

CAUSE NO. 65047

BELL'S CHAPEL CEMETERY  
ASSOCIATION, INC.  
A TEXAS NON-PROFIT  
CORPORATION, PLAINTIFF

VS.

UNKNOWN OWNERS AND OWNER'S  
SUCCESSORS IN INTEREST OF THE  
FOLLOWING DESCRIBED PROPERTY  
BEING:

BEING a part of the William McGill Survey,  
Abstract 740, Ellis County, Texas, and being  
more particularly described by metes and  
bounds as follows:

BEGINNING at a 1/2 inch steel rod set in the  
center of Bell Chapel Road, at the Northeast  
corner of the tract described in deed from Floyd  
A Cockerham, et ux to William Wayne  
Cockerham recorded in volume 1460, Page 644,  
Official Public Records, Ellis County, Texas;

THENCE N. 80 deg 10' 20" W, (deed, N 79 deg  
30" E) with the North line of said Cockerham tract,  
377.80 feet to a 1/2 inch steel rod found at the  
northwest corner of said Cockerham tract and the  
east northeast corner of Lot 1, Bell Chapel Estates  
recorded in Cabinet B, Slide 46, Plat Records,  
Ellis County, Texas;

THENCE with a northerly line of said Lot 1, the  
following, N 79 deg 26' 51" W, 225.63 feet (Plat,  
N 79 deg 56" E, 225.18 feet) to a 1/2 inch steel rod  
set and N 79 deg 21' 15" W, 92.45 feet to a 3/8  
inch steel rod found at an interior corner of said  
Lot1;

THENCE N 0 deg 57' 40" W, with the easterly line  
of said Lot 1, a distance of 421.43 feet (plat, N 1

§ IN THE DISTRICT COURT  
§  
§ OF  
§  
§ ELLIS COUNTY, TEXAS  
§  
§ 40<sup>th</sup> JUDICIAL DISTRICT

**FILED**  
MAR 05 2003  
Gene Knize  
Judge 40th District Court  
Ellis County, Texas

CERTIFIED A TRUE COPY  
MELANIE REED  
District Clerk, Ellis County, Texas  
ATTEST: Melanie Reed, Deputy

ELLIS CO Dist Clk Case No: 65047  
Date: 03/12/03 Vol-Pg: 1000-0286 05

deg 00' 45" W, 420.01 feet) to a ½ inch steel rod §  
set in the center of said Road; §

THENCE with the center of said Road, S 86 deg §  
36' 50" E, 293.12 feet to a ½ inch steel rod set §  
and S 37 deg 09' 37" E, 661.20 feet to a railroad §  
spike found and S 36 deg 25' 57" E, 151.98 feet §  
to a point of Beginning and containing 5.012 acres §  
of land. §

DEFENDANTS §

### FINAL JUDGMENT

On the 5th day of March, 2003, the above-entitled and numbered cause came on to be heard. Appearing were Plaintiff Bell's Chapel Cemetery Association, Inc. by its President, Royce Prude, and its Secretary, Shirley Sliger, and its attorney of record, Don E. Ellyson, and announced ready for trial.

Defendants, Unknown Owners and Owner's Successors in interest of that certain tract or parcel of land as named in Plaintiff's Original Petition herein having been duly Cited by publication as provided by law, did not answer nor appear in person but KENT McGUIRE, duly appointed as Attorney Ad Litem herein to represent said Defendants did appear and announced ready for trial.

No jury having been demanded all matters of fact and things in controversy were submitted to the Court.

The Court, after considering the plaintiff's pleading and hearing the evidence and

arguments of counsel, is of the opinion and hereby finds that the allegations in Plaintiff's Original Petition are true and the Court specifically finds that the parties are properly before the Court and that the Court has Jurisdiction and proper venue in this cause and, further the Court specifically finds that:

**(1)** Plaintiff is a Texas non-profit corporation and is a non-profit organization described in Internal Revenue Code Section 501(c)(13);

**(2)** Plaintiff operates a private cemetery near the City of Rockett, Ellis County, Texas;

**(3)** Plaintiff has not established a perpetual Care Trust Fund under Section 714.003 of the Texas Health and Safety Code, V.A.C.S;

**(4)** Plaintiff and its successors have openly, continuously and peaceably used the said tract or parcel of land described in Plaintiff's Original Petition for human burial since 1875 to the present;

**(5)** There have been no legal challenges or adverse claims to the Plaintiff's or its successors use of said tract or parcel of land as a private cemetery since 1875 to the present;

(6) Plaintiff and its successors has claimed title to the said property adversely to all other persons and/or entities in the world since 1875 to the present;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the ownership of and title to the following described tract or parcel of land in Ellis County, Texas, in the Bell's Chapel Cemetery in Rockett, Texas, is quieted and is vested in the Plaintiff, being:

BEING a part of the William McGill Survey, Abstract 740, Ellis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch steel rod set in the center of Bell Chapel Road, at the Northeast corner of the tract described in deed from Floyd A Cockerham, et ux to William Wayne Cockerham recorded in volume 1460, Page 644, Official Public Records, Ellis County, Texas;

THENCE N. 80 deg 10' 20" W, (deed, N 79 deg 30" E) with the North line of said Cockerham tract, 377.80 feet to a ½ inch steel rod found at the northwest corner of said Cockerham tract and the east northeast corner of Lot 1, Bell Chapel Estates recorded in Cabinet B, Slide 46, Plat Records, Ellis County, Texas;

THENCE with a northerly line of said Lot 1, the following, N 79 deg 26' 51" W, 225.63 feet (Plat, N 79 deg 56" E, 225.18 feet) to a ½ inch steel rod set and N 79 deg 21' 15" W, 92.45 feet to a 3/8 inch steel rod found at an interior corner of said Lot1;

THENCE N 0 deg 57' 40" W, with the easterly line of said Lot 1, a distance of 421.43 feet (plat, N 1 deg 00' 45" W, 420.01 feet) to a ½ inch steel rod set in the center of said Road;

THENCE with the center of said Road, S 86 deg 36' 50" E, 293.12 feet to a ½ inch steel rod set and S 37 deg 09' 37" E, 661.20 feet to a railroad spike found and S 36 deg 25' 57" E, 151.98 feet to a point of Beginning and

containing 5.012 acres of land.

IT IS FURTHER ORDERED that Plaintiff pay to KENT McGUIRE, duly appointed Attorney Ad Litem herein the sum of \$ 200<sup>00</sup>, as reasonable fee for his services.

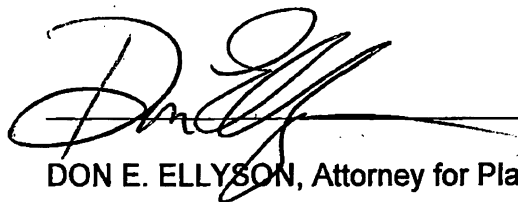
All costs of the court expended or incurred in this cause are adjudged against the said Plaintiff. All writs and processes for the enforcement and collection on this judgment or the costs of court may issue as necessary.

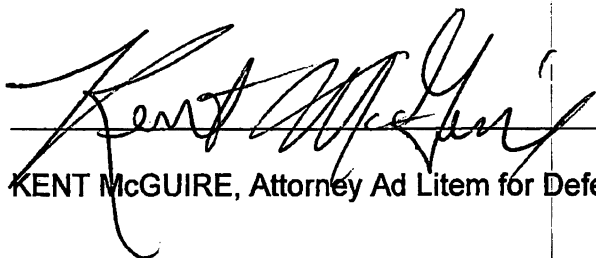
All other relief not expressly granted by this judgment is hereby denied.

Signed this 5 day of March, 2003.

  
JUDGE PRESIDING

Approved:

  
DON E. ELLYSON, Attorney for Plaintiff

  
KENT McGUIRE, Attorney Ad Litem for Defendants