

**TRUST DISTRIBUTION DEED**

STATE OF ALABAMA

§

§

COUNTY OF SHELBY

§

**Whereas:**

During her lifetime, Hortense E. Davant acquired certain mineral interests totaling 4,520 mineral acres, more or less, located in Shelby County, Alabama, which are described in Exhibit A (Minerals), and an undivided 1/2 interest in the full fee title to 11.36 acres of land in said County, the primary sources of her title being Deed from the Alabama State Land Company to Wesley W. West, Phil E. Davant and P.M. Stevenson, dated June 12, 1945, and recorded in Volume 121, page 294, Records of Shelby County, Alabama; devise pursuant to the Will of Phil E. Davant; Partition Deed between Hortense E. Davant and Grace K. Davant, dated May 16, 1958, and recorded in Volume 193, page 469, Records of Shelby County, Alabama; and Partition Agreement between Hortense E. Davant and Wesley W. West, dated March 13, 1965 and recorded in Volume 236, page 103, Records of Shelby County, Alabama;

Hortense E. Davant died on November 10, 1973 leaving a will which was probated in Navarro County, Texas, and subsequently probated in Choctaw County, Alabama, which placed the Minerals in trust;

The trust created under the will of Hortense E. Davant which held the Minerals terminated, and the beneficiaries thereof entered into Agreement of Trust dated November 19, 1986, which named InterFirst Bank Corsicana, N.A. as Trustee (Trust Agreement) and which was confirmed by Confirmation of Interests in Trust executed in counterparts on various dates in 1991;

Bank of America, N.A. is the corporate successor to InterFirst Bank Corsicana, N.A.; and

The trusts (Trust) created under the Trust Agreement terminated as of January 1, 2000, so that it is appropriate to distribute the Minerals and any other mineral interests in Shelby County, Alabama which may be subject to the Trust Agreement (interests other than the Minerals which may be subject to the Trust Agreement will be referred to as the "Other Interests" and are also described in Exhibit A) together with the rights appurtenant to the same (Appurtenant Rights).

**Now therefore:**

BANK OF AMERICA, N.A. (Trustee), in consideration of the terms of the Trust Agreement and acting herein solely in its capacity as the Trustee thereunder, hereby GRANTS, CONVEYS, TRANSFERS, ASSIGNS and DELIVERS the property described in Exhibit A, which is referred

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SHELBY COUNTY JUDGE OF PROBATE  
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*Shelby*

to herein as the Minerals, the Other Interests, and the Appurtenant Rights, to the parties named in Exhibit B (Grantees) in the undivided interests as set out beside each Grantee's name in Exhibit B.

It is the intent hereof that BANK OF AMERICA, N.A. as Trustee under Agreement of Trust dated November 19, 1986, executed by Robert M. Davant, Jr. et al, as confirmed, is fully distributing the real property of the Trust, including without limitation all surface and mineral assets of the Trust, which are located in Shelby County, Alabama.

TO HAVE AND TO HOLD the respective interests in the Minerals, the Other Interests and the Appurtenant Rights unto each of the said Grantees and their heirs, successors, and assigns. Trustee makes no warranty of title but fully subrogates and substitutes Grantees to all claims, rights and causes of action which Trustee has or may have against any third party for breach of any warranty or representation of title. Trustee makes this conveyance in its stated fiduciary capacity only.

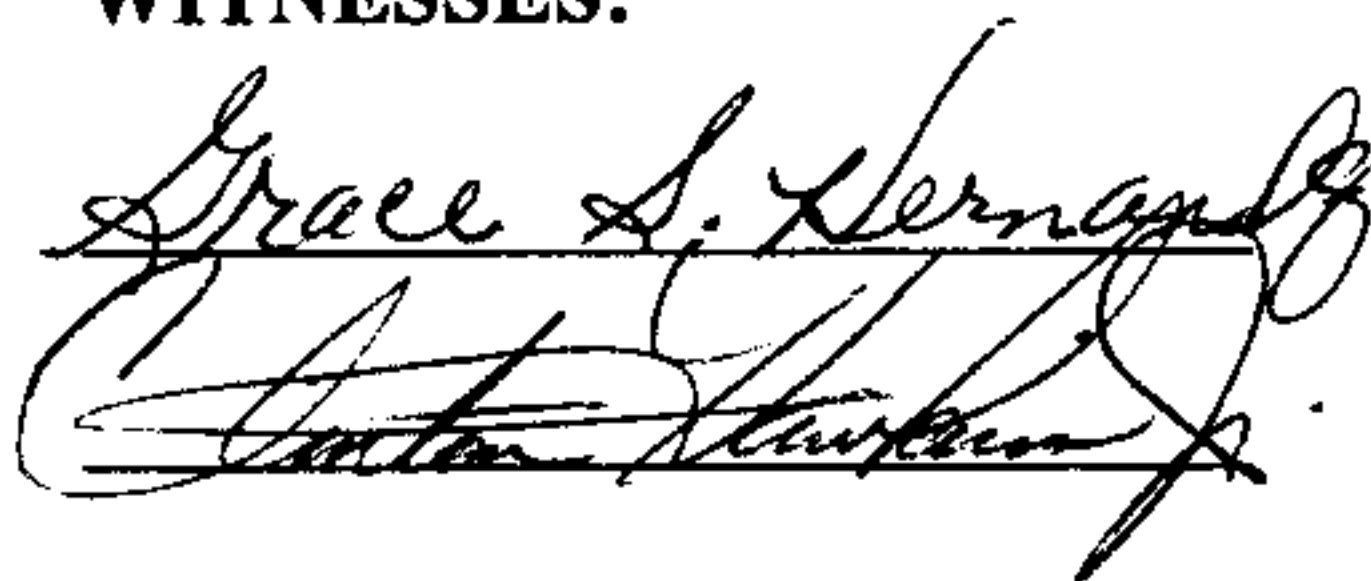
This instrument is being executed in connection with other instruments of like effect covering lands in other counties.

This instrument was prepared by J. Robert Goldsmith, Jr., Goldsmith & Bogisch, L.L.P., 609 Castle Ridge Road, Suite 317, Austin, Texas 78746.

**Execution and effective dates:**

This instrument is executed and delivered on June 30, 2000, but shall be effective for all purposes as of January 1, 2000, at 12:01 a.m.

**WITNESSES:**



**BANK OF AMERICA, N.A. SOLELY IN ITS  
CAPACITY AS TRUSTEE UTA DATED  
NOVEMBER 19, 1986, EXECUTED BY ROBERT  
M. DAVANT, JR. ET AL (THE "TRUST  
AGREEMENT" AS DEFINED ABOVE)**

By: Teresa Grafton

Print Name: Teresa Grafton

Title: VICE PRESIDENT

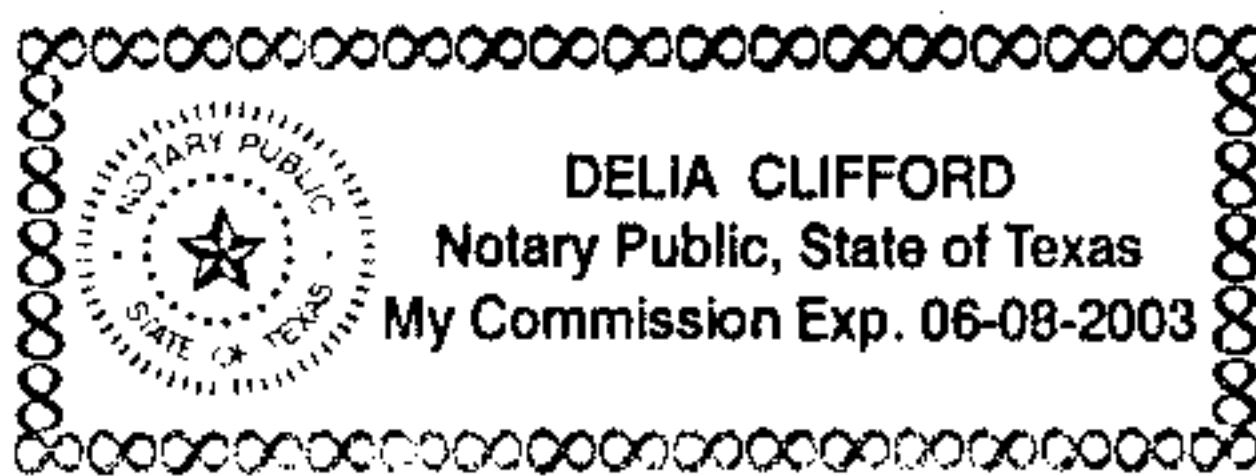
Shelby

## ACKNOWLEDGMENT

The State of Texas     §  
                                      §  
Dallas County           §

I, DELIA CLIFFORD, a Notary Public in and for said County, in said State, hereby certify that Jeresa Braxton whose name as VICE PRESIDENT (title) of BANK OF AMERICA, N.A., a corporation, as Trustee under Agreement of Trust dated November 19, 1986, and executed by Robert M. Davant, Jr. et al, is signed to the foregoing Trust Distribution Deed, and who is known to me, acknowledged before me on this day, that being informed of the contents of said Trust Distribution Deed, She (he/she), as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as Trustee as aforesaid.

Given under my hand this the 30<sup>th</sup> day of June, 2000.



Delia Clifford  
Notary Public in and for the State of Texas

**EXHIBIT A**

**Description of the Property Conveyed by the Trust Distribution Deed**

**PART ONE - THE MINERALS, THE OTHER INTERESTS, AND THE APPURTENANT RIGHTS**

1. *The Minerals:* All interests in oil, gas, other hydrocarbons, coal, coal seam gas, lignite, iron ore, uranium, helium, limestone, sulphur, sand, gravel, other valuable ores, solids, gases and liquids, and other minerals of any kind or character, regardless of whether extracted by well, mine shaft, open pit or strip mine, or by any other method, now held by BANK OF AMERICA, N.A. as Trustee under Agreement of Trust dated November 19, 1986, executed by Robert M. Davant, Jr. et al, as confirmed, together with such rights of ingress and egress as may be attached to the same, in and under the lands in Shelby County, Alabama, which are described in Part Two hereof.
2. *The Other Interests:* All interests in real property, including without limitation, all surface rights and all interests in oil, gas, other hydrocarbons, coal, coal seam gas, lignite, iron ore, uranium, helium, limestone, sulphur, sand, gravel, other valuable ores, solids, gases and liquids, and other minerals of any kind or character, regardless of whether extracted by well, mine shaft, open pit or strip mine, or by any other method, now held by BANK OF AMERICA, N.A. as Trustee under Agreement of Trust dated November 19, 1986, executed by Robert M. Davant, Jr. et al, as confirmed, together with such rights of ingress and egress as may be attached to the same, in and under any lands located in Shelby County, Alabama other than those specifically described in Part Two hereof.
3. *The Appurtenant Rights:* All rights under operating agreements, other contracts and agreements, leases, rights-of-way, easements, unitization and pooling agreements, governmental orders and regulations, and any other rights, estates, interests, causes of action, or other incidents and appurtenances, which are attached or related to the Minerals as described in item 1 above or the Other Interests as described in item 2 above, and all interests in bonuses, rentals, royalties and other consideration accruing after the effective date hereof, which are held by BANK OF AMERICA, N.A., in its capacity as Trustee as set out above.

**PART TWO - DESCRIPTION OF THE LANDS IN AND UNDER WHICH THE MINERALS ARE LOCATED**

See following pages.

THE STATE OF ALABAMA       §  
COUNTY OF SHELBY           §

NE 1/4 of NE 1/4; SE 1/4 of NE 1/4; SW 1/4 of NE 1/4; SW 1/4 of Section; NE 1/4 of SE 1/4; NW 1/4 of SE 1/4; SW 1/4 of SE 1/4; NE 1/4 of NW 1/4; SW 1/4 of NW 1/4; all in Section 25, Township 17 South, Range 1 East.

NW 1/4 of Section; SW 1/4 of Section; all in Section 11, Township 18 South, Range 1 East.

NW 1/4 of Section 21, Township 18 South, Range 1 East.

NW 1/4 of Section 9, Township 18 South, Range 2 East.

NE 1/4 of NE 1/4; NW 1/4 of NE 1/4; SW 1/4 of NE 1/4; NW 1/4 of Section; SW 1/4 of SW 1/4; all in Section 11, Township 18 South, Range 2 East.

NE 1/4 of Section; NW 1/4 of Section; all in Section 29, Township 18 South, Range 2 East.

NW 1/4 of NE 1/4; SE 1/4 of Section; NW 1/4 of Section; all in Section 3, Township 19 South, Range 1 East.

NW 1/4 of SW 1/4; SW 1/4 of SW 1/4; all in Section 17, Township 18 South, Range 1 West.

NW 1/4 of Section; NE 1/4 of Section; all in Section 23, Township 18 South, Range 1 West.

SW 1/4 of Section; E 1/2 of NW 1/4 of Section; all in Section 33, Township 18 South, Range 1 West.

NE 1/4 of NW 1/4; SW 1/4 of NW 1/4; all in Section 13, Township 19 South, Range 2 West.

NE 1/4 of NE 1/4; SE 1/4 of NE 1/4; SW 1/4 of NE 1/4; all in Section 21, Township 19 South, Range 2 West.

NE 1/4 of SE 1/4; SE 1/4 of SE 1/4; all in Section 27, Township 20 South, Range 3 West.

NW 1/4 of SE 1/4; SW 1/4 of NE 1/4; all in Section 13, Township 20 South, Range 4 West.

SW 1/4 of Section 27, Township 20 South, Range 4 West.

SE 1/4 of NE 1/4; NE 1/4 of SE 1/4; NW 1/4 of SE 1/4; SW 1/4 of SE 1/4; SW 1/4 of Section; all in Section 1, Township 21 South, Range 5 West.

N 1/2 of NE 1/4 of Section 7, Township 19 South, Range 1 East (Oil, Gas, Petroleum and Sulphur only).

County of Shelby

NW 1/4 of SE 1/4 (Oil, Gas, Petroleum and Sulphur only) of Section 17, Township 19 South, Range 2 West.

NE 1/4 of SW 1/4; NW 1/4 of SW 1/4; NW 1/4 of Section (Oil, Gas, Petroleum and Sulphur only); all in Section 30, Township 19 South, Range 2 West.

NE 1/4 of NE 1/4; NW 1/4 of NE 1/4; SE 1/4 of NE 1/4; NE 1/4 of SE 1/4; NW 1/4 of SE 1/4; SW 1/4 of SE 1/4; NW 1/4 of Section; SW 1/4 of Section (Oil, Gas, Petroleum and Sulphur only); all in Section 35, Township 19 South, Range 3 West.

An undivided 1/2 interest in the full fee title to the South 9 acres of NW 1/4 of NW 1/4; South 4.5 acres of W 1/2 of NE 1/4 of NW 1/4; all in Section 20, Township 19 South, Range 2 West less portion taken for highway leaving 11.36 acres.

**EXHIBIT B**

**Grantees and their Interests – Trust Distribution Deed**

Richard A. Groenendyke, Jr. 320 S. Boston Ave., Ste. 400 Tulsa, OK 74103-3704	4.99975%
Mary Kathryn Dunnam Ladewig 13406 Vista Del Mar San Antonio, TX 78216-2210	6.6668%
Kathryn Davant Dodson 111 McGuire Cove Clarksdale, MS 38614-9708	11.6006%
Thomas E. Dunnam, III 14618 Reigh Count St. San Antonio, TX 78248-1139	6.6669%
Laura A. Gunn 13408 Vista Del Prado San Antonio, TX 78216-2227	6.6669%
Kathryn Dodson Goss 113 Chancellorsvill Lane Clarksdale, MS 38614-2101	2.80%
Mary D. Rosenberg 620 S. Lang Avenue Pittsburgh, PA 15208-2906	2.80%
Jack R. Dodson, Jr. P.O. Box 1544 Clarksdale, MS 38614-1544	2.80%
Glenn A. Sodd P.O. Box 837 Corsicana, TX 75151-0837	0.69316%

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Leighton Dawson P.O. Box 837 Corsicana, TX 75151-0837	0.69316%
Derek H. Davis P.O. Box 97311 Waco, TX 76798-7311	0.69316%
Barbara Moe P.O. Box 837 Corsicana, TX 75151-0837	0.45322%
R. Matt Dawson 3416 Stewart Circle Waco, TX 76708-1036	0.1333%
Carolyn Davant Fricke 113 Bowie St. Port Lavaca, TX 77979-2606	3.5556%
Cornelia Davant Atwood P.O. Box 206 Blessing, TX 77419-0206	3.5556%
William Louis Davant 607 Rosewood Dr. Victoria, TX 77901-4732	3.5556%
Kathryn Davant Higgins 316 Avalon Street Port Lavaca, TX 77979-3717	3.5556%
Eugenia Davant Wilson 561 Cass Street Sulphur, LA 70663-1015	3.5556%
James E. Davant, D.V.M. P.O. Box 695 Blessing, TX 77419-0695	3.5556%

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Robert M. Davant, Jr.  
9839 Whithorn Drive #B  
Houston, Texas 77095-6165

20.0%

Valorie Hundley  
1306 Morton League Road  
Richmond, TX 77469-1373

3.66649%

Elizabeth L. Howe  
2318 Landscape Way  
Richmond, TX 77469-1286

3.66648%

Texas Gulf Bank, N.A.  
In its Capacity as Escrow Agent for David  
Dewitt Jones pursuant to Order Approving  
Appointment of Escrow Agent, dated April  
28, 2000, in Cause No. 24,626M, In the County  
Court at Law No. 1 and Probate Court, Brazoria  
County, Texas  
107 Westway  
Lake Jackson, Texas 77566

3.66648%

Inst # 2000-25104

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