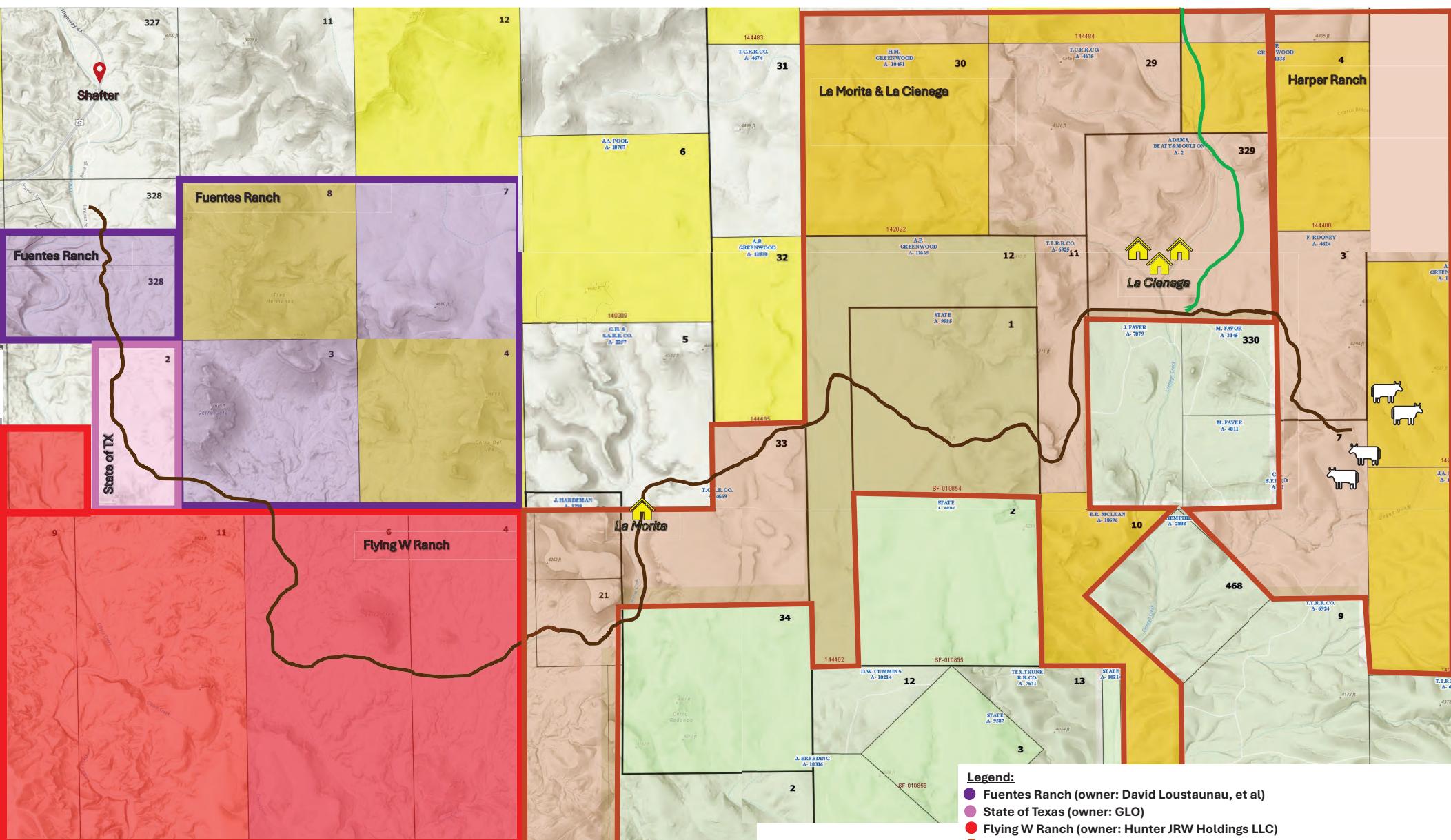


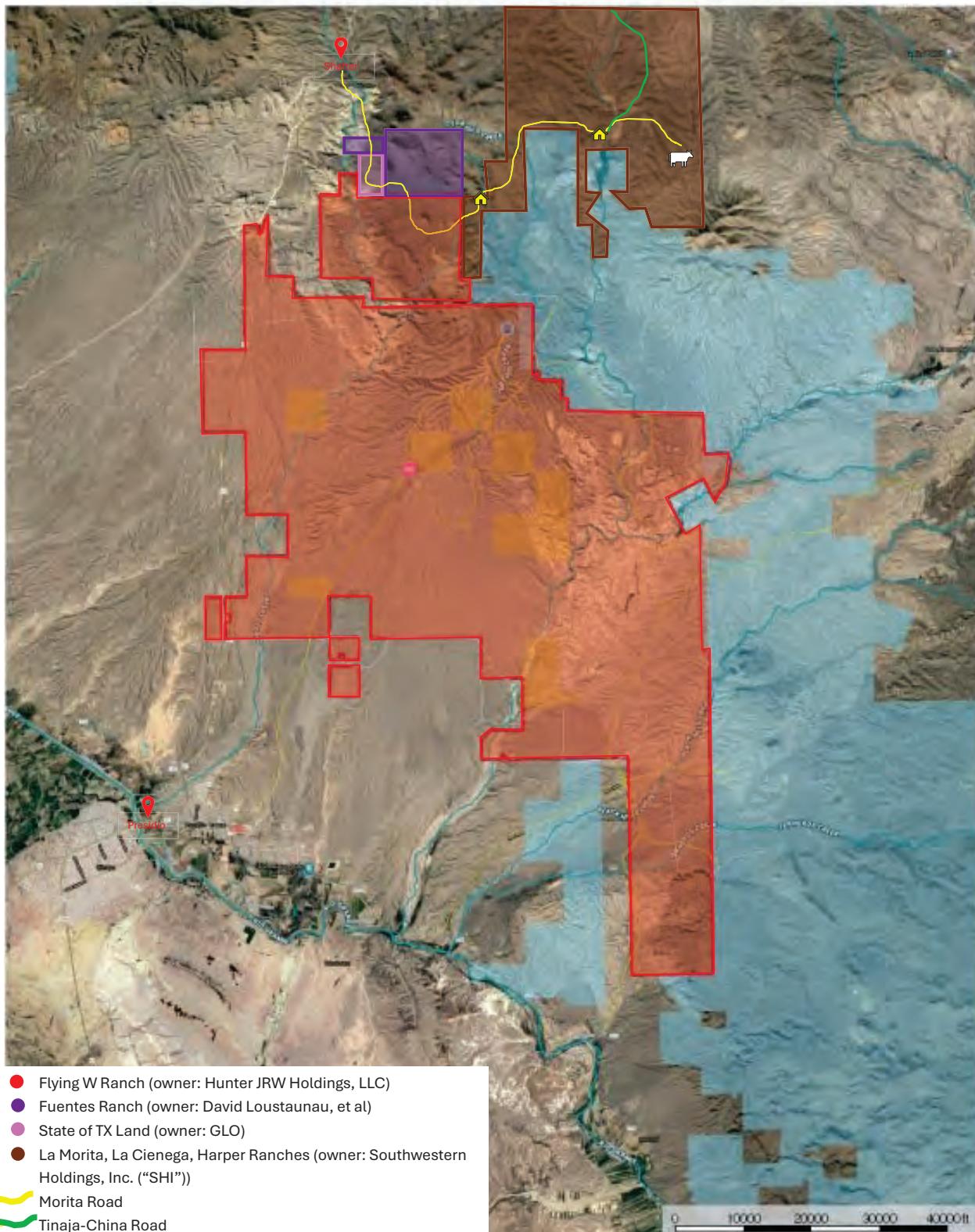
# **EXHIBIT A-1**



**Legend:**

- Fuentes Ranch (owner: David Loustaunau, et al)
- State of Texas (owner: GLO)
- Flying W Ranch (owner: Hunter JRW Holdings LLC)
- La Morita & La Cienega Ranches (owner: Southwestern Holdings, Inc. ("SHI"))
- Harper Ranch (owner: SHI)
- Morita Rd (from Town of Shafer to Harper Ranch and back)
- Tinaja-China Rd (from Hwy 67 to La Cienega and back)
- ⌂ SHI's Forts
- 🐄 SHI's Cattle

# **EXHIBIT A-2**



- Flying W Ranch (owner: Hunter JRW Holdings, LLC)
- Fuentes Ranch (owner: David Loustaunau, et al)
- State of TX Land (owner: GLO)
- La Morita, La Cienega, Harper Ranches (owner: Southwestern Holdings, Inc. ("SHI"))

**Yellow Line:** Morita Road

**Green Line:** Tinaja-China Road

**Yellow House:** SHI Forts

**White Cow:** SHI Cattle

# **EXHIBIT B-1**

368-92

WARRANTY DEED

THE STATE OF TEXAS  
COUNTY OF PRESIDIO

§ KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, HART M. GREENWOOD, JR., joined pro forma by his spouse, DELBERTINE HURLEY GREENWOOD (hereinafter referred to as "Grantors"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto SOUTHWESTERN HOLDINGS, INC., a Texas Corporation, (hereinafter referred to as "Grantee"), the following described real property in Presidio County, Texas:

ACRES	PART	SUR.	BLOCK	ORIGINAL GRANTEE	CERT	ABST.	PAT	VOL	DATE
640	ALL	28	WJG-2	T.C. Ry.Co.	1532	11037	128	178	2-26-1951
640	ALL	30	WJG-2	T.C. Ry.Co.	1533	10451	124	178	2-26-1951
640	ALL	27	WJG-2	T.C. Ry.Co.	1532	4672	352	63	5-4-1882
450	ALL	29	WJG-2	T.C. Ry.Co.	1533	4675	355	63	5-24-1882
460	ALL	33	WJG-2	T.C. Ry.Co.	1535	4669	343	63	5-23-1882
317	ALL	32	WJG-2	T.C. Ry.Co.	1534	11038	449	748	2-18-1955
614.6	Part*	12	330	T.T. Ry.Co.	3331	11035	127	178	2-26-1951
401.69	Part**	329		A. B. & M.	460	2	618	21	12-9-1875
36.45	Part**	4	FR	Frances Rooney	24	11033	451	248	2-24-1955
- 432.90	W/2	2	C-3	G. Upton	1351				
160	ALL	21		John Hardeman					
160	ALL	22		John Hardeman	42				
430.2	ALL	10	330	T.T. Ry.Co.	332				
197.38	ALL	11	330	T.T. Ry.Co.					

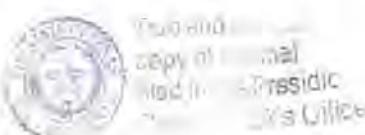
\*Said part conveyed herein described as follows:

BEGINNING at the NW corner of Section 11, Block 330, in South line of Section 29, Block WJG-2, the Northeast corner of Section 12 and the Northeast corner of this survey.  
THENCE South 0°23'25" East 710 vrs. to NE corner Section 1, H. O. Hector, in West line Section 11, Block 330;  
THENCE South 89°36'35" West 1900 vrs. to NW corner Section 1, H. O. Hector;  
THENCE South 0°23'25" Est 3802 vrs. to Southwest corner Section 2, H. O. Hector, in West Line Section 11, Block 330;  
THENCE South 89°36'35" West 1900.8 vrs. to NW corner Section 1, H. O. Hector;  
THENCE South 0°23'25" East 3802 vrs. to SW corner Section 2, H. O. Hector, in North line of South part this section;  
THENCE South 89°36'35" West 469.8 vrs. to NW corner of South part this section in East line Section 34, Block WJG-2;  
THENCE North 0°23'25" West 4512 vrs. to the common corner of Sections 30, 31, and 32, in Block WJG-2 and NW corner of this section;  
THENCE North 89°36'35" East 2370.6 vrs. to the place of BEGINNING.

\*\* Said parts conveyed herein being all of said Section 329 and Section 4; SAVE AND EXCEPT a 359.6 acre tract out of Section 4, Francis Rooney and Section 329, A.B.&M., Presidio County, Texas, and more particularly described as follows:  
BEGINNING at a fence corner in the common line of Section 5, Block 330, T.C. Ry.Co., and said Section 4, from which a bolt in a rock mound at a fence corner, found to mark the Northwest corner of said Section 5, a point in the East line of said Section 4, bears North 00°23'25" West 1618.14 feet and a rock mound in a fence line, found to mark the Northeast corner of said Section 4 bears North 00°23'25" West 2143.41 feet;  
THENCE South 00°23'25" East 3137.09 feet along said common line to the East common corner of Sections 3 and 4, Francis Rooney;  
THENCE West 2931.91 feet along the common line of said Sections 3 and 4 to the West common corner of said Sections 3 and 4, a point in the East line of said Section 329;  
THENCE South 2501.26 feet along the common line of said Sections 3 and 329 to a fence corner; found to mark the East common corner of Sections 329 and 330, A.B.&M.;  
THENCE South 89°27' West 2637.37 feet along the common line of said Sections 329 and 330 to a point 12 feet North of a fence corner, the Southwest corner of this tract, from which a fence corner, found to mark the West common corner of said Sections 329 and 330 bears 2633.72 feet;  
THENCE along said fence North 00°01' West 1185.93 feet, North 16°33' East 621.81 feet, North 28°14' West 54.86 feet, North 32°37' East 1300.37 feet, and North 23°42' East 604.10 feet to a fence corner;  
THENCE North 63°52' East along said fence at 1718.36 feet pass the common line of said Sections 4 and 329, on in all 4960.46 feet to the POINT OF BEGINNING and containing 196.9 acres in said Section 329 and 162.7 acres in said Section 4 for a total of 359.6 acres; and

FURTHER SAVE AND EXCEPT out of said Section 329 and Section 4, those portions of a 969.40 acre tract being out of said Section 329 and Section 4, to-wit:

WARRANTY DEED



Page 1

Metes and bounds description of a 969.40 total acre tract of land, being all of Survey 1, Francis Rooney, containing 639.04 acres, 288.95 acres out of Survey 4, Francis Rooney, and 41.41 acres out of Survey 329, A.B.&M. Ry.Co., Presidio County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod and cap marked "WALKER 4425" set for the common corner of Surveys 1 and 2, Francis Rooney, and Surveys 19 and 28, Block WJG-2, T.C. Ry.Co., and the Northwest corner of this tract, from which an old rock mound on the North Slope of a hill found for the Southwest corner of Survey 21, said Block WJG-2, bears North 63°56'03" West 11794.03 feet and a large old rock mound found for the Northeast corner of said Survey 21 bears North 27°04'14" West 11799.40 feet;

THENCE North 89°27'27" East 5270.01 feet to a point for the common corner of Surveys 1 and 2, said Francis Rooney, and the Northeast corner of this tract;

THENCE South 0°23'23" East with the East line of said Survey 1, at 5282.10 feet pass a rock mound found for the common corner of Surveys 1 and 4, said Francis Rooney, on with the East line of said Survey 4, a total of 7424.44 feet to a point for the Southeast corner of this tract;

THENCE South 63°2'26" West, at 6.5 feet pass a fence corner post, continuing with a fence line and passing the East line of Survey 329, A.B.&M. Ry.Co., 4967.14 feet in all to a fence corner post for the Southeast corner of this tract;

THENCE North 2°27' East 341.61 feet to a 1/2" iron rod and cap marked "WALKER 4425" set for a corner of this tract;

THENCE North 63°52'26" East parallel to and 300 feet from the South fence line 375.09 feet to a 1/2" iron rod and cap marked "WALKER 4425" set for a corner of this tract;

THENCE North 3°48'58" West passing the North line of said Survey 329, 1545.16 feet to a 1/2" iron rod and cap marked "WALKER 4425" set for a corner of this tract, from which point U.S. Coast and Geodetic Benchmark No. G735 found just East of dirt road bears South 80°41' West 285.45 feet;

THENCE North 17°26'54" West 941.44 feet to a 1/2" iron rod and cap marked "WALKER 4425" set for a corner of this tract;

THENCE North 35°33'58" West 1366.17 feet to a 1/2" iron rod and cap marked "WALKER 4425" set in the West line of Survey 4, said Francis Rooney, and the East line of Survey 29, said Block WJG-2, for a corner of this tract;

THENCE North 0°23'23" West with the East line of said Block WJG-2 and the West line of said Francis Rooney, at 222.0 feet pass a point for the common corner of Surveys 1 and 4, said Francis Rooney, and Surveys 28 and 29, said Block WJG-2, 5504.10 feet in all to the point of beginning.

There is EXCEPTED AND RESERVED unto Grantors, their heirs and assigns forever, an undivided twenty percent (20%) of Grantors' interest in all oil, gas and other minerals in, on, under, or that may be produced from the above described real property, it being Grantors' intent to sell and convey an undivided eighty percent (80%) of Grantors' interest in all oil, gas and other minerals in, on, under, or that may be produced from the above described real property.

There is further EXCEPTED AND RESERVED unto Grantors, their heirs, successors and assigns forever, an easement for purposes of ingress and egress and for utility access to the above described 969.40 acre tract out of Survey 1, Block FR, Frances Rooney Original Grantee, Survey 4, Block FR, Frances Rooney Original Grantee, and Survey 329, A.B.&M. Ry.Co., under which easement Grantor shall have the right, but not the obligation, to maintain a road suitable for shipping cattle and other ranch operations, which easement shall be across Surveys 28 and 29, both in Block WJG-2, T.C. Ry.Co. and across said Surveys 4 and 329.

and the above described real property is conveyed together with all buildings and improvements thereon and hereafter placed thereon; appurtenances, servitudes, rights, ways, privileges, prescriptions and advantages thereunto belonging or in any wise appertaining. This conveyance is expressly made and accepted subject to all rights of owners of mineral estates; all oil, gas and mineral leases; and all valid and subsisting easements, restrictions, rights-of-way, conditions, exceptions, reservations and covenants of whatsoever nature of record, if any, and also to the zoning laws and other restrictions, regulations, ordinances and statutes of municipal or other governmental authorities applicable to and enforceable against the above described real property.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, its successors and assigns,

**WARRANTY DEED**

Page 2



against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the 31<sup>st</sup> day of March, 1992.

Hart M. Greenwood, Jr.  
HART M. GREENWOOD, JR.

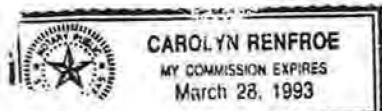
Delbertine Hurley Greenwood  
DELBERTINE HURLEY GREENWOOD

File 284 Page 263

STATE OF TEXAS      \$  
COUNTY OF PRESIDIO      \$

BEFORE ME, the undersigned authority, on this day personally appeared HART M. GREENWOOD, JR., and acknowledged to me that he executed the foregoing instrument for the purpose and consideration therein expressed.

SUBSCRIBED AND SWORN TO before me on this the 31<sup>st</sup> day of March, 1992.

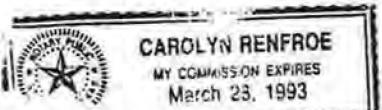


Carolyn Renfroe  
NOTARY PUBLIC, State of Texas

STATE OF TEXAS      \$  
COUNTY OF PRESIDIO      \$

BEFORE ME, the undersigned authority, on this day personally appeared DELBERTINE HURLEY GREENWOOD, and acknowledged to me that she executed the foregoing instrument for the purpose and consideration therein expressed.

SUBSCRIBED AND SWORN TO before me on this the 31<sup>st</sup> day of March, 1992.



Carolyn Renfroe  
NOTARY PUBLIC, State of Texas

AFTER RECORDING, MAIL TO:

SOUTHWESTERN HOLDINGS, INC.  
c/o Presidio County Abstract  
P. O. Box 666  
Marfa, Texas 79843

PREPARED IN THE LAW OFFICES OF:

JOHN B. HEMPHILL  
136 West Twohig, Ste. C  
San Angelo, Texas 76903

WARRANTY DEED

Page 3

FILED FOR RECORD ON THE 2nd DAY OF APRIL, A.D. 1992 AT 9:45 O'CLOCK      A. M.  
AND RECORDED ON THE 3rd DAY OF APRIL, A.D. 1992 AT 10:35 O'CLOCK      A. M.

RAMONA LARA, COUNTY CLERK, PRESIDIO COUNTY, TEXAS. BY Ramona Lara, G.C. L.L.C. DEPUTY.



# **EXHIBIT B-2**

1236-00

STATE OF TEXAS  
COUNTY OF PRESIDIO

## **WARRANTY DEED WITH VENDOR'S LIEN**

Vol. 320 Page 254

Date: Effective December 22, 2000, irrespective of date executed

Grantor: FRANCES GREENWOOD HARPER and S. S. "TED" HARPER

Grantor's Mailing Address: P. O. Box 1132  
(including county) Marfa, Presidio County, TX 79843

Grantee: SOUTHWESTERN HOLDINGS, INC

Grantee's Mailing Address: 1100 Louisiana Street, Suite 5400  
(including county) Houston, Harris County, TX 77002

### Consideration:

- (1) TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, paid to Grantor by Grantee, the receipt of which is hereby acknowledged; and
- (2) The further consideration of the execution and delivery by the Grantee of two (2) promissory notes each in the principal sum of ONE HUNDRED EIGHT THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (US \$108,800.00), of even date herewith, each payable to the order of FRANCES GREENWOOD HARPER, at P. O. Box 1132, Marfa, TX 79843 ("Lender"), and each bearing interest at the rate provided therein and containing the usual and reasonable attorney's fees clause and various acceleration of maturity clauses in case of default, and secured by vendor's lien and superior title retained in this instrument in favor of the Lender, and being also secured by a Deed of Trust of even effective date herewith from Grantee to Charles Blackley, Trustee.

Property (including any improvements):

**Being approximately 4,658.0 acres, more or less, located in Presidio County, Texas, and being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes.**

And together with all improvements thereon, all rights to well, ground and captured surface water, and all minerals located on and under such property, except as may have been retained by the State of Texas pursuant to the Texas Land Relinquishment Act, Section 52.171, et seq., Texas Natural Resources Code.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is subject to any and all valid and subsisting easements, mineral reservations, if any, applicable to and enforceable against the property described above as shown by the records of the county clerk of Presidio County, Texas.

Grantor, for the consideration and subject to the reservations from and 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, Grantee's heirs, executors, administrators, successors, or 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 and exceptions to conveyance and warranty.

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

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

Frances Greenwood Harper  
FRANCES GREENWOOD HARPER

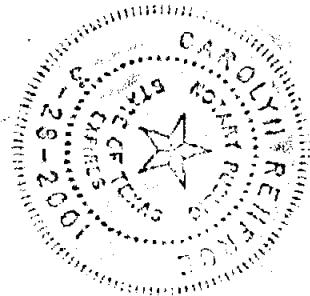
S. S. "Ted" Harper  
S. S. "TED" HARPER

Vol. 320, Page 256

STATE OF TEXAS  
COUNTY OF PRESIDIO

BEFORE ME, the undersigned authority, on this 22<sup>nd</sup> day of December, 2000, personally appeared FRANCES GREENWOOD HARPER and S. S. "TED" HARPER, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, to certify which witness my hand and seal of office. *J. A.*

(Seal)



Notary Public, State of Texas

Printed Name of Notary Public: Carolyn Renfroe

My commission expires: 3-28-2001

PREPARED IN THE LAW OFFICE OF:

**AFTER RECORDING, RETURN TO:**

Charles Blackley  
110B N. Sixth Street - P. O. Box 244  
Alpine, Texas 79831  
(915) 837-1696

PRESIDIO COUNTY ABSTRACT CO.  
P. O. Box 1508  
Marfa, TX 79843

Vol 320 Page 257

No.	Abstract No.	Section	Block	Original Grantee	Acres	Mineral Classified
1	4624	All 3	FR	FRANCES ROONEY	320	No
2	11033	Pt. 4	FR	AMY POOL GREENWOOD	162.7	Yes
3	10452	Pt. S/2 2	R.S.W.330	H.M. GREENWOOD	250	Yes
4	6008	Pt. 3	330	MARY W. STOCKTON	462	No
5	4275	All 5	330	G. C. & S. F. RY.	640	No
6	11034	All 6	GC&SF330	AMY POOL GREENWOOD	626.5	Yes
7	4274	All 7	330	G. C. & S. F. RY.	640	No
8	10712	All 8	GC&SF330	JOHN A. POOL, SR.	673.4	Yes
9	SF9912	All 8½	330	FRANCES G. HARPER	686.5	Yes
10	2	Pt. 329	---	A. B. & M.	196.9	No
TOTAL ACRES					4,658	

As to Nos. 10 and 2, said 196.9 acres, more or less, in Section 329 and said 162.7 acres, more or less, in Section 4, being further described by metes and bounds as follows:

Metes and bounds description of a tract of 359.6 acres of land out of Section 4, Francis Rooney, and Section 329, A.B. & M. about 36 miles South 18° West from Marfa, Presidio County, Texas, and more particularly described as follows:

BEGINNING at a fence corner in the common line of Section 5, Block 330, T.C. Ry. Co. and said Section 4 from which a bolt in a rock mound at a fence corner, found to mark the Northwest corner of said Section 5, a point in the East line of said Section 4, bears North 00° 23' 25" West 1618.14 feet and a rock mound in a fence line, found to mark the Northeast corner of said Section 4 bears North 00° 23' 25" West 2143.41 feet;

THENCE South 00° 23' 25" East 3137.09 feet along said common line to the East common corner of Sections 3 and 4, Francis Rooney;

THENCE West 2931.91 feet along the common line of said Sections 3 and 4 to the West common corner of said Sections 3 and 4, a point in the East line of said Section 329;

THENCE South 2501.26 feet along the common line of said Sections 3 and 329 to a fence corner, found to mark the East common corner of Sections 329 and 330, A.B. & M.;

THENCE South 89° 27' West 2637.37 feet along the common line of said Sections 329 and 330 to a point 12 feet North of a fence corner, the Southwest corner of this tract, from which a fence corner, found to mark the West common corner of said Sections 329 and 330 bears 2633.72 feet;

THENCE along said fence North 00° 01' West 1185.93 feet, North 16° 33' East 621.81 feet, North 28.14' West 54.86 feet, North 32° 37' East 1300.37 feet, and North 23° 42' East 604.10 feet to a fence corner;

THENCE North 63° 52' East along said fence at 1718.36 feet pass the common line of said Sections 4 and 329, on in all 4960.46 feet to the POINT OF BEGINNING and containing 196.9 acres in said Section 329 and 162.7 acres in said Section 4 for a total of 359.6 acres.

As to Nos. 3 and 4, said 250 acres, more or less, in South one-half of Section 2, Block 330 and said 462 acres, more or less, in Section 3, Block 330, being all of said sections lying West of the division line described by metes and bounds as follows:

Metes and bounds description of a division line between the West and East parts of the South  $\frac{1}{2}$  of Survey 2 and all of Survey 3, T. T. Ry. Co. Block 330, Presidio County, Texas, said line being more particularly described as follows:

BEGINNING at a point in the North line of the South  $\frac{1}{2}$  of said Survey 2 for the beginning of this division line, from which a rock mound marked "SW N  $\frac{1}{4}$  2" found for the Southwest corner of the North  $\frac{1}{2}$  of said Survey 2 bears North 87deg.56' West 2056.53 feet;

THENCE South 2deg.02'00" West, at 5086.27 feet pass a 60d nail set, from said 60d nail Benchmark "B735" bears North 49deg.09'11" West 227.3 feet, at 5269.9 feet pass the South line of said Survey 2 and the North line of said Survey 3, 11650.50 feet in all to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" set;

THENCE South 51deg.45'00" West 597.20 feet to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" set;

THENCE South 36deg.28'33" West 547.55 feet to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" set;

THENCE South 23deg.30'00" West 510.96 feet to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" set;

THENCE South 3deg.20'38" West 370.31 feet to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" set;

THENCE South 57deg.17'43" East 660.08 feet to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" previously set by me for the Northwest corner of a 2.0 acre lease tract;

THENCE South 43deg.03'19" East 49.33 feet to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" previously set by me for a corner of said 2.0 acre lease tract;

THENCE South 25deg.19'34" East 280.46 feet to a  $\frac{1}{4}$ " iron rod and cap marked "WALKER 4425" previously set by me for the Southwest corner of said 2.0 acre lease tract;

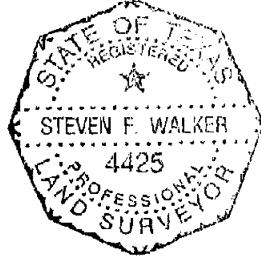
THENCE South 2deg.03'00" West, at 1036.66 feet pass a 60d nail set, 1811.52 feet in all to a point in the North line of Survey 20 and the South line of said Survey 3 for the end of this division line, from which a 1  $\frac{1}{4}$ " pipe in a fence corner found for the Southeast corner of said Survey 3 bears South 87deg.41'26" East 3393.24 feet.

Bearings and distances are based on the Texas Coordinate System, South Central Zone, NAD 1927.

A plat of this survey accompanies this description.

I hereby certify that the foregoing description represents the results of an actual survey on the ground made by me or under my direct supervision and that the lines and corners found or set are true and correct to the best of my knowledge and belief.

Steven F. Walker  
Steven F. Walker  
Registered Professional Land Surveyor #4425  
Licensed State Land Surveyor  
Date: December 10, 2000



Vol. 320 Page 259

5 1/2

SF-9911

END RK. MND.  
MRD. SW N 1/2 2'

2056.53

S.87deg.56'00"E

APPROX.  
250 AC.

S 2deg.02'00"W.  
5086.3

South 1/2  
of Sur. 2

20

T. C. Ry. Co.  
BLK. 324

21

8 1/2

SF-9912

APPROX.  
462 AC

N 2deg.18'34"E.  
11650.50

S.87deg.56'00"E.  
5269.41

FND 1 1/4" PIPE IN RK.  
MND.

FND 1 1/4" PIPE IN RK.  
MND.

3  
Mary W.  
Stockton

4

S.23deg.30'W.  
510.96  
S.3deg.20'38"W.  
370.31  
S.57deg.17'43"E.  
660.08  
S.43deg.03'19"E.  
49.33  
S.25deg.19'34"E.  
280.46

T.  
T.  
BLK. 330

3393.24

20

22

PLAT of a survey of a division line between the West and East parts of the South 1/2 of Survey 2 and all of Survey 3, T. T. Ry. Co. Block 330, Presidio County, Texas

I hereby certify that this plat represents the results of an actual survey on the ground made by me and that the lines and corners found or set are true and correct to the best of my knowledge and belief.

Steven F. Walker  
Steven F. Walker  
Registered Professional Land Surveyor #4425  
Licensed State Land Surveyor  
Date: December 10, 2000

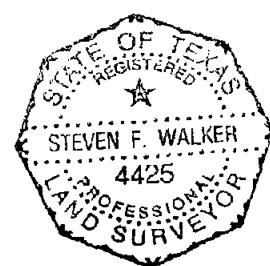
SCALE: 1"- 2000'

BEARINGS AND DISTANCES ARE  
BASED ON THE TEXAS COORDINATE  
SYSTEM, SOUTH CENTRAL ZONE, NAD  
1927

COMBINED GRID FACTOR- 0.99967

• 1/2" IRON ROD AND CAP MARKED  
"WALKER 4425" SET UNLESS OTHERWISE  
INDICATED

A METRES AND BOUNDS DESCRIPTION THE DIVISION  
LINE ACCOMPANIES THIS PLAT



Page 3 of EXHIBIT "A"

FILED FOR RECORD ON THE  
AND RECORDED ON THE

22nd  
31st

DAY OF December, 2000  
DAY OF January, 2001

AT 2:15  
AT 8:40

O'CLOCK  
O'CLOCK

P. M.  
A.M.

BRENDA M. SILVA, COUNTY CLERK, PRESIDIO COUNTY, TEXAS. BY Jurgena Palma

DEPUTY

# **EXHIBIT C**



STATE OF TEXAS  
COUNTY OF PRESIDIO

FIELD NOTES

Field notes of a centerline description of a portion of Morita Road, being an existing road connecting Shafter to Fort Morita, and said portion traversing L.M. Bennett Survey No. 6, Block C-3, Abstract No. 11457, and L.M. Bennett Survey No. 4, Block C-3, Abstract 11401, Presidio County, Texas and said centerline description being more particularly described by metes and bounds as follows;

(Note: Coordinates shown NAD83 Texas State Plane South Central Zone in parenthesis)

Beginning at a calculated point (N-13870066.75, E-291189.92) in the north line of said Survey No. 6, Block C-3, south line of G.H. & S.A. RY. Co. Survey No. 3, Block 23, Abstract No. 2243, south line of said Survey No. 3 as described in a Special Warranty Deed dated September 13<sup>th</sup> 2016, from Adelina Loustaunau to David Loustaunau, Michael Loustaunau and Alfonso R. Loustaunau, recorded in Instrument No. 20160710, Official Public Records, Presidio County, Texas, north line of Tract 2, 4,068.19 acres described in a Special Warranty Deed dated August 21<sup>st</sup>, 2024 from Ocotilla, LP to Hunter JRW Holdings, L.L.C., recorded in Instrument No. 20240730, Official Public Records, Presidio County, Texas, for the north terminus of this herein described centerline description, from which said pipe found at northeast corner of said Survey 328 Bears North 9°47'47" West a distance of 10,753.23 feet.

THENCE generally along the centerline of said road with the following calls for bearing and distance,

South 3°29'48" East, a distance of 59.64 feet,  
South 19°24'01" East, a distance of 123.82 feet,  
South 9°46'43" West, a distance of 307.72 feet,  
South 14°44'28" West, a distance of 101.23 feet,  
South 19°59'04" West, a distance of 104.26 feet,  
South 15°26'01" East, a distance of 82.49 feet,  
South 35°34'09" East, a distance of 349.13 feet,  
South 24°58'12" East, a distance of 227.75 feet,  
South 36°27'47" East, a distance of 166.85 feet,  
South 43°46'56" East, a distance of 166.43 feet,  
South 60°38'27" East, a distance of 121.96 feet,  
South 26°10'59" East, a distance of 188.09 feet,  
South 10°17'25" East, a distance of 121.79 feet,  
South 2°25'25" West, a distance of 210.47 feet,  
South 15°42'11" West, a distance of 185.04 feet,  
South 23°59'22" West, a distance of 124.24 feet,  
South 61°18'32" West, a distance of 59.75 feet,  
South 72°23'58" West, a distance of 248.93 feet,  
South 66°00'55" West, a distance of 82.71 feet,  
South 43°38'37" West, a distance of 250.22 feet,  
South 35°30'47" West, a distance of 314.50 feet,  
South 43°52'59" West, a distance of 163.76 feet,  
South 55°40'14" West, a distance of 121.40 feet,  
South 26°49'18" West, a distance of 100.49 feet,  
South 19°06'36" East, a distance of 66.56 feet,  
South 43°17'21" East, a distance of 205.81 feet,  
South 33°40'59" East, a distance of 59.38 feet,  
South 3°30'54" East, a distance of 471.30 feet,  
South 10°15'12" East, a distance of 186.40 feet,  
South 5°47'00" West, a distance of 81.85 feet,  
South 9°20'16" East, a distance of 124.52 feet,  
South 34°34'53" East, a distance of 61.53 feet,  
South 54°51'38" East, a distance of 146.17 feet,  
South 49°32'35" East, a distance of 231.10 feet,

South 42°49'18" East, a distance of 146.30 feet,  
South 59°41'02" East, a distance of 149.61 feet,  
South 75°13'21" East, a distance of 139.21 feet,  
South 61°32'17" East, a distance of 165.92 feet,  
South 88°35'24" East, a distance of 82.81 feet,  
North 77°25'12" East, a distance of 289.00 feet,  
North 65°18'41" East, a distance of 166.60 feet,  
North 60°40'08" East, a distance of 328.22 feet,  
North 81°57'09" East, a distance of 81.92 feet,  
South 85°33'31" East, a distance of 813.74 feet,  
South 84°16'23" East, a distance of 146.54 feet,  
South 86°39'44" East, a distance of 203.65 feet,  
South 60°39'20" East, a distance of 203.00 feet,  
South 43°33'50" East, a distance of 184.11 feet,  
South 67°56'22" East, a distance of 146.53 feet,  
South 80°22'06" East, a distance of 265.92 feet,  
South 64°05'51" East, a distance of 328.92 feet,  
South 69°22'14" East, a distance of 246.22 feet,  
South 80°58'24" East, a distance of 142.24 feet,  
South 89°22'26" East, a distance of 203.67 feet,  
South 69°17'55" East, a distance of 204.30 feet,  
South 81°33'03" East, a distance of 124.03 feet,  
South 89°40'44" East, a distance of 246.86 feet,  
North 81°07'38" East, a distance of 228.05 feet,  
North 87°18'10" East, a distance of 267.98 feet,  
South 74°53'52" East, a distance of 183.75 feet,  
South 68°19'04" East, a distance of 142.60 feet,  
South 76°03'35" East, a distance of 101.47 feet,  
North 79°43'28" East, a distance of 185.61 feet,  
North 48°17'27" East, a distance of 62.22 feet,  
North 34°35'26" East, a distance of 143.21 feet,  
North 60°41'04" East, a distance of 104.46 feet,  
North 57°44'46" East, a distance of 356.45 feet,  
North 68°01'08" East, a distance of 293.36 feet,  
North 74°35'58" East, a distance of 208.90 feet,  
North 58°58'54" East, a distance of 103.96 feet,  
North 41°31'16" East, a distance of 124.65 feet,  
North 45°42'55" East, a distance of 398.18 feet,  
North 47°57'45" East, a distance of 135.11 feet,  
North 57°31'47" East, a distance of 178.48 feet,  
North 70°41'31" East, a distance of 45.25 feet,  
North 79°56'54" East, a distance of 224.27 feet,  
North 62°30'25" East, a distance of 185.36 feet,  
North 76°06'09" East, a distance of 142.35 feet,  
North 61°31'04" East, a distance of 225.97 feet,  
South 85°28'34" East, a distance of 39.60 feet,  
South 42°48'40" East, a distance of 58.61 feet,  
South 24°15'08" East, a distance of 144.11 feet,  
South 80°39'26" East, a distance of 41.47 feet,  
North 70°13'40" East, a distance of 83.43 feet,  
North 65°00'53" East, a distance of 39.05 feet,  
South 85°16'19" East, a distance of 81.33 feet,  
North 78°55'33" East, a distance of 163.77 feet,  
South 83°31'28" East, a distance of 247.27 feet,  
South 63°11'42" East, a distance of 144.34 feet,  
South 68°26'09" East, a distance of 122.60 feet,  
South 46°35'19" East, a distance of 100.50 feet,  
South 18°44'09" East, a distance of 81.73 feet,  
South 49°06'55" East, a distance of 144.22 feet,  
South 73°51'28" East, a distance of 110.23 feet, to a calculated point (N-13865845.46, E-298892.52) in the east line of Said Survey No. 4, West line of G. Upton Survey No. 2, Block C-3,

Mortia Road  
Sur. 6 and 4, Blk C-3  
Wiseman  
Length-13,890.32 feet  
Field Notes

Abstract No. 7367, east line of said Wiseman tract, west line of that particular tract of land described in a Warranty Deed dated March 31<sup>st</sup>, 1992, from Hart M. Greenwood and Delberrtine Hurley Greenwood to Southwestern Holdings, Inc, recorded in Volume 284, Page 261, Deed Records, Presidio County, Texas, for the east terminus of this herein described centerline description, from which said pipe found at northeast corner of said Survey 328 Bears North 32°45'12" West a distance of 17,619.00 feet.

Bearing Basis hereon is Texas State Plane Coordinate System, Reference Frame North American Datum 1983 (2011) (EPOCH 2010.0000), as determined from Global Navigation Satellite System (GNSS) survey equipment by Static, Virtual Reference System (VRS) network and or Real Time Kinematic (RTK). Distances shown hereon are shown as grid Texas State Plane Coordinate System distances.

I, Wesley Ray Quinn, Registered Professional Land Surveyor of Texas, do hereby state that this description represents an actual survey made on the ground this the 14<sup>th</sup> day of March 2025.



A handwritten signature in blue ink that reads "Wesley Ray Quinn".

Registered Professional Land Surveyor Texas Registration No. 6625

*A plat accompanies this metes and bounds description.*

Job # 25030014

*Morita Road 13,890.32 feet*

# **EXHIBIT D-1**

**AFFIDAVIT OF JOHN B. POINDEXTER**

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned notary, on this day personally appeared John B. Poindexter, who being by me duly sworn upon his oath deposed and stated the following:

1. "My name is John B. Poindexter. I am over the age of twenty-one (21) and am of sound mind. I am the chairman of the board of Southwestern Holdings, Inc. ("SHI"), and am authorized to make this affidavit. I have never been convicted of a felony and am competent to make this affidavit. All of the statements contained herein are within my personal knowledge and are true and correct.
2. "I am a director of SHI and have held such position since its initial meeting in 1988. I am intimately familiar with the acquisition, use, and condition of land owned by SHI in Presidio County, including Cibolo Creek, La Cienega, La Morita and Harper Ranches.
3. "SHI operates a working ranch and resort business in Presidio County under the assumed name "Cibolo Creek Ranch" ("Cibolo").
4. "In September of 1992, Cibolo purchased La Cienega Ranch, which by that time included La Morita, from Hart Greenwood, Jr. and his wife. In December of 2000, Cibolo purchased Harper Ranch from S.S. "Ted" Harper and his wife. These ranches are accessible today and, to my knowledge, have been accessible for over one hundred years via Morita Road.
5. "Both the Greenwoods and the Harpers, whose families owned these ranches for over one hundred years, represented to me that they had all rights to traverse the entirety of Morita Road from Shafter, including over Flying W Ranch ("Flying W"), in order to access La Morita, La Cienega, and Harper Ranches. This access through Morita Road had never been challenged by anyone.

6. "Morita Road starts in the Town of Shafter, then traverses the Fuentes Ranch and State of Texas tract, Flying W and terminates at SHI's Harper Ranch. Morita Road is the only way that Cibolo can access Harper Ranch. Morita Road has been the means of access to La Morita and La Cienega for over one hundred years.
7. "Since early 1990s, Cibolo's members, employees and invitees freely traversed Morita Road to access La Morita, La Cienega and Harper Ranches, including over Flying W, to ensure the integrity of Cibolo's property as well as for peaceful enjoyment of Cibolo's land. I estimate the frequency to average one dozen times per year over the last thirty to thirty-five years. The majority of the time when I have driven on the Morita Road, including over Flying W, I would be in a ranch vehicle with clearly visible "Cibolo Creek Ranch" 12-inch decal lettering on both sides.
8. "Morita Road, as it is shown in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof, has remained materially unchanged in the last thirty to thirty-five years. I attest to the accuracy of the depiction.
9. "Typical road deterioration, including on Flying W, has been repaired by Cibolo employees throughout the years. The location of Morita Road has not changed at all, including over Flying W.
10. "To the best of my knowledge, the Flying W was purchased in August of 2024 by a company called Hunter JRW Holdings, L.L.C., which is owned by Mr. Johnny Weisman.
11. "There is a gate on Flying W that crosses Morita Road at the start of Flying W tract. The Flying W gate had a sign with "Cibolo Creek Ranch" on it and the telephone number for Cibolo. The sign was placed on that gate over 20 years ago and remained on the gate until sometime in late 2024 or early 2025, after Mr. Weisman's purchase of Flying W.
12. "I have never asked any former owners of Flying W or their representatives for permission to use Morita Road, and they never gave it. To my knowledge, no former owners of Flying

W have ever used Morita Road in order to access adjacent property or maintained any portion of Morita Road. From early 1990s to early 2025 (after Mr. Weisman's purchase of Flying W) neither I nor any member of Cibolo or Cibolo's staff or its invitees were ever precluded from accessing Morita Road through Flying W. The use of Morita Road by Cibolo employees, licensees, and invitees through the Flying W property has been open and notorious, continuous and uninterrupted for over ten years.

13. "At no time was any demand received from the owner of Flying W to cease and desist use of Morita Road until Cibolo received cease-and-desist correspondence dated October 2, 2024. Since receiving that correspondence, Cibolo has contacted Mr. Weisman and his representatives numerous times over the past several months to request permission to access Morita Road through Flying W on mutually acceptable terms. Mr. Weisman has not agreed to provide permission or negotiate access terms. Accordingly, since late 2024 to present Cibolo has been prevented from accessing Morita Road through Flying W.
14. "The inability to access Morita Road by Cibolo employees, licensees and invitees has materially impaired their ability to inspect, maintain, improve and enjoy La Morita, La Cienega and Harper Ranches. If Cibolo is not permitted to access its Harper Ranch, it will suffer immediate and irreparable injury, loss, or damage.
15. "Further, Affiant sayeth not."

John Poindexter  
John Poindexter

SUBSCRIBED AND SWORN TO before me on the 28<sup>th</sup> day of MAY, 2025.

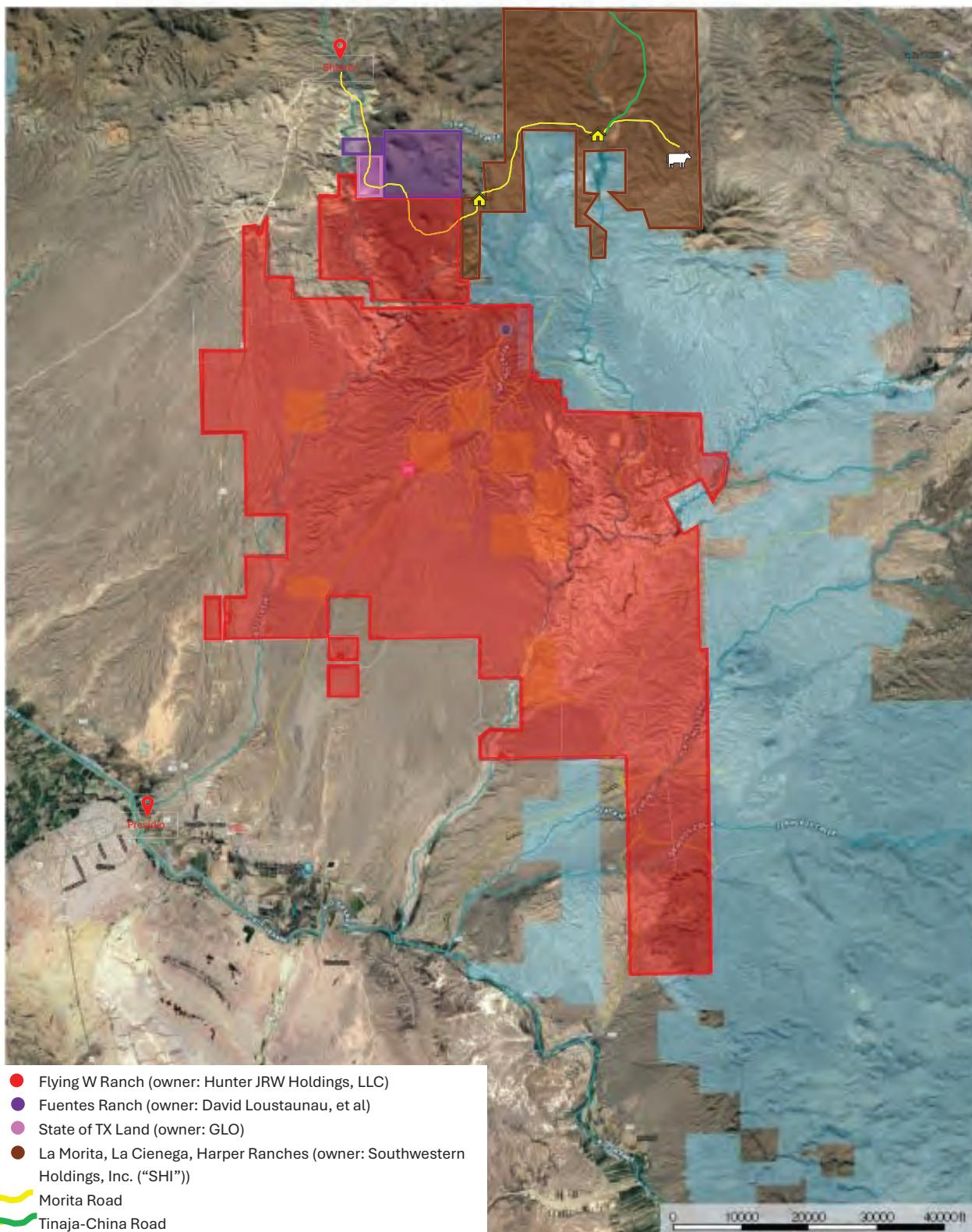
Nici Cowan  
NOTARY PUBLIC in and for the State of Texas

Printed Name of Notary: NICI COWAN

My Commission Expires: MARCH 22, 2026



EXHIBIT "A" - ZOOMED-OUT MAP



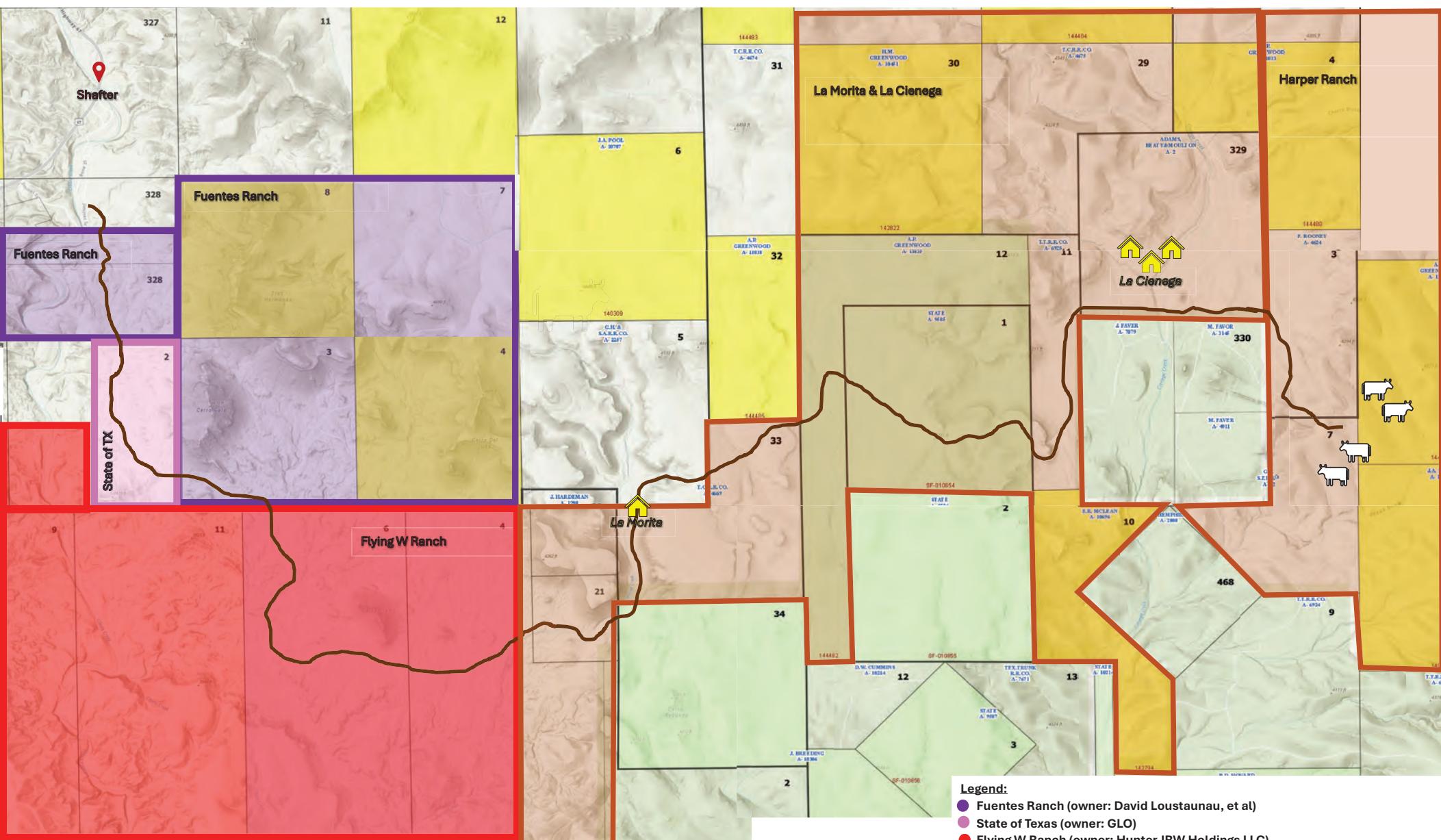


EXHIBIT "B" - ZOOMED-IN MAP

# **EXHIBIT D-2**

**AFFIDAVIT OF CESAR ARMENDARIZ**

STATE OF TEXAS §  
COUNTY OF PRESIDIO §

BEFORE ME, the undersigned notary, on this day personally appeared Cesar Armendariz, who being by me duly sworn upon his oath deposed and stated the following:

5. "The frequency of my using Morita Road, including over Flying W, is seasonal. When we have cattle on Harper Ranch, I would use the road three to four times per week to transport cattle, to ensure cattle are appropriately fed and watered, and to check and repair fences. When cattle are elsewhere, I would use Morita Road, including over Flying W, less frequently – about twice a week.
6. "I started driving on Morita Road, including over Flying W, immediately upon the start of my employment in May 2020. When I would drive on Morita Rd, including over Flying W, 100% of the time it would be in a vehicle with "Cibolo Creek Ranch" 12-inch decal lettering on both sides.
7. "Morita Road as it is shown in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof has not changed much throughout my driving on it, other than typical road deterioration with time which we repaired throughout the years. The location of Morita Road, including over Flying W, has not changed at all.
8. "Since 2020 when I starting using Morita Rd, I was never stopped from access through Flying W until early 2025, when Flying W gate became locked. I have never seen Flying W owners or representatives on Morita Rd. Since the road leads to SHI's property and not beyond, I was under impression that SHI/Cibolo and its invitees had exclusive use of Morita Rd over Flying W tract. I have never asked anyone for permission to use Morita Rd, and they never gave me one.
9. "In conclusion, SHI's use of Morita Road through the Flying W Ranch property has been open and notorious, continuous and uninterrupted for over ten years, without permission and adverse to Flying W's rights.
10. "At the time of signing of this affidavit, I estimate that Cibolo has approximately fifty head of cattle on Harper Ranch. Having been locked out of Morita Road by Mr. Weisman in early 2025, no one from Cibolo can access Harper Ranch. Should we continue to not have access our cattle run the risk of starving, thirsting, and injury. Additionally, without

access and ability to monitor fencing others' cattle and wild cattle may graze on Harper Ranch which could lead to overgrazing and infecting Cibolo's cattle with diseases. If SHI is not permitted to access its Harper Ranch, then immediate and irreparable injury, loss, or damage will result.

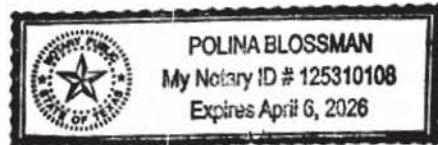
11. "Further, Affiant sayeth not."

*Plaintiff  
Kathy M. Lusk and the Cibolo Ranch  
Planned Natural Resources LLC, et al.  
My Conservation Lawyer, LLC*



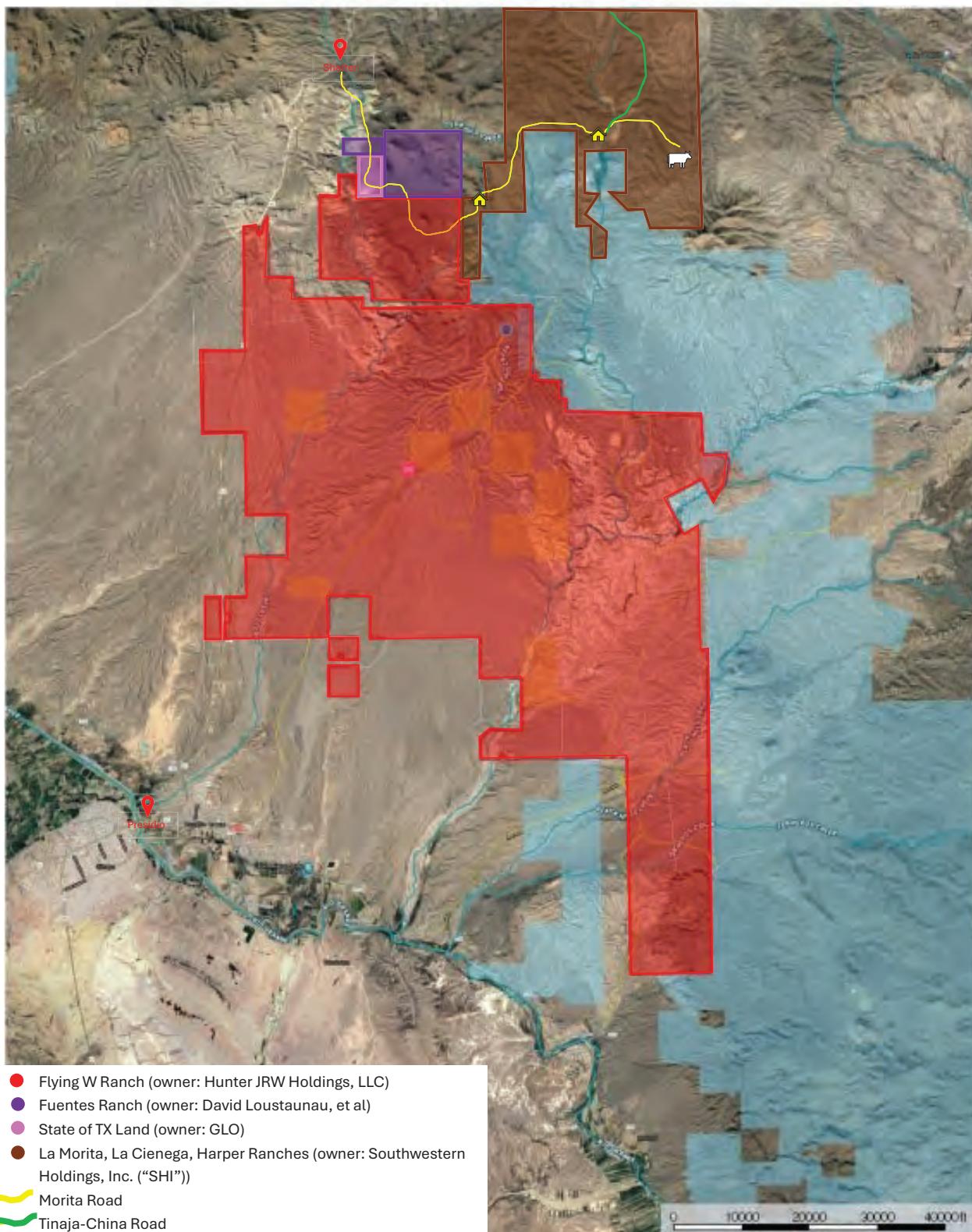
Cesar Armendariz

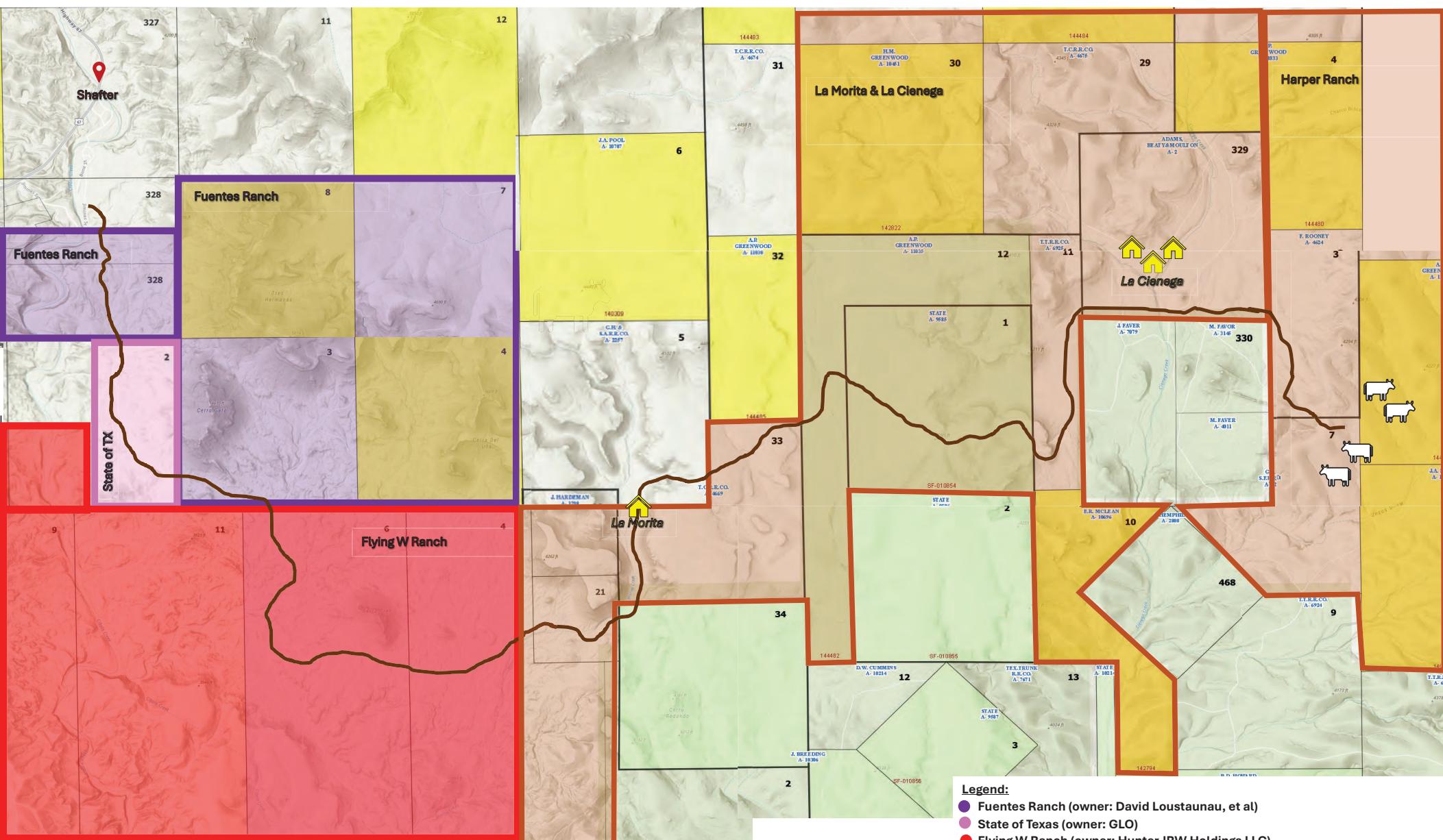
SUBSCRIBED AND SWORN TO before me on the 30 day of April, 2025.



*Polina Blossman*  
NOTARY PUBLIC in and for the State of Texas  
Printed Name of Notary: Polina Blossman  
My Commission Expires: 4/6/2026

EXHIBIT "A" - ZOOMED-OUT MAP





**EXHIBIT "B" - ZOOMED-IN MAP**

### Legend:

- Fuentes Ranch (owner: David Loustaunau, et al)
- State of Texas (owner: GLO)
- Flying W Ranch (owner: Hunter JRW Holdings LLC)
- La Morita & La Cienega Ranches (owner: Southwestern Holdings, Inc. ("SHI"))
- Harper Ranch (owner: SHI)

 Morita Rd (from Town of Shafter to Harper Ranch and back)

-  SHI's Forts
-  SHI's Cattle

# **EXHIBIT D-3**

**AFFIDAVIT OF EDUARDO MARTIN, SR.**

STATE OF TEXAS §

**COUNTY OF PRESIDIO** §

BEFORE ME, the undersigned notary, on this day personally appeared Eduardo Martin, Sr., who being by me duly sworn upon his oath deposed and stated the following:

1. "My name is Eduardo Martin, Sr. I am over the age of twenty-one (21), and am of sound mind. I am authorized to make this affidavit. I have never been convicted of a felony, and am competent to make this affidavit. All of the statements contained herein are within my personal knowledge and are true and correct."

7. "Morita Road as it is shown in Exhibit "A" and Exhibit "B" is marked herein and reads a
2. "I am currently employed by Cibolo Creek Ranch ("Cibolo") as heavy equipment operator. I have been employed by Cibolo since June 2014. My key job responsibilities are heavy equipment operations and management and road maintenance."

8. "The location of SHI's use of Morita Road through the Flying W Ranch property has been
3. "Morita Road comes out of the Town of Shafter, crosses Fuentes Ranch and a State of Texas General Land Office tract of land, then weaves back onto Fuentes Ranch, then onto Flying W Ranch (formerly, Lely Ranch) ("Flying W"), and then another property of Southwestern Holdings, Inc. ("SHI") known as La Morita. From La Morita, the road goes over SHI's property onto La Cienega, and then Harper Ranch which are both owned by SHI as well. Morita Road and the tracts it traverses are shown on the map included and incorporated herein as Exhibit "A" and I attest to the accuracy of the depiction."

9. "The location of SHI's use of Morita Road through the Flying W Ranch property has been
4. "To the best of my knowledge, the Flying W was purchased in August of 2024 by a company known as Hunter JRW Holdings, L.L.C., which is owned by a man named John Weisman from San Marcos."

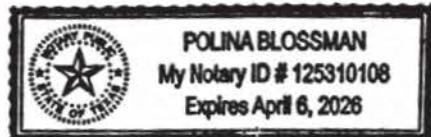
10. "Further, as far as I am concerned,
5. "The frequency of my using Morita Road is once a year on average. As part of my job responsibilities, I maintain Morita Road, including over Flying W, at least once per every

twelve to eighteen months and this includes grading, leveling the washouts, brush clearing, and removal of rocks and other obstructions from the road. I last graded Morita Road from Shafter to Harper ranch, including over Flying W, in November 2024.

6. "When I would drive or work on Morita Rd, including over Flying W, it would be in a vehicle with "Cibolo Creek Ranch" 12-inch decal lettering on both sides or in heavy road equipment. I recall a gate on Flying W over Morita Road at the start of Flying W tract. The Flying W gate had a sign with "Cibolo Creek Ranch" on it and the phone number for Cibolo. The sign was placed on that gate before 2014 when I started working for SHI/Cibolo, and remained on the gate until sometime in late 2024 or early 2025, after Mr. Weisman's purchase of Flying W.
7. "Morita Road as it is shown in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof has not changed much throughout my driving on it, other than typical road deterioration with time which we repaired throughout the years. The location of Morita Road, including over Flying W, has not changed at all.
8. "Since 2014, I was never stopped from access through Flying W until early 2025, when Flying W gate became locked. I have never seen Flying W owners or representatives on Morita Rd. Since the road leads to SHI's property and not beyond, I was under impression that SHI/Cibolo and its invitees had exclusive use of Morita Rd over Flying W tract. I have never asked anyone for permission to use Morita Rd, and they never gave me one.
9. "In conclusion, SHI's use of Morita Road through the Flying W Ranch property has been open and notorious, continuous and uninterrupted for over ten years, without permission and adverse to Flying W's rights.
10. "Further, Affiant sayeth not."

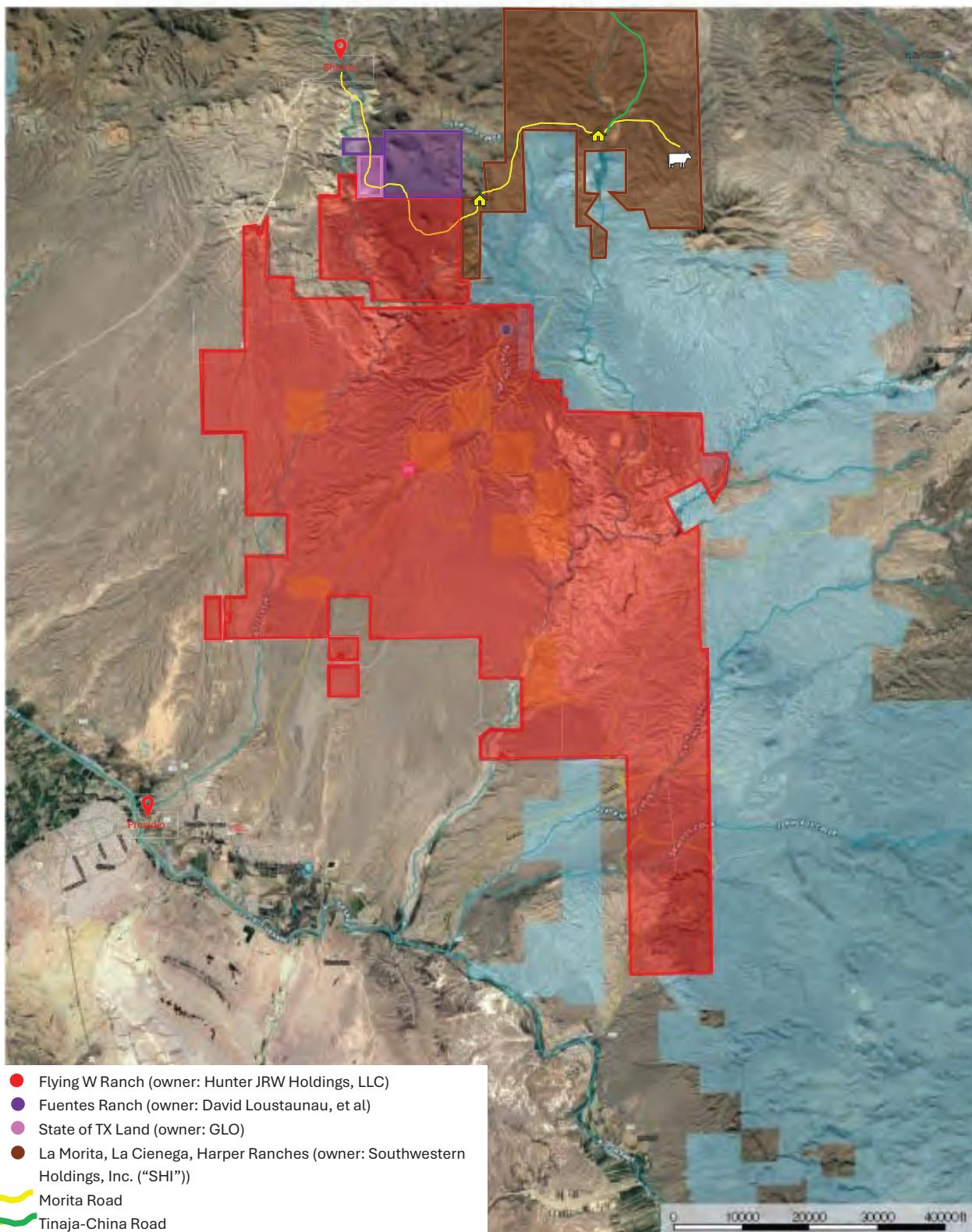
*Eduardo Martin, Sr.*  
Eduardo Martin, Sr.

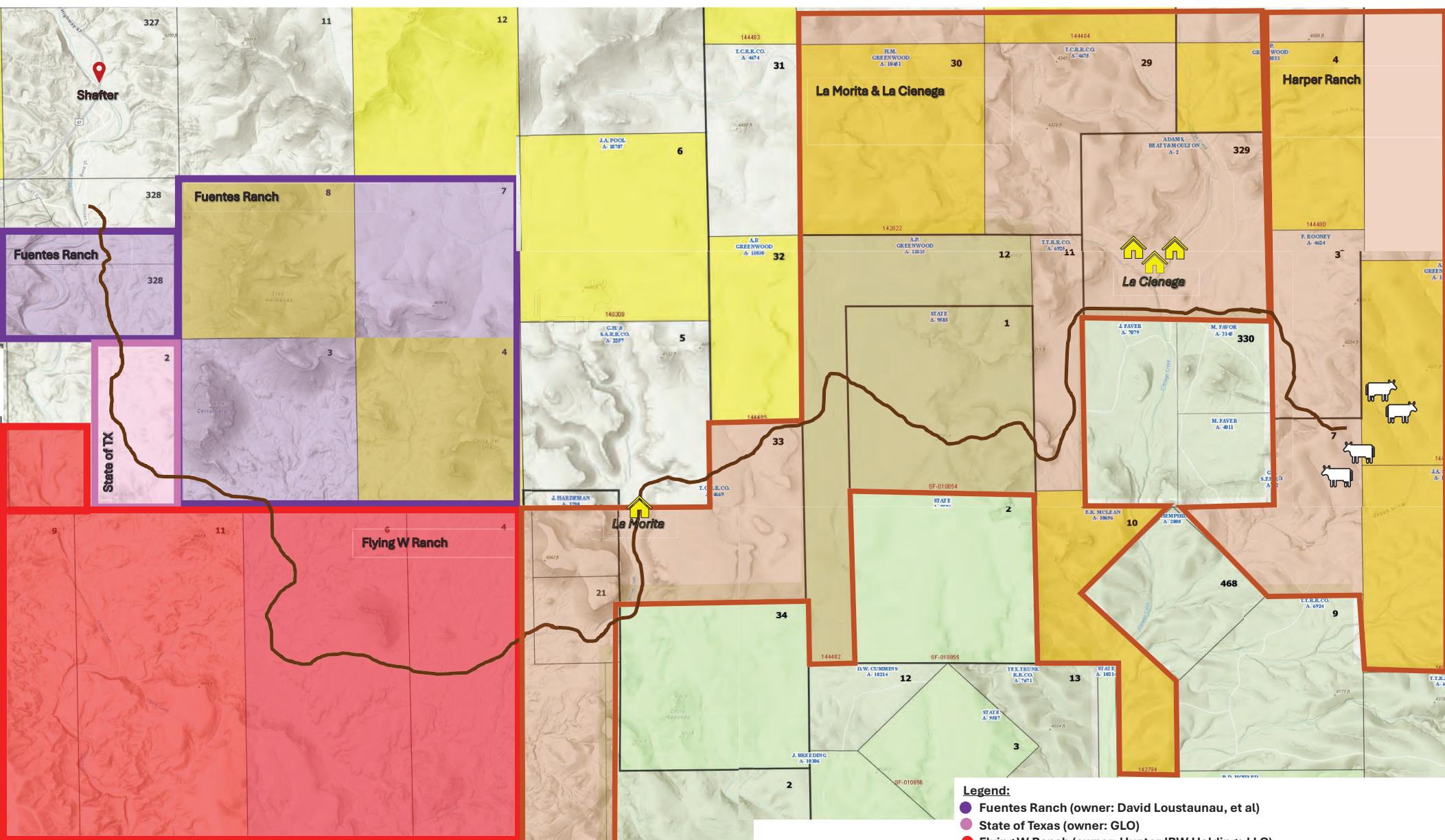
SUBSCRIBED AND SWORN TO before me on the 30 day of April, 2025.



*Polina Blossman*  
NOTARY PUBLIC in and for the State of Texas  
Printed Name of Notary: Polina Blossman  
My Commission Expires: 4/6/2026

EXHIBIT "A" - ZOOMED-OUT MAP





**EXHIBIT "B" - ZOOMED-IN MAP**

**Legend:**

**Legend:**

- Fuentes Ranch (owner: David Loustaunau, et al)
- State of Texas (owner: GLO)
- Flying W Ranch (owner: Hunter JRW Holdings LLC)
- La Morita & La Cienega Ranches (owner: Southwestern Holdings, Inc. ("SHI"))
- Harper Ranch (owner: SHI)

**—** Morita Rd (from Town of Shafter to Harper Ranch and back)

 SHI's Forts

 SHI's Cattle

# **EXHIBIT D-4**

**AFFIDAVIT OF TOM DAVIS**

STATE OF TEXAS §

COUNTY OF PRESIDIO §

BEFORE ME, the undersigned notary, on this day personally appeared Tom Davis, who being by me duly sworn upon his oath deposed and stated the following:

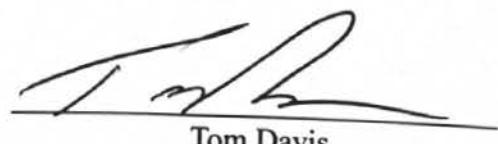
1. "My name is Tom Davis. I am over the age of twenty-one (21), and am of sound mind. I am authorized to make this affidavit. I have never been convicted of a felony, and am competent to make this affidavit. All of the statements contained herein are within my personal knowledge and are true and correct." *Robert Martin, the road is open to the public and is graded the road for entirety of its length from Shafter to Harper Ranch, including over Flying W, has not closed off at any time which we never closed off over the years. The location of Morita Road, including over Flying W, has not changed in any way.*
2. "I am currently employed by Southwestern Holdings, Inc. ("SHI"), as General Manager of Cibolo Creek Ranch ("Cibolo"). I have been employed by SHI/Cibolo since January 2018, first as a ranch manager and then promoted to General Manager in late 2021. My key job responsibilities are daily operations of the ranch, inclusive of oversight of road & fence management and repair (including Morita Road from Town of Shafter to Harper Ranch), and cattle operations (including SHI's La Morita, La Cienega, and Harper ranches). *SHI owns the property which we never closed off over the years. The location of Morita Road, including over Flying W, has not changed in any way.*
3. "Morita Road comes out of the Town of Shafter, crosses Fuentes Ranch and State of Texas General Land Office tract of land, then weaves back onto Fuentes Ranch, then onto Flying W Ranch (formerly, Lely Ranch) ("Flying W"), and then onto the property of SHI known as La Morita. From La Morita, the road goes over SHI's property onto La Cienega, and then Harper Ranch which are both owned by SHI as well. Morita Road and the tracts it traverses are shown on the map included and incorporated herein as Exhibit "A" and I attest to the accuracy of the depiction." *SHI owns the property which we never closed off over the years. The location of Morita Road, including over Flying W, has not changed in any way.*
4. "The frequency of my using Morita Road, including over Flying W, is seasonal. When we have cattle on Harper Ranch, I would use the road once or twice per week to ensure cattle

are appropriately fed, check and repair water infrastructure for cattle and wildlife, and check and repair fences. When cattle are elsewhere, I would use Morita Road, including over Flying W, less frequently – about twice a month.

5. "I started driving on Morita Road, including over Flying W, immediately upon the start of my employment in January 2018. Besides frequently driving on Morita Road to access La Morita, La Cienega and Harper ranches to oversee the properties and transport cattle to and from the properties, I sprayed brush for habitat management, including over Flying W, and tasked ranch staff with grading and repairing the road, including over Flying W, on multiple occasions since 2018. When I would drive on Morita Rd, including over Flying W, 90% of the time it would be in a vehicle with "Cibolo Creek Ranch" 12-inch decal lettering on both sides. At my direction, Edward Martin, the road repairman employed by Cibolo, graded the road for entirety of its length from Shafter to Harper Ranch, including over Flying W, last time in late November 2024. Since 2018, I have seen consistent tire tracks as well as our clearing of brush and grading of Morita Rd, including over Flying W.
6. "Morita Road as it is shown in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof has not changed much throughout my driving on it, other than typical road deterioration with time which we repaired throughout the years. The location of Morita Road, including over Flying W, has not changed at all.
7. "There is a gate on Flying W over Morita Road at the start of Flying W tract. The Flying W gate had a sign with "Cibolo Creek Ranch" on it and the phone number for Cibolo. The sign was placed on that gate before 2018 when I started working for SHI/Cibolo, and remained on the gate until sometime in late 2024 or early 2025, after Mr. Weisman's purchase of Flying W.
8. "Since 2018 when I starting using Morita Rd, I was never stopped or precluded from access through Flying W until early 2025, when Flying W gate became locked. I have never seen Flying W owners or representatives on Morita Rd. Since the road leads to

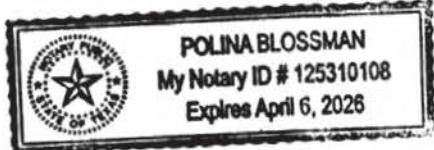
SHI's property and not beyond, I was under impression that SHI/Cibolo and its invitees had exclusive use of Morita Rd over Flying W tract. I have never asked Flying W owners or representatives for permission to use Morita Rd, and they never gave me one.

9. "In conclusion, SHI's use of Morita Road through the Flying W Ranch property has been open and notorious, continuous and uninterrupted for over ten years, without permission and adverse to Flying W's rights.
10. "At the time of signing of this affidavit, I estimate that Cibolo has approximately fifty head of cattle on Harper Ranch. Having been locked out of Morita Road by Mr. Weisman in early 2025, neither I nor any Cibolo staff can access Harper Ranch. Should we continue to not have access, our cattle run the risk of starving, thirsting, and injury. Additionally, without access and ability to monitor fencing, others' cattle and wild cattle may graze on Harper Ranch which could lead to overgrazing and infecting Cibolo's cattle with diseases. If SHI is not permitted to access its Harper Ranch, then immediate and irreparable injury, loss, or damage will result.
11. "Further, Affiant sayeth not."



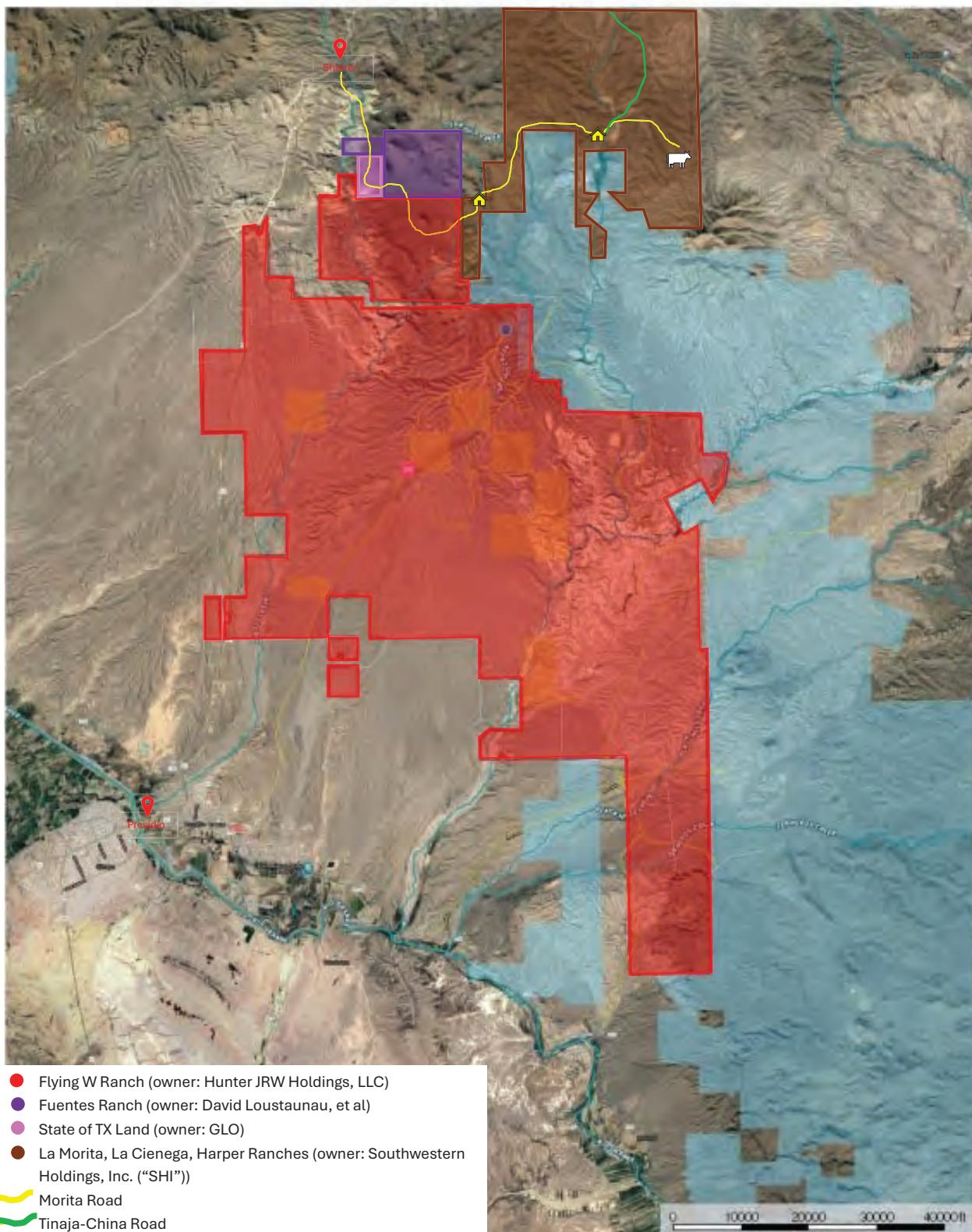
Tom Davis

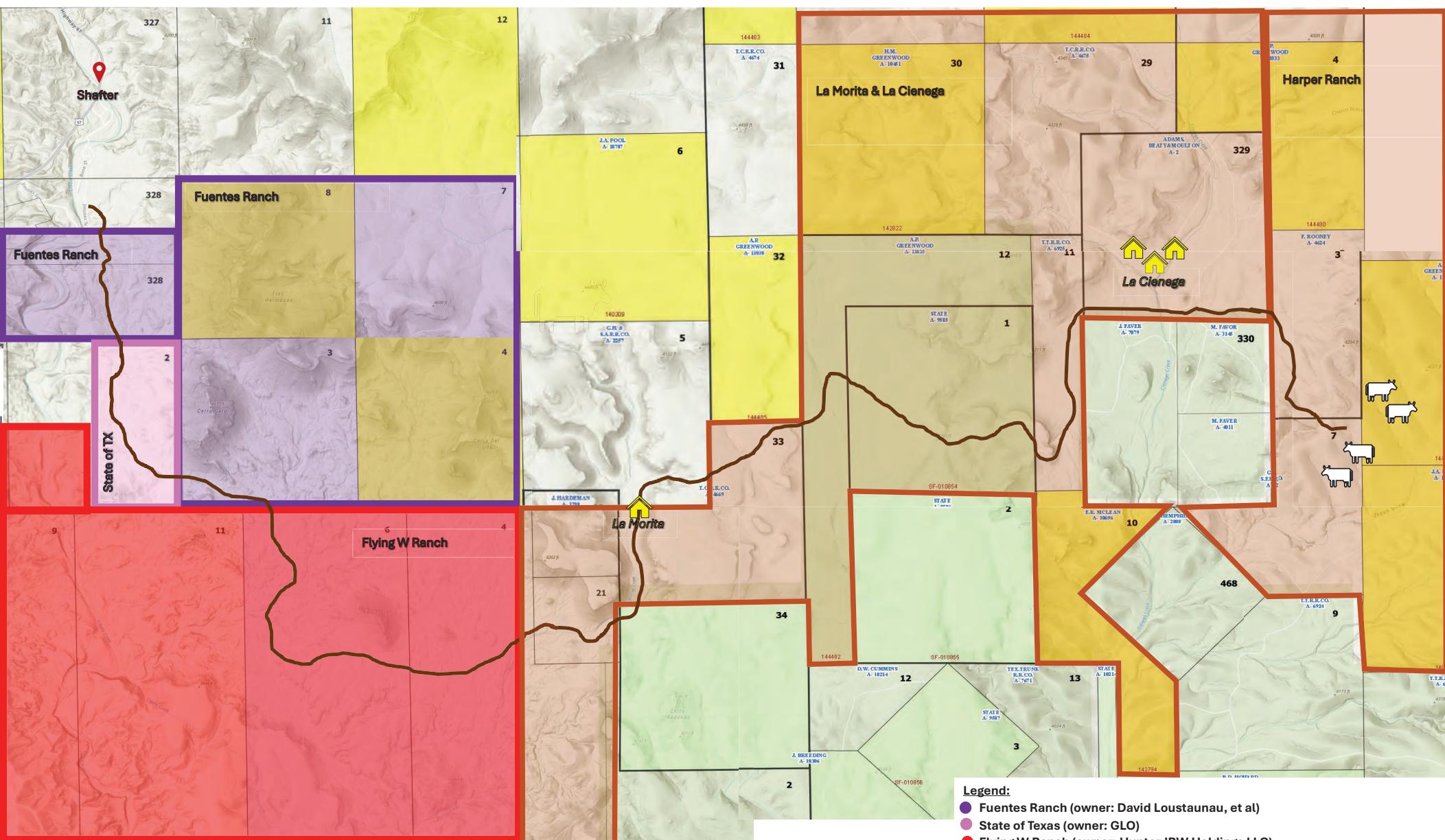
SUBSCRIBED AND SWORN TO before me on the 30 day of April, 2025.



*Polina Blossman*  
NOTARY PUBLIC in and for the State of Texas  
Printed Name of Notary: Polina Blossman  
My Commission Expires: 4/6/2026

EXHIBIT "A" - ZOOMED-OUT MAP





# **EXHIBIT D-5**

5. The beginning of **AFFIDAVIT OF TRENT WHITESELL** is 2-3 times a month  
and average

**STATE OF TEXAS** §

County of Presidio, Texas, on Morita Road, including over Flying W, immediately upon the sale of  
County of Presidio, Texas, on Morita Road, including over Flying W, immediately upon the sale of  
BEFORE ME, the undersigned notary, on this day personally appeared Trent Whitesell,  
who being by me duly sworn upon his oath deposed and stated the following:

1. "My name is Trent Whitesell. I am over the age of twenty-one (21), and am of sound mind. I am authorized to make this affidavit. I have never been convicted of a felony, and am competent to make this affidavit. All of the statements contained herein are within my personal knowledge and are true and correct.
2. "I am currently employed by Cibolo Creek Ranch ("Cibolo") as a hunting guide. I have been employed in this same role since April 2021. My key job responsibilities are guiding hunts on Cibolo Creek and La Morita, La Cienega, and Harper ranches, which are all owned by Southwestern Holdings Inc. ("SHI"), management and landscaping of hunt lodges, and brush clearance and road maintenance of roads between and on Cibolo Creek, La Morita, La Cienega, and Harper ranches.
3. "Morita Road comes out of the Town of Shafter, crosses Fuentes Ranch and State of Texas General Land Office tract of land, then weaves back onto Fuentes Ranch, then onto Flying W Ranch (formerly, Lely Ranch) ("Flying W"), and then onto the property of SHI known as La Morita. From La Morita, the road goes over SHI's property onto La Cienega, and then Harper Ranch which are both owned by SHI as well. Morita Road and the tracts it traverses are shown on the map included and incorporated herein as Exhibit "A" and I attest to the accuracy of the depiction.
4. "To the best of my knowledge, the Flying W was purchased in August of 2024 by a company known as Hunter JRW Holdings, L.L.C., which is owned by a man named John Weisman from San Marcos

5. "The frequency of my using Morita Road, including over Flying W, is 2-3 times a month on average.

6. "I started driving on Morita Road, including over Flying W, immediately upon the start of my employment in 2021. I am very familiar with the road because I use it to get to La Morita, La Cienega, and Harper ranches to guide hunts, and in summertime I help with road maintenance. I last cleared brush off Morita Rd, including on Flying W, in August 2024, and ran dozer to help Edward Martin with the road work in November 2024. When I would drive on Morita Rd, including over Flying W, 70% of the time it would be in a vehicle with "Cibolo Creek Ranch" 12-inch decal lettering on both sides. Other times I would be on ATV, or in a dozer or other road maintenance vehicles.

7. "Morita Road as it is shown in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof has not changed much throughout my driving on it, other than typical road deterioration with time which we repaired throughout the years. The location of Morita Road, including over Flying W, has not changed at all.

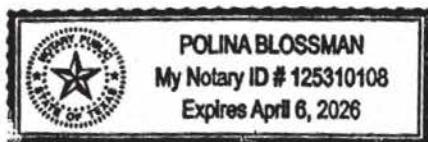
8. "There is a gate on Flying W over Morita Road at the start of Flying W tract. The Flying W gate had a sign with "Cibolo Creek Ranch" on it and the phone number for Cibolo. The sign was placed on that gate before 2021 when I started working for Cibolo, and remained on the gate until sometime in late 2024 or early 2025, after Mr. Weisman's purchase of Flying W. I have never asked Flying W owners or representatives for permission to use Morita Rd, and they never gave me one.

9. "Since 2021, when I starting using Morita Rd, I was never stopped from access through Flying W until early 2025, when Flying W gate became locked. I have never seen Flying W owners or representatives on Morita Rd. Since the road leads to SHI's property and not beyond, I was under impression that SHI/Cibolo and its invitees had exclusive use of Morita Rd over Flying W tract.

10. "In conclusion, SHI's use of Morita Road through the Flying W Ranch property has been open and notorious, continuous and uninterrupted for over ten years, without permission and adverse to Flying W's rights.
11. "Further, Affiant sayeth not."

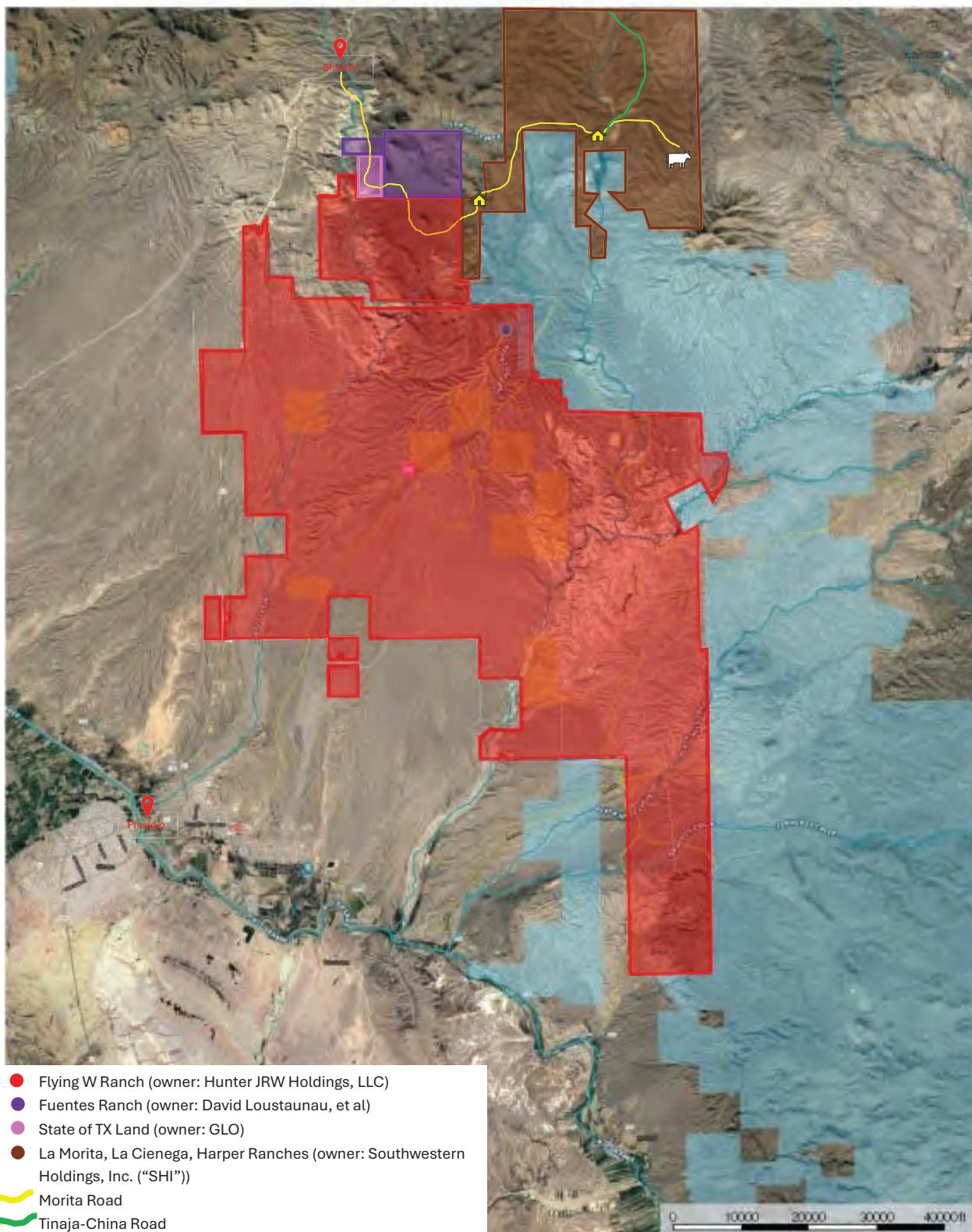
Trent Whitesell  
Trent Whitesell

SUBSCRIBED AND SWORN TO before me on the 30 day of April, 2025.



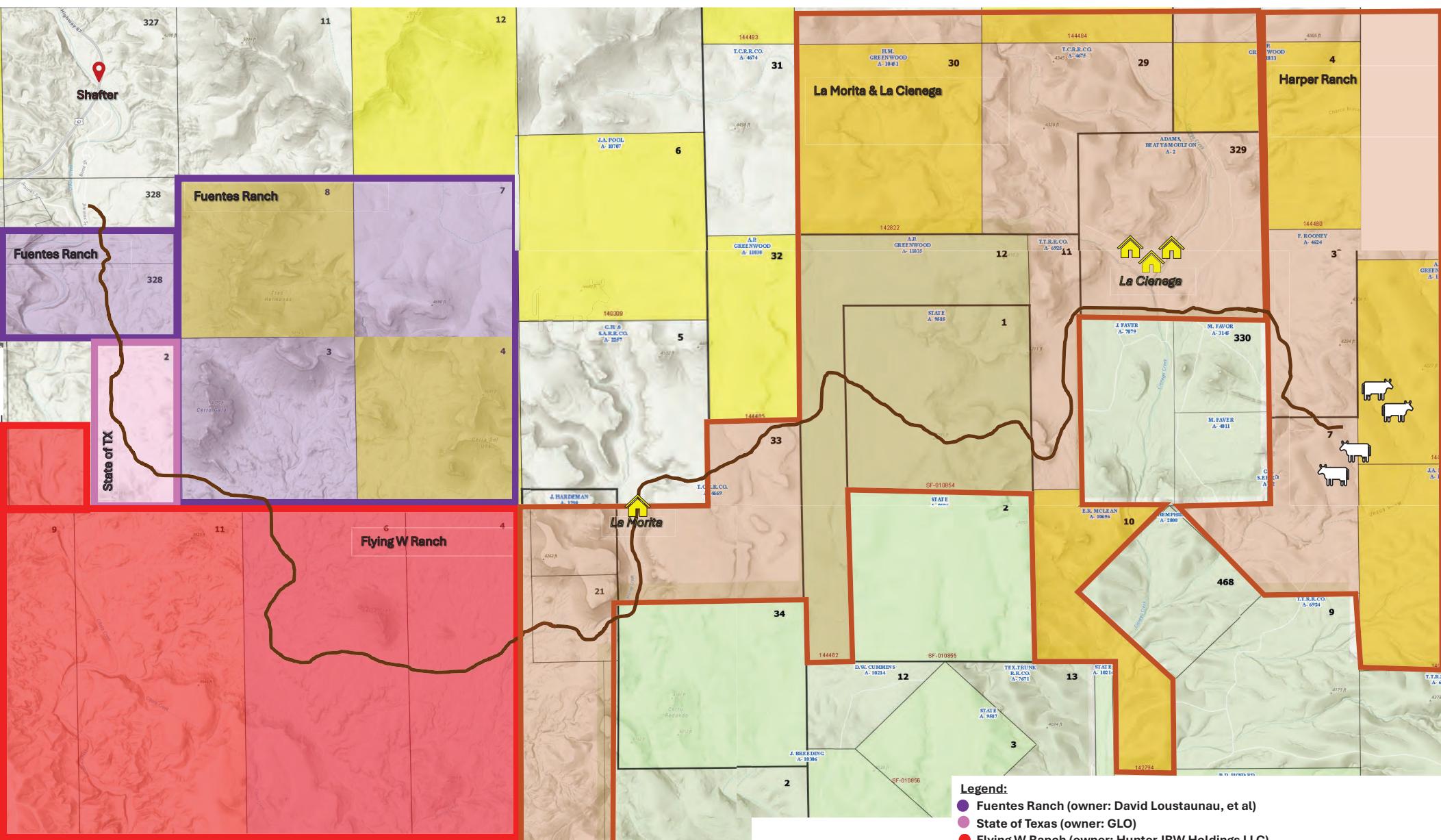
Polina Blossman  
NOTARY PUBLIC in and for the State of Texas  
Printed Name of Notary: Polina Blossman  
My Commission Expires: 9/6/2026

EXHIBIT "A" - ZOOMED-OUT MAP



- Flying W Ranch (owner: Hunter JRW Holdings, LLC)
- Fuentes Ranch (owner: David Loustaunau, et al)
- State of TX Land (owner: GLO)
- La Morita, La Cienega, Harper Ranches (owner: Southwestern Holdings, Inc. ("SHI"))

**Morita Road**  
**Tinaja-China Road**  
**SHI Forts**  
**SHI Cattle**



**EXHIBIT "B" - ZOOMED-IN MAP**

### Legend:

- Fuentes Ranch (owner: David Loustaunau, et al)
- State of Texas (owner: GLO)
- Flying W Ranch (owner: Hunter JRW Holdings LLC)
- La Morita & La Cienega Ranches (owner: Southwestern Holdings, Inc. ("SHI"))
- Harper Ranch (owner: SHI)

 Morita Rd (from Town of Shafter to Harper Ranch and back)

-  SHI's Forts
-  SHI's Cattle

# **EXHIBIT E**

On Oct 2, 2024, at 2:52 PM, Johnny Weisman <[johnny@hunterind.com](mailto:johnny@hunterind.com)> wrote:  
Hank,

Thank you for reaching out to me last week. It was an informative visit about the area, history and about my Flying W ranch and the Cibolo Creek Ranch . I look forward to meet y'all including John Poindexter. Across Texas , my multiple real estate holdings, I always have tried to be good neighbors while having mutual respect for each other 's property rights.

I appreciate you sending me the " Boerschig v SHI" case. I read it with interest. The court defined " The Morin's Road and Fence" as follows: The Morita Road runs from an old fort located on La Cienega ranch to another fort on La Morita Ranch . As the road passes thru Morita Canyon , the road crosses the onto the McCracken ranch for 2200 feet. Therefore, when you pointed out to me the court ruling, stating Therefore " SHI obtained a prescriptive easement across the disputed road" , it is clear to me that the Court of Appeals as granting an easement in favor of SHI only across the 2200 feet of the Cienega / Morita Road owned by Mr Boerschig ( the disputed road area) . Since the lawsuit was between Mr Boerschig and Mr Poindexter, the court could only declare an easement for the 2200 feet of road between Cienega and Morita. That had nothing to due with the Lely Ranch . The court never mentioned the Lely ranch , the Lely ranch was not a party , and no easement across the Lely Ranch was granted.

Furthermore, in the sale and closing on the Lely, the title company, the survey, etc. showed it was nothing more than old ranch road( rough) and no easement was depicted. The Lely's past history supports than status. Any prior action or commitment by Lely management did not pass with the sale.

In closing, I will always be a good neighbor with all my neighbors in Presido County including Cibolo Creek Ranch ,Mr Poindexter, you and staff. However, as I spoke with you last week, I have put new locks and chain at our common gate at Morita with a no trespassing sign . You do not have an easement across my ranch and never did have one. Let's mutually respect each other's property rights . Please only enter my ranch with my express permission,

Your neighbor, thanks

John R Weisman JRW

Johnny Weisman

Begin forwarded message:

**From:** "Thompson, Henry" <[HThompson@jbpcocom](mailto:HThompson@jbpcocom)>  
**Date:** October 2, 2024 at 12:00:22 PM CDT  
**To:** Johnny Weisman <[johnny@hunterind.com](mailto:johnny@hunterind.com)>  
**Subject: Follow Up**

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. and Mrs. Weisman,

Thanks for your time today. We would love to show you the Cibolo resort and our Shafter project when convenient. If interested, our websites are [CiboloCreekRanch.com](http://CiboloCreekRanch.com) and [TidewaterandBigBend.org](http://TidewaterandBigBend.org). I'll send a separate email including John to setup a time for y'all to chat. John is looking forward to meeting. I know you are well established in the area but if we can help with contractor/supplier recommendations or be otherwise helpful as you take over the Lely please let us know.

For reference here is some contact information for our team:

**Trent Whitesell**, Ranch/Hunting Manager: 432-249-1487 (cell)

**Tom Davis**, GM : 817-917-8460 (cell)

**Hank Thompson**, Pres. SWH: 817-948-4475 (cell)

**John Poindexter**, Owner: 713-628-0000 (cell)

I talked to Tom and Trent on our team to see what they knew about the lock being cut/changed on Lely. Trent (our Ranch/Hunting Manager) reports that Andy Marshall

(manager for the Van der Lely's) cut the chain and changed the lock on your gate in late August/Early September. He gave Trent the new code of 1074 but none of us are sure why that was done. Trent reports that Andy said he changed a bunch of locks at that time. The number I have for Andy is 210-632-4000.

I've included some more details on the easement issue below. Since I know this is a pain point for you, I'd like to give you some time to review the below and make sure you are comfortable and hopefully we can come to a meeting of the minds. For the next few weeks I will tell our guys to stay off of it to give you some time.

Standing by if I can be helpful in any way.

Best Regards, Hank

**GATES:**

There are two locked gates on the Morita Road from Shafter to the Fuentes Ranch, then over you(Lely) and onto us.

**1<sup>st</sup> Gate:**

Fuentes Gate on Morita Road: <https://maps.app.goo.gl/UDtaLaBtHv6hnu9T8>

Code: 1074

**2<sup>nd</sup> Gate:**

Lely Gate on Morita Road: <https://maps.app.goo.gl/7MrSihozmBP81Yni8>

Code: 1074 (although I think you said you changed it)

Here is a quick map showing the road in pink. The Harper pasture is in green and Morita Rd. is our only access. The yellow is Boerschig. Blue is our "Cibolo" to the west and "Cienega" to the east.

**EASEMENT:**

The use of the Morita by us was ruled on by the Texas Court of Appeals. I've attached the relevant section of the ruling, but you can view the full ruling here:

<https://caselaw.findlaw.com/court/tx-court-of-appeals/1534879.html>

Here is the relevant snippet:

---

---

**Henry B. Thompson** | President | **Southwestern Holdings, Inc.** | 832-319-3801 (O) | 817-948-4475 (M) | [hthompson@jbpc.com](mailto:hthompson@jbpc.com)

**Confidentiality Notice:**

This email message, including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

## Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Deborah Borden on behalf of Samuel Ballard  
Bar No. 24091982  
dborden@braungresham.com  
Envelope ID: 101503736

Filing Code Description: No Fee Documents  
Filing Description: Exhibits A - E to Plaintiff's Original Petition and Application for Temporary Injunction and Permanent Injunction  
Status as of 6/2/2025 2:48 PM CST

### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Deborah Borden		dborden@braungresham.com	6/2/2025 1:45:38 PM	SENT
Steven P.Anderson		sanderson@braungresham.com	6/2/2025 1:45:38 PM	SENT
Samuel Ballard		sballard@braungresham.com	6/2/2025 1:45:38 PM	SENT
Marina Aguilar		maguilar@braungresham.com	6/2/2025 1:45:38 PM	SENT