

productive area under the land covered by such lease, being that portion of the land covered by said lease which has been determined by SHELL, in its best judgment, to lie within the productive area of the Brushy Creek gas field, as such lands, to be added to the 2390.47 acre unit, are described below.

4. SHELL therefore, by this Declaration, declares that the following described lands shall hereafter comprise the pooled area as such term is used in said Brushy Creek gas pooling agreement of May 25, 1942:

The 2,390.47 acres of land as described in the pooling agreement of May 25, 1942, agreement of May 18, 1943, and Declaration of Pool of April 25, 1949, referred to in Paragraph 1 hereof; together with the following described lands: 25.50 acres of land out of the Henry Chamberlain Survey, Abstract 123, and any adjoining surveys, situated in DeWitt County, Texas, said 25.50 acres being out of and a part of that certain 93.17 acre tract as described in the above described lease, recorded in Volume 27, page 16, of the O. & G. Records of DeWitt County, Texas. The 25.50 acres being more particularly described by the following metes and bounds: BEGINNING at a west corner of the Mrs. Lue Goode 178.34 acre tract (called 176 acres) being a point on the southeast line of the Sallie Goode 108 acre tract; THENCE with the southwest lines of the said Mrs. Lue Goode tract the following courses and distances; South 48° 25' East, 201.4 varas; South 40° 43' East 167.3 varas; South 50° 22' East 187.3 varas and South 41° 35' East 23.2 varas to the north corner of the Fred B. Hollan 31.14 acre tract; THENCE South 44° 48' West with the northwest line of the said Hollan 31.14 acre tract, a distance of 378.0 varas to a point for corner; THENCE North 24° 50' West a distance of 196.0 varas to a point for corner; THENCE North 19° 34' West a distance of 439.1 varas to a point for corner on the southeast line of the aforesaid Sallie Goode 108 acre tract; THENCE North 44° 29' East with the southeast line of the said Sallie Goode 108 acre tract a distance of 106.2 varas to the PLACE OF BEGINNING, and containing 25.50 acres of land. Total Acreage in Pooled Unit 2,415.97 acres.

5. The lease described above, and the royalties thereunder, are hereby pooled and combined, in so far as said lease covers gas in and under the lands within the above described pooled area, with the leases covering gas in and under said 2,390.47 acres, and the royalties thereunder. The terms and provisions of said Brushy Creek Agreement of May 25, 1942, shall in all respects hereafter apply to and cover the above described lease as to the land covered thereby included within the above described pooled area, to the same extent as though said lease, as to such lands, were described in said agreement.

6. Pursuant to the powers granted SHELL in the above listed Lease Pooling Amendments and in accordance with the requirements of said Brushy Creek Agreement, SHELL, on behalf of the following parties, their respective heirs, successors, and assigns:

K. C. Bates
Willard E. Thompson
Catherine L. Dumraese Reich and husband, Carl J. Reich
John F. Garrett and wife, Ida R. Garrett
Earl B. Hollan and wife, Margaret Hollan

(being the parties who have executed said Lease Pooling Amendments) hereby ratifies, adopts, and confirms said Brushy Creek Agreement in so far as said agreement is hereby extended to cover and include the lands in the pooled area described above; and all such parties (their heirs, successors and assigns) who have executed said Lease Pooling Amendments shall become "ROYALTY OWNERS" under said Brushy Creek Agreement as extended to cover the above described pooled area, as the term "ROYALTY OWNERS" is used in said Brushy Creek gas pooling agreement, to the same extent as though such parties were parties to said Brushy Creek Agreement.

7. The extension of the Brushy Creek unit to include therein additional lands as set out above shall not inure to the benefit of any owner of royalty or mineral interest under the lands added to said 2,390.47-acre unit unless such owner (or such party's predecessor in interest) has