

**ORDER TO APPROVE VACATING SUBDIVISION PLAT**

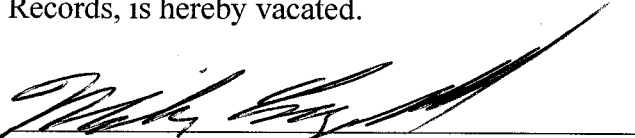
**WHEREAS**, Texas Local Government Code §212.013 and §232.008 allows Counties in the State of Texas to grant the vacation of all, or part, of subdivision plat, and

**WHEREAS**, **Derek Paul Sims and Ashley Beth Sims**, wish to vacate ALL of the subdivision plat for A.L. Smith Subdivision, of 204 ac as in M.G. Truesdale Survey Abstract, being described as:


See the attached **Exhibit "A"**, which is recorded in Volume 157 and Page 295 of Clay County Plat Records, and


**WHEREAS**, **Derek Paul Sims and Ashley Beth Sims**, have complied with the requirements of Texas Local Government code §212.013 and/or §232.008, as applicable, **THEREFORE**,

**BE IT ORDERED** by the Commissioners' Court of Clay County that ALL of Clay County Plat Records, is hereby vacated.

  
Mike Campbell, County Judge

  
Richard Lowery, Commissioner Precinct #1

  
Johnny Gee, Commissioner Precinct #2

  
Retta Collins, Commissioner Precinct #3

  
Chase Broussard, Commissioner Precinct #4

ATTEST:

  
Sasha Kelton, Clay County Clerk



## WARRANTY DEED WITH VENDOR'S LIEN

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Effective Date: July 7, 2020

Grantor: Maxine P. Burden, Individually and as Independent Executor of the Estate of Donald R. Burden

Grantor's Mailing Address (including county): 810 Frankford Road, #213, Dallas,  
Dallas County, Texas 75252

Grantee: Derek Sims and Ashley Sims

Grantee's Mailing Address (including county): 1603 Brazos Street, Wichita Falls,  
Wichita County, Texas 76309

Consideration:

Ten and No/100 Dollars (\$10.00) and other good and valuable considerations to us in hand paid by Derek Sims and Ashley Sims as follows:

Ten and more Dollars cash in hand paid, the receipt and sufficiency of which is hereby acknowledged and the EXECUTION AND DELIVERY by Grantee herein of a Vendor's Lien Note of even date herewith in the original sum of \$284,000.00 with interest thereon from date as set out in said note; said Note is payable to American National Bank & Trust, a National Banking Association, which said association has this day advanced to the Grantor herein \$284,000.00 cash as part purchase price for the property herein conveyed at the express request of Grantee herein, and the Vendor's lien retained herein is for its benefit.

Property (including any improvements):

TRACT ONE:

88.11 acres, more or less, being part of the M. G. Truesdale Survey, Patent No. 282, Vol. No. 8, Abstract Number 454, (and covering all of Lots Nos. 14 & 16, and all that part of Lots Nos. 1, 12, 13 & 15 of the A. L. Smith Subdivision of the Truesdale Survey that lie North of U.S. Highway, and being further described by metes and bounds as follows:

BEGINNING at a steel rod set at the Northeast corner of the M. G. Truesdale Survey, on the South line of the Almeron Dickerson Survey, Abstract No. 117, and the most Southerly Northwest corner of T. & N. O. R.R. Co. Survey No. 1, Abstract 683;

THENCE with the East line of said Truesdale Survey South 00 degrees 45 minutes East 42.0 feet to fence corner and continuing with fence South 00 degrees 45 minutes East in all a distance of 2561.8 feet to a steel rod set on the North Right-of-Way line of U.S. Highway 287 Expressway for corner;

THENCE Westerly Along Highway Right-of-Way curving North (the cord of which bears North 83 degrees 51 minutes West) a distance of 256.5 feet to center of brick corner post on West side of private drive;

THENCE with said Right-of-Way fence North 72 degrees 21 minutes West 320.0 feet to center of brick corner post on the West line of Lot No. 1 of the A. L. Smith Subdivision for corner;

THENCE with fence North 10 degrees 31 minutes West 310.0 feet to steel rod set at fence corner at the most Southerly Southeast corner of Lot No. 16 of the A. L. Smith Subdivision;

THENCE along the South line of Lots Nos. 16 and 15 of the A. L. Smith Subdivision North 64 degrees 48 minutes West 771.3 feet to steel rod set under fence on the Northeast Right-of-Way line of said U.S. Highway 287 Expressway for corner;

THENCE with said Right-of-Way fence North 19 degrees 21 minutes West 169.8 feet to center of fence post at angle in fence;

THENCE with said Right-of-Way fence North 22 degrees 33 minutes West 322.5 feet to center of fence post at angle in fence;

THENCE with said Right-of-Way fence North 31 degrees 56 minutes West 406.0 feet to center of fence post at angle in fence;

THENCE with said Right-of-Way fence North 37 degrees 18 minutes West 351.6 feet to center of fence post at angle in fence;

THENCE with said Right-of-Way fence North 50 degrees 45 minutes West 276.3 feet to center of fence post for corner;

THENCE with said Right-of-Way fence crossing slough North 10 degrees 55 minutes West 118.5 feet to center of fence post for corner;

THENCE with said Right-of-Way FENCE North 58 degrees 05 minutes West 521.5 feet to center of fence post at angle in fence;

THENCE with said Right-of-Way fence North 73 degrees 25 minutes West 397.6 feet to steel rod at fence corner on the North line of said M. G. Truesdale Survey and South line of the Almeron Dickerson Survey for corner;

THENCE with fence along the North line of said Truesdale Survey and South line of the Dickerson Survey North 89 degrees 12 minutes East 2949.2 feet to the PLACE OF BEGINNING, and containing 88.11 acres of land, more or less.

SAVE AND EXCEPT FROM TRACT ONE THE FOLLOWING DESCRIBED TRACT:

A 5.00 acre tract of land out of the M. G. Truesdale Survey, Abstract No. 454, Clay County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at an iron rod which bears S 00 45' E 1733.0 feet and S 89 30' W 102.50 feet from an iron rod set at the Northeast corner of the M. G. Truesdale Survey Abstract No. 454;

THENCE S 06° 56' W a distance of 394.27 feet to an iron rod;

THENCE S 01° 15' E a distance of 423.66 feet to an iron rod set in the North Right-of-Way of U.S. Expressway 287 being a curve to the right with a central angle of 07 35' 45" and which has a center point that bears N 10 45' 51" E a distance of 1809.86 feet from this iron rod;

THENCE in a Northwesterly direction with said Expressway Right-of-Way line and said curve to the right, an arc distance length of 239.94 feet to an iron rod;

THENCE N 03° 27' West a distance of 259.61 feet to an iron rod;

THENCE N 37° 22' W a distance of 75.0 feet to an iron rod;

THENCE N 00° 30' W a distance of 18.00 feet to an iron rod;

THENCE S 56° 27' W a distance of 9.1 feet;

THENCE N 32° 06' W a distance of 13.35 feet;

THENCE N 56° 56' E a distance of 17.40 feet to an iron rod;

THENCE N 00° 30' W a distance of 399.20 feet to an iron rod for the Northwest corner of this tract;

THENCE N 89° 30' E a distance of 335.33 feet to the PLACE OF BEGINNING and containing 5.00 acres of land, more or less.

TRACT TWO:

Tract A:

17.45 acres, more or less, being part of T. & N. O. R.R. Co. Survey Number One (1), Patent No. 77, Volume No. 50, Abstract Number 683, and being off the West end of a tract in said Survey formerly known as the George Gardner 50 acre tract, said 17.45 acres being further described by metes and bounds as follow:

BEGINNING at fence corner on the West line of said Survey at a point North 00 degrees 45 minutes West 594.0 feet from its Southwest corner and being the Southwest corner of above mentioned George Gardner 50 acre tract and the East line of the M. G. Truesdale Survey, Abstract Number 454;

THENCE with fence on the West line of said T. & N. O. R.R. Co. Survey North 00 degrees 45 minutes West 789.5 feet to fence corner at the Southwest corner of a 40 acre tract in said Survey conveyed to E. A. Hicks et ux to the City of Henrietta by Deed dated June 2, 1917 and recorded in Volume 73, Page 406 of the Clay County Deed Records;

THENCE with fence along the South line of the City of Henrietta 40 acre tract North 89 degrees 57 minutes East 966.0 feet to fence corner at the Northwest corner of a 32.59 acre tract in said Survey conveyed by H. M. Tannahill et ux to Andrew Smith by deed dated June 16, 1951 and recorded in Volume 177, Page 22 of the Clay County Deed Records;

THENCE with fence South 00 degrees 40 minutes East 785.5 feet to fence corner at the Southwest corner of the Andrew Smith 32.59 acre tract;

THENCE with fence South 89 degrees 43 minutes West 964.8 feet to the PLACE OF BEGINNING, and containing 17.45 acres of land, more or less.

Tract B:

13.08 acres, more or less, being part of T. & N. O. R.R. Co. Survey Number One (1), Patent No. 77, Volume No. 50, Abstract Number 683, and being off the West end of a tract in said Survey formerly known as the W. W. Carroll 44-1/2 acre tract, being further described by metes and bounds as follows:

BEGINNING at a steel rod set under fence at the Southwest corner of said T. & N. O. R.R. Co. Survey No. 1, being an "ell" corner of the M. B. Skerrett Survey, Abstract No. 409 and the East line of the M. G. Truesdale Survey, Abstract Number 454;

THENCE with the West line of said T. & N. O. R.R. Co. Survey No. 1, North 00 degrees 45 minutes West 594.0 feet to fence corner at the Southwest corner of the George Gardner 50 acres tract & the Northwest corner of the W. W. Carroll 44-1/2 acre tract in said Survey;

THENCE with fence North 89 degrees 43 minutes East 964.8 feet to fence corner at the Southwest corner of a 32.59 acre tract in said Survey conveyed by H. M. Tannahill et ux to Andrew Smith by deed dated June 16, 1951 and recorded in Volume 177, Page 22 of the Clay County Deed Records;

THENCE with fence South 00 degrees 40 minutes East 587.5 feet to the Southwest corner of the Jack LaBarr et ux 33/100 acre tract in said Survey and the North line of the Jack LaBarr et ux 17/100 acre tract in the M. B. Skerrett Survey, Abstract No. 409, both tracts which were conveyed by R. S. Moore et ux to Jack LaBarr et ux by deed dated April 10, 1948 and recorded in Volume 162, Page 570, Clay County Deed Records;

THENCE with the South line of T. & N. O. R.R. Co. Survey No. 1 and the North line of the M. B. Skerrett Survey, South 89 degrees 20 minutes West at 27.0 feet pass steel rod at the Northwest corner of the Jack LaBarr et ux 17/100 acre tract and continuing South 89 degrees 20 minutes West in all a distance of 963.9 feet to the PLACE OF BEGINNING and containing 13.08 acres of land, more or less.

Tract C:

2.50 acres, more less, being part of the M. B. Skerrett Survey, Patent No. 425, Volume No. 20, Abstract Number 409, and being further described by metes and bounds as follows:

BEGINNING at a steel rod set under fence at an "ell" corner of said Skerrett Survey, being the most Northern Northwest corner of said Survey, and being the Southwest corner of T. & N. O. R.R. Co. Survey No. 1, Abstract Number 683 and on the East line of the M. G. Truesdale Survey, Abstract Number 454;

THENCE with the North line of said Skerrett Survey and the South line of T. & N. O. R.R. Co. Survey No. 1 North 89 degrees 20 minutes East 936.9 feet to a steel rod set at the Northwest corner of a 17/100 acre tract in said Skerrett Survey conveyed by R. S. Moore et ux to Jack LaBarr et ux in deed dated April 10, 1948 and of record in Volume 162, Page 570 of the Clay County Deed Records for the Northeast corner this tract;

THENCE South 74.0 feet to a steel rod set at the Southwest corner of above mentioned Jack LaBarr et ux 17/100 acre tract and on the North line of U.S. Highway 287 Expressway Right-of-Way for the Southeast corner of this tract;

THENCE with fence along said Highway Right-of-Way South 82 degrees 44 minutes West 509.0 feet to center of post at angle in fence;

THENCE Westerly with Highway Right-of-Way curve (the chord of which bears South 89 degrees 35 minutes West) a distance of 430.2 feet to a steel rod set on the West line of said Skerrett Survey and East line of the Truesdale Survey for the Southwest corner of this tract;

THENCE with the West line of said Skerrett Survey North 00 degrees 45 minutes West 130.6 feet to the PLACE OF BEGINNING, and containing 2.50 acres of land, more or less.

SAVE AND EXCEPT FROM TRACT TWO THE FOLLOWING DESCRIBED TRACT:

19.33 acres of land, more or less, and being 18.02 acres in T. & N. O. R.R. Co. Survey Number One (1), Patent No. 77, Volume No. 50, Abstract Number 683, and 1.31 acres in the M. B. Skerrett Survey, Patent No. 425, Volume No. 20, Abstract Number 409, and being further described by metes and bounds as follows:

BEGINNING at a steel rod set on the West line of the City Limits of Henrietta, Texas, where said City Limits intersect the South line of said T. & N. O. R.R. Co. Survey No. 1 and the North line of the M. B. Skerrett Survey, and being a point 385.0 feet North 89 degrees 20 minutes East of the Southwest corner of said T. & N. O. R.R. Co. Survey No. 1;

THENCE North with the West boundary line of said City Limits 1379.2 feet to a concrete City Limit marker set under fence on the North line of a 17.45 acre tract described as the "THIRD TRACT" in Partition Deed between Ray Moore and Faye LaBarr dated March 1, 1971 and recorded in Volume 263, Page 2 of the Clay County Deed Records;

THENCE with fence North 89 degrees 57 minutes East 562.5 feet to fence post at the Northeast corner of said 17.45 acre tract, for the Northeast corner of this Tract; .

THENCE with fence South 00 degrees 40 minutes East 1349.1 feet to a steel rod set at fence corner on the East line of a 13.08 acre tract described as the "FOURTH TRACT" in above mentioned Partition Deed recorded in Volume 263, Page 2 of the Clay County Deed Records;

THENCE South 47 degrees 20 minutes West 36.0 feet to a steel rod set at Northeast corner of a 2.50 acre tract in the M. B. Skerrett Survey described as the "FIFTH TRACT" in above mention Partition Deed recorded in Volume 263, Page 2 of the Clay County Deed Records;

THENCE South 74.0 feet to a steel rod set at fence corner at the Southeast corner of said 2.50 acre tract, and being a point on the North line of U. S. Highway 287 Expressway Right-of-Way for the Southeast corner of this tract;

THENCE with said Right-of-Way fence South 82 degrees 44 minutes West 199.0 feet to fence corner at the Southeast corner of a 25 x 30 foot tract in said M. B. Skerrett Survey conveyed by Robert LaBarr et al to the City of Henrietta by deed dated February 20, 1976, and recorded in Volume 280, Page 911 of the Clay County Deed Records;

THENCE North 7 degrees 36 minutes West 25.0 feet to Northeast fence corner of said 25 x 30 foot tract;

THENCE South 82 degrees 44 minutes West 30.0 feet to Northwest fence corner of said 25 x 30 foot tract;

THENCE South 7 degrees 36 minutes East 25.00 feet to Southwest corner of said 25 x 30 foot tract and being a point on the North Right-of-Way line of said Highway 287;

THENCE with fence along the North Right-of-Way line of said Highway South 82 degrees 44 minutes West 280.0 feet to a fence corner on said Right-of-Way;

THENCE with said fence North 86 degrees 50 minutes West 46.6 feet to a steel rod set under said fence and being a point on the West line of the city limits of Henrietta, Texas, and the Southwest corner of this tract;

THENCE with the West line of said City Limits of Henrietta, Texas, North 129.3 feet to the PLACE OF BEGINNING, and containing 19.33 acres of land, more or less.

TRACT THREE:

Tract A:

A TRACT OF LAND IN CLAY COUNTY, TEXAS, BEING PART OF LOTS 2, 4 AND 6 OF THE A. L. SMITH SUBDIVISION OF 204 ACRES IN THE M. G. TRUESDALE SURVEY, A-454, AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod for the Northeast corner of said Lot 4 for the Northeast corner of this description;

THENCE along the East lines of Lots 4 and 2, South 11° 16' 16" East 298.42 feet to a 1/2 inch iron rod in a curve of the North Right-of-Way line of U. S. Highway No. 287 ("U.S. 287") for the Southeast corner of this description;

THENCE along said Right-of-Way line as follows:

In a Northwesterly direction with a curve to the Right having a radius of 1809.86 feet an arc distance of 840.95 feet to a 1/2 inch iron rod for an angle point of this description, the long chord of said curve bears North 53° 26' 07" West 833.41 feet; and North 24° 14' 00" West 49.55 feet to a 1/2 inch iron rod in the North line of said Lot 6 for the West corner of this description;

THENCE along the North lines of Lots 6 and 4, South 65° 55' 00" East, at 301.65 feet pass a 1/2 inch smooth rod for the Northeast corner of said Lot 6, a total distance of 699.55 feet to the PLACE OF BEGINNING and containing 2.56 acres, more or less.

Tract B:

A TRACT OF LAND IN CLAY COUNTY, TEXAS, BEING PART OF THE M. G. TRUESDALE SURVEY, A-454, INCLUDING PARTS OF LOTS 2 AND 3 OF THE A. L. SMITH SUBDIVISION OF 204 ACRES IN THE M. G. TRUESDALE SURVEY, A-454, SAID TRACT IS BOUNDED ON ALL SIDES BY RIGHT-OF-WAY FOR U. S. HIGHWAY NO. 287 ("U.S. 287") AND IS MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod in a curve of the Right-of-Way line of U. S. 287 for the Northeast corner of this description, said rod bears South 11° 16' 16" East 498.53 feet from the Northeast corner of Lot 4, said A. L. Smith Subdivision;



THENCE South 11° 16' 16" East 17.03 feet to a 1/2 inch iron rod for the Southeast corner of this description;

THENCE North 86° 54' 02" West 277.46 feet to a concrete Right-of-Way marker for an angle point of this description;

THENCE North 82° 20' 31" West 309.47 feet to a 1/2 inch iron rod for the Southwest corner of this description;

THENCE North 05° 55' 00" West 274.42 feet to a 1/2 inch iron rod for the Northwest corner of this description;

THENCE East 38.54 feet to a 1/2 inch iron rod in a curve for an angle point of this description;

THENCE in a Southeasterly direction and along a curve to the left having a radius of 2009.86 feet, an arc distance of 653.07 feet to the PLACE OF BEGINNING and containing 1.87 acres, more or less, the long chord of said curve bears South 61° 16' 28" East 850.20 feet.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all restrictions, covenants, conditions and easements, if any, relating to the hereinabove described Property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any, but only to the extent that they are still in effect relating to the hereinabove Property. This conveyance is also subject to all oil, gas and mineral reservations of record, if any, covering the hereinabove described Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, and Grantee's heirs, executors, administrators, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

This Warranty Deed may be executed in one or more counterparts, all of which shall constitute one and the same agreement. Signature pages to any counterpart may be detached, executed and

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INITIAL(S): MPE

attached to a single counterpart with the same force and effect as if all parties had executed a single signature page hereof.

When the context requires, singular nouns and pronouns include the plural.

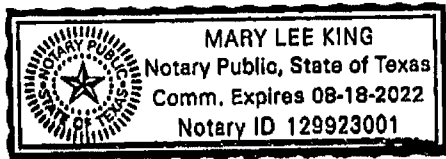
✓ Maxine P. Burden  
MAXINE P. BURDEN

✓ Maxine P. Burden  
MAXINE P. BURDEN, INDEPENDENT  
EXECUTOR OF THE ESTATE OF  
DONALD R. BURDEN

(Acknowledgment)

STATE OF Texas  
COUNTY OF Collin

This instrument was acknowledged before me on the 6 day of July, 2020, by Maxine P. Burden, Individually and as Independent Executor of the Estate of Donald R. Burden.



Marylee King  
Notary Public, State of Texas  
Notary's name (printed): Marylee King  
Notary's commission expires: 8/18/2022

AFTER RECORDING RETURN TO:  
Derek Sims and Ashley Sims  
1603 Brazos Street  
Wichita Falls, Texas 76309

PREPARED IN THE LAW OFFICE OF:  
SHERRILL & GIBSON, PLLC  
3711 MAPLEWOOD AVENUE SUITE 200  
WICHITA FALLS, TEXAS 76308

**FILED AND RECORDED**

Instrument Number: 23706 B: OPR V: 157 P: 295

Filing and Recording Date: 07/13/2020 08:29:42 AM Recording Fee: 58.00

I hereby certify that this instrument was FILED on the date and time stamped heron  
and RECORDED in the OFFICIAL PUBLIC RECORDS of Clay County, Texas.



*Sasha Kelton*

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Sasha Kelton, County Clerk  
Clay County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE  
REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND  
IS UNENFORCEABLE.