

**AFFIDAVIT OF USE, POSSESSION AND
NON-PRODUCTION HISTORY**

STATE OF TEXAS §

§ **KNOW ALL MEN BY THESE PRESENTS:**

00107201

COUNTY OF LASALLE §

THAT, BEFORE ME, the undersigned authority, on this day personally appeared **Gray M. Wilmeth**, a resident of ~~La Salle~~ County, Texas, having an address of 623 W. Leona Rd., Dilley, Texas 78017, known to me to be a credible person above the lawful age of twenty-one (21) years, and who, after being duly sworn by me on his/her oath, deposes and says to wit:

“ My name is **Gray M. Wilmeth**, I am sixty-four (64) years of age and being of sound mind and am in no way incapacitated do hereby affirm that I am well acquainted with the use, possession and oil & gas history for the past twenty-five (25) years of the following described tract(s) of land, to wit:

TRACT ONE - 1162.00 acres of land, more or less, consisting of all the Houston and Great Northern Railroad Company (H. & G.N. RR CO.) Survey No.17, Block 2, Abstract No. 448. And portions of the H. & G.N. RR CO. Survey No. 18, Block 2, Abstract No. 449, the H. & G.N. RR CO. Survey No. 19 Block 5, Abstract No. 368, and the H. & G.N. RR CO. Survey No. 30, Block 5, Abstract 378 situated in LaSalle County, Texas and being the two tracts described in Volume 337, Page 467 of the Deed Records of LaSalle County, Texas.

TRACT TWO 252.20 acres of land, more or less, situated in La Salle County, Texas being a part of the William Ward Survey 51, Abstract 1443, the south-most tract in said survey, being the same land set aside to Patrick H. Carroll in a Partition Deed dated May 24, 1965, from Wesley Carroll, Jr. et al, recorded in Volume 136, Page 3, of the Deed Records of LaSalle County, Texas.

Said property hereinafter referred to as “Captioned Land” and is further illustrated on a plat marked as **Exhibit “A”** attached hereto and made a part hereof.

I am familiar with the above-mentioned tract(s) and a neighbor of the above Captioned Land.

John E. Rutherford, whose address is 5011 Navigation, Houston, Texas 77261, have owned the Captioned Land since the year of 2008. The Captioned Land is located an estimated (15.4) miles Southeast of Dilley, Texas by the way of US Highway 85 West, South on Farm-to-Market Road 4820, and South on County Road Carrol Road. The Captioned Land is mostly



square in shape, with an attached rectangle tract off the North end. The Captioned Land is bound to the North by County Road Carroll Road; road also bounds the west portion on the Captioned Land.

The Captioned Land has no record of any adverse claims or boundary disputes. I know for a fact that there is no oil and/or gas currently being produced from the subject property, and that the subject property is not included in any Pooled Unit for oil and/or gas production, that there are no royalties being paid for oil and/or gas produced from the subject property and royalties have not been paid for oil and/or gas production for over five (5) years. I know for a fact that the Klein-Sanchez Oil and Gas Unit has been abandoned, along with all other previously existing wells and that all surface equipment was removed from the well site, having been removed more than five years ago.


There has never been any testing for any mineral other than oil or gas on the Captioned Land. The Captioned Land is used for crops and a livestock pasture. There are churches, schools, historical markers, archeological findings, pipelines or railroad tracks located on the Captioned Land. The Captioned Land has a gravel/dirt road from the main pipe entrance located on the Southwest corner of the Captioned Land. There is a pipe gate entrance on the Captioned Land. The entrance road continues (1,300 yards) in a Northeast direction leading up to the main ranch house and several buildings located on the Captioned Land. Surrounding the house is a metal barn, a two (2) car garage, a guest house, water well for the house, water well with a windmill, and water troughs. The Captioned Land is entirely fenced and cross fenced with barbed wire, cedar, treated, and steel posts. There are two (2) power lines located on the Captioned Land. One power line is located on the North boundary of the Captioned Land and travels East and West, parallel with the North boundary fence and County Road Carroll Road. The second power line is located on the Northeast boundary of the Captioned Land and travels North and South and is located west of the gravel/dirt road and the East boundary from which it travels parallel with it ending at the house. The Captioned Land has grass consisting of native, Coastal Bermuda and other improved grass. The Captioned Land has timber consisting of native (Live Oak, Willow, Huisache, Hackberry, and Mesquite) trees. There is twenty (20) percent grass/crop and eighty (80) percent brush on the Captioned Land. The Captioned Land has clay to a sandy loam type of soil. There is no flooding on the Captioned Land. The Captioned Land has four stock tanks ranging from one half (1/2) acre to three acres. There are terraces scattered all throughout the Captioned Land. There is one (1) pipe gate gap entrance and a total of four (3) wire gap entrances on the Captioned Land. The pipe gated gap entrance is located to the West of the house on the fence that borders the house on the Captioned Land. The first wire gap entrance is located directly south of the house for a distance of about one hundred (100) yards on the Eastern boundary of the Captioned Land. The second wire gap entrance is located northeast of the Captioned Land on the North Boundary. The third wire gap entrance is located on the Northwest corner of the Captioned Land.

I know of my own knowledge that the owner(s) of the Captioned Land have exercised exclusive rights of ownership and the Captioned Land has been actually occupied, as described above, and that occupancy and claim of title has been open, visible, notorious, continuous, peaceable, exclusive and adverse to the entire world. The person(s) now claiming the Captioned

Lands have recognized no person having claims superior to them/him/her nor has there been any hostile claim or interference from any source whatsoever, with the claimed ownership of the Captioned Lands by the person(s) identified above and that their/him/her occupancy has not been in conflict with the record ownership through claims adverse to the title under which the record owners base their claim. I am not aware of any boundary disputes or claims by means of adverse possession between the owner(s) of the Captioned Land and/or adjoining property owner(s) or tenant(s). I further believe that, to the best of my knowledge, the property taxes for the Captioned Land have always been paid in a timely manner and that the ownership of these lands have been claimed through deeds duly recorded, in which the descriptions thereof have been correctly stated and in a manner effectively setting out the boundaries of the said Captioned Land."


AFFIANT FURTHER SAITH NOT.

WITNESS MY HAND this 28 day of August, 2013.


Gray M. Wilmeth

SWORN TO AND SUBSCRIBED TO before me on the 28th day of August, 2013
by **Gray M. Wilmeth.**



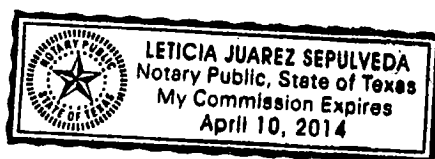

Notary Public, State of Texas.
Notary's Printed Name: Leticia Juarez Sepulveda
My Commission Expires: 4/10/14

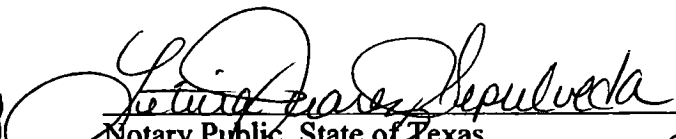
STATE OF TEXAS §

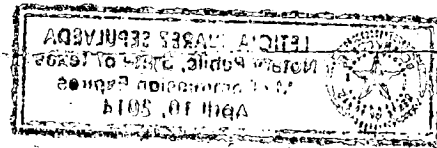
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COUNTY OF VICTORIA §

This instrument was acknowledged before me on the 28th day of August, 2013 by
Gray M. Wilmeth.




Notary Public, State of Texas
Notary's Printed Name: Leticia Juarez Sep
My Commission Expires: 4/10/14



FILED AND RECORDED
REAL PROPERTY RECORDS
On: Sep 03, 2013 at 08:33A

Document Number: 00107201

Amount 24.00

HONORABLE MARGARITA A ESQUEDA
COUNTY CLERK

By Margarita A Esqueda,
LA SALLE COUNTY
ANY PROVISION HEREIN WHICH RESTRICTS
THE SALE, RENTAL OR USE OF THE
DESCRIBED REAL PROPERTY BECAUSE OF
COLOR OR RACE IS INVALID AND
UNENFORCEABLE UNDER FEDERAL LAW.



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