

093 MINERAL AGREEMENT AND DEED

193352

*Study*  
CARL F. K. v. BLUCHER, ET UX,  
CONRAD M. v. BLUCHER, ET UX,  
GEORGE A. v. BLUCHER, MARIE  
M. v. BLUCHER AND RICHARD A.  
v. BLUCHER

TO AND WITH

EACH OTHER

COMPARED

*10-2*  
MRS. HENRY E. GOUGER, County Clerk  
NUECES COUNTY, TEXAS

Filed For Record

At *11 29* O'clock *6* M

FEB 28 1944

MRS. HENRY E. GOUGER

Clerk, County Court, Nueces County, Texas

By *Ray S. Crowley* Deputy

*cc Sent 3<sup>30</sup> C*  
*Conrad Blucher*

M<sup>C</sup> CAMPBELL & M<sup>C</sup> CAMPBELL

ATTORNEYS AT LAW

CORPUS CHRISTI, TEXAS

OFFICE OF  
**CONRAD M. BLUCHER**  
COUNTY SURVEYOR OF NUECES COUNTY  
CORPUS CHRISTI, TEXAS

Description of

A tract of land containing 1248.89 acres, out of the Puentecitas Grant to Andres Fernandez de la Fuente, being all of Share 3 of the Meuly Partition of said Puentecitas Grant, originally allotted to Herman Meuly and by him conveyed to Mary E. v. Blucher by deed dated January 28, 1895, and recorded in the Deed Records of Nueces County, Texas, in Volume 1 at page 187, except 80.00 acres out of the southwest corner thereof, conveyed to Carl F. K. v. Blucher by C. F. H. v. Blucher and wife, Mary E. v. Blucher, by deed dated June 25, 1915, and recorded in the Deed Records of Nueces County, Texas, in Volume 109 at page 135. Said 1248.89-acre tract is situated in Nueces County, Texas, on the waters of Agua Dulce Creek, about 25 miles west of the County Seat, and is more particularly described as follows:

Beginning at a point on the Agua Dulce Creek, formerly known also as the Puentecitas Creek, the northeast corner of said Share 3 and southeast corner of Share 2 of said Meuly Partition of the Puentecitas Grant, originally allotted to Mrs. Ursula Dainwood, for the northeast corner of this tract,-

Thence in a general southerly direction, with the meanders of said Agua Dulce Creek, downstream, being the east boundary line of said Share 3 and of said Puentecitas Grant, to a point, the southeast corner of said Share 3 and northeast corner of Share 4 of said Meuly Partition, originally allotted to Miss Margaret Meuly, (also known as Maggie Meuly), for the southeast corner of this tract,-

Thence N.80°02'W., with the south boundary line of said Share 3 and north boundary line of said Share 4, 2562.9 varas to a point, the southeast corner of said Carl F. K. v. Blucher 80-acre tract, for a southwest corner of this tract, whence a point in the east boundary line of Share 1 of said Meuly Partition, originally allotted to Mrs. Margaret Meuly, the southwest corner of said Share 3 and northwest corner of said Share 4, bears N.80°02'W. 950.4 varas,-

Thence N.9°58'E., with the east boundary line of said Carl F. K. v. Blucher 80-acre tract, 475.2 varas to a point, the northeast corner of said Carl F. K. v. Blucher 80-acre tract, for a corner of this tract,-

Thence N.80°02'W., with the north boundary line of said Carl F. K. v. Blucher 80-acre tract, 950.4 varas to a point in the west boundary line of said



Share 3 and east boundary line of said Share 1, the northwest corner of said Carl F. K. v. Blucher 80-acre tract, for a southwest corner of this tract, whence said point, the southwest corner of Share 3 and northwest corner of Share 4, bears S.9°58'W. 475.2 varas,-

Thence N.9°58'E., with said west boundary line of Share 3 and east boundary line of Share 1, 1815.3 varas to a point, the northwest corner of said Share 3 and southwest corner of said Share 2, for the northwest corner of this tract,-

Thence S.80°02'E., with the north boundary line of said Share 3 and south boundary line of said Share 2, 3448.5 varas to the place of beginning,-

Containing an area of 1248.89 acres.

Description compiled December 22, 1948.

Conrad M. Blucher

THE STATE OF TEXAS     |

COUNTY OF NUECES     |

WHEREAS, on August 8, 1940, a certain oil, gas and mineral lease was made and entered into by and between Mary E. ~~v.oe~~ Blucher, Carl F. K. ~~v.oe~~ Blucher and wife, Claude C. ~~v.oe~~ Blucher, Conrad M. ~~v.oe~~ Blucher and wife, Zula E. ~~v.oe~~ Blucher, George A. ~~v.oe~~ Blucher and wife, Rose V. ~~v.oe~~ Blucher, Marie M. ~~v.oe~~ Blucher, a feme sole, and Richard A. ~~v.oe~~ Blucher, a single man, as lessors, and J. R. Howe, as lessee, upon and covering six hundred (600) acres of land, in Nueces County, Texas, which said tract of land is fully described and set out in said oil, gas and mineral lease which is recorded in Volume 61, page 152 of the Oil & Gas Lease Records of Nueces County, Texas, to which lease and record thereof reference is here made for a more particular description of the tract of land covered thereby, and the terms and provisions thereof; and

WHEREAS, such lease is now owned and held by the Lockhart Oil Company of Texas insofar as the same covers the gas, gasoline and distillate leasehold estate created thereby in and to the six hundred (600) acre tract of land covered thereby; subject to the terms and provisions of that certain contract and agreement and assignment executed in pursuance thereto, all dated March 11, 1941, and being between J. R. Howe, F. A. Gillespie & Sons Company, Transwestern Oil Company and Trinity Drillers, Inc., and the Lockhart Oil Company of Texas; and subject further to that certain unitization agreement dated March 11, 1941, executed by the parties to this agreement, and other royalty owners under the leases covered by the aforesaid contract and assignment between J. R. Howe, et al, and the Lockhart Oil Company of Texas, to all of which reference is here made for all intents and purposes; and

WHEREAS, it appears that in the absence of any advancement having been made to any of those entitled to share in the



estate of Charles F. H. ~~v. &c.~~ Blucher, deceased, the royalty under the six hundred (600) acre tract covered by the above referred to lease is owned in the following proportions, to-wit:

Mary E. ~~v. &c.~~ Blucher - undivided 1/2 interest;  
Carl F. K. ~~v. &c.~~ Blucher - undivided 1/10th interest;  
Conrad M. ~~v. &c.~~ Blucher - undivided 1/10th interest;  
George A. ~~v. &c.~~ Blucher - undivided 1/10th interest;  
Marie M. ~~v. &c.~~ Blucher - undivided 1/10th interest;  
Richard A. ~~v. &c.~~ Blucher - undivided 1/10th interest; and

WHEREAS, however, Carl F. K. ~~v. &c.~~ Blucher has heretofore received in the form of a grant of eighty (80) acres of land an advancement upon his interest in the estate of the said deceased Charles F. H. ~~v. &c.~~ Blucher; and the heirs and devisees of the said deceased Charles F. H. ~~v. &c.~~ Blucher are, therefore, desirous of agreeing upon and establishing an equitable division of the royalty interest owned and held by them under the aforesaid six hundred (600) acre tract and unitization agreement covering the same, in order that the said advancement made to the said Carl F. K. ~~v. &c.~~ Blucher shall be equalized as between the other heirs and devisees of the said deceased Charles F. H. ~~v. &c.~~ Blucher and in order that such advancement may be accounted for;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: For and in consideration of the sum of Ten (\$10.00) Dollars to each in hand paid by the other, and other good and valuable considerations, the receipt whereof is hereby acknowledged, it is mutually agreed and understood by and between Mary E. ~~v. &c.~~ Blucher, a widow, Carl F. K. ~~v. &c.~~ Blucher, joined herein by his wife, Claude C. ~~v. &c.~~ Blucher, Conrad M. ~~v. &c.~~ Blucher, joined herein by his wife, Zula E. ~~v. &c.~~ Blucher, George A. ~~v. &c.~~ Blucher, joined herein by his wife, Rose V. ~~v. &c.~~ Blucher, Marie M. ~~v. &c.~~ Blucher, a feme sole, and Richard A. ~~v. &c.~~ Blucher, a single man, being all of the heirs and devisees of Charles F. H. ~~v. &c.~~ Blucher, deceased, as follows:

I

That the royalty reserved in and to the lessors and the oil payment reserved in and to the lessors in the hereinabove

described oil, gas and mineral lease from the undersigned parties to this agreement, as lessors, and J. R. Howe, as lessee, upon and covering six hundred (600) acres of land in Nueces County, Texas, described therein, shall be owned and held, used and enjoyed, and vested in the following named persons in the proportions indicated:

Mary E. <del>v. van</del> Blucher, a widow -	<u>664.445</u> 1248.89
Conrad M. <del>v. van</del> Blucher -	<u>132.889</u> 1248.89
George A. <del>v. van</del> Blucher -	<u>132.889</u> 1248.89
Marie M. <del>v. van</del> Blucher, - a feme sole	<u>132.889</u> 1248.89
Richard <sup>A</sup> <del>v. van</del> Blucher, - a single man	<u>132.889</u> 1248.89
Carl F. K. <del>v. van</del> Blucher -	<u>52.889</u> 1248.89

## II

Each of the parties hereto, for the consideration set out, hereby grant, give, assign and convey to each other the fractional interest hereinabove set out, to have and to hold forever against any and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

## III

This contract and agreement is expressly subject to all of the terms and provisions of the hereinabove referred to oil, gas and mineral lease, the above referred to contract of sale to the Lockhart Oil Company of Texas of the gas, gasoline and distillate rights created by such oil, gas and mineral lease, and is further subject to the terms, provisions, covenants and obligations of the unitization agreement heretofore executed by the parties hereto, in favor of the Lockhart Oil Company of Texas, covering the royalty which is the subject of this contract; and in consideration of the premises herein set out, each of the parties hereto hereby agrees that nothing in this contract or agreement shall in any manner alter, change, modify or affect any of the rights,



titles or interest of the Lockhart Oil Company of Texas acquired by it under assignments of the gas, gasoline and distillate rights in and to the tract of land affected hereby, nor shall the same in any manner alter, affect, change or modify any of the terms, provisions and covenants in favor of the Lockhart Oil Company of Texas, as fully set out in the hereinabove referred to unitization agreement, and the gas, gasoline or distillate purchase contract made by Lockhart Oil Company of Texas and J. R. Howe, et al.

#### IV

For and in consideration of the premises herein set out, each of the undersigned further agrees, binds and obligates himself to accept royalty on any production from the tract of land covered hereby or the unitized area of which the same constitutes a portion, in the percentages and upon the basis herein set out; and such undersigned parties further agree that the payment of royalty in such proportion as to the six hundred (600) acres by the Lockhart Oil Company of Texas shall fully and finally discharge the payments due to the undersigned for such royalties to accrue by the Lockhart Oil Company of Texas, and if, as and when payments on the above set out basis shall be so made by the Lockhart Oil Company of Texas, the Lockhart Oil Company of Texas shall in no manner be subjected to any type of claim for the payment of royalties upon any other or different basis.

#### V

It is further mutually agreed and understood by each of the parties hereto that the aforesaid fractional interest and the royalty reserved in the hereinabove described lease shall be payable to the parties hereto upon any oil that may be produced from the hereinabove referred to and described six hundred (600) acre tract of land, and that any purchaser of any oil produced from such tract of land is hereby authorized and empowered to so divide any royalty or oil payment due upon any oil produced from such tract of land, in accordance herewith; and in this connection, each

of the parties hereto hereby binds and obligates himself to execute and deliver any transfer orders or division orders which may be required by any purchaser of either oil, gas, gasoline or distillate from the above described tract of land which may be needed for the purpose of effecting a division of the royalty and oil payment payments in accordance herewith.

IN WITNESS WHEREOF these presents have been executed this 12<sup>th</sup> day of September, A. D. 1941.

Mary E. v. Blucher  
Mary E. ~~v.~~ Blucher, a  
Widow

Carl F. K. von Blucher  
Carl F. K. ~~v.~~ Blucher

Claude C. von Blucher  
Claude C. ~~v.~~ Blucher

Conrad M. v. Blucher  
Conrad M. ~~v.~~ Blucher

Zula E. v. Blucher  
Zula E. ~~v.~~ Blucher

George A. von Blucher  
George A. ~~v.~~ Blucher

Rose V. von Blucher  
Rose V. ~~v.~~ Blucher

Marie M. von Blucher  
Marie M. ~~v.~~ Blucher, a  
Feme Sole

Richard A. v. Blucher  
Richard A. ~~v.~~ Blucher, a  
Single Man

THE STATE OF TEXAS     |

COUNTY OF NUECES     |

BEFORE ME, the undersigned authority, on this day personally appeared Mary E. ~~v.~~ Blucher, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and



acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15 day of September, A. D. 1941.

*Effie Roy (Effie Cox)*  
Notary Public in and for  
Nueces County, Texas.

THE STATE OF TEXAS     |  
COUNTY OF Travis     |

BEFORE ME, the undersigned authority, on this day personally appeared Carl F. K. ~~van~~ <sup>ron</sup> Blucher and wife, Claude C. ~~van~~ <sup>ron</sup> Blucher, 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, and the said Claude C. ~~van~~ <sup>ron</sup> Blucher, wife of Carl F. K. ~~van~~ <sup>ron</sup> Blucher, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Claude C. ~~van~~ <sup>ron</sup> Blucher, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17 day of September, A. D. 1941.

*John Wood Coleman*  
Notary Public in and for  
~~Nueces~~ <sup>Travis</sup> County, Texas.

THE STATE OF TEXAS     |  
COUNTY OF NUECES     |

BEFORE ME, the undersigned authority, on this day personally appeared Conrad M. ~~van~~ Blucher and Zula E. ~~van~~ Blucher, his wife, 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, and the said Zula E. ~~van~~ Blucher, wife of Conrad M. ~~van~~ Blucher, having been examined by me privily and apart from her husband, and

having the same fully explained to her, she, the said Zula E. ~~v.~~ Blucher, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15 day of September, A. D. 1941.

*Effie Cox (Effie Cox)*  
Notary Public in and for  
Nueces County, Texas.

THE STATE OF TEXAS |

COUNTY OF NUECES |

BEFORE ME, the undersigned authority, on this day personally appeared George A. ~~v.~~ Blucher and Rose V. ~~v.~~ Blucher, his wife, 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, and the said Rose V. ~~v.~~ Blucher, wife of George A. ~~v.~~ Blucher, ~~having~~ having been examined by me privily and apart from her husband, and ~~the~~ having the same fully explained to her, she, the said Rose V. v. Blucher, ~~acknowledged~~ acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12 day of September, A. D. 1941.

*Effie Cox (Effie Cox)*  
Notary Public in and for  
Nueces County, Texas.

THE STATE OF TEXAS |

COUNTY OF NUECES |

BEFORE ME, the undersigned authority, on this day personally appeared Marie M. ~~v.~~ Blucher, a feme sole, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15 day of September, A. D. 1941.

*Effie Cox (Effie Cox)*  
Notary Public in and for  
Nueces County, Texas.



THE STATE OF TEXAS |

COUNTY OF NUECES |

BEFORE ME, the undersigned authority, on this day personally appeared Richard A. ~~v. ex~~ Blucher, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15 day of September, A. D. 1941.

*Effie Cox (Effie Cox)*  
Notary Public in and for  
Nueces County, Texas.

THE STATE OF TEXAS | I, MRS. HENRY E. GOUGER,  
COUNTY OF NUECES | Clerk of the County Court in  
and for said County, do hereby certify that the foregoing instrument dated the 12 day of Sept 1941 with the certificate of authentication was filed for record in my office the 22 day of Sept 1941 at 4:35 o'clock P. M. and duly recorded the 1 day of Oct 1941 at 2:30 o'clock P. M. in Box B. Record of said County, in Vol. 64 on pages 297-301.  
Witness my hand and seal of the County Court of said County at office in Corpus Christi, Texas, the day and year last above written.

MRS. HENRY E. GOUGER  
COUNTY CLERK, NUECES COUNTY  
*Claudine Taylor*