

West Development Easements

The west development area consists of two separate hangar building efforts. The first one consists of the four rows of open T-hangars that Whyte and Kelly Bryan built shortly after Whyte started her flight school in 1970. The second consists of two tracts totaling about 1.7 acres directly south of these hangars. Eight hangars were built jointly by Glen Hyde and John Brown (Triangle Aviation). Edna granted the runway access easement to the four rows of T-hangars when she sold this part of the 9.784-acre tract. Gene Varner granted the easements to the eight Brown-Hyde hangar tracts in two separate grants, one to Brown and the other to Hyde. Let's start with the four open T-hangars.

1. Warranty Deed Whyte to Garrett, West 3.53 acres (four rows of open T-hangars just south of gas pump), 2087/29, 2/12/1987.

THENCE with said South line of said 24.216 acre tract, South 89 deg. 21 min. West 300 feet to a corner;

THENCE North 0 deg. 32 min. West 390 feet to a corner;

THENCE South 89 deg. 21 min. West 30 feet to the place of beginning and containing 3.53 acres more or less."

TOGETHER WITH a nonexclusive easement for vehicular access and airport and taxiway purposes including all necessary and desirable appurtenances along, over, under, access and upon the three (3) tracts of land described by metes and bounds as Exhibit "A" attached hereto and made a part hereof by reference for all purposes; together with the right of improving, reconstructing, repairing and inspecting as Grantee may from time to time find necessary and the right to remove or prevent the construction of 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.

SAVE AND EXCEPT: A life Estate to EDNA GARDNER WHYTE for her lifetime.

This acreage was also the subject of litigation with Hyde. Hyde blocked Landon Son's runway access and Landon sued. Whyte intervened. The court found the easement and enjoined Hyde from interfering. Sound familiar? Unable to understand the metes and bounds description of the property, believed he had acquired part of this tract from Edna when he assumed Varner's note to the original 24.216-acre tract. But these T-hangars were part of the second tract Whyte acquired, the 9.784-acre tract. This led to an even greater rift between Hyde and Whyte. Even Varner may have been confused based on an affidavit Hyde recorded at 1394/711 on May 3, 1984.

This episode puts an exclamation point on the need to have a competent real property lawyer handle real estate transactions. Hyde thinks he's an excellent real property lawyer, but the

results of his work speak for themselves. It's hard to imagine how anyone could create a bigger mess than he has.

2. Easement, Whyte to Son, 6/3/1985. This easement grants an appurtenant easement for runway access and use of all airport facilities to any property Edna owned within airport boundaries. This includes all nine hangars she acquired from Hyde in Northwest Development Phase 1.

EASEMENT

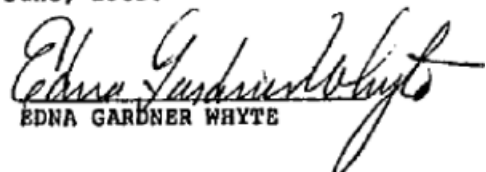
KNOW ALL MEN BY THESE PRESENTS;

That I, EDNA GARDNER WHYTE, for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid to me by LONDON F. SON, do hereby give grant and convey to LONDON F. SON, of Tarrant County, Texas, the right to use for vehicular access, including, but not limited to automobiles, trucks and aircrafts together with the right for use by aircraft for taxiing, taking off, overflying, landing and for other airport purposes including all necessary and desirable appurtenances along, over, under, across and upon the now existing runways and taxiways of Aero Valley Airport located in the F. M. Woodward Survey, Abstract No. 1420 and the G. Ramsdale Survey, Abstract No. #1128, all in Denton County, Texas, together with the right of access from any property now owned by Grantor or sold by Grantor to Grantee within the confines of the above described Aero Valley Airport, across any property now within the confines of Aero-Valley Airport, together with the right of improving, reconstructing, repairing and inspecting as Grantee may from time to time find necessary roadways, taxiway, runways and drainage structures or excavations and the right to remove or prevent the construction on said Aero Valley Airport of all buildings, structures or other obstructions which may endanger or interfere with the safe or convenient use of said runways and taxiways and any areas necessary to assure Grantees access to said runways and taxiways from any area now owned by Grantor or sold by Grantor to Grantee within the confines of said Aero Valley Airport as it now exists.

To have and to hold the same perpetually to LONDON F. SON, his heirs and assigns.

WITNESS MY HAND this the 3rd day of June, 1985.




EDNA GARDNER WHYTE

Now let's turn to the eight Triangle Aviation-Hyde-Way tracts.

DEED RECORDS

Vol 1145 pgs 812

DEED GRANTING EASEMENT


THE STATE OF TEXAS §
COUNTY OF DENTON §

KNOW ALL MEN BY THESE PRESENTS:

14799

THAT I, GENE VARNER, hereinafter called Grantor, and as owner of the lands set out and described in Exhibit A attached hereto and made a part hereof as though fully set out and incorporated herein, which lands are presently used for the landing strip of AERO-VALLEY AIRPORT; and said lands set out and described in Exhibit A, lie and are situated adjacent to that one certain .826 acre tract of land, now owned by JOHN HOWARD BROWN and wife, CAROLYN BROWN, and being more fully set out and described in a Deed dated January 4, 1979, from Edna Gardner Whyte to JOHN HOWARD BROWN and wife, CAROLYN BROWN, and filed of record in Volume 932, page 829 of the Deed Records of Denton County, Texas, a true and correct copy of the description of said .826 acre tract being attached hereto as Exhibit B; for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable considerations, to me cash in hand paid by JOHN HOWARD BROWN and wife, CAROLYN BROWN, hereinafter called Grantees, the receipt and sufficiency of which is hereby acknowledged by Grantor, have Granted, Bargained, Sold, Transferred and Conveyed, and do by these presents hereby Grant, Bargain, Sell, Transfer and Convey, unto the said Grantees, their heirs and assigns, a perpetual easement for the free and uninterrupted ingress, egress, regress, use, liberty, privilege and easement of operating aircraft in, on, over and across the lands described in Exhibit A, consistent with airport purposes, including the landing, taking off, taxiing, towing and transporting of aircraft by Grantees, their heirs and assigns, as an appurtenance to the lands set out in Exhibit B, as shall be necessary or convenient at all times and seasons forever, in, along, upon and out of said easement, individually, or in common with others, for private or public use, to have and to hold, all and singular, the rights, privileges and appurtenances as set out above, thereto in anywise belonging unto the said JOHN HOWARD BROWN and wife, CAROLYN BROWN, their heirs and assigns forever as an appurtenance to the lands set out in Exhibit B; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever Defend all and singular the said rights, privileges and appurtenances as set out above unto the said JOHN HOWARD BROWN and wife, CAROLYN BROWN, their heirs and assigns as an appurtenance to the lands set out in Exhibit B in perpetuity forever, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS MY HAND on this the 27 day of May, 1982.


GENE VARNER

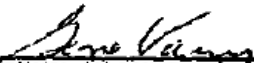
Hyde received the same easement from Varner at 1144/179:

DEED GRANTING EASEMENT

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS
COUNTY OF DENTON § 13834

THAT I, GENE VARNER, hereinafter called Grantor, and as owner of the lands set out and described in Exhibit A attached hereto and made a part hereof as though fully set out and incorporated herein, which lands are presently used for the landing strip of AERO-VALLEY AIRPORT; and said lands set out and described in Exhibit A, lie and are situated adjacent to that one certain 1.420 acre tract of land, as described in three tracts, now owned by HYDE-WAY INC. and being more fully set out and described in a Deed dated May 6, 1982, from Edna Gardner Whyte to HYDE-WAY INC. and filed of record in Volume 1143, page 723, of the Deed Records of Denton County, Texas, a true and correct copy of said Deed being attached hereto as Exhibit B; for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable considerations, to me cash in hand paid by HYDE-WAY INC., hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged by Grantor, have Granted, Bargained, Sold, Transferred and Conveyed, and do by these presents hereby Grant, Bargain, Sell, Transfer and Convey, unto the said Grantee, his heirs and assigns, a perpetual easement for the free and uninterrupted ingress, egress, regress, use, liberty, privilege and easement of operating aircraft in, on, over and across the lands described in Exhibit A, consistent with airport purposes, including the landing, taking off, taxiing, towing and transporting of aircraft by Grantee, his heirs and assigns, as an appurtenance to the lands set out in Exhibit B, as shall be necessary or convenient at all times and seasons forever, in, along, upon and out of said easement, individually, or in common with others, for private or public use, to have and to hold, all and singular, the rights, privileges and appurtenances as set out above, thereto in anywise belonging unto the said HYDE-WAY INC., its heirs and assigns forever as an appurtenance to the lands set out in Exhibit B; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever Defend all and singular the said rights, privileges and appurtenances as set out above unto the said HYDE-WAY, INC., its heirs and assigns as an appurtenance to the lands set out in Exhibit B in perpetuity forever, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS MY HAND on this the 24 day of May, 1982.



GENE VARNER