

DOC# 972942

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of the 8th day of August, 1995, between SOUTHWESTERN REFINING COMPANY, INC., a Delaware corporation, with its principal offices at 1700 Nueces Bay Blvd., City of Corpus Christi, County of Nueces, State of Texas ("Seller"), to KOCH EXPLORATION COMPANY, a Kansas corporation, with its principal offices at 4111 East 37th Street North, City of Wichita, County of Sedgwick, State of Kansas ("Purchaser"),

WITNESSETH:

For and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to it in hand paid by Purchaser, the receipt and sufficiency of which is hereby acknowledged, Seller has granted, sold and conveyed and by these presents does grant, sell, and convey unto the Purchaser, and to its successors and assigns, forever;

ALL those tracts or parcels of land and premises, situated, lying and being in the City of Corpus Christi, County of Nueces, and State of Texas, hereinafter particularly described in Exhibit A annexed hereto and incorporated herein by reference;

TOGETHER with all and singular the fixtures, improvements, ways, waters, profits, privileges and advantages, with the appurtenances to the same belonging in anywise appertaining;

ALSO, all the estate, right, title, interest, property, claim and demand whatsoever, of the Seller, of, in and to the same, and of, in and to every part and parcel thereof (collectively the "Property");

SUBJECT to the following (all such items to which this conveyance is subject are herein called "Permitted Encumbrances"):

- (a) Liens for Taxes not yet due and payable, or if due, being contested in good faith by appropriate proceedings;
- (b) Rights reserved to or vested in any governmental authority to control or regulate the Property; and
- (c) Such other encumbrances that do not interfere with the present use of the Property or detract from the value of the Property as it is presently used.

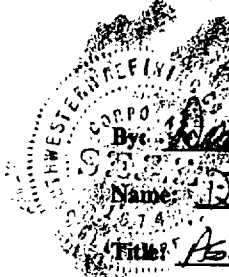
TO HAVE AND TO HOLD all and singular the above-described land and premises, with the appurtenances, unto the Purchaser, its successors and assigns, forever; and Seller does

hereby bind itself, its successors and assigns, to warrant and forever defend all and singular the said Property unto the Purchaser, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Seller, but not otherwise, and in each case subject to Permitted Encumbrances.

IN WITNESS WHEREOF, the Seller has executed this instrument the day and year first above written.

ATTEST:

SOUTHWESTERN REFINING COMPANY, INC.,
a Delaware corporation

 By: [Signature]
Name: JOHN HAGER
Title: Asst Secretary

By: [Signature]
Ray A. Freels, Vice President RF

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

The foregoing instrument was acknowledged before me this 8 day of August, 1995, by Ray A. Freels, a Vice President of SOUTHWESTERN REFINING COMPANY, INC., a Delaware corporation, on behalf of said corporation.



[Signature]
Notary Public

My Commission Expires: 3-19-96

EXHIBIT A

LEGAL DESCRIPTION

PARCEL E: TRACT 4 containing 14.48 acres, more or less

Being a tract containing 14.48 acres of land, more or less, and being a portion of a 5.78 acre tract, said 5.78 acre tract including 1.86 acres of Upland area out of the Northwest portion of the P. W. Humphrey 29-acre tract and 3.92 acres of an area classed as Nueces Bay submerged land, said 5.78 acre tract being known as the Mary E. v. Blucher tract and being conveyed by F. K. v. Blucher et al to Pontiac Refining Corp. and Southwestern Oil and Refining Company by deed dated March 1, 1949, of record in Volume 433, Page 89, Deed Records of Nueces County, Texas, and the tract herein conveyed also being the Southeast portion of a tract containing 23.57 acres of land and submerged land out of the Northeast portion of the lands set aside to Lorine Jones Spooner and others by deed of partition dated June 1, 1937 and recorded in the Deed Records of Nueces County, Texas, in Volume 232, Page 284, and being that area enclosed between the Northeast boundary line of the right of way of the San Antonio, Uvalde & Gulf Railroad and the established bulkhead line along the Southwest side of the ship channel of the Nueces County Navigation District No. 1 and between the Northeasterly extensions of the Northwest and Southeast boundary lines of the C. S. Parish 40 acre tract, the Southeasterly of two 40-acre tracts known as the Garner tracts.

Said 23.57 acre tract of land embraces a portion of a tract of land formerly owned by H. G. Sherman and others lying Northeast of said two Garner tracts, a portion of Survey 708 made for W. E. Gill, containing 1000 acres of submerged land under the waters of Nueces Bay, and a portion of Survey No. 723, made for Mrs. C. R. Scott, containing 1000 acres of submerged land under the Nueces Bay, the portion of said Surveys Nos. 708 and 723 included in this tract comprising a part of the tract patented to the Nueces County Navigation District No. 1 by the State of Texas, on May 7, 1930, as of record in the Deed Records of Nueces County, Texas, in Volume 192, Page 579.

The tract herein conveyed containing 14.48 acres and being a portion of said 5.78 acre tract and a portion of said 23.57 acre tract, and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a 1/2 inch axle bar set at the intersection of the Northeast boundary line of the right of way of the San Antonio, Uvalde & Gulf Railroad and the Southeast boundary of said Mary E. v. Blucher 5.78 acre tract, for the South corner of this tract;

TRENCHE North 61 degrees 23 minutes 30 seconds West, along the Northeast boundary line of the right of way of the San Antonio, Uvalde & Gulf Railroad, a distance of 174.89 feet to a one inch iron pipe set in the Northwest boundary of said Mary E. v. Blucher 5.78 acre tract,

TRENCHE continuing North 61 degrees 23 minutes West, along the Northeast boundary line of the right of way of the San Antonio, Uvalde & Gulf Railroad, a distance of 290.02 feet to a one inch iron pipe, for the West corner of this tract;

TRENCHE North 31 degrees 41 minutes 45 seconds East, a distance of 1355.35 feet to a point on the established bulkhead line along the Southwest side of the ship channel of said Nueces County Navigation District No. 1, for the North corner of this tract;

TRENCHE South 66 degrees 11 minutes 30 seconds East, along the established bulkhead line along the Southwest side of the ship channel of Nueces County Navigation District No. 1, a distance of 457.73 feet to a point, said point being the East corner of said Mary E. v. Blucher 5.78 acre tract, for the East corner of this tract;

TRENCHE South 31 degrees 15 minutes West, along said Southeast boundary line of the Mary E. v. Blucher 5.78 acre tract a distance of 1393.23 feet to a 1/2 inch axle bar, the place of beginning.

TRACT 5 containing 36.34 acres, more or less

Tract Three (3), SOUTHWESTERN OIL & REFINING COMPANY, a Subdivision in the City of Corpus Christi, Texas, as shown by the map or plat thereof recorded in Volume 28, Page 1, Map Records of Nueces County, Texas; further described by notes and bounds as follows, to-wit:

A portion of a tract of land known as the P. W. Humphrey 29 acre tract, conveyed by H. L. Kinney to P. W. Humphrey on October 11, 1850, as of record in the deed Records of Nueces County, Texas, in Volume D, Page 503, and a portion of Survey No. 708, made for W. H. Gill, embracing 1,000 acres of submerged land under the waters of Nueces Bay, the portion included in this survey being a part of that portion of said Survey No. 708 patented to the Nueces County Navigation District No. 1 by the State of Texas on May 7, 1930, as of record in the Deed Records of Nueces County, Texas, in Volume 192, Page 579. Said survey is situated in Nueces County, Texas, about 1-1/2 miles N 70 degrees W from the Court House and was made for the Guaranty Title & Trust Company;

BEGINNING at an iron bar set at the point of intersection of the northeast boundary line of the right-of-way of the San Antonio, Uvalde & Gulf Railroad, with the southeast boundary line of a tract of land conveyed by the Guaranty Title & Trust Company, Trustee, to Mary E. Blucher by deed dated March 5, 1934, as of record in the Deed Records of Nueces County, Texas, in Volume 210, Page 149, for the west corner of this survey whence a cedar post, the west corner of the P. W. Humphrey 29 acre tract and north corner of the P. W. Humphrey 100 acre tract, bears S 31 degrees 15' W 200.56 feet and N 58 degrees 45' W 176.20 feet;

THENCE N 31 degrees 15' E with said southeast boundary line of the Mary E. Blucher tract, 1393.23 feet to a 2-inch by 4-inch pine stake in the established bulkhead line along the southwest side of the ship channel of Nueces County Navigation District No. 1, the east corner of said Mary E. Blucher tract, for the north corner of this survey;

THENCE S 66 degrees 11' 30" E, with said bulkhead line, 1109.00 feet to a 2-inch by 4-inch pine stake set in the line of a northeasterly prolongation of the northwest boundary line of Nueces Bay Boulevard, a public road, for the east corner of this survey;

THENCE S 31 degrees 15' W, along said prolongation of the northwest boundary line of Nueces Bay Boulevard, 1481.79 feet to an iron bar set in the curved northeast boundary line of said right-of-way of the San Antonio, Uvalde & Gulf Railroad, for the south corner of this survey, whence the south corner of said P. W. Humphrey 29 acre tract and east corner of said P. W. Humphrey 100 acre tract bears S 31 degrees 15' W 255.61 feet and S 58 degrees 45' E 40 feet;

THENCE in a northwesterly direction with said northeast boundary line of railroad right-of-way, curve right along a circular curve of 5679.65 feet radius 220.40 feet to an iron bar set for the ending point of said curve and the beginning point of a straight course, the radius of said curve at its point of beginning having a bearing of N 26 degrees 23' 06" E and at its point of ending a bearing of N 28 degrees 16' 30" E;

THENCE continuing along said northeast boundary line of railroad right-of-way, N 61 degrees 23' 30" W 880.69 feet to the place of beginning, and containing 36.34 acres, more or less.

TRACT 6 containing 40.353 acres, more or less

All that certain tract or parcel of land situated in the City of Corpus Christi, Nueces County, Texas, in what is known as the E. Villareal Grant and being portions of the following surveys in said Grant; The H. Cowing Survey No. 390; the Scott and Ward Survey, north of the Brewster Tract; and portion of Survey No. 2, of the submerged lands, designated on Map of Record in Volume 6, Page 13, Map Records of Nueces County, Texas, and described more particularly by metes and bounds as follows, to-wit:

BEGINNING at an 1/2" x 1/2" iron bar, the intersection of the north right-of-way line of the S.A.U. & G. Railway and the east line of Nueces Bay Boulevard, for the point of beginning;

THENCE along the east line of Nueces Bay Boulevard N 31 degrees 15' E 1053.00 feet to a 2" x 4" wood stake for a corner;

THENCE along the old shore line, or meander line, of Nueces Bay S 89 degrees 25' W 94.16 feet to a 2" x 2" wood stake, the intersection of said meander or shore line with the west line of Nueces Bay Boulevard, the east line of the Barnsdall Oil Company's 36.34 acre tract, for a corner;

THENCE along the west line of Nueces Bay Boulevard extended, the east line of the Barnsdall Oil Company's 36.34 acre tract N 31 degrees 15' E at 89.20 feet a 2" x 2" wood stake for line, at 470.99 feet, the point of intersection of said line with south bulkhead line of ship channel, for the northwest corner of this tract;

THENCE along the south bulkhead line of ship channel S 66 degrees 11' 30" E at 488.40 feet, a tack in concrete man-hole vent to sanitary sewer line, for a point on line, at 872.40 feet a 2" x 4" wood stake, the intersection of the south bulkhead line with the west line of Nueces Navigation District, for the northeast corner of this tract;

THENCE along the west line of the Nueces Navigation District S 0 degrees 51' 30" E at 583.68 feet a 4" wood post, the southwest corner of the Nueces County Navigation District, for a point on line, at 1443.12 feet a 1/2" x 1/2" iron bar the intersection of said west line of the Nueces Navigation District extended, with the north right of way line of the S.A.U. & G. Railway, for the southeast corner of this tract;

THENCE along the north right-of-way line of S.A.U. & G. Railway, N 76 degrees 27' 30" W 407.95 feet, a 1/2" x 1/2" iron bar, the point of curvature of a 1 degree .0104 curve;

THENCE continuing in a westerly direction with said north right-of-way line of the S.A.U. & G. Railway, along a 1 degree .0104 curve 1190.41 feet to a 1/2" x 1/2" iron bar, the place of beginning, containing 40.353 acres of land, more or less.

11/4
San Jacinto

STATE OF TEXAS
COUNTY OF NUECES
I hereby certify that this instrument was FILED in File Number:
Sequence on the date and at the time stamped herein by me, and
was duly RECORDED in the Official Public Records of
Nueces County, Texas on

AUG 8 1995



COUNTY CLERK
NUECES COUNTY, TEXAS

Doc# 972942

Pages: 5

Date : 08-08-1995

Time : 03:53:21 P.M.

Filed & Recorded in

Official Records
of NUECES County, TX.

ERNEST M. BRIONES

COUNTY CLERK

Fee: \$ 15.00

Any provision herein which restricts the Sale, Rental or use
of the described REAL PROPERTY because of Race, Color,
Religion, Sex, Handicap, Familial Status or National Origin is
invalid and unenforceable under FEDERAL LAW, 3/12/89.