

## Southeast Easement (Hollywood)

Warranty Deed Whyte to Varner, 1014/46, recorded 4/25/1980. Tract I is the north runway-taxiway extension consisting of 5.7 acres and Tract II is the entire 24.216 acres including the ramp area except for a strip of land along the southeast side of the runway 162.5 feet x 2247 feet for a total of 8.38 acres. We now call this area Hollywood because of its proximity to the runway, which makes it highly desirable. Edna's reserved easement covers the runway and ramp.

EXHIBIT A

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TRACT I:

All that certain lot, tract or parcel of land out of the F. M. WOODWARD SURVEY, ABSTRACT 1420, DENTON COUNTY, TEXAS, described by metes and bounds as follows:

BEGINNING at a point in the south line of a 60.0 foot wide access easement, said point being NORTH 89 deg 12 min 40 sec West 1414.7 feet and SOUTH 0 deg 20 min west 60.0 feet from the northeast corner of said Woodward Survey;  
THENCE SOUTH 89 deg 12 min 40 sec east 195.0 feet to a point for corner;  
THENCE SOUTH 0 deg 20 min west 1272.7 feet to a point for corner;  
THENCE NORTH 89 deg 32 min west 193.0 feet to a point for corner;  
THENCE NORTH 0 deg 20 min east 1273.8 feet to the POINT OF BEGINNING and CONTAINING 5.7 acres, more or less.

TRACT II:

Being a 24.216 acre tract of land out of the G. Ramsdale Survey, Abstract No. 1128, Denton County, Texas, being off the east side of a certain tract conveyed by Hershel C. Strader, et al to Priddy and Holder, recorded in Volume 567, Page 618, Deed Records of Denton County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING on the north line of said Ramsdale Survey in a Public Road at a point North 89 deg 21 min east 869.4 feet from the northwest corner of said Ramsdale Survey which is the north northwest corner of said tract;  
THENCE NORTH 89 deg 21 min east with the north line of said survey 800.0 feet to the northeast corner of said tract;  
THENCE SOUTH 0 deg 32 min east with a fence on the east line of said tract 2247.2 feet to a fence corner at the east southeast corner of said tract;  
THENCE SOUTH 89 deg 21 min west with a south line of said tract along and near a fence 400.0 feet to a steel pin;  
THENCE NORTH 0 deg 32 min west 1857.2 feet to a steel pin;  
THENCE SOUTH 89 deg 21 min west 400.0 feet to a steel pin;  
THENCE NORTH 0 deg 32 min west 390.0 feet to PLACE OF BEGINNING, CONTAINING in all 24.216 acres of land, more or less.

AS TO TRACT II:

SAVE AND EXCEPT: All that portion of TRACT II which lies east of the present runway and proposed taxiway as defined in easement from Edna Gardner Whyte to Michael J. O'Brien and John R. Everett and filed of record in Volume 909 page 585 of the Deed Records of Denton County, Texas and being a strip of land approximately 162.5 feet wide abutting and parallel to the east line of said 24.216 acre tract of land.

AS TO BOTH TRACT I AND TRACT II:

SAVE AND EXCEPT:

A nonexclusive easement for an airport runway and taxiway and all necessary or desirable appurtenances for the operation of same along, over, across, under and upon the above described tract; together with the right of improving, reconstructing, repairing and inspecting as Grantor herein may from time to time find necessary; the right to remove or prevent the construction on said tract of all buildings, structures, and other constructions which may endanger or interfere with the safety or convenient use of said runway; and the right to assign this easement for the purpose of permitting others to use said tract.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

Any and all recorded or unrecorded easements or restrictions as they may apply to subject property.

*EW*

Easement

Gene Varner included this easement in the hangar tracts he sold after he acquired the 8.38 acres from Whyte less than two months later.

Warranty Deed Varner to L&R Flight, SE Tract 4, 1234/574, 7/8/1983, Hyde attempted to impose his license and restrictions on this tract in the same deed but the AVDCO restrictions already applied to the entire 8.38 acres.

TOGETHER WITH a non-exclusive easement for vehicular access and airport and taxiway purposes including all necessary and desirable appurtenances along, over, under, across and upon the tracts of land described by meter and bounds in Exhibits "B" and "C" attached hereto and made a part hereof by reference for all purposes of description; together with the right and obligation of improving, reconstructing, repairing and inspecting as may from time to time be necessary and the right to remove or prevent the construction on said tract of all buildings, structures or other obstructions which may endanger or interfere with the safety or convenient use of said runway or taxiway.

This easement applies to all 30 hangars in the 8.38 acres and so do the AVDCO box hangar restrictions.

This specific tract was the subject of the litigation between Hyde and Carl Walchshauser. Carl's story is perhaps one of the most tragic. It reveals the full scope of Hyde's nature. After Hyde forcibly interfered with Carl's runway access rights, Carl ultimately prevailed against Hyde in the case of *Walchshauser v. Hyde*, 890 S.W.2d 171 (Tex. App.—Fort Worth 1994, writ denied). The court held that Carl had an easement across Hyde's land and permanently enjoined Hyde from interfering. This did not stop Hyde from forcibly interfering with the runway access rights of others who he knew had easements, e.g., Richard and Diane Blose, Jimmy Ray, and Roland Steward and Greg Keulbs (RGE Land).

This nightmare theme is the tragedy of Aero Valley Airport that must be stopped.