95—ROYALTY DEED (Non-Participating) TEXAS STANDARD FORM

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The State of Texas, } Know All Men by These Presents:

County of SCURRY

5.00 That, I, THOMAS GARLAND GANNAWAY, a single man,

hereinafter called Grantor (whether one or more), for and in consideration of the sum of TEN AND NO/100 ($10.00)---------- and other good and valuable considerations; Dollars, cash in hand paid by THOMAS R. GANNAWAY, EMILY J. WILLECKE, JANET S. GIBAS, and KENNY L. GANNAWAY, hereinafter called Grantee, the receipt of which is hereby acknowledged, have granted, sold, conveyed, assigned and delivered, and by these presents do grant, sell, convey, assign, and deliver, unto the said Grantee all of my undivided interest in and to all of the oil royalty, gas royalty, and royalty in casinghead gas, gasoline, and royalty in other minerals in and under, and that may be produced and mined from the following described lands situated in the County of Scurry and State of Texas, to-wit:

FIRST TRACT: Section No. One Hundred Two (102), in Block No. Three (3), H&TC Ry. Co. Survey, Scurry County, Texas;

SECOND TRACT: The South 332.5 acres of land in Section 89, Block 3, H&TC Ry. Co. Survey, Scurry County, Texas, more particularly described by metes and bounds as follows, to-wit: BEGINNING at a rock md. set for the NE corner of Survey No. 102, said Blk. No. 3, and SE corner of this tract fr. wh. a mes. 3' brs. S 23 1/4 deg. E 42 vrs and mes. 3' brs. S 15 deg. E 40 vrs; THENCE N 15 deg. W with E.B. line of this Section a distance of 987.9 vrs to NE corner of this tract; THENCE S 75 deg. W 1900 vrs. to point in W.B. line this Section for NW corner of this tract; THENCE S 15 deg. E 987.9 vrs. to stake the NE corner Sec. 101; THENCE N 75 deg. E 1900 vrs. to the place of beginning, containing 332.5 acres of land.

Grantees addresses are as follows:

1) Thomas R. Gannaway, 5998 Thorntree Drive, San Jose, CA 85120
2) Emily J. Willecke, 8276 S. Logan Court, Littleton, CO 80122
3) Janet S. Gibas, 7154 S. Quebec Court, Englewood, CO 80112
4) Kenny L. Gannaway, 1188 Alvernaz Drive, San Jose, CA 95129

SAVE AND EXCEPT however, that the Grantor herein reserves and it is hereby expressly agreed that he shall have for himself, and his assigns, the full possession, benefit and use of the above described premises, as well as of the rents, issues and profits thereof for and during his natural life, and upon the death of the Grantor herein, the title to said premises shall immediately vest in Grantees herein, their heirs and assigns.

together with the right of ingress and egress at all times for purpose of mining, drilling and exploring said lands for oil, gas and other minerals and removing the same therefrom. This grant shall run, and the rights, titles and privileges hereby granted shall extend to Grantee herein, and to Grantee's heirs, administrators, executors and assigns, forever.

Said lands, or portions thereof, being now under oil and gas lease or leases, executed in favor of the record owners it is understood and agreed that this sale is made subject to the terms of said lease or leases, but covers and includes all of my undivided interest of all the oil royalty, and gas royalty, and casinghead gas and gasoline royalty, and royalty from other minerals or products, due and to be paid under the terms of said lease or leases only insofar as it or they cover the above described land. And it is further understood and agreed that notwithstanding the Grantee does not by these presents acquire any right to participate in the making of future oil and gas mining leases on the portion of said lands not at this date under lease, nor of participating in the making of future leases, should any existing or future leases for any reason become cancelled or forfeited, nor of participating in the bonus or bonuses which Grantor herein shall receive for any future lease, nor of partcipating in any rental to be paid for the privilege of deferring the commencement of a well under any lease, now or hereafter;

NEVERTHELESS, neither the Grantor nor the heirs, administrators, executors and assigns of the Grantor shall make or enter into any lease or contract for the development of said land or any portion of same for oil, gas or other minerals, unless each and every such lease, contract, leases or contracts, shall provide for at least a royalty on oil of the usual one-eighth to be delivered free of cost in the pipe line, and a royalty on natural gas of one-eighth of the value of same when sold or used off the premises, or one-eighth of the net proceeds of such gas, and one-eighth of the net amount of gasoline manufactured from natural or casinghead gas; and in the event Grantor, or the heirs, administrators, executors and assigns of the Grantor, or as in the status of the fee owners of the land and minerals, or as the fee owner of any portion of said land, shall operate and develop the minerals therein, Grantee herein shall own and be entitled to receive as a free royalty hereunder, (1) ~~An undivided~~ all of my undivided interest of 1/8th of all the oil produced and saved from the premises delivered to Grantee's credit free of cost in the pipe line, (2) ~~An undivided~~ All of my undivided interest of 1/8th ~~interest~~ and portion of the value or proceeds of the sales of natural gas when and while the same is used or sold off the premises, (3) ~~An undivided~~ all of my undivided interest of 1/8th of the net amount of gasoline or other products manufactured from gas or casinghead gas produced from wells situated on the premises.

TO HAVE AND TO HOLD the above described property and rights, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said Grantee, and to Grantee's heirs, administrators, executors and assigns, forever; and Grantor does hereby bind myself, my heirs, administrators, executors and assigns, to warrant and forever defend all and singular, the said property and rights unto the said Grantee, and Grantee's heirs, administrators, executors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the following signatures, this the 18th day of April 1988

Thomas Garland Gannaway

THOMAS GARLAND GANNAWAY

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SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF Val Verde

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared
THOMAS GARLAND GANNAWAY

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 the 13th day of May A. D. 19 88

(L. S.)

ALMA G. REYES
Notary Public
STATE OF TEXAS
My Comm. Exp. Dec. 10, 1989

X Alma G. Reyes
Notary Public in and for County, Texas

THE STATE OF TEXAS
COUNTY OF

SEPARATE ACKNOWLEDGMENT

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

, wife of , known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said

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 the day of A. D. 19

(L. S.)

Notary Public in and for County, Texas

Filed for record this 23 day of May 1988, at 1:10 P M.
Recorded this 24 day of May 1988, at 10:00 A. M.
JENNA VEE MILLER, COUNTY CLERK, SCURRY COUNTY, TEXAS.
By M. Miller Deputy.