

CAUSE NO. 15-2442-CV

Ronald F. Avery	*	In the District Court
	*	
vs.	*	Guadalupe County, Texas
	*	
Guadalupe County Appraisal District	*	25th District
	*	

**Plaintiff's Response to Defendant's Request for
DISCLOSURE, FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS, REQUESTS FOR
ADMISSIONS, AND REQUEST FOR INSPECTION**

**PLAINTIFF'S REPOSES TO DEFENDANT'S REQUEST FOR
DISCLOSURE**

Pursuant Texas Rules of Civil Procedure 194, you are requested to disclose, within thirty (30) days of service of this request, the information or material described in Rule 194.2(a)-(f), and (i) of the Texas Rules of Civil Procedure:

- a) the correct names of the parties to the lawsuit;
The correct name of Plaintiff is Ronald Franklin Avery.
- b) the name, address, and telephone number of any potential parties;
There are no potential parties.
- c) the legal theories and, in general, the factual bases of your claims or defenses;

Facts:

- 1 The state and all lawful governments are created to protect the life, liberty and possessions of the people who create it. This includes protection of the ownership of the property. The government does not own property but protects it from the owner's neighbors, foreigners, and the government itself.
- 2 In the United States the rights of the people are unalienable and their rights consist of life, liberty and possessions including land, homes tools etc. That means the state and nation of states cannot lien property belonging to citizen for security for the payment of any money or "tax" to the state or nation.
- 3 The State of Texas considers itself to be a state of the United States where these realities are acknowledged.
- 4 Thomas Jefferson, drafter of the Declaration of Independence, and third President of the United States claimed all the ideas of human liberty in America came from John Locke's Treaties of Government and Algernon Sidney's Discourses on Government.
- 5 The "Principles of Property" that John Locke explained regulate every aspect of lawful government from its creation, limits of authority, means of financial support, means of defense and conditions of its dissolution.

- 6 The so-called "ad valorem property tax" secures payment by a so-called "tax lien" which aliens the property of the true owner where in the true owner becomes a tenant and the state the false owner.
- 7 The state claims this "authority" to alien the property of the individual by the voting of the majority of the people either in congress or the local area.
- 8 The ancient law of delegated authority: No one can delegate to another more authority than they hold in themselves.
- 9 No one has authority to alien the property of their neighbor without a judgment for some wrong or harm resulting from the property or owner. No one can delegate the power to alien their neighbor's property to the government by voting or any other means. This includes the voting to make a constitution and to alter the constitution by amendment or any statutes made by the legislature.
- 10 Thomas Jefferson verified these truths by showing that people in America own their property with an allodial superior title that cannot be aliened by any lawful government.
- 11 John Adams the second President of the United States also confirmed Jefferson's verification by showing that the United States was formed for only two reasons, first, to secure religious freedom and second to abolish forever the tyranny of the feudal land system where people were required to pay fees and tenures to the feudal lords and government. If they did not pay these fees and perform these "duties" or "tenures" they would be evicted and their land given to another who would perform better.
- 12 Article 8 Section 1-e says: "ABOLITION OF AD VALOREM PROPERTY TAXES. No State ad valorem taxes shall be levied upon any property within this State." Nothing could be any more clear than that!
- 13 All subdivisions of the State of Texas are considered "The State of Texas" and therefore cannot a tax of any kind that is not a State Tax. Therefore, no subdivision can levy an ad valorem property tax.
- 14 All my property on review here is within the State of Texas and cannot have an ad valorem property tax levied upon it by any subdivision of the State of Texas regardless of conflicting unconstitutional provisions of the Texas Constitution.
- 15 My property cannot be taxed in the jurisdiction of the State of Texas as asserted before the Guadalupe County Appraisal Review Board.
- 16 The Supreme Court misinterpretations of Article 8 Section 1-e produce a violation of Article 8 Section 1 (a) which says: "Taxation shall be equal and uniform." The current decisions of the Supreme Court of Texas require that state wide school taxes be non-uniform to avoid violation of their misunderstanding of Article 8 Section 1-e. The Supreme Court has mandated a violation of Article 1(a) to justify their incorrect view of Article 8 Section 1-e.
- 17 All ad valorem taxation is based upon arbitrary values determined by state employees and selected Appraisal Review Board members. No matter how complicated and precise the measurement, the values are still unequal and cannot be made equal or uniform because of the very nature of value of property to the nature of different individuals who consider it.

d) the amount and any method of calculating the tax, interest and/or penalty in issue;

There cannot be any "ad valorem property tax" levied upon my property as it is in the State of Texas and cannot be aliened by the State of Texas or any of its

subdivisions or any other government and it cannot be aliened by the voting of those who have no authority to lien it for securing the payment of rents to the State or false owner.

- e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

None.

- f) for any testifying expert:

- 1) the expert's name, address, and telephone number;

The experts have already testified in this case and their record has been made public in the pleadings of the Petitioner, namely, Thomas Jefferson, John Adams, and Samuel Adams and Frederick Bastiat. There can be no superior expert testimony.

- 2) the subject matter on which the expert will testify;

The most superior experts in the field of property and property ownership and what it means and what the purpose of government is related to the individual owners of property have already testified in the pleadings of the Petitioner.

- 3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to your control, documents reflecting such information;

The experts and founders of the nation and state we live in agree that "ad valorem property taxes" is the re-institution of the feudal tenure system that the United States of America and the States thereof were founded to oppose and prevent forever.

- 4) if the expert is retained by, employed by, or otherwise subject to your control:

- A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;

The testimony of the founders is sufficient to decide this case and the petitioner is not appealing any of the earlier arbitrary findings or determinations of what the so-called experts of the imposter or false owners think my property is worth to them and their formulas.

- B) the expert's current resume and bibliography;

The experts' resume and bibliography is well known to all Americans. Unfortunately, what they said and stood for is not so well known as evidenced by the need to go through this process to obtain what the government they formed was to secure for the people.

- i) any discoverable witness statements.

Your responses must be in writing, served on the Defendant, by and through its counsel of record, Christopher S. Jackson of PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P., 3301 Northland Drive, Suite 505, Austin, Texas, 78731.

Pursuant to Rule 194.4 of the Texas Rules of Civil Procedure, you ordinarily must serve copies of documents produced with the written responses to Defendant's attorney or by producing such items for inspection, examination, and copying at 3301 Northland Drive, Suite 505, Austin, Texas, 78731. However, if the responsive documents are voluminous, the response must state a reasonable time and place for the production of documents, and a reasonable opportunity must be provided to the Defendant to inspect them.

Finally, unless otherwise ordered by the Court or Texas law, a party must furnish information requested under Texas Rule of Civil Procedure 194.2(f) by the dates set forth in Texas Rule of Civil Procedure 195.2. Your duty to amend or supplement your responses is governed by Texas Rule of Civil Procedure 193.5.

PETITIONER'S RESPONSE TO DEFENDANT'S REQUEST FOR PRODUCTION

Request for Production No. 1:

Please produce copies of all appraisals of the Subject Property with any effective (valuation) date between January 1, 2015 and January 1, 2012. This Request does not include appraisals conducted by the Defendant, Plaintiffs' attorney-work product, Plaintiffs' attorney-client privileged information, information related to consulting-only expert witnesses or work product of Plaintiffs' third-party valuation expert witness, whose report and opinions will later be tendered pursuant to Defendant's Requests for Disclosure subpart (f) or at deposition for purposes of this de novo proceeding.

There are none.

Request for Production No. 2:

Please produce a copy of the warranty deed for the Subject Property that was in effect as of January 1 of the tax year at issue.

See attached documents.

Request for Production No. 3:

Please produce a copy of the deed of trust for the Subject Property that was in effect as of January 1 of the tax year at issue.

See attached documents.

PETITIONER'S RESPONSE TO DEFENDANT'S FIRST SET OF REQUESTS FOR ADMISSIONS

Pursuant to Texas Rule of Civil Procedure 198, the Defendant requests that the Plaintiff respond to its Requests for Admissions. These Requests are relevant to the subject matter involved in the pending action or are reasonably calculated to lead to the discovery of evidence admissible at trial of this case. Please serve your responses to the Defendant's attorney at 3301 Northland Dr., Suite 505, Austin, Texas 78731, within thirty (30) days after service of these requests.

INSTRUCTIONS FOR REQUESTS FOR ADMISSIONS

A party served with a request for admission must admit the statement if it is true. If a statement is partially true, a party must admit so much of it as is true and qualify or deny the remainder, pursuant to Texas Rule of Civil Procedure 198.2(b). A denial must be specific and must fairly meet the substance of the requested admission.

A party cannot refuse to admit or deny on the grounds that it lacks information or knowledge to admit or deny unless the party also states: (1) it has made a reasonable inquiry; and (2) the information is not known or easily obtained by the party and is insufficient to enable the party to admit or deny the request. Further, once a party has information that would allow it to admit or deny the request, the party should supplement or amend the answer.

Requests may relate to statements or opinions of facts, or to the application of law to fact, or to mixed questions of law and fact. Further, a request may relate to documents, although such documents may not be admissible at trial, if the information appears reasonably calculated to lead to discovery of admissible evidence, that information is discoverable. Finally, a request may present a genuine issue for the trial, and a party may not object solely on that basis.

DEFINITIONS

The following definitions above shall have their same meanings and apply to the Requests for Admissions below.

ADMISSIONS

Request for Admission No. 1:

Admit on January 1, 2015 you were an architect licensed by the State of Texas.

Admitted

Request for Admission No. 2:

Admit on January 1, 2015 you were a resident of Guadalupe County, Texas.

Admitted

Request for Admission No. 3:

Admit Guadalupe Appraisal District Property ID 50610 consists of 3.74 acres in the Moses Baker Survey, Abstract #4, in Guadalupe County, Texas.

I admit that my property, misnamed "Guadalupe Appraisal District Property ID 50610," contains 3.704 acres is within the "the Moses Baker Survey, Abstract 4."

Request for Admission No. 4:

Admit Guadalupe Appraisal District Property ID 50610 consisted of land and improvements on January 1, 2015.

I admit that my property, misnamed "Guadalupe Appraisal District Property ID 50610," has a building on it.

Request for Admission No. 5:

Admit the improvement located on Guadalupe Appraisal District Property ID 50610 is known as the Silver Eagle Taphouse.

I admit that I named my building "The Silver Eagle Taphouse" when I built it on my land, misnamed "Guadalupe Appraisal District Property ID 50610."

Request for Admission No. 6:

Admit you owned 3.74 acres in the Moses Baker Survey, Abstract #4, in Guadalupe County, Texas on January 1, 2015.

I admit that I owned my land, misnamed "Guadalupe Appraisal District Property ID 50610," having 3.704 acres on January 1, 2015.

Request for Admission No. 7:

Admit you were the owner of Guadalupe Appraisal District Property ID 50610 on January 1, 2015.

I admit that I owned my land, misnamed "Guadalupe Appraisal District Property ID 50610," having 3.704 acres on January 1, 2015.

Request for Admission No. 8:

Admit Guadalupe Appraisal District Property ID 50610 is located at 9301 FM 725, McQueeney, Guadalupe County, Texas, 78123.

I admit my land, misnamed "Guadalupe Appraisal District Property ID 50610," has an address of 9301 FM 725, McQueeney, Texas 78123 in Guadalupe County, Texas.

Request for Admission No. 9:

Admit Guadalupe Appraisal District Property ID 50612 consists of 1.6 acres in the Moses Baker Survey, Abstract #4, in Guadalupe County, Texas.

I admit that my property, misnamed "Guadalupe Appraisal District Property ID 50612," consists of 1.512 acres in the Moses Baker Survey Abstract 4, in Guadalupe County, Texas.

Request for Admission No. 10:

Admit Guadalupe Appraisal District Property ID 50612 consisted only of land on January 1, 2015.

I admit my land, misnamed "Guadalupe Appraisal District Property ID 50612" does not have a building built on it.

Request for Admission No. 11:

Admit no improvements existed on Guadalupe Appraisal District Property ID 50612 as of January 1, 2015.

I admit that my property, misnamed "Guadalupe Appraisal District Property ID 50612" did not have a building built upon it as of January 1, 2015.

Request for Admission No. 12:

Admit you owned 1.6 acres in the Moses Baker Survey, Abstract #4, in Guadalupe County, Texas on January 1, 2015.

I admit I owned my property, misnamed "Guadalupe Appraisal District Property ID 50612" consisting of 1.512 acres in the Moses Baker Survey, Abstract 4, in Guadalupe County, Texas on January 1, 2015.

Request for Admission No. 13:

Admit you were the owner of Guadalupe Appraisal District Property ID 50612 on January 1, 2015.

I admit that I was the owner of my property, misnamed "Guadalupe Appraisal District Property ID 50612" on January 1, 2015.

Request for Admission No. 14:

Admit Guadalupe Appraisal District Property ID 59576 consists of 2.6580 acres in the John Sowell Survey, Abstract #35, in Guadalupe County, Texas.

I admit that the property, misnamed "Guadalupe Appraisal District Property ID 59576," consists of 2.658 acres.

Request for Admission No. 15:

Admit Guadalupe Appraisal District Property ID 59576 consisted only of land on January 1, 2015.

I admit that the property, misnamed "Guadalupe Appraisal District Property ID 59576," had no inhabitable buildings built upon it on January 1, 2015.

Request for Admission No. 16:

Admit no improvements existed on Guadalupe Appraisal District Property ID 59576 as of January 1, 2015.

I admit that the property, misnamed "Guadalupe Appraisal District Property ID 59576" had no inhabitable buildings built upon it on January 1, 2015.

Request for Admission No. 17:

Admit the Ronald F. Avery and Cynthia G. Avery Revocable Living Trust was the owner of Guadalupe Appraisal District Property ID 59576 on January 1, 2015.

I admit that the Ronald F. Avery and Cynthia G. Avery Revocable Living Trust was the owner the property, misnamed "Guadalupe Appraisal District Property ID 59576," on January 1, 2015.

Request for Admission No. 18:

Admit you were a trustee of the Ronald F. Avery and Cynthia G. Avery Revocable Living Trust on January 1, 2015.

Admitted.

Request for Admission No. 19:

Admit Guadalupe Appraisal District Property ID 59576 is located at 2315 Tiemann Rd., Seguin, Guadalupe County, Texas, 78155.

I admit that the property, misnamed "Guadalupe Appraisal District Property ID 59576," is located at 2681 Tiemann Road, Seguin, Texas.

Request for Admission No. 20:

Admit the Ronald F. Avery and Cynthia G. Avery Revocable Living Trust owned 2.6580 acres in the John Sowell Survey, Abstract #35, in Guadalupe County, Texas on January 1, 2015.

I admit the Ronald F. Avery and Cynthia G. Avery Revocable Living Trust owned 2.658 acres of land in the John Sowell Survey in Guadalupe County, Texas on January 1, 2015.

Request for Admission No. 21:

Admit on May 22, 2015 you protested the value is over market for Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit that on May 22, 2015 I protested the following concerning the properties misnamed Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 22:

Admit on May 22, 2015 you protested the value is over market for Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit that on May 22, 2015 I protested the following concerning the properties misnamed Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 23:

Admit on May 22, 2015 you protested the value is over market for Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I admit that on May 22, 2015 I protested the following concerning the properties misnamed Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 24:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest that the value is over market for Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I did not make a presentation concerning the "market value" of my property, misnamed "Guadalupe Appraisal District Property ID 50610," on July 21, 2015, therefore, the GCAD could not have hear it.

Request for Admission No. 25:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest that the value is over market for Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I did not make a presentation concerning the "market value" of my property, misnamed the "Guadalupe Appraisal District Property ID 50612," on July 21, 2015, therefore, the GCAD could not have hear it.

Request for Admission No. 26:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest that the value is over market for Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I did not make any presentation regarding property referred to as GCAD "Property ID 59565."

I did not make a presentation concerning the "market value" of my property, misnamed "Guadalupe Appraisal District Property ID 59576," on July 21, 2015, therefore, the GCAD could not have hear it.

Request for Admission No. 27:

Admit on May 22, 2015 you protested the value is unequally appraised for Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit that on May 22, 2015 I protested the following concerning my properties misnamed "Guadalupe Appraisal District Property ID 50610, 50612 and 59576" by the Guadalupe County Appraisal District: 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 28:

Admit on May 22, 2015 you protested the value is unequally appraised for Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit that on May 22, 2015 I protested the following concerning my properties misnamed "Guadalupe Appraisal District Property ID 50610, 50612 and 59576" by the Guadalupe County Appraisal District: 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 29:

Admit on May 22, 2015 you protested the value is unequally appraised for Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I did not protest anything regarding property referred to as "Property ID 59565" by the GCAD.

I admit that on May 22, 2015 I protested the following concerning my properties misnamed "Guadalupe Appraisal District Property ID 50610, 50612 and 59576" by the Guadalupe County Appraisal District: 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 30:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest that the value is unequally appraised for Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit the GCAD heard my protest concerning the unequal appraisal among other things regarding my property, misnamed "Guadalupe Appraisal District Property ID 50610," on July 21, 2015.

Request for Admission No. 31:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest that the value is unequally appraised for Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit the GCAD heard my protest concerning the unequal appraisal among other things regarding my property, misnamed "Guadalupe Appraisal District Property ID 50612," on July 21, 2015.

Request for Admission No. 32:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest that the value is unequally appraised for Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

The GCAD did not hear anything from me regarding property misnamed above.

I admit the GCAD heard my protest concerning the unequal appraisal among other things regarding my property, misnamed Guadalupe Appraisal District Property ID 50612," on July 21, 2015.

Request for Admission No. 33:

Admit on May 22, 2015 you protested Texas Constitution Article VIII, Sect. 1(a) Taxation Shall Be Equal and Uniform and Texas Constitution Article VIII, Sect. 1-e No State ad valorem taxes shall be levied upon any property within this State for Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit that on May 22, 2015 I protested the following concerning the properties, misnamed Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 34:

Admit on May 22, 2015 you protested Texas Constitution Article VIII, Sect. 1(a) Taxation Shall Be Equal and Uniform and Texas Constitution Article VIII, Sect. 1-e No State ad valorem taxes shall be levied upon any property within this State for Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit that on May 22, 2015 I protested the following concerning the properties, misnamed Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is over market value; 2) Value is unequal compared with other properties; 3) Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 35:

Admit on May 22, 2015 you protested Texas Constitution Article VIII, Sect 1 (a) Taxation Shall Be Equal and Uniform and Texas Constitution Article VIII, Sect. 1-e No State ad valorem taxes shall be levied upon any property within this State for Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I did not protest anything regarding property misnamed above.

I admit that on May 22, 2015 I protested the following concerning the properties, misnamed Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is over market value; 2) Value is unequal compared with other properties; 3)

Property should not be taxed in the taxing unit of Texas; 4) Property should not be taxed in this appraisal district or in one or more taxing units; 5) Other: Article 8 Section 1-e; Article 1(a) and other laws.

Request for Admission No. 36:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest regarding Texas Constitution Article VIII, Sect. 1(a) Taxation Shall Be Equal and Uniform and Texas Constitution Article VIII, Sect. 1-e No State ad valorem taxes shall be levied upon any property within this State for Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit that on July 21, 2015 the Guadalupe County Appraisal Review Board heard my protest of the following concerning the properties, misnamed "Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is unequal compared with other properties; 2) Property should not be taxed in the taxing unit of Texas; 3) Property should not be taxed in this appraisal district or in one or more taxing units; 4) Other: Article 8 Section 1-e; Article 1(a) and other laws and principles the state and nation were built upon to secure the allodial titles of the people against the feudal tenures.

Request for Admission No. 37:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest regarding Texas Constitution Article VIII, Sect. 1(a) Taxation Shall Be Equal and Uniform and Texas Constitution Article VIII, Sect. 1-e No State as valorem taxes shall be levied upon any property within this State for Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit that on July 21, 2015 the Guadalupe County Appraisal Review Board heard my protest of the following concerning my properties referred to as "Property ID 50610, 50612 and 59576:" 1) Value is unequal compared with other properties; 2) Property should not be taxed in the taxing unit of Texas; 3) Property should not be taxed in this appraisal district or in one or more taxing units; 4) Other: Article 8 Section 1-e; Article 1(a) and other laws and principles the state and nation were built upon to secure the allodial titles of the people against feudal tenures.

Request for Admission No. 38:

Admit on July 21, 2015 the Guadalupe Appraisal Review Board heard your protest regarding Texas Constitution Article VIII, Sect. 1(a) Taxation Shall Be Equal and Uniform and Texas Constitution Article VIII, Sect. 1-e No State as valorem taxes shall be levied upon any property within this State for Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I admit that on July 21, 2015 the Guadalupe County Appraisal Review Board heard my protest of the following concerning the properties, misnamed "Guadalupe Appraisal District Property ID 50610, 50612 and 59576:" 1) Value is unequal compared with other properties; 2) Property should not be taxed in the taxing unit of Texas; 3) Property should not be taxed in this appraisal district or in one or more taxing units; 4) Other: Article 8 Section 1-e; Article 1(a) and other laws and

principles the state and nation were built upon to secure the allodial titles of the people against feudal tenures.

Request for Admission No. 39:

Admit on July 24, 2015 you received the Orders Determining Protests on the issues that were heard by the Guadalupe Appraisal Review Board on July 21, 2015.

I admit that on July 24, 2015 I received the "Orders Determining Protests" on the issues of 1) Value is over "market value;" 2) Value is unequal compared with other properties; 3) Other: Article 8 Section 1-e; Article 8 Section 1(a) of the Texas Constitution.

I further admit that I did not receive "Orders Determining Protests" of the other three grounds I protested namely, 4) Property should not be taxed in the taxing unit of Texas; 5) Property should not be taxed in this appraisal district or in one or more taxing units; 6) The lawfulness of the ad valorem property tax in the United States according to the founders, part of the 9 statements of fact I provided in the May 22, 2015 Notice of Protest.

I further admit I was given a new hearing before the GCAD ARB on those last three grounds.

Request for Admission No. 40:

Admit the situs of Guadalupe Appraisal District Property ID 50610 was within Guadalupe County's area as of January 1, 2015.

I admit that my property, misnamed "Guadalupe Appraisal District Property ID 50610," is within Guadalupe County, Texas as of January 1, 2015.

Request for Admission No. 41:

Admit the situs of Guadalupe Appraisal District Property ID 50610 was within Seguin ISD's area as of January 1, 2015.

I admit that the Seguin ISD (State of Texas) erroneously claims to have a right to levy an ad valorem property tax upon my land, misnamed "Guadalupe Appraisal District Property ID 50610" secured by a lien which they cannot lawfully obtain.

I further admit the Seguin ISD (State of Texas) erroneously presumes that a lien can be obtained upon the property of individuals by a majority vote of their neighbors who do not have an authority to lien the property of any neighbor. The power to lien a particular property can only be given by the particular individual that owns it and not by those who do not own it. And no one can delegate to another an authority they do not possess.

Request for Admission No. 42:

Admit the situs of Guadalupe Appraisal District Property ID 50610 was within Lateral Road's area as of January 1, 2015.

I admit that Guadalupe County Lateral Roads (State of Texas) erroneously claims to have a right to impose an ad valorem property tax upon my land, misnamed "Guadalupe Appraisal District Property ID 50610," secured by a lien which they cannot lawfully obtain.

Request for Admission No. 43:

Admit that Guadalupe County levied a tax in the amount of \$993.15 on Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit that Guadalupe County (The State of Texas) levied a feudal tenure, or an unconstitutional, unlawful, ad valorem property tax, of \$993.15 in defiance of the purpose of the creation of the United States of America on my property, misnamed "Guadalupe Appraisal District Property 50610," for the so-called "tax year of 2015."

Request for Admission No. 44:

Admit that Lateral Roads levied a tax in the amount of \$161.98 on Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit that Lateral Roads, Guadalupe County (The State of Texas) levied a feudal tenure, or an unconstitutional, unlawful, ad valorem property tax in defiance of the main purpose of the creation of the United States of America, on my property, misnamed "Guadalupe Appraisal District Property 50610," of \$161.98 for the so-called "tax year of 2015."

Request for Admission No. 45:

Admit that Seguin Independent School District levied a tax in the amount of \$4,229.38 on Guadalupe Appraisal District Property ID 50610 for the 2015 tax year.

I admit that Seguin ISD (The State of Texas) levied a feudal tenure, or an unconstitutional, unlawful, ad valorem property tax in defiance of the main purpose of the creation of the United States of America, on my property, misnamed "Guadalupe Appraisal District Property 50610," of \$4,229.38 for the so-called "tax year of 2015."

Request for Admission No. 46:

Admit the situs of Guadalupe Appraisal District Property ID 50612 was within Guadalupe County's area as of January 1, 2015.

I admit that the Guadalupe County (State of Texas) erroneously claims to have a right to levy an ad valorem property tax upon my land, misnamed Guadalupe Appraisal District ID 50612," secured by a lien which they cannot lawfully obtain.

Request for Admission No. 47:

Admit the situs of Guadalupe Appraisal District Property ID 50612 was within Seguin ISD's area as of January 1, 2015.

I admit that the Seguin ISD (State of Texas) erroneously claims to have a right to levy an ad valorem property tax upon my land, misnamed Guadalupe Appraisal District Property ID 50612" secured by a lien which they cannot lawfully obtain.

I further admit the Seguin ISD (State of Texas) erroneously presumes that a lien can be obtained upon the property of individuals by a majority vote of their neighbors who do not have an authority to lien the property of any neighbor. The power to lien a particular property can only be given by the particular individual that owns it and not by those who do not own it. And no one can delegate to another an authority they do not possess.

Request for Admission No. 48:

Admit the situs of Guadalupe Appraisal District Property ID 50612 was within Lateral Road's area as of January 1, 2015.

I admit that Guadalupe County Lateral Roads (State of Texas) erroneously claims to have a right to impose an ad valorem property tax upon my land, misnamed "Guadalupe Appraisal District Property ID 50612," secured by a lien which they cannot lawfully obtain.

Request for Admission No. 49:

Admit that Guadalupe County levied a tax in the amount of \$206.32 on Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit that Guadalupe County (The State of Texas) levied a feudal tenure, or an unconstitutional, unlawful, ad valorem tax in defiance of the main purpose of the creation of the United States of America on my property, misnamed "Guadalupe Appraisal District Property 50612," of \$206.32 for the so-called "tax year of 2015."

Request for Admission No. 50:

Admit that Lateral Roads levied a tax in the amount of \$33.65 on Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit that Guadalupe County Lateral Roads (The State of Texas) levied a feudal tenure, or an unconstitutional, unlawful, ad valorem tax in defiance of the main purpose of the creation of the United States of America, on my property misnamed "Guadalupe Appraisal District Property 50612," of \$33.65 for the so-called "tax year of 2015."

Request for Admission No. 51:

Admit that Seguin Independent School District levied a tax in the amount of \$878.65 on Guadalupe Appraisal District Property ID 50612 for the 2015 tax year.

I admit that Seguin ISD (The State of Texas) levied a feudal tenure, or an unconstitutional, unlawful, ad valorem tax in defiance of the main purpose of the creation of the United States of America, on my property misnamed "Guadalupe Appraisal District Property 50612," of \$878.65 for the so-called "tax year of 2015."

Request for Admission No. 52:

Admit the situs of Guadalupe Appraisal District Property ID 59565 was within Guadalupe County's area as of January 1, 2015.

I admit nothing about any such misnamed "property."

Request for Admission No. 53:

Admit the situs of Guadalupe Appraisal District Property ID 59565 was within Seguin ISD's area as of January 1, 2015.

I admit nothing about any such misnamed "property."

Request for Admission No. 54:

Admit the situs of Guadalupe Appraisal District Property ID 59565 was within Lateral Road's area as of January 1, 2015.

I admit nothing about any such misnamed "property."

Request for Admission No. 55:

Admit that Guadalupe County levied a tax in the amount of \$1.32 on Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I admit nothing about any such misnamed "property."

Request for Admission No. 56:

Admit that Lateral Roads levied a tax in the amount of \$0.21 on Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I admit nothing about any such misnamed "property."

Request for Admission No. 57:

Admit that Seguin Independent School District levied a tax in the amount of \$5.61 on Guadalupe Appraisal District Property ID 59565 for the 2015 tax year.

I admit nothing about any such misnamed "property."

Request for Admission No. 58:

Admit that you filed your lawsuit appealing the Orders issued by the Guadalupe Appraisal Review Board regarding the Subject Property for the 2015 tax year on December 14, 2015.

I filed this appeal contesting the findings and orders signed on October 16, 2015 resulting from the second hearing held on October 14, 2015 related to the constitutionality and lawfulness of imposing feudal tenures upon the owners of the land in the State of Texas which defy the very purpose of the creation of the State of Texas and the United States of America.

I further admit that I am not appealing the arbitrary determinations of the "value" of my property to the State and its subdivisions which cannot own my land and buildings and equipment and property of any kind to determine its value and charge me a rent to occupy and use.

I further admit that I am not appealing the equality of the arbitrary determinations of the "value" of my property to the State and its subdivisions which cannot own my

land and buildings and equipment and property of any kind to determine its value and charge me a rent to occupy and use.

PETITIONER'S RESPONSE TO DEFENDANT'S REQUEST FOR INSPECTION

I.

Defendant says: "Pursuant to Rule 196.7, Texas Rules of Civil Procedure, Defendant requests an opportunity to inspect the subject property for the purposes of inspecting, measuring, photographing, and/or videotaping the subject property. Persons attending the inspection may include representatives from the Guadalupe Appraisal District, independent appraisers, and Defendant's counsel. The Defendant will require access to and will inspect all interior and exterior areas if the property has improvements."

II.

Defendant requests the inspection at a time mutually agreeable to the parties.

Petitioner objects to the erroneously presumed right of the Defendants to enter the OWNER'S property to inspect it for the purposes of appraising the value of it related to other properties the Defendants erroneously claim to own. It is this kind of groundless presumption that shows to all that the State of Texas claims to own the property of every person and has a right to inspect it and appraise it and charge the real owners a rent or feudal tenure to possess and occupy and use. Such rights to inspect the property of the people and place a value on it compared to others and impose an annual rent based on that come from the false doctrine of feudal tenures which the State of Texas in the new world of the United States of America do not have as shown clearly by the founders who have testified in this protest and appeal.

I know that I have a property right to inspect my property that I have rented to a tenant and I have enforced them. But I don't have a right to inspect property I don't own and never have I requested such a thing. This request by the State of Texas to determine the value of property is an admission that the State of Texas has confiscated all the lands of the people and all their property for the purpose of raising money to pay bankers for endless and unlimited borrowing. Ten banks hold the lien on all our property and use the arm of the state to force the payment of the principle and interest on eternal debt which is not an exercise of the free market in America.

But, as I know the Defendants will not accept the truth regarding the feudal property system in Texas, you will simply get a court order to inspect my property against my will. Therefore, under duress, I will allow the GCAD (State of Texas), their employees, contractors, and lawyers, etc., to enter my property only for the limited purpose of inspecting, measuring, photographing, and/or videotaping my property upon the condition that any damage to the property will be assessed by the owner and its value set by the owner and payment shall be made to the owner by the GCAD (State of Texas).

This limited approval to enter is further conditioned upon the owner be indemnified and held harmless against all liability defended by The Guadalupe Appraisal District for any injuries during inspection resulting from premise defects, actions of those

entering, or damage to owner's property other properties or other people as a result of the actions of those entering.

This limited permission to enter my property for limited purposes does not waive my (real owner) objections and protests that only the owner can determine the value of their own property and that the State cannot impose a feudal tenure or ad valorem property tax on owner's property.

Respectfully Submitted,

Ronald F. Avery
Petitioner pro se

1933 Montclair Dr.
Seguin, Texas 78155
830/372-5534
Taphouse@SBCglobal.net

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May, 2016 a true and correct copy of the foregoing was served on Attorneys for the the Defendants listed below by Certified Mail Return Receipt Requested 7014 2120 0003 2600 7171

Christopher Jackson
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
3301 Northland Dr., Ste. 505
Austin, Texas 78731
512/302-0190 phone
512/323-6963 fax

Attorneys for Defendant

Ronald F. Avery
Petitioner pro se

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10435

1114/0535

SUBSTITUTE TRUSTEE'S DEED

Date: September 6, 1994

Deed of Trust:

Date: April 1, 1981

Grantor: Patrick M. Dunn

Beneficiary: Morton Shefts

Trustee: Thomas R. Crump

Substitute Trustee: William E. Schmidt, original appointment attached hereto.

Recorded in: Volume 181, Page 104-110 of the Official Public Records of Real Property (Deed of Trust) Guadalupe County, Texas.

Property:

5.34 acres of land more or less, more particularly described in Exhibit "A" attached hereto.

Note Secured by Deed of Trust:

Date: April 1, 1981

Original Principal Amount: \$81,000.00

Debtor: Patrick M. Dunn

Holder: Ronald F. Avery

Date of Sale of Property: September 6, 1994 (first Tuesday of month)

Time of Sale: Approximately 12:07 o'clock P.M., which time is no earlier than the time specified in the notice of sale and not later than three (3) hours after the specified time.

Place of Sale of Property (including county):

At the North Porch of the Guadalupe County Courthouse, which is the area of the courthouse designated for real property foreclosure sales by the Commissioners Court of said County in the Real Property Records of said County.

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1114/0536

Buyer: Ronald F. Avery

Buyer's Mailing Address: 1955 Mt. Vernon, Seguin,
Texas 78155

Amount of Sale: \$51,000.00

Grantor conveyed the property to Trustee in trust to secure payment of the note, but Grantor has defaulted in performing the obligations of the Deed of Trust. Holder of the Note, who is also the present Beneficiary of the Deed of Trust, accordingly has requested Substitute Trustee to enforce the trust.

Notices stating the time, place and terms of sale of the property were posted and filed, as required by Section 51.002 of the Texas Property Code, and other requirements of that statute have been met. As required by that statute and by the Deed of Trust, Substitute Trustee sold the property to Buyer, who was the highest bidder at the public auction, for the amount of sale.

As shown by the affidavit attached to this instrument and incorporated in it by this reference, Holder/Beneficiary either personally or by agent served notice of the sale to each debtor required by statute in compliance with Section 51.002 of the Texas Property Code.

Substitute Trustee, by the authority conferred by the Deed of trust, subject to the prior liens and other exceptions to conveyance and warranty in the Deed of Trust and for the amount of sale paid by Buyer as consideration, grants, sells and conveys to Buyer the property together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Buyer, Buyer's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Buyer and Buyer'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 prior liens and other exceptions to conveyance and warranty in the deed of trust, if any.

William E. Schmidt
WILLIAM E. SCHMIDT, SUBSTITUTE
TRUSTEE

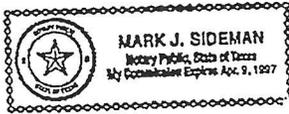
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1114/0537

THE STATE OF TEXAS)
COUNTY OF BEXAR)

This instrument was acknowledged before me this 7TH
day of September, 1994, by William E. Schmidt, Substitute
Trustee.

Mark J. Sideman
Notary Public, State of Texas



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1114/0538

EXHIBIT "A"

5.34 ACRES

Field notes describing 5.34 acres of land situated in the Moses Baker Survey, Abstract #4, Guadalupe County, Texas. Said 5.34 acres of land is that same land called 5.75 acres in conveyance to Udo Koehler recorded in Volume 212 at page 387 of the deed records of said county, LESS AND EXCEPT a tract called 0.3 acres, more or less, in conveyance to the State of Texas recorded in Volume 262 at Page 602 and LESS AND EXCEPT a parcel of land conveyed to the State of Texas for right-of-way for Farm-to-Market Road Number 725 and is hereinafter described by metes and bounds in TWO TRACTS, as follows:

TRACT NO. 1 - 3.74 Acres:

BEGINNING at a concrete monument marking the West corner of the tract herein described, said corner being the intersection of the east right-of-way line of Farm-to-Market Road Number 725 and the southeast right-of-way line of Old State Hwy. Number 3;

THENCE with the southeast right-of-way line of Old State Hwy. Number 3, N. 52° 40' E. at 237.8 Feet an iron stake and at 255.8 Feet the low bank of the Guadalupe River and the North corner of the tract herein described;

THENCE downstream with said bank, as follows:
S. 46° 03' E. 41.0 Feet;

THENCE S. 29° 27' E. 51.5 Feet to a confluence of said river and a slough;

THENCE across said slough S. 70° 50' E. 36.2 Feet to the low bank of said river;

THENCE continuing downstream with said bank, as follows:
S. 48° 50' E. 40.4 Feet;

THENCE N. 86° 04' E. 35.6 Feet;

THENCE S. 41° 26' E. 181.6 Feet;

THENCE S. 36° 31' E. 160.6 Feet to the Northwest right-of-way line of Farm-to-Market Road Number 78;

THENCE with said right-of-way line, S. 50° 33' W. 227.0 Feet to a concrete monument;

THENCE N. 23° 0' W. 119.1 Feet to a Cypress Tree approximately 44 inches in diameter;

THENCE with the fence, S. 44° 51' W. 17.1 Feet to an iron stake found;

THENCE continuing with fence, S. 45° 15' W. 161.8 Feet to a fence corner marking the Southwest corner of the tract herein described;

THENCE with fence, N. 36° 58' W. 203.8 Feet to a concrete monument in the East right-of-way line of Farm-to-Market Road Number 725;

THENCE with said right-of-way line, as follows:

N. 11° 50' W. 50.5 Feet to an iron stake set;

EXHIBIT "A"

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1114/0539

THENCE N. 28° 49' W. 191.6 feet to the PLACE OF BEGINNING and containing 3.74 Acres of Land.

TRACT NO. 2 - 1.60 ACRES:

BEGINNING at the West corner of the tract herein described, said corner being in the Southeast right-of-way line of Farm-to-Market Road No. 78 and situated S. 49° 12' E. 121.8 Feet from a concrete monument in the Northwest line of said right-of-way, said monument being the South corner of TRACT NO. 1 hereinbefore described;

THENCE with the southeast right-of-way line of Farm-to-Market Road No. 78, N. 50° 29' E. at 206.9 Feet an iron stake set and at 218.9 Feet the low bank of the Guadalupe River and the North corner of the tract herein described;

THENCE downstream with said bank, as follows:

S. 36° 04' E. 132.6 Feet;
 THENCE S. 39° 39' E. 53.6 Feet;
 THENCE S. 0° 34' E. 59.9 Feet;
 THENCE S. 26° 39' E. 46.6 Feet;
 THENCE S. 39° 05' E. 85.3 to the confluence of said river and a slough;

THENCE across said slough, S. 59° 02' E. 23.7 Feet to the East corner of the tract herein described;

THENCE with the Southeast bank of said slough, as follows:

S. 46° 02' W. 72.1 Feet;
 THENCE S. 61° 28' W. 29.9 Feet;

THENCE leaving said bank, N. 82° 43' W. 36.8 Feet to a Cypress tree approximately 24 inches in diameter;

THENCE with the southwest boundary of the tract herein described, ends of all courses being marked with iron stakes found, as follows:

N. 55° 06' W. 95.8 Feet;
 THENCE N. 56° 02' W. 84.8 Feet;
 THENCE N. 38° 17' W. 78.0 Feet;
 THENCE N. 36° 13' W. 76.2 Feet;
 THENCE N. 39° 40' W. 31.0 Feet to the PLACE OF BEGINNING and containing 1.60 Acres of Land.

907/0200

5.216 ACRES OF LAND
MOSES BAKER SURVEY, ABSTRACT 4
GUADALUPE COUNTY, TEXAS

A DESCRIPTION OF 5.216 ACRES OF LAND IN TWO (2) TRACTS WITHIN THE MOSES BAKER SURVEY, ABSTRACT 4, GUADALUPE COUNTY, TEXAS, TRACT NUMBER 1 CONTAINING 3.704 ACRES AND TRACT NUMBER 2 CONTAINING 1.512 ACRES, SAME BEING THAT CERTAIN TRACT OF LAND DESCRIBED AS 5.34 ACRES IN TWO (2) TRACTS IN A DEED DATED APRIL 1, 1981 FROM MORTON SHEFTS TO PATRICK M. DUNN RECORDED IN VOLUME 616 AT PAGE 222 OF THE OFFICIAL (DEED) RECORDS SAID COUNTY. SAID 5.216 ACRES SURVEYED DURING NOVEMBER OF 1988 BY J. MICHAEL MOORE, REGISTERED PUBLIC SURVEYOR NUMBER 4400, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT NUMBER 1

BEGINNING at a concrete highway monument found at the intersection of the northeast right-of-way line of F.M. 725 (width varies) and the southeast right-of-way line of Old State Highway 3 (60-foot wide);

THENCE leaving said F.M. 725 along said southeast right-of-way line, North 51°52'00" East, at 237.19 feet passing a 1/2-inch iron pipe found and continuing on a total distance of 255.80 feet to the normal southwest low bank of the Guadalupe River (Lake Placid);

THENCE leaving said Old State Highway 3 along said southwest bank the following two (2) courses:

1. South 46°51'00" East a distance of 41.00 feet, and
2. South 30°15'00" East a distance of 51.50 feet to the intersection of said southwest bank and the normal southwest low bank of a slough,

THENCE crossing said slough, South 71°38'00" East a distance of 36.20 feet to the intersection of the normal northeast low bank of said slough and said Guadalupe River southwest bank;

THENCE leaving said slough along said southwest bank the following five (5) courses:

1. South 49°38'00" East a distance of 40.40 feet,
2. North 85°16'00" East a distance of 35.60 feet,
3. South 42°38'30" East a distance of 49.96 feet,
4. South 42°04'40" East a distance of 131.64 feet, and
5. South 37°19'00" East a distance of 160.23 feet to the northwest right-of-way line of F.M. 78 (120-foot wide);

THENCE leaving said Guadalupe River along said northwest right-of-way line, South 49°37'00" West (Bearing Basis for this Description), at about 160 feet passing said slough northeast bank and continuing on a total distance of 206.98 feet to said slough southwest bank, same being the east corner of that certain tract of land described in a deed to Wellington W. Koepsel recorded in Volume 506 at Page 169 of said Official Records, from which a concrete highway monument found bears South 49°37'00" West a distance of 20.0 feet;

THENCE leaving said F.M. 78 along said southwest bank and the northeast line of said Koepsel tract, North 38°19'30" West a distance of 113.34 feet to a 44-inch Cypress tree;

THENCE leaving said slough along the fenced northwest line of said Koepsel tract, South 44°26'00" West, at 7.1 feet passing a 5/8-inch iron rod found and continuing on a total distance of 161.14 feet to a 1/2-inch iron pipe found;

EXHIBIT "A"

907/0201

THENCE along the fenced northeast line of said Koepsel tract, North 42°01'40" West a distance of 23.50 feet to a 1/2-inch iron pipe found at the east corner of that certain tract of land occupied by the McQueeney Volunteer Fire Department;

THENCE leaving said Koepsel tract along the northeast line of said McQueeney Volunteer Fire Department tract, North 39°41'30" West a distance of 179.26 feet to a concrete highway monument found on said F.M. 725 northeast right-of-way line;

THENCE along said northeast right-of-way line the following two (2) courses:

1. North 13°54'40" West a distance of 73.29 feet to a 5/8-inch iron rod set, and
2. North 31°21'40" West a distance of 169.60 feet to the Point of Beginning of the herein described Tract Number 1, and containing 3.704 Acres of Land, more or less.

TRACT NUMBER 2

BEGINNING at the intersection of the above described slough southwest bank and the southeast right-of-way line of said F.M. 78 (120-feet wide), same being the northeast line of the Koepsel Subdivision as recorded in Volume 241 at Page 22 of the Deed Records of said County, from which the most easterly south corner of the above described Tract Number 1 bears North 45°20'20" West a distance of 120.42 feet, a 1/2-inch iron rod found bears South 49°37'00" West a distance of 10.0 feet, and a concrete highway monument found bears North 54°36'20" West a distance of 123.76 feet;

THENCE along said southeast right-of-way line, North 49°37'00" East, at about 50 feet passing said slough northeast line, at 196.91 feet passing a 1/2-inch iron rod found, and continuing on a total distance of 208.91 feet to said Guadalupe River southwest bank;

THENCE leaving said F.M. 78 along said southwest bank the following five (5) courses:

1. South 36°56'00" East a distance of 131.60 feet,
2. South 40°31'00" East a distance of 53.60 feet,
3. South 01°26'00" East a distance of 59.90 feet,
4. South 27°31'00" East a distance of 46.60 feet, and
5. South 39°57'00" East a distance of 85.30 feet to said slough northeast bank;

THENCE crossing said slough, South 59°54'00" East a distance of 23.70 feet to the intersection of said slough southwest bank and said Guadalupe River southwest bank, same being said Koepsel Subdivision northeast line;

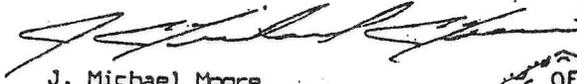
THENCE leaving said Guadalupe River along said slough southwest bank and said Koepsel Subdivision northeast line the following seven (7) courses:

1. South 45°10'00" West a distance of 72.10 feet,
2. South 60°33'00" West a distance of 29.90 feet,
3. North 68°10'10" West a distance of 33.39 feet,
4. North 56°09'10" West a distance of 95.06 feet,

907/0202

5. North 57°14'00" West a distance of 81.75 feet,
6. North 38°07'50" West a distance of 154.42 feet, and
7. North 40°32'00" West a distance of 30.97 feet to the Point of Beginning of the herein described Tract Number 2, and containing 1.512 Acres of Land, more or less.

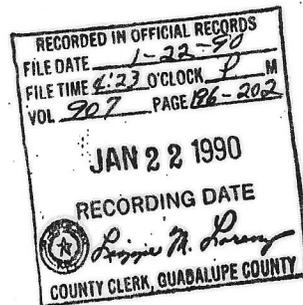
I, J. Michael Moore, a Registered Public Surveyor under the Laws of the State of Texas, do hereby certify that the metes and bounds description contained hereon was prepared from a survey performed under my direct supervision during November of 1988.



J. Michael Moore
Texas RPS4400

November 22, 1988

Date



2749

94-2874
1085/0531

0394grreal1.16788a

PETER M. HARTER ET UX

-TO-

RON AVERY ET UX

WARRANTY DEED WITH VENDOR'S LIEN

DATE: March 8, 1994

GRANTOR: PETER M. HARTER AND WIFE, JILL J. HARTER

GRANTOR'S MAILING ADDRESS: 112 Hampton West, Seguin, Guadalupe County, Texas 78155

GRANTEE: RON AVERY AND WIFE, CYNTHIA AVERY

GRANTEE'S MAILING ADDRESS: 1955 Mt. Vernon, Seguin, Guadalupe County, Texas 78155

CONSIDERATION: TEN AND NO/100 DOLLARS and a note of even date that is in the principal amount of FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$4,500.00) and is executed by Grantee, payable to the order of Grantor. It is secured by a vendor's lien retained in this deed and by a deed of trust of even date from Grantee to DENNIS SAGEBIEL, Trustee.

PROPERT'Y (including any improvements):

Being 2.658 acres of land out of the John Sowell Survey, Guadalupe County, Texas, and being 2.658 acres of land out of that certain 21.4 acre tract of land conveyed by Robert A. Jahns, et ux, to Wayne Stackhouse by deed dated August 27, 1969 and recorded in Volume 423 on pages 42-43 of the Deed Records of Guadalupe County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at an iron pin found in the South line of a County Road, in Guadalupe County, Texas, set for the Northwest corner of the above described Wayne Stackhouse 21.4 acre tract, for the Northwest corner of the herein described 2.658 acre tract;

THENCE with the South line of the said County Road, the North line of the said 21.4 acre tract as fenced, N. 89° 30' 40" E. 485.19 feet to an iron pin found set for the Northwest corner of the United States of America 16.42 acre tract of land, for the Northeast corner of this tract;

THENCE with the Northwest line of the said 16.42 acre tract, S. 44° 57' W. 680.27 feet to an iron pin found in the West line of the aforesaid 21.4 acre tract, set for a salient corner of the said 16.42 acre tract, for the South corner of this tract;

THENCE with the fence, the West line of the said 21.4 acre tract, N. 00° 33" W. 477.32 feet to the place of beginning.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Any and all covenants, conditions, easements, restrictions, and mineral and royalty severances, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Guadalupe County, Texas, and the following matters:

1. Any visible and apparent roadway or easement over or across subject property, the existence of which does not appear of record.
2. Easement for electric power line granted to City of San Antonio by Robert A. Jahns et ux in instrument dated November 29, 1943 and recorded in Volume 201 page 295 of the Deed Records of Guadalupe County, Texas.
3. Pipeline right of way granted to Sinclair Refining Company from Robert Jahns and wife, as set out in instrument dated April 7, 1946, recorded in Volume 217, Page 105 of the Deed Records of Guadalupe County, Texas.
4. Easement for water line granted to Springs Hill Water Supply Corp. by Wayne Stackhouse in instrument dated November 29, 1971 and recorded in Volume 447, Page 381 of the Deed Records of Guadalupe County, Texas.
5. Taxes for 1994, the payment of which Grantee assumes.

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 hereby 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 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.

Peter M. Harter

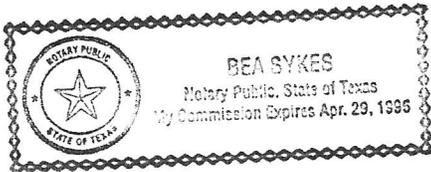
PETER M. HARTER
Jill J. Harter

JILL J. HARTER

THE STATE OF TEXAS

COUNTY OF GUADALUPE

This instrument was acknowledged before me on the 8 day of March, 1994, by PETER M. HARTER AND WIFE, JILL J. HARTER.



Bea Sykes

Notary Public, State of Texas

NOTARY SEAL
NOT REPRODUCIBLE

FILED FOR RECORD

94 MAR -8 PM 4: 09

LIZZIE M. LORENZ
COUNTY CLERK GUADALUPE CTY.

BY *Luzgato McCulloch*

THE STATE OF TEXAS
COUNTY OF GUADALUPE

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was **duty** RECORDED in the Official Public Record of Guadalupe County, Texas.

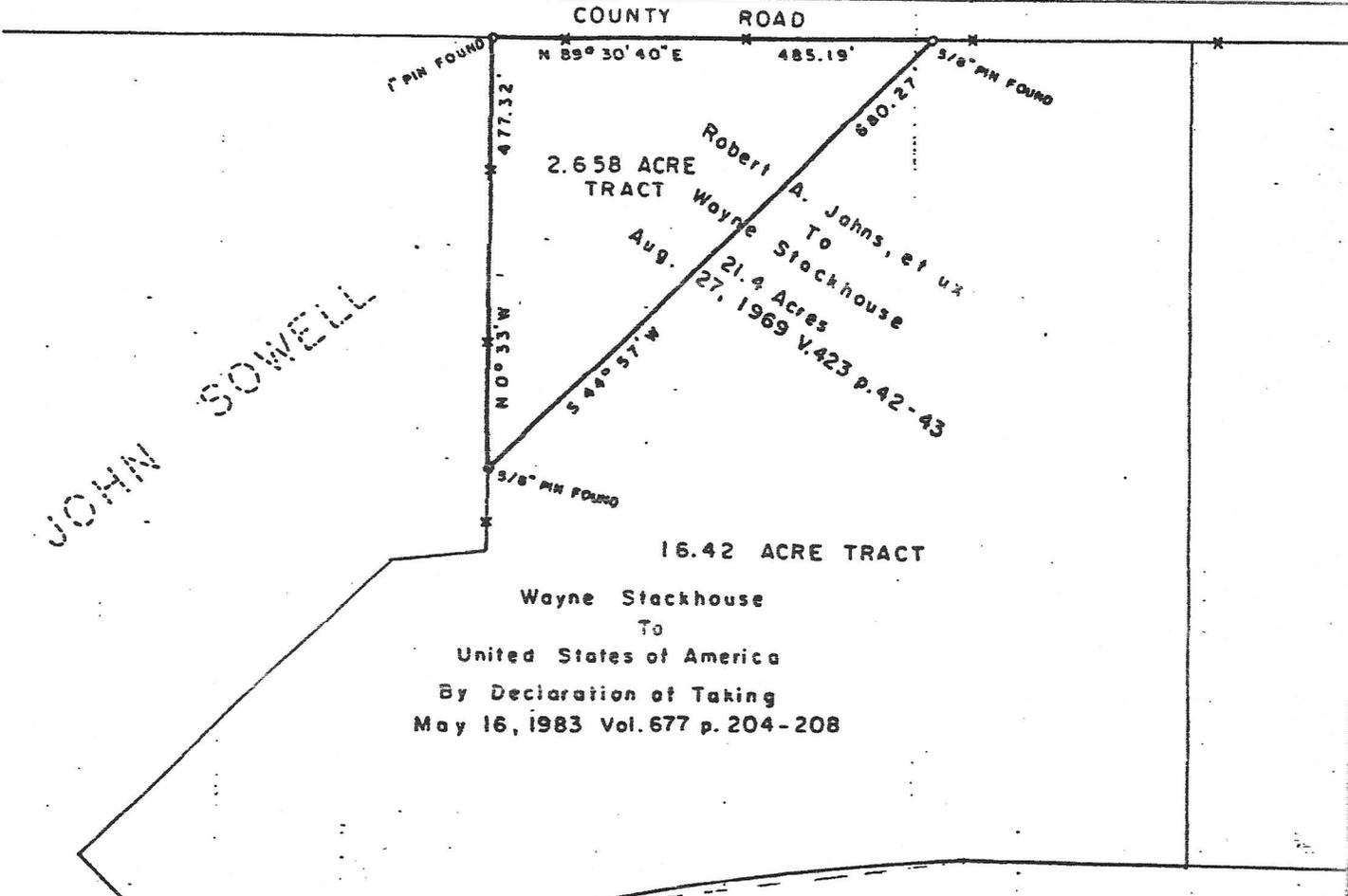


Lizzie M. Lorenz
County Clerk, Guadalupe County, Texas



SCALE: 1" = 200'

SURVEY



JOHN SOWELL

2.658 ACRE TRACT
 Robert A. Johns, et ux
 To
 Wayne Stackhouse
 Aug. 27, 1969 V.423 p.42-43

16.42 ACRE TRACT
 Wayne Stackhouse
 To
 United States of America
 By Declaration of Taking
 May 16, 1983 Vol.677 p.204-208

D STATE HIGHWAY NO. 3

U. S. HIGHWAY 90-A

PLAT SHOWING: A 2.658 ACRE TRACT OF LAND OUT OF THAT CERTAIN 21.4 ACRE TRACT OF LAND CONVEYED BY ROBERT A. JAHNS, ET UX, TO WAYNE STACKHOUSE BY DEED DATED AUGUST 27, 1969 AND RECORDED IN VOLUME 423 ON PAGES 42-43 OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS.

CERTIFICATION: I hereby certify that this survey was made on the ground on May 9, 1986 and is true and correct to the best of my knowledge and belief.

William J. Kolodzie

William J. Kolodzie
 R.P.S. 1462



SPECIAL WARRANTY DEED

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

Date:

10/7/05

➤ Grantor: Ronald F. Avery and Cynthia G. Avery

Grantor's Mailing Address (including County): 1955 Mt. Vernon
Seguin, Texas 78155
Guadalupe County

Grantee: Ronald F. Avery and Cynthia G. Avery, as Trustees for The Ronald F. Avery and Cynthia G. Avery Revocable Living Trust

Grantees' Mailing Address (including County): 1955 Mt. Vernon
Seguin, Texas 78155
Guadalupe County

Consideration:

Ten Dollars and No/100 (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged.

Property (including improvements):

Being 2.658 acres of land out of the John Sowell Survey, Guadalupe County, Texas, and being 2.658 acres of land out of that certain 21.4 acre of land conveyed by Robert A. Jahns, et ux, to Wayne Stackhouse by deed dated August 27, 1969 and recorded in Volume 423 on pages 42-43 of the Deed Records of Guadalupe County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at an iron pin found in the South line of a County Road, in Guadalupe County, TEXAS, set for the Northwest corner of the above described Wayne Stackhouse 21.4 acre tract, for the Northwest corner of the herein described 2.658 acre tract;

THENCE with the South line of the said County Road, the North line of the said 21.4 acre tract as fenced, N. 89° 30' 40" E. 485.19 feet to an iron pin found set for the Northwest corner of the Unites States of America 16.42 acre tract of land, for the Northeast corner of this tract;

THENCE with the Northwest line of the said 16.42 acre tract, S. 44° 57' W. 680.27 feet to an iron pin found in the West line of the aforesaid 21.4 acre tract, set for a salient corner of the said 16.42 acre tract, for the South corner of this tract;

THENCE with the fence, the West line of the said 21.4 acre tract, N. 00° 33" W. 477.32 feet

to the place of beginning.

Reservations:

Easements, rights-of-way, and prescriptive rights, whether of record or not, and all presently recorded instruments other than liens and conveyances that affect the property.

Homestead Provision:

If the property transferred herein, or any portion thereof, is the residence of Grantors, then Grantors shall have possession of and full management of the residence and shall have the right to occupy it rent-free. It is the intent of Grantors to retain all homestead rights available to them under Texas law.

Grantors, for the considerations and subject to the reservations from and exceptions to conveyance and warranty, hereby grants, sells and conveys to Grantees the property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantees, Grantees' heirs, executors, administrators, successors, or assigns forever. Grantors bind Grantors and Grantors' heirs, executors and administrators to warrant and forever defend all and singular the said property unto Grantees, 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, when claim is by, through, or under Grantors, but not otherwise.

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

Ronald F. Avery

RONALD F. AVERY
Cynthia G. Avery

CYNTHIA G. AVERY

STATE OF TEXAS

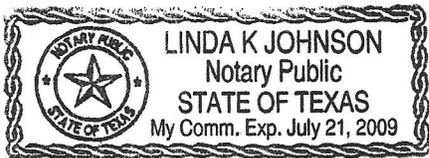
COUNTY OF GUADALUPE

Before me, the undersigned authority, personally appeared RONALD F. AVERY and CYNTHIA G. AVERY, who acknowledged to me that they did sign the foregoing instrument, and acknowledged to me that they executed the same for the uses and purposes and considerations therein expressed.

Given under my hand and seal this 7 day of October, 2005.

Linda K Johnson

Notary Public, State of Texas



After recording, please return to:
Mr. and Mrs. Ronald F. Avery
1955 Mt. Vernon
Seguin, Texas 78155



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the clerk shall stamp the recording information at the foot of the last page of the document.

This page becomes a part of the document identified by Document Number 05-21339 affixed on the first page of this document.

FILED FOR RECORD

05 OCT 18 PM 2:18

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

BY Carol Krueger

STATE OF TEXAS
COUNTY OF GUADALUPE
I certify this instrument was FILED on the
date and at the time stamped thereon and
was duly recorded in the Official Public
Records of Guadalupe County, Texas.



Teresa Kiel
TERESA KIEL
Guadalupe County Clerk