to a  $\frac{1}{2}$ " rebar with cap set for its Southeast corner in the West line of said called 22.25 acre tract of land;

THENCE South 00 deg. 01' 26" East with said West line 210.00 feet to a  $\frac{1}{2}$ " rebar with cap found in the North right-of-way line of the L. & A. Railroad (K.C.S.) for the Southeast corner of this tract;

THENCE North 82 deg 01' 05" West with said North right-of-way line 891.13 feet to a  $\frac{1}{2}$ " rebar with cap set for the Southwest corner of this tract and the Southeast corner of a 6.430 acre tract of land which is that part of a called 80 acre tract of land described in deed recorded in Volume 607, Page 538, Deed Records of Marion County, Texas, lying North of said Railroad;

THENCE South 00 deg. 01' 26" West with the East line of said 6.430 acre tract of land, 747.60 feet to a  $\frac{1}{2}$ " rebar with cap set for its Northeast corner and the Northwest corner of this tract in the North line of said Hamilton Survey;

THENCE North 80 deg. 09' 14" East with said North line 895.58 feet to the point of beginning, containing 17.699 acres of land, more or less.

**TRACT 3:**

Being a lot, tract, or parcel of land situated in the Elias Hamilton Survey, Abstract No. 182, Marion County, Texas, and being all of that certain called 0.50 acre tract conveyed from Bud Whitehead to the Knights & Daughters

of Tabor Cypress Temple 189 & Pancey Tabernacle, by deed as recorded in Volume N-1, Page 130, Deed Records, Marion County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found with a yellow plastic cap stamped (ET SURVEY) at the Northeast corner of said 0.50 acre tract, and a Southeast corner of that certain called 17.699 acre tract of land conveyed to Harold Nix, by Warranty Deed With Vendor's Lien, as recorded in Volume 910, Page 676, Official Public Records, Marion County, Texas, and a Southeast corner of a 36.66 acre tract, Tract No. 3, previously surveyed, from said point, a 3/8 inch iron rod found at the Northeast corner of said 17.699 acre tract, and the Northeast corner of said 36.66 acre tract, bears North 03 Degrees 26 Minutes 02 Seconds West, a distance of 709.52 feet;

THENCE, South 03 Degrees 26 Minutes 02 Seconds East, with the East line of said 0.50 acre tract, a distance of 104.94 feet to a 1/2 inch iron rod found with a yellow plastic cap stamped (ET SURVEY) at the Southeast corner of said 0.50 acre tract, a Northeast corner of said 17.699 acre tract, and a Northeast corner of said 36.66 acre tract, from said point, a 1/2 inch iron rod found with a yellow plastic cap stamped (ET SURVEY) at the Southern most Southeast corner of said 17.699 acre tract, and the Southern most Southeast corner of said 36.66 acre tract, bears South 03 Degrees 26 Minutes 02 Seconds East, a distance of 210.09 feet;

THENCE, North 85 Degrees 25 Minutes 30 Seconds West, with a South line of said 0.50 acre tract, the North line of said 17.699 acre tract, and a North line of said 36.66 acre tract, a distance of 104.99 feet to a 1/2 inch iron rod found with a yellow plastic cap stamped (ET SURVEY) at the Southwest corner of said 0.50 acre tract, an ell corner of said 17.699 acre tract, and an ell corner of said 36.66 acre tract;

THENCE, North 03 Degrees 25 Minutes 25 Seconds West, with the West line of said 0.50 acre tract, an East line of said 17.699 acre tract, and an East line of said 36.66 acre tract, a distance of 104.93 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (CBG INC) at an ell corner of said 17.699 acre tract, an ell corner of said 36.66 acre tract, and the Northwest corner of said 0.50 acre tract;

THENCE, South 85 Degrees 25 Minutes 52 Seconds East, with the North line of said 0.50 acre tract, a South line of said 17.699 acre tract, and a South line of said 36.66 acre tract, a distance of 104.97 feet to the POINT OF BEGINNING and CONTAINING 10,909 square feet or 0.25 acres of land.

Easements 2, 3 and 4 described above are the same easements conveyed by the City of Jefferson to Charles Randy Fohl and Shelley R. Fohl on May

31, 2011 by Access Easement recorded in Volume 816, Page 443 of the  
Official Public Records of Marion County, Texas.