

NO. 1828671

PAMELA SMITHER COVINGTON,  
MILES ALLAN "BOB" SMITHEER  
AND MURRAY SMITHER

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IN THE DISTRICT COURT OF

V.

WALKER COUNTY, TEXAS

HUNTSVILLE MEMORIAL  
HOSPITAL, AND WALKER COUNTY  
HOSPITAL DISTRICT

278<sup>TH</sup> JUDICIAL DISTRICT

**ORDER EXTENDING TEMPORARY RESTRAINING ORDER**

IT IS ORDERED that the Temporary Restraining Order in this cause is extended until the 9<sup>th</sup> day of April, 2018. The order of March 6, 2018 thus remains in place as does the following injunction:

\* \* \*

Huntsville Memorial Hospital and Walker County Hospital District, and those acting in concert with them or who have actual notice of this Temporary Restraining Order, are enjoined from engaging in the following acts until further order of this Court:  
***Taking any action to sell or utilize the Property described in the deed attached hereto as Exhibit 1, for non-hospital purposes***

IT IS FURTHER ORDERED, **in the alternative**, that Defendants Huntsville Memorial Hospital and Walker County Hospital District may make efforts to sell, and may sell the Property; provided however, in such an event, Defendant shall deposit \$350,000 in escrow or into the registry of the Court pending final resolution of this matter or until further Order from this Court..

SIGNED on this 26 day of MARCH, 2018.

  
\_\_\_\_\_  
JUDGE PRESIDING

**FILED**  
TIME 11:07  
26 DAY OF MAR 2018

**ROBYN FLOWERS**  
District Clerk, Walker County

By   
Deputy



A CERTIFIED COPY  
Karl French, County Clerk,  
Walker County, Texas

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by Leigh Wade, Deputy Clerk

**EXHIBIT 1**

60° N. 5 vrs and a pine 8" brs S. 3-1/2° W. 5 vrs;

Thence S. 54° W. with line of said tract 536 vrs at line of tract No. 4, continued same course 816 vrs to road leading to Hobbs Crossing on the San Jacinto river, stake, a pine 8" brs N. 80° E. 3 vrs, another 6" brs N. 20° W. 4 vrs, both marked X;

Thence with said road N. 12-1/2° E. 367.2 vrs, intersecting east line Lot N/ 4 near a lunc;

Thence with said road N. 15° E. 200 vrs, N. 12-1/2° E. 142.2 vrs, N. 36-1/2° W. 76 vrs to north line of Fowle tract, an elm 6" brs S. 14° E. 1.5 vrs, a sweet gum 15" brs N. 47° W. 8 vrs;

Thence N. 60° East on north line of the Fowle tract 189 varas to the place of beginning.

This conveyance covers the timber only and the time limit within which to remove it from the land is four years from and after this date hereof. It is agreed and understood that if said timber is not out and removed within the prescribed four year limit then, and in that event the ownership of said timber shall revert back to the First National Bank of Huntsville, Texas.

TO HAVE AND TO HOLD the above described timber with all and singular the rights and appurtenances thereto in anywise belonging, unto the said T. A. Milikien, his heirs and assigns forever, and the First National Bank of Huntsville binds itself and it's successors to Warrant and Forever Defend, all and singular the said pine saw timber above conveyed unto the said T. A. Milikien his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness hand at Huntsville, Texas, this 2nd day of May A. D., 1927.

First National Bank of Huntsville,

By G. A. Wynne, Active Vice-President.

The State of Texas |

County of Walker | Before me, L. R. Allen, a Notary Public in and for Walker County, Texas, on this day personally appeared G. A. Wynne, Active Vice-President of the First National Bank of Huntsville known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. And in the capacity therein stated and that it is the act of said Bank.

Given under my hand and seal of office, this 2nd day of May A. D., 1927.

L. R. Allen, Notary Public in and for Walker County, Texas.

(seal) No. 435.

Filed for record May 2, 1927 at 11:15 o'clock A. M.

Recorded May 3, 1927 at 3:35 o'clock P. M.

*Bro Robinson*, Clerk,  
County Court, Walker County, Texas.

--J. Ella Smither to Huntsville Memorial Hospital--

--Warranty Deed--

The State of Texas |  
County of Walker |

KNOW ALL MEN BY THESE PRESENTS:

That I, J. Ella Smither, a single woman, of Walker County, Texas, for and in consideration of my interest in and love for the sick and afflicted among humankind, and in order to foster and promote the establishment of a hospital in the City of Huntsville,-

HAVE GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents do grant, bargain, sell and convey unto Huntsville Memorial Hospital, a corporation organized, existing and doing business under the Laws of the State of Texas, and having its domicile at Huntsville, in Walker County, Texas, all that certain tract or parcel of land, a part of the P. Gray League, Abstract No. 24, in Walker County, Texas, and being out of and a part of a ten acre tract of

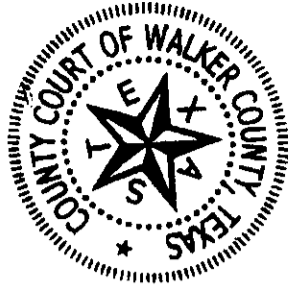


A CERTIFIED COPY  
Karl French, County Clerk,  
Walker County, Texas

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by Leigh Wade  
Deputy Clerk

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STATE OF TEXAS  
COUNTY OF WALKER  
I, Karl French, County Clerk of Walker County, Texas, do  
hereby certify that the foregoing is a true and correct copy  
of the original record and as same appears on record  
in Vol. 59 Page 129 ~ 130  
of the DEED records of Walker County, Texas.



Given under my hand and seal of office this  
the 26<sup>th</sup> day of February, 2018  
Karl French, County Clerk, Walker County, Texas

By Leigh Wade, Deputy Clerk

land within the corporate limits of the City of Huntsville, and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point in the East side of Avenue O, or Murray Street, forty five feet South of the S.W. corner of the lot heretofore sold by this grantor to J. V. Butler and wife, Pauline Gibbs Butler, an iron pipe for corner;

Thence East 247.4 feet to an iron pipe for corner;

Thence South 175 feet to an iron pipe for corner;

Thence West 243.4 feet to the East side of said Avenue O, stake for corner;

Thence North with the East side of said Avenue O, 175 feet to the place of beginning.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, appurtenances and hereditaments thereunto belonging or appertaining, unto the said HUNTSVILLE MEMORIAL HOSPITAL, its successors and assigns, forever; but subject to the uses and upon the conditions hereinafter stated.

And I do, by these presents, bind myself, my heirs, executors and administrators, to Warrant and Forever Defend the title to said premises unto the said Huntsville Memorial Hospital, its successors and assigns, against the lawful claims of all persons claiming or to claim the same, or any part thereof, but subject to the uses and conditions hereinafter set forth:

The above described premises are herenow conveyed unto said Huntsville Memorial Hospital upon condition the the same may be improved, kept, maintained and used as grounds for a hospital, and that said Huntsville Memorial Hospital will itself, or through its tenants, their heirs and assigns, continue to maintain and use said premises for hospital purposes; and it is stipulated that in the event of the abandonment by said Huntsville Memorial Hospital, its successors and assigns, of said premises for hospital purposes and as grounds for hospital, the title to said premises shall revert to the grantor, her heirs or assigns.

Witness my hand at Huntsville, Texas, this 28th day of April, 1927.

J. Lilla Smither

The State of Texas [ ]  
County of Walker [ ] Before me, E. R. Allen, a Notary Public in and for Walker County, Texas, on this day personally appeared J. Lilla Smither, a single woman, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 28th day of April, 1927.

E. R. Allen, Notary Public,  
Walker County, Texas.

(seal) No. 434

Filed for record April 30, 1927 at 3:30 o'clock P. M.

Recorded May 3, 1927 at 4:05 o'clock P. M.

Ernest Robert, Clerk,  
County Court, Walker County, Texas.

---G. A. Wynne with D. V. O'Bryant---

---Contract for Extension of Lien---

The State of Texas [ ]  
County of Walker [ ]

This Contract Made and entered into, by and between G. A. Wynne of the County of Walker State of Texas, part of the first part, and D. V. O'Bryant of Walker County, State of Texas, party of the second part, Witnesseth:

That, whereas the party of the first part is the legal holder and owner of a certain Vendor's lien, given by D. V. O'Bryant as set out in a certain Deed dated the 3rd day of October,