

Amanda Haralson

January 15, 1996

J. R. "Chips" Fountain
President, Frog Pond Property Owners Association
3327 Valley Garden Drive
Kingwood, Texas 77345

Re: Deed to Frog Pond Lake, Fact Sheet, and Proposed Action Plan

Dear Chips:

Please find the deed, transferring ownership of Frog Pond Lake from Haralson Trust to you in your capacity as President of the Frog Pond Property Owners Association, to be enclosed with this letter. This gift is in keeping with the intent I have expressed for some years now to not remain involved with Frog Pond Lake and with Lake Amanda and to step aside so that those of you who own property around the Lakes and who are involved with living there as weekend and as full-time residents can manage them and care for them as you see fit. The deed is made to you as Trustee for the members of the Property Owners Association because you are President. The Association may decide who shall be Trustee from time to time, as the members see fit. The beneficial ownership is vested in the members of the Property Owners Association

As you know, the scope of maintenance work on Frog Pond spillway and dam has been completed by me in my role as Trustee of the Haralson Trust and has been approved by the Texas Natural Resource Conservation Commission (TNRCC). See the TNRCC Report of December 22, 1995.

Although there can be no guarantees, to me or from me, it is anticipated that with annual rudimentary inspection and maintenance, there should be no need for major repairs for fifteen or more years which will give the Property Owners Association time to accumulate funds for any significant repairs in the distant future, should they be needed.

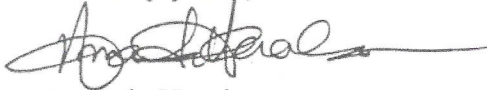
In addition to the deed, I am enclosing a three page "fact sheet" to provide you with background information for your benefit and for the benefit of the board of directors and of the members of the property owners association. Also enclosed is a proposed plan of action to address burrowing which has been submitted to the Texas Natural Resource

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Conservation Commission. This is not work in which I can participate. I believe the property owners can implement and carry out this plan over a reasonable period of time and with little expense or inconvenience.

With much appreciation for the leadership you provide, and for the time you invest in striving for the well-being of Frog Pond Lake, I am,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Amanda Haralson", with a long horizontal flourish extending to the right.

Amanda Haralson
Trustee, Haralson Trust

encl.

Fact Sheet

Accompanying Letter to Convey Ownership of Frog Pond Lake To Frog Pond Property Owners Association and Lake Amanda to Lake Amanda Property Owners Association, January 9, 1995

Annual Taxes and Fees

1995 property taxes paid in full for Frog Pond Lake and for Lake Amanda to the Tyler County Tax Assessor were \$125.05; \$251.68 to the Tyler County Appraisal District for a total property tax expenditure of \$376.73 for both lakes. Once the Property Owners Associations incorporate as non-profit corporations, exemption from these taxes may be achieved. There are no known fees required at this time to any governmental authority, i.e., County or State Agency. An annual water usage report is to be filed with the Texas Natural Resource Conservation Commission each year. The TNRCC must be notified if there is an ownership change of water rights associated with each dam.

Road Maintenance

No fees required at this time. Roads around Frog Pond Lake and Lake Amanda are quasi-public roads. Maintenance to primary roads is provided by Tyler County through the County Commissioner of Precinct 1, the office now held by Jerry Mahan.

Maintenance of Spillway and Dam

Water should be kept off of the **Frog Pond** spillway at all times with water flowing over the top portion of the spillway in only the most dire of flood conditions. Lake level should be controlled by the valve that controls flow from the pipe that was placed in the dam. In threatening flood conditions, the boards in the spillway gate structure should be pulled well in advance of the water flowing over the top of the spillway in an effort to prevent that occurrence.

*NOT PLEASE
INSISTENT*

The **Lake Amanda** spillway should be monitored based on weather conditions with boards being removed in anticipation of periods of heavy rainfall and prior to the release of water each fall from Lake Tejas upstream.

An annual maintenance program recommended by the engineering firm of Everett Griffith, Jr. & Associates, Inc. (EGA), and the Texas Natural Resource Conservation Commission (TNRCC) includes the following:

1. Visual inspection of the spillway structure for cracks. Any cracks which are identified should be sealed with an appropriate sealant. "Sonneborn Sonolastic SL-1" was used on the surface cracks in the **Frog Pond** spillway in the 1995 extensive maintenance project. "Water Plug" and "De Neef Construction Chemicals Flex LW - Urethane" were used in the conduit under the **Lake Amanda** dam.

The wooden boards and frameworks of each spillway should be checked annually for strength and ease of use and safety and replaced as needed.

The stilling basin below **Frog Pond** spillway should be included in the annual inspection with careful attention given to the flow of water through the block-outs and through the drains at the base of the side walls.

2. Remove any brush that may be growing on the dam. Efforts should be continued to establish a good grass cover on the sides and tops of the dam and embankments adjacent to the spillway.
3. Visually inspect the embankment areas around the spillway and the dam itself for erosion control and to address any animal burrows that may exist.

Most importantly, the two Property Owners Associations are encouraged to establish a system that works for their needs as owners of the two lakes.

Approval must be sought from the Texas Natural Resource Conservation Commission before making any structural changes or modification in either of the spillways and/or the dams.

Conditional Grants of Easements

Ownership of the conditional grants of easement insofar as they apply to use by lot owners of Frog Pond Lake, Lake Amanda, and owners of off-the-lake lots in the Haralson Lakes development, goes with the ownership of each Lake. The Frog Pond Property Owners Association and the Lake Amanda Property Owners Association can modify and enforce them as they determine is best as the easements and rules apply to the Lakes. The conditional grants of easements, as they apply to the property owned by the Amanda Haralson Stover Trust, are in force and owned by the Amanda Haralson Stover Trust. The existing conditional grant of easement is on record at the Tyler County Courthouse.

Conclusion

Please find on the following page the names of individuals or firms who have been especially helpful in the most recent maintenance project. These are provided to assist you in your maintenance efforts. Obviously, as owner, you are free to work with whomever you choose, and hopefully to build a greater sense of community by relying on the talents and energies of lot owners whenever, and wherever, appropriate.

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Engineering Firm: Everett Griffith & Associates, Inc., 409-634-5528,
fax 409-634-7989; P. O. Box 1746, Lufkin, Texas 75902-1746. Contacts are:
Rick Freeman, Project Director and Wayne Stoltz, Professional Engineer.

Contractor: B & J Excavating, 409-632-0330, fax 409-632-3133; P. O. Box 70, Pollok,
Texas 75969. Contact is: Bobby Smith, owner.

Dirt Work: Charles Gene Rawls, 409-283-3484 or 409-283-2211.

Removal of Brush and Erosion Control: Parker Forestry Consultants, 409-837-5413
phone and fax; Rt. 2, Box 3225, Woodville, Texas 75979. Contacts are:
Keelin and Tim Parker. Note: Parkers may be able to recommend trappers.

Texas Natural Resources Conservation Commission: 512-239-4766 or 512-239-1000,
fax 512-239-4770; P. O. Box 13087, Austin, Texas 78711-3087. Contacts are:
David Stolpa, Mike Lowe, Warren Samuelson -- Dam Safety and Watershed
Management. For ownership change of water rights, contact Mohan Reddy,
Surface Water Uses Section, MC 160, 512-239-4611. Mailing address is the same.

Other Potential Resources

U. S. Department of Agriculture Natural Resource Conservation Service:
Woodville office, 409-283-2753 Jasper regional office, 409-384-2301

Texas Parks and Wildlife, Austin: 512-389-4800

Texas A & M University Agriculture Extension Service:
County Agent in Woodville, 409-283-8284 College Station, 409-845-7800

Proposed Plan of Action to Address Animal Burrows Frog Pond Lake and Lake Amanda, Colmesneil, Texas

Inventory Numbers: Lake Amanda TX 3774; Frog Pond Lake TX 3775

Background

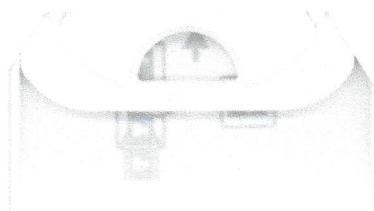
Animal burrows, probably either nutria or otter, have been found in the dam of both Lake Amanda and of Frog Pond Lake. Both dams are classified as low hazard structures and are located approximately two miles east, southeast, of Colmesneil, Texas. One or two burrows were found in the lake-side of the Lake Amanda dam and were slated to be included in the scope of work done during the maintenance project of 1995. The animal believed to be responsible was removed, and Charles Gene Rawls, proprietor of a small dirt moving business in Tyler County, was to have collapsed the walls of the burrow and packed the indentation with appropriate clay, or sand and clay, mixture. Inclement weather intervened making it unwise to haul dirt onto the top of the dam. This was in early to mid-November, 1995.

At the November 27th inspection of the Lake Amanda and Frog Pond dam and spillway maintenance project, representatives of the Texas Natural Resource and Conservation Commission found a number of burrows of undetermined origin in both the upstream and the downstream side of the Frog Pond Dam. After research and careful consideration, the following plan of action is proposed.

Proposed Action

1. Set traps at both Lake Amanda and Frog Pond Lake, in keeping with the game laws of the State of Texas, to remove any remaining animals that are causing the burrowing. With the removal of the undergrowth from the dams that was done in 1995, and the application of rye, wheat, and bahia grass seeds and fertilizer which was done in November, 1995, the dams are much less inviting to otter, beaver, and nutria. Additional application of these grass seeds and fertilizer is recommended, as appropriate, in the spring and fall, until grass coverage is well established. Any brush that sprouts should be removed from the dam.
2. Identify and mark burrows to be collapsed. Haul appropriate dirt onto top of dam in a careful manner to not create ruts which will lead to erosion. Carefully collapse the identified burrows by hand labor, in-fill with appropriate dirt: clay at water level and below; sand and clay mixture for any burrows being addressed on the side of the dam above water level. Any residual from dirt dumped on top of the dam should be leveled and packed or removed.

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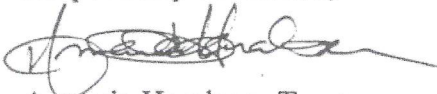
3. Visually inspect the sides of the dams semi-monthly through the end of 1996 to ensure burrowing has ceased; no erosion is occurring; and no seepage is apparent where the burrows were collapsed and filled.

There is no provision for removing the remaining stumps from the dams -- some of the stumps are from cutting that was done many years ago; other stumps are from the work done in 1995. To remove the stumps by hand, or by heavy equipment, could have dire consequences to the dams and would be prohibitively expensive.

Conclusion

It is best to take the actions proposed in steps 1 - 3 of this plan and observe the results through frequent inspection allowing for the natural decomposition of the stumps and the establishment of grass cover. Appropriate soil can be in-filled when, and where, needed under the supervision of the Lake owners.

Respectfully submitted,



Amanda Haralson, Trustee
Haralson Trust

January 15, 1996