

ROCK HOUSE LAND CO.
VS.
TEXAS GYPSUM CORP.

* C.C. JUDGMENT

File No. 5K File 42
Culberson County
Court Decree

Filed June 10 1965

GARRY MAURO, Com'r
By H. Forbes

NO. 1619

ROCK HOUSE LAND COMPANY,) IN THE 112TH
Plaintiff,)
v.) JUDICIAL DISTRICT COURT
TEXAS GYPSUM CORPORATION,)
Defendant.) UPTON COUNTY, TEXAS

J U D G M E N T

On the 17th day of August, 1966, came on to be heard the above entitled and numbered cause in which cause the State of Texas has intervened and the following appearances were made: Rock House Land Company appeared by its written pleadings filed herein and by Maurice R. Bullock, William B. Neely, and Tom R. Scott, its attorneys of record; Texas Gypsum Corporation appeared by its written pleadings and by James R. Kerr, its attorney of record; the State of Texas, Intervenor herein, appeared by written answer filed by Waggoner Carr, Attorney General of the State of Texas, and by the personal appearance and representation of Marvin F. Sentell and James A. Evans, Assistants Attorney General. Rock House Land Company, Texas Gypsum Corporation, and the State of Texas, as Intervenor and Cross Defendant, announced ready for trial, and no jury having been demanded by any party, the Court sitting without the aid of a jury heard the pleadings, evidence and argument of counsel for all parties, both as to questions of law and of fact, and the Court having heard such pleadings, evidence, and argument

of counsel presented in the case, and having carefully considered the same, finds and concludes as follows:

1.

The Plaintiff, Rock House Land Company, the Defendant, Texas Gypsum Corporation, and the Intervenor, the State of Texas are each and all properly before this Court and are each and all bound by this judgment. Issue has been joined by all of said parties on the issues as set out in Plaintiff's Original Petition, the Petition of Intervention of the State of Texas, the Answer and Cross Action of the Plaintiff, Rock House Land Company, and the Amended Answer and Cross Action of Texas Gypsum Corporation, all of which pleadings have been properly served upon the respective parties hereto, including the State of Texas, as Intervenor.

2.

The gypsum occurring in and on the following described part of the lands described in Plaintiff's Original Petition to-wit:

In Block 91, PSL Survey

<u>Part</u>	<u>Section</u>	<u>Acreage</u>
NE/4	6	158.88
All	9	653.41
All	10	652.95
All	11	652.50

is part of the mineral estate and not part of the surface estate; and as to such land, Intervenor, the State of Texas, is entitled to the gypsum and gypsum rights as against Rock

House Land Company and Texas Gypsum Corporation and is entitled to a judgment against Rock House Land Company and Texas Gypsum Corporation quieting its title to the gypsum occurring in and on said land. It is accordingly DECLARED, ORDERED, ADJUDGED, and DECREED that as to said land specifically described in this paragraph 2, and only as to said land, the State of Texas have and recover title to all of the gypsum and gypsum rights in and on said land as against Rock House Land Company and Texas Gypsum Corporation and that the cloud cast upon its title to such gypsum by the claims of Rock House Land Company and Texas Gypsum Corporation be, and the same is, hereby removed, and the title of the State of Texas and those claiming or to claim under it in and to the gypsum and gypsum rights in and under said land is hereby forever quieted as against Rock House Land Company and Texas Gypsum Corporation and all persons claiming or to claim through or under Rock House Land Company or Texas Gypsum Corporation.

3.

The gypsum occurring in and on the following described part of the lands described in Plaintiff's Original Petition, to-wit:

In Block 91, PSL Survey

<u>Part</u>	<u>Section</u>	<u>Acreage</u>
✓ All	7	636.46
✓ All	8	653.86
✓ W/2	18	321.45

In Block 92, PSL Survey

<u>Part</u>	<u>Section</u>	<u>Acreage</u>
✓ S/2	1	313.18
✓ All	11	625.57
✓ All	12	643.98
✓ N/2	13	319.76
✓ N/2	14	314.26

is part of the surface estate and not part of the mineral estate; and as to such land, the Plaintiff, Rock House Land Company, is entitled to the gypsum and gypsum rights as against the State of Texas and is entitled to a judgment against the State of Texas quieting its title to the gypsum occurring in and on said land. It is accordingly DECLARED, ORDERED, ADJUDGED, and DECREED that as to said land specifically described in this paragraph 3, and only as to said land, the Plaintiff, Rock House Land Company, for itself, its successors and assigns, have and recover title to all of the gypsum and gypsum rights in and on said land as against the State of Texas and that the cloud cast upon its title to such gypsum by the claim of the State of Texas be, and the same is, hereby removed and the title of Rock House Land Company and those claiming or to claim under it in and to the gypsum and gypsum rights in and under said land is hereby forever quieted as against the State of Texas and all persons claiming or to claim through or under the State of Texas.

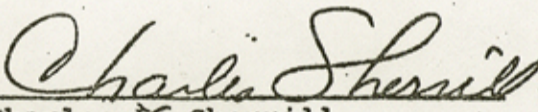
4.

The Court having found, adjudged, and declared that, as to a substantial portion of the land covered by

the contract of sale between Rock House Land Company and Texas Gypsum Corporation, dated March 28, 1966, described in Plaintiff's Original Petition, the gypsum and gypsum rights were and are reserved to and owned by the State of Texas and not susceptible of sale or conveyance by Plaintiff, and that Plaintiff is not entitled to specific performance of its said contract, it is further ORDERED, ADJUDGED, and DECREED that Plaintiff, Rock House Land Company be, and it is hereby, denied specific performance of its said contract, that Plaintiff take nothing as against Defendant, Texas Gypsum Corporation, that said Defendant go hence without day and recover its costs, and that the Clerk of this Court shall return to Plaintiff, Rock House Land Company, the deed heretofore executed by it and deposited with the Clerk of this Court.

It is further ORDERED and DECREED that all costs in this proceeding are taxed against Rock House Land Company. All relief hereinabove not specifically granted is hereby expressly denied.

SIGNED and ENTERED this 19th day of November, 1966.


Charles Sherrill
District Judge
112th Judicial District

File No. 24714
County Culberson
Court Dist
Filed June 10 1966
By [Signature]

THE STATE OF TEXAS
COUNTY OF UPTON

I, Nancy K. Daugherty, Clerk of the County & District

Court of Upton County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the
Original Judgment No. 1619 Rock House Land Company Vs.
Texas Gypsum Corporation

as the same appears of record in my Office in Book No. 3 Page 104 of the 112th District
Records of Upton County, Texas. Court

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Office in Rankin, Texas, this 28th
day of November 1966

By [Signature], Deputy.

NANCY K. DAUGHERTY,
Clerk of the Co. & Dist Court of Upton County, Texas

Filed for record on the 1st day of
Dec., 1966, at 1 o'clock P. M. &
recorded on the 8 day of Dec. 1966
at 1 P. M. Frances Walker, County Clerk
Culberson County, Texas.
By [Signature] Deputy.

File No. Sk. File 42

Culberson County
Court Decree

Filed June 10 1985

GARRY MAURO, Com'r

By H Forbes

THE STATE OF TEXAS
COUNTY OF UPION

I, Nancy K. Daugherty, Clerk of the
County & District

Original Judgment No. 1619 Rock House Land Company vs. Texas Gypsum Corporation

as the same appears of record in my Office in Book No. 3 Page 104 of the 11th District Court

DIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Office in Rankin, Texas, this 28th day of November 1985

NANCY K. DAUGHERTY,
Clerk of the Co. & Dist. Court of Upton County, Texas

Filed for record on the 1st day of Dec., 1985, at 1 o'clock P.M. & recorded on the 8 day of Dec., 1985 at J.P. M. Frances Walker, County Clerk Culberson County, Texas.

By _____ Deputy.

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