

CITY OF KILLEEN, TEXAS

REAL PROPERTY DONATION PROCEDURES

I. Purpose

This document will provide guidelines to members of the public that would like to donate real property to the City of Killeen. This document will identify some of the risks and expenses associated with gifts of real property to the City. This procedure will also ensure that real property gifts comply with state law and City policy objectives.

II. Requirements for Donation

Property must meet the following minimum criteria before it will be considered for donation to the City:

- a. The real property must be conveyed to the City as a gift or donation and without additional payment by the City.
- b. The donor must be able to execute a General Warranty Deed or Special Warranty Deed. Quitclaim deeds will only be accepted in exceptional circumstances.
- c. The property must be free of all encumbrances, including mortgages, leases, liens, or other encumbrances of any kind.
- d. The conveyance must grant fee simple title to the City, without remainders.
- e. All taxes must be paid in full and current through the current calendar year. In addition, the donor will be responsible for any taxes that accrue during the donation period – i.e. that period of time in which the City evaluates the real property for donation and prepares legal documentation and prior to final acceptance by the City Council.
- f. The property must be free from any conditions, commitments, covenants, or restrictions that would affect the City's use or enjoyment of the property if the property were accepted.
- g. Access to the property shall be provided if the City wishes to physically inspect the property.
- h. The donor shall provide a completed donation request packet which shall include:
 - i. A completed and signed Real Estate Acquisition Data Sheet which will provide an overview of the property and include relevant environmental and financial circumstances;
 - ii. A copy of the deed that conveyed title to the donor. If title is not held in fee simple by the person providing the documentation, acceptable documentation of the donor's authority to convey the property – e.g. corporate resolution, family trust agreement, partnership agreement, or power of attorney, must be provided.

i. To convey the property, the donor must provide a proper legal description (**lot and block OR metes and bounds**) of the property. **If the property has not been platted or is a remainder lot of platted property, the donor must provide a survey at the donor's expense.**

III. Donation Procedures

- a. Parties interested in donating real property to the City should contact the Public Works Department to obtain a copy of the Real Acquisition Data Sheet. The above documentation should be returned to the Public Works Department.
- b. City Staff will evaluate and provide a recommendation on all real property donation requests. Evaluation of the property will include a determination of whether the property is suitable for any public purpose and whether any encumbrances exist.
- c. Once the Public Works Department has determined whether to recommend that City Council accept or decline the donation, the Deputy City Attorney – Public Works should be notified to prepare the legal conveyance documents.
- d. The Public Works Department will request that the item be placed on the City Council's agenda and submit the Department's recommendation to the City Council for disposition.
- e. The legal documents will be submitted to the donor to file with the County Clerk. Filing fees are the responsibility of the donor. The donation is not final until the legal documents are signed by the donor and the City Manager and the donor has filed them with the County Clerk. The donor shall return a copy of the filed documents to the Public Works Department.

IV. Acceptance of Legal Risk, Tax Risk, and Other Consequences by Donor

- a. Donations of real property may have significant legal and tax consequences for donors of such property. Each donor will be required to acknowledge that:
 - i. The donor has not relied on any information provided by the City of Killeen, its officers, employees, or agents with respect to any tax or other legal issue related to the donation; and
 - ii. That the donor understands that the donor has been provided notice of the donor's right to consult with competent tax or legal counsel, at the donor's expense, prior to the execution of any documentation of finalization of the transfer.
- b. The City Attorney does not provide legal advice of any nature to donors.

**REAL ESTATE ACQUISITION DATA SHEET
FOR GIFTS OF REAL ESTATE**

To assist the City of Killeen in determining the potential benefit of proposed donations of real property, please provide the information requested below and sign in the space provided. Please use additional sheet(s) if additional space is required for any response(s).

A. GENERAL PROPERTY INFORMATION

Name of Donor(s): Killeen BES Ltd
Address: 2901 E Stan Schlueter Loop
Telephone: 634-5567
Email: cpurser@purserco.com

1. Legal Description of Property, Geographic/Property ID #s:

Property: 387506 Trimmer Estates Phase One replat
1.626 AC being part of remainder of Tract "A" Drainage Infrastructure

2. Number of parcels and acreage:

1.626 AC

3. List any covenants or encumbrances associated with this property :

None

4. List improvements (type of building(s), condition, type and date of construction):

None

5. Utilities:

Ø Water service (List name of Provider _____)
Ø Sewer service (List name of Provider _____)

- ☒ Registered Septic System (Provide copy of registration)
☒ Electrical Power
☒ Telephone

6. Date of last appraisal (attach copy):

N/A

7. Are there any unpaid taxes/attachments on the property? (If yes, please describe), provide copy of current tax status:

2018 Taxes not paid

8. Is the property subject to a mortgage? If yes, please list: the current mortgage holder, the current balance, and the loan origination date for each mortgage (including 2nd and 3rd lien-holders).

No

9. Current yearly operating expenses are:

Property Taxes \$ 2017 - \$ 2.48 ; 2016 - \$ 2.50

Insurance \$ _____

Utilities \$ 0

Homeowner/

Association Fees \$ 0

Other \$ 0

B. LEGAL STATUS OF PROPERTY

1. Has the property recently been offered for sale? No

If yes, how long has it been on the market? _____

2. Any type of easements located on the property. If yes, please list:

Yes COK utility

3. Potential or pending legal actions or claims:

No

4. Does the property have access to public roads?

Yes Trimmer & Castellatun

C. ENVIRONMENTAL CONDITIONS

1. Has the property known or suspected to have been used as a dumping site, either legally or illegally, for disposal of solid or chemical waste? No

If yes, explain:

2. Any evidence or suspicion of asbestos-containing material or lead paint in the building(s)? No

If Yes, please describe:

3. Are you aware of any known or suspected above ground or underground storage tanks on or near the property including fuel oil, heating oil, or gasoline? NO

If yes, please describe including distance from property:

4. Other structures and/or improvements on property:

5. Are there any of the following: washes, arroyos, gorges, caves, wells, canals/ditches, or other natural or man-made hazards: _____

If yes, please describe:

Concrete lined channel

D. DONOR CERTIFICATION

I/We certify that the information provided in the Real Estate Acquisition Data Sheet is true and correct to the best of my(our) knowledge. I/We further acknowledge that I/we have not relied on any information (written or verbal) provided by the City of Killeen, its officers, employees or agents with respect to any taxation or other legal issues with respect to this donation and that I/we understand and acknowledge that I/we have been given notice of our right to consult competent tax and/or legal counsel and encouraged to seek such advice or consultation prior to execution of any documents or any actions with respect to the donation of the subject real property to the City of Killeen. **I/we understand that I/we will be responsible for all**

taxes which are due, or become due, prior to or during the donation process.



Donor

5-7-18

Date

Please return the completed form along with a copy of the Deed and other pertinent information.

Thank you for your assistance in helping us assess your generous donation offer.

To be completed by Staff only:

Public Purpose for which the property may be used:

Check all that apply:

- ☐ Parks and playgrounds;
- ☐ Hospitals;
- ☐ The extension, improvement, and enlargement of its water system, including riparian rights, water supply reservoirs, standpipes, watersheds, and dams;
- ☐ The laying, building, maintenance, and construction of water mains;
- ☐ The laying, erection, establishment, and maintenance of necessary appurtenances or facilities that will furnish to the inhabitants of the municipality an abundant supply of wholesome water;
- ☐ Sewage plants and systems;
- ☐ Rights of way for water and sewer lines;
- ☐ Airports and landing fields;
- ☐ Incinerators and garbage disposal plants;
- ☐ Streets, boulevards, alleys, or other public ways; or
- ☐ Right of way needed in connection with property used for any of these purposes
- ☐ Other: _____

Staff Recommendation:

- ☐ Accept
- ☐ Decline

Reason for Recommendation:

Completed by: _____

FILED
In the Office of the
Secretary of State of Texas

OCT 25 2005

Corporations Section

**CERTIFICATE OF FORMATION FOR
KILLEEN BES, LTD.**

This Certificate of Formation is filed to form a limited partnership.

1. *Name.* The name of the filing entity being formed is Killeen BES, Ltd.
2. *Type.* The type of filing entity being formed is a Limited Partnership.
3. *Registered Office and Agent.* The street address of the initial registered office of the filing entity and the name of the initial registered agent of the filing entity are as follows:

Name: Gary W. Purser Jr.
Address: 2901 E. Stan Schlueter Loop, Killeen, Texas 76542

4. *General Partners.* The name and address of each general partner of the filing entity are as follows:

Name: Killeen BES Management, LC
Address: 2901 E. Stan Schlueter Loop, Killeen, Texas 76542

5. *Principal Office.* The address of the principal office of the filing entity in the United States where records are to be kept and made available is as follows: 2901 E. Stan Schlueter Loop, Killeen, Texas 76542

EXECUTED to be effective as of October 25, 2005.

Killeen BES, Ltd., by
Killeen BES Management, LC, General Partner

By: 
Gary W. Purser, Jr., President

Exhibit A

Being a 1.626 acre tract of land being part of the Azra Webb Survey, Abstract No. 857, being part of the remainder of Tract "A", Drainage Infrastructure, Trimmier Estates Phase One Replat, as recorded in Cabinet D, Slide 134-B&C, Plat Records of Bell County, Texas, being part of the 0.037 acre tract conveyed to Killeen BES, Ltd., as recorded in Vol. 6051, Page 807, Official Public Records of Bell County, Texas, and part of the 5.521 acre tract of land conveyed to Killeen BES, Ltd., as recorded in Vol. 6051, Page 810, said Public Records; said 1.626 acre tract being more particularly described as follows:

BEGINNING at a point, said point being the Southwest corner of said Tract "A", in the East line of Trimmer Estates, Phase One, as recorded in Cab. D, Slide 95-C&D, said plat records, in the South line of said Trimmier Estates, Phase One Replat, in the North Margin of Constellation Drive, and the Southwest corner of the herein described tract, and the **POINT OF BEGINNING**;

THENCE, N 17° 09' 38" E, 486.65 feet with the West line of said Tract "A", the East line of said Trimmier Estates, Phase One, the South line of said Trimmier Estates, Phase One Replat, the West line of the herein described tract to a 3/8" Iron Rod Set w/ Killeen Eng. Cap, said rod being in the West line of said Tract "A", the North line of said Trimmier Estates, Phase One Replat, in the South line of Meadows of Trimmier, as recorded in Cab. D, Slide 148-D, said plat records;

THENCE, S 72° 39' 22" E, 118.07 feet with the West line of said Tract "A", the South line of said Meadows of Trimmier, and the West line of the herein described tract to a 1/2" Iron Rod Found, said rod being the Southeast corner of said Meadows of Trimmier;

THENCE, N 17° 01' 31" E, 354.24 feet with the West line of said Tract "A", the East line of said Meadows of Trimmier, and the West line of the herein described tract to a 3/8" Iron Rod Set w/ Killeen Eng. Cap, said rod being in the West line of said Tract "A", in the East line of said Meadows of Trimmier, and the Northwest corner of the herein described tract;

THENCE, S 72° 33' 44" E, 27.47 feet across and upon said Tract "A", with the North line of the herein described tract to a Fence Corner Found, said corner being in the East line of the remainder of said Tract "A", the Northwest corner of Harkin Addition, as recorded in Cab. D, Slide 384-D, said plat records, and the Northeast corner of the herein described tract;

THENCE, with the East line of the remainder of said Tract "A", the West line of said Harkin Addition, and the East line of the herein described tract the following calls:

1. **S 3° 51' 01" E, 93.12 feet** to a 3/8" Iron Rod Found w/ Killeen Eng. Cap;
2. **S 37° 49' 15" E, 31.97 feet** to a 3/8" Iron Rod Found w/ Killeen Eng. Cap;
3. **S 27° 07' 24" E, 30.64 feet** to a 3/8" Iron Rod Found w/ Killeen Eng. Cap;
4. **S 1° 13' 26" W, 35.73 feet** to a 3/8" Iron Rod Set w/ Killeen Eng. Cap, said rod being the Southwest corner of said Harkin Addition;

THENCE, S 66° 51' 19" E, 67.64 feet with the East line of the remainder of said Tract "A", the South line of said Harkin Addition, and the East line of the herein described tract to a 3/8" Iron Rod Set w/ Killeen Eng. Cap, said rod being the Southeast corner of said Harkin Addition, in the West margin of Trimmier Road, as conveyed to the City of Killeen, Instr. # 2009-00020177, said public records;

THENCE, S 17° 01' 36" W, 102.17 feet with the East line of the remainder of said Tract "A", the West Margin of said Trimmer Road, and the East line of the herein described tract to a 3/8" Iron Rod Set w/ Killeen Eng. Cap;

THENCE, across and upon said Tract "A", with the East line of the herein described tract the following calls:


1. **N 72° 43' 57" W, 125.98 feet** to a 3/8" Iron Rod Set w/ Killeen Eng. Cap;
2. **S 17° 01' 31" W, 103.67 feet** to a 3/8" Iron Rod Set w/ Killeen Eng. Cap;
3. **S 60° 48' 09" W, 42.85 feet** to a 3/8" Iron Rod Set w/ Killeen Eng. Cap;
4. **N 72° 39' 22" W, 87.68 feet** to a 3/8" Iron Rod Set w/ Killeen Eng. Cap;

THENCE, S 17° 09' 38" W, 435.42 feet with the East line of the herein described tract, passing a corner in the East line said Tract "A", continuing with the East line of said Tract "A", with the South line of said Trimmier Estates, Phase One Replat, with the West line of the remainder of the above mentioned 5.521 acre tract, passing the Southwest corner of the remainder of said 5.521 acre tract, continuing with the West line of the remainder of said 0.037 acre tract to a 3/8" Iron Rod Set w/ Killeen Eng. Cap, said rod being the Southeast corner of said Tract "A", the Southeast corner of said remainder of said 0.037 acre tract, in the North Margin of said Constellation Drive, and the Southeast corner of the herein described tract;

THENCE, N 72° 50' 22" W, 60.00 feet with the South line of said Tract "A", the South line of said Trimmier Estates, Phase One Replat, the North margin of said Constellation Drive, and the South line of the herein described tract to the **POINT OF BEGINNING**, containing 1.626 acres of land, more or less;

The Bearings for the above description are based on the Texas Coordinate System, Central Zone, NAD 83 per Leica SmartNet GPS Observations.

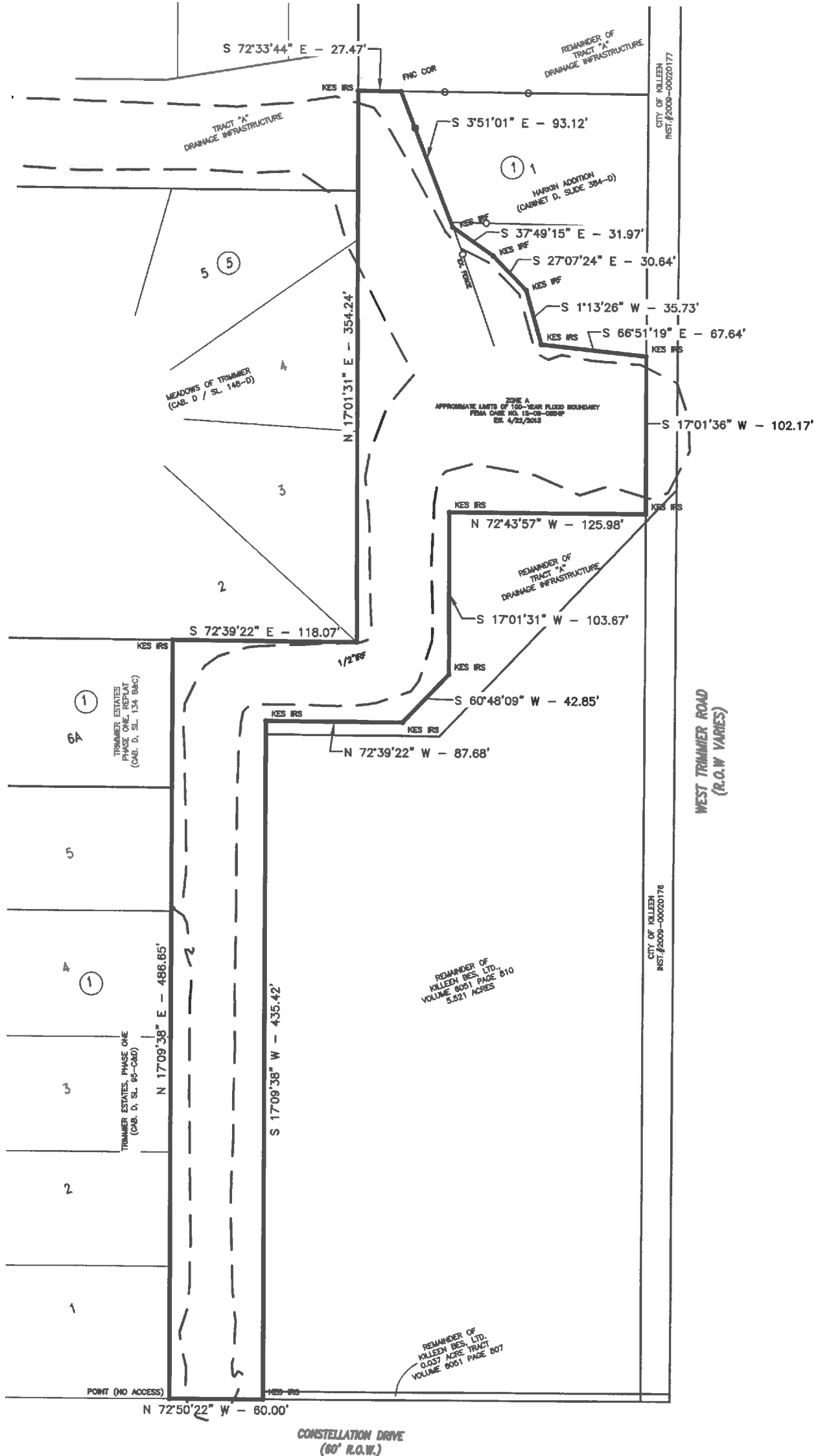
I, Michelle E. Lee, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.


Michelle E. Lee, RPLS 4-20-18
No. 5772, Texas

KILLEEN ENGINEERING & SURVEYING, LTD.
2901 E. STAN SCHLUETER LOOP
KILLEEN, TEXAS 76542
(254) 526-3981/ FAX (254) 526-4351
TBPE Registration No. F-4200, TBPLS Registration No. 100144-00



EXHIBIT "A1"



1.626 acres, located in the Azra Webb Survey, Abstract 857

DATE: April 19, 2018

SCALE: 1" = 100'

PROJECT No.: 2018-003

KILLEEN ENGINEERING
& SURVEYING, LTD
2901 E. STAN SCHLUETER LOOP
KILLEEN, TEXAS 76542
(254) 528-3981 FAX (254) 528-4351

WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS' LICENSE NUMBER

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BELL §

THAT BENTINA, LTD., a Texas Limited Partnership, ELIZABETH H. TIPTON, Trustee of the ELIZABETH H. TIPTON 1999 TRUST and SUE ELLEN VAN ZANTEN, Trustee of the SUE ELLEN VAN ZANTEN 1999 TRUST (herein called "Grantors" whether one or more), of the County of BELL and State of TEXAS, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto KILLEEN BES, LTD., a Texas Limited Partnership, (herein called "Grantee" whether one or more) of 2901 E STAN SCHLUETER LOOP, KILLEEN 76542, in the County of BELL and State of TEXAS all of the following described described real property in BELL County, Texas, to-wit:


BEING a total of 15.352 acres of land situated in and being out of the Azra Webb Survey, Abstract 857, being part of that 140.239 acre tract of land conveyed to BENTINA, LTD., ELIZABETH H. TIPTON 1999 TRUST and SUE ELLEN VAN ZANTEN 1999 TRUST, described in Volume 5820, Page 584, Official Records of Bell County, Texas; subject tracts, containing 3.032 acres, 5.521 acres, 6.117 acres and 0.682 acres, being more particularly described by metes and bounds in Exhibits A, B, C, and D, attached hereto and incorporated herein for all purposes

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, easements, maintenance charges and the liens securing said charges, and mineral reservations of whatsoever nature, if any, affecting the premises conveyed herein, now of record in the county wherein the land is located.

TO HAVE AND TO HOLD the above described premises, together with all and singular rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's successors and assigns forever; and Grantors do hereby bind Grantors, Grantors'

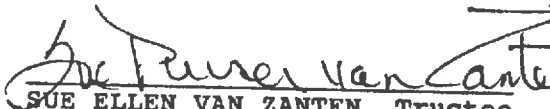
successors, heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED the 4th day of May, 2006.


ELIZABETH H. TIPTON, Trustee
ELIZABETH H. TIPTON 1999 TRUST

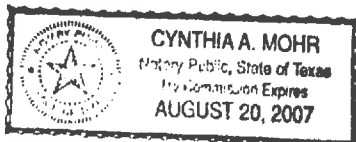
BENTINA MANAGEMENT, L.C., Gen
Partner of BENTINA, LTD.

BY: 
GARY W. PURSER, JR., President


SUE ELLEN VAN ZANTEN, Trustee
SUE ELLEN VAN ZANTEN 1999 TRUST

STATE OF TEXAS
COUNTY OF BELL

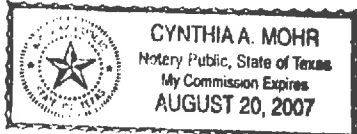
This instrument was acknowledged before me on May 4, 2006, by GARY W. PURSER, JR., as President of BENTINA MANAGEMENT, L.C., as General Partner of BENTINA, LTD., a Texas Limited Partnership, on behalf of said Partnership.

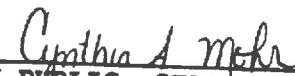



NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

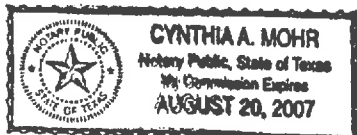
This instrument was acknowledged before me on May 4, 2006, by ELIZABETH H. TIPTON, as Trustee of the ELIZABETH H. TIPTON 1999 TRUST.




NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on May 4, 2006, by SUE ELLEN VAN ZANTEN, as Trustee of the SUE ELLEN VAN ZANTEN 1999 TRUST.



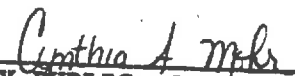

NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT A

Being 3.032 acres of land situated in and being out of the Azra Webb Survey, Abstract 857, being part of the remainder of that 140.239 acre tract of land conveyed to Bentina, Ltd., Elizabeth H. Tipton 1999 Trust and Sue Ellen Vanzanten 1999 Trust, described in Volume 5820, Page 584, Deed Records of Bell County, Texas, said 3.032 acres being more fully described as follows:

BEGINNING at a 3/8" iron rod found (all of the 3/8" iron rods found herein have orange cap marked "Killeen E&S"), said rod being the Southwest corner of said remainder of said 140.239 acre tract, the Northwest corner of the remainder of a 103.272 acre tract of land conveyed to Killeen Independent School District, described in Volume 5227, Page 265, said Deed Records, and in the East line of the remainder of a tract of land conveyed to M. Idrees Khan, described in Volume 3438, Page 571, said Deed Records, and the Southwest corner of the herein described tract;

THENCE, N 18° 51' 59" E, 223.00 feet with the West line of said remainder of said 140.239 acre tract, the East line of said Khan tract, and the West line of the herein described tract to a 3/8" iron rod found, said rod being the Southwest corner of a 26.318 acre tract of land conveyed to RSBP Developers, Inc, described in Volume 5977, Page 60, said Deed Records, the Northwest corner of said remainder of said 140.239 acre tract, and the Northwest corner of the herein described tract;

THENCE, with the North line of said remainder of said 140.239 acre tract, the South line of said 26.318 acre tract, and the North line of the herein described tract the following calls:

1. S 70° 56' 09" E, 124.27 feet to a 3/8" iron rod found;
2. S 19° 03' 51" W, 23.00 feet to a 3/8" iron rod found;
3. S 70° 56' 09" E, 60.00 feet to a 3/8" iron rod found;
4. S 70° 56' 09" E, 462.72 feet to a 3/8" iron rod found, said rod being the Northeast corner of said remainder of said 140.239 acre tract, the Southeast corner of said 26.318 acre tract, the Southwest corner of 1.548 acre tract of land conveyed to RSBP Developers, Inc, described in Volume 5977, Page 66, said Deed Records, the Northwest corner of the remainder of a 2.941 acre tract of land conveyed to Rylei Partnership, described in Volume 5922, Page 330, said Deed Records, and the Northeast corner of the herein described tract;

THENCE, S 19° 19' 57" W, 200.00 feet with the East line of said remainder of said 140.239 acre tract, the West line of said remainder of said 2.941 acre tract, and the East line of the herein described tract to a 3/8" iron rod found, said rod being the Southeast corner of said remainder of said 140.239 acre tract, the Northeast corner of said remainder of said 103.272 acre tract, and the Southeast corner of the herein described tract;

THENCE, N 70° 56' 09" W, 645.28 feet with the South line of said remainder of said 140.239 acre tract, the North line of said remainder of said 103.272 acre tract, and the South line of the herein described tract to THE PLACE OF BEGINNING, containing 3.032 acres of land, more or less.

Basis of Bearing being S 19° 00' 00" W - 1416.60 feet, said line being the East line of Trimmer Estates, Phase One, an addition to the City of Killeen, recorded in Cabinet D, Slide 95-C&D, Plat Records of Bell County, Texas.

I, Michelle E. Lee, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.

Michelle E. Lee
Michelle E. Lee, RPLS 4-21-06
No. 5772, Texas



Killeen Engineering & Surveying, LTD
2901 E. Stan Schlueter Loop
Killeen, TX 76542
(254) 526-3981

EXHIBIT B

Being 5.521 acres of land situated in and being out of the Azra Webb Survey, Abstract 857, being all of the Northeast remainder of that 140.239 acre tract of land conveyed to Bentina, Ltd., Elizabeth H. Tipton 1999 Trust and Sue Ellen Vanzanten 1999 Trust, described in Volume 5820, Page 584, Deed Records of Bell County, Texas, and all of the remainder of that certain 2.111 acre tract of land conveyed to Bentina, Ltd., Elizabeth H. Tipton 1999 Trust and Sue Ellen Vanzanten 1999 Trust, described in Volume 5895, Page 721, said Deed Records, said 5.521 acres being more fully described as follows:

BEGINNING at a 3/8" iron rod found (all of the 3/8" iron rods found herein have orange cap marked "Killeen E&S"), said rod being the Southwest corner of said remainder of said 140.239 acre tract, in the East line of Trimmier Estates, Phase One, an addition to the City of Killeen, recorded in Cabinet D, Slide 95-C & D, Plat Records of Bell County, Texas, the Northwest corner of the North remainder of that 88.850 acre tract of land conveyed to RSBP Developers, described in Volume 5869, Page 221, and the Southwest corner of the herein described tract;

THENCE, N 19° 03' 51" E, 481.86 feet with the West line of said remainder of said 140.239 acre tract, the East line of said Trimmier Estates, Phase One, and the West line of the herein described tract to a 3/8" iron rod found, said rod being the Northwest corner of said remainder of said 140.239 acre tract, in the East line of said Trimmier Estates, Phase One, in the South line of a tract of land conveyed to Whitis Investments, described in Volume 5713, Page 076, said Deed Records, and in the West line of the herein described tract;

THENCE, S 70° 45' 08" E, 117.55 feet with the North line of said remainder of said 140.239 acre tract, the South line of said Whitis tract, passing the Southeast corner of said Whitis tract, continuing with the South line of the South remainder of a tract of land conveyed to William Parker Trust, described in Volume 380, Page 239, said Deed Records, and with the West line of the herein described tract to a 3/8" iron rod found, said rod being the Southeast corner of said remainder of said Parker tract, the Southwest corner of said remainder of said 2.111 acre tract, and in the West line of the herein described tract;

THENCE, N 18° 55' 44" E, 415.91 feet with the West line of said remainder of said 2.111 acre tract, the East line of said remainder of said Parker tract, and the West line of the herein described tract to a 3/8" iron rod found, said rod being the Northwest corner of said remainder of said 2.111 acre tract, and the Northwest corner of the herein described tract;

THENCE, S 70° 49' 40" E, 207.16 feet with the North line of said remainder of said 2.111 acre tract, the East line of said remainder of said Parker tract, and the North line of the herein described tract to a 3/8" iron rod found, said rod being the Northeast corner of said remainder of said 2.111 acre tract, in the West margin of Trimmier Road, and the Northeast corner of the herein described tract;

THENCE, S 19° 14' 52" W, 416.18 feet with the East line of said remainder of said 2.111 acre tract, the West margin of said Trimmier Road, and the East line of the herein described tract to a 3/8" iron rod found, said rod being the Southeast corner of said remainder of said 2.111 acre tract, the Northeast corner of said remainder of said 140.239 acre tract, in the West margin of Trimmier Road, and in the East line of the herein described tract;

THENCE, S 19° 15' 31" W, 480.83 feet with the East line of said remainder of said 140.239 acre tract, the West margin of said Trimmier Road, and the East line of the herein described tract to a 3/8" iron rod found, said rod being the Southeast corner of said remainder of said 140.239 acre tract, the Northeast corner of said remainder of said 88.850 acre tract, in the West margin of Trimmier Road, and the Southeast corner of the herein described tract;

THENCE, N 70° 56' 09" W, 320.76 feet with the South line of said remainder of said 140.239 acre tract, the North line of said remainder of said 88.850 acre tract, and the South line of the herein described tract to **THE PLACE OF BEGINNING**, containing 5.521 acres of land, more or less.

Basis of Bearing being S 19° 00' 00" W - 1416.60 feet, said line being the East line of said Trimmier Estates, Phase One.

I, Michelle E. Lee, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.

Michelle E. Lee
Michelle E. Lee, RPLS 4-28-06
No. 5772, Texas



Killeen Engineering & Surveying, LTD
2901 E. Stan Schnitzer Loop
Killeen, TX 76542
(254) 526-3981

EXHIBIT C

Being 6.117 acres of land situated in and being out of the Azra Webb Survey, Abstract 857, being all of the East remainder of that 140.239 acre tract of land conveyed to Bentina, Ltd., Elizabeth H. Tipton 1999 Trust and Sue Ellen Vanzanten 1999 Trust, described in Volume 5820, Page 584, Deed Records of Bell County, Texas, said 6.117 acres being more fully described as follows:

BEGINNING at a 3/8" iron rod found (all of the 3/8" iron rods found herein have orange cap marked "Killeen E&S"), said rod being the Southwest corner of said remainder of said 140.239 acre tract, in the East line of Trimmier Estates, Phase One, an addition to the City of Killeen, recorded in Cabinet D, Slide 95-C & D, Plat Records of Bell County, Texas, in the North margin of Atlas Avenue, and the Southwest corner of the herein described tract;

THENCE, N 19° 03' 51" E, 835.00 feet with the West line of said remainder of said 140.239 acre tract, the East line of said Trimmier Estates, Phase One, and the West line of the herein described tract to a 3/8" iron rod found, said rod being the Northwest corner of said remainder of said 140.239 acre tract, in the East line of said Trimmier Estates, Phase One, the Southwest corner of the South remainder of that 88.850 acre tract of land conveyed to RSBP Developers, described in Volume 5869, Page 221, said Deed Records, and the Northwest corner of the herein described tract;

THENCE, S 70° 56' 09" E, 320.52 feet with the North line of said remainder of said 140.239 acre tract, the South line of said remainder of said 88.850 acre tract, and the North line of the herein described tract to a 3/8" iron rod found, said rod being the Southeast corner of said remainder of said 88.850 acre tract, the Northeast corner of said remainder of said 140.239 acre tract, in the West margin of Trimmier Road, and the Northeast corner of the herein described tract;

THENCE, S 19° 15' 31" W, 835.00 feet with the East line of said remainder of said 140.239 acre tract, the West margin of said Trimmier Road, and the East line of the herein described tract to a 3/8" iron rod found, said rod being the Southeast corner of said remainder of said 140.239 acre tract, in the East line said Trimmier Estates, Phase One, in the North margin of said Atlas Avenue, and the Southeast corner of the herein described tract;

THENCE, N 70° 56' 09" W, 317.68 feet with the South line of said remainder of said 140.239 acre tract, the East line of said Trimmier Estates, Phase One, the North margin of said Atlas Avenue, and the South line of the herein described tract to THE PLACE OF BEGINNING, containing 6.117 acres of land, more or less.

Basis of Bearing being S 19° 00' 00" W - 1416.60 feet, said line being the East line of said Trimmier Estates, Phase One.

I, Michelle E. Lee, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.

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