

CAUSE NO. 08-65554-3

TEXAS MIDSTREAM GAS SERVICES,
L.L.C.,
Condemnor

VS.

YUTTEVONG DOEUNG, a/k/a/
STEPHEN DOEUNG, ET AL,
Condemnee(s).

§ EMINENT DOMAIN PROCEEDINGS
§
§
§
§ IN THE COUNTY COURT AT LAW NO. 3
§
§
§
§ TARRANT COUNTY, TEXAS
§

**JUDGMENT OF COURT IN ABSENCE OF
OBJECTIONS TO AWARD OF SPECIAL COMMISSIONERS**

BE IT REMEMBERED that on this day came on to be considered the Decision and Award of Special Commissioners in the above-entitled and numbered cause, which is a condemnation proceeding in which TEXAS MIDSTREAM GAS SERVICES, L.L.C., ("Condemnor" or "TMGS") is the Condemnor, and YUTTEVONG DOEUNG, a/k/a/ STEPHEN DOEUNG, and THE CITY OF FORT WORTH, are the Condemnees.

It appears to the Court, and the Court so finds, that Condemnee Yuttevong Doeung, a/k/a Stephen Doeung ("Doeung") filed Objections to the Award of Special Commissioners on October 15, 2008 and no other party timely filed objections. The Court finds Doeung did not issue and serve citation for over one year after the filing of his Objections. The Court struck Doeung's Objections on March 4, 2010 due to his lack of due diligence in perfecting his objections because of his failure to timely issue and serve citation of his Objections on TMGS as required by Section 21.018 of the TEXAS PROPERTY CODE. Accordingly, the Court reinstated the Award of Special Commissioners.

It is therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That said Decision and Award of said Special Commissioners be, and the same is hereby, confirmed and adopted as the Judgment of this Court.
2. That the Clerk of this Court shall record this Judgment in the minutes of this Court.

"Case Closed" - "go paper with she your papers" - "received Thursday on Friday" - "Rick - Clark #3" - "picture in FW Weekly" - "stay on" - "8/13/10"

3. That by virtue of said Decision and Award of Special Commissioners, TEXAS MIDSTREAM GAS SERVICES, L.L.C., Condemnor, is entitled to be vested with, and does hereby have Judgment against the above-named Condemnees for the easement rights sought in Condemnor's Second Amended Statement and Petition for Condemnation filed with this Court on October 13, 2008. Such rights include the following:

- a. A twenty feet (20') wide permanent right-of-way and easement, consisting of 0.0230 acre of land, more or less, for the purposes of laying, constructing, reconstructing, operating, maintaining, protecting, inspecting, repairing, altering, changing the size of, and removing or abandoning in place, one pipeline up to sixteen inches in nominal diameter for the transportation of natural gas and any byproducts thereof, together with any appurtenant facilities, including and limited to, pipeline markers and any such facilities and appurtenances that may be required for cathodic protection that Condemnor may determine to be necessary or convenient for the safe and efficient operation of the pipeline, through, over, under, and across the land owned by Condemnees in Tarrant County, Texas within said strip of land defined and depicted in **Exhibit "A"** to Condemnor's Second Amended Statement and Petition for Condemnation on file herein, which is attached hereto as **Exhibit "1"** and fully incorporated herein. The permanent easement and right-of-way shall include the same rights and terms as those set forth in Condemnor's Second Amended Statement and Petition for Condemnation.

4. The Court finds that Condemnor is a gas utility as defined by V.T.C.A., UTILITIES CODE § 121.001, and has the right of eminent domain pursuant to the laws of the State of Texas, including but not limited to V.T.C.A., UTILITIES CODE §§ 181.001, *et seq.*, and is engaged in the business of transmitting and distributing products by pipeline in the State of Texas.

5. The Court finds that there exists a public necessity to construct, maintain and operate pipelines and appurtenant facilities through the property owned by Condemnees in Tarrant County, Texas as identified in Condemnor's Second Amended Statement and Petition for Condemnation.

6. The Court finds that Condemnor, acting by and through its duly authorized agent(s), made a bona fide attempt to acquire by purchase, and offered to pay such reasonable damages, if any, as might result from the acquisition and use of the right(s) sought in Condemnor's Original Statement and Petition for Condemnation on file herein, but Condemnor, acting by and through its

duly authorized agents(s), and Condemnees were unable to agree upon the value of such rights; therefore, it was necessary to institute this proceeding.

7. The Court finds that public convenience and necessity require Condemnor to construct, operate, and maintain the proposed facilities through Condemnees' property made the subject of this proceeding.

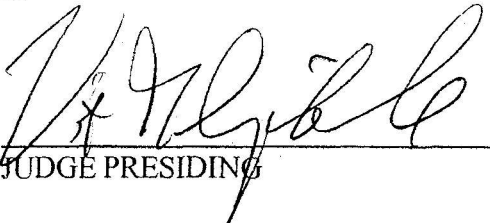
8. That by virtue of said Decision and Award of Special Commissioners, Condemnees, YUTTEVONG DOEUNG, a/k/a/ STEPHEN DOEUNG, and THE CITY OF FORT WORTH, are entitled to recover from the Condemnor the sum of FOUR THOUSAND SIX HUNDRED TWENTY TWO AND NO/100 DOLLARS (\$4,622.00), which sum was paid by Condemnor into the Registry of the Court, subject to the Order of the Condemnees, pursuant to Property Code § 21.021(a)(1). The Clerk of the Court is ORDERED to allow the immediate withdrawal of the sum of \$4,622.00 by YUTTEVONG DOEUNG, a/k/a/ STEPHEN DOEUNG, and THE CITY OF FORT WORTH if such sum has not already been withdrawn by Condemnees. The thirty-day waiting period is hereby waived.

9. That a writ of possession issue on behalf of Condemnor, if one has not already been issued.

10. That the Cost Bond approved by this Court on November 10, 2008, and the Condemnation Bond approved on the same date are hereby RELEASED and the Principal and Sureties are RELEASED of all obligations under said bonds.

11. That the costs of said proceeding are taxed against, and shall be paid by, Condemnor.

SIGNED this 9th day of March, 2010.


JUDGE PRESIDING

Submitted and Entry Requested by:

BUFORD & RYBURN, L.L.P.

By: 

MICHAEL E. MA

State Bar No. 24060202

JOHN P. BAKER

State Bar No. 24040460

100 Throckmorton Street

Suite 520

Fort Worth, Texas 76102

Telephone: (214) 740-3127

Facsimile: (214) 740-2826

**ATTORNEYS FOR CONDEMNOR,
TEXAS MIDSTREAM GAS SERVICES, L.L.C.**

Exhibit 1

My NOTES AFTER READING:

- ① NOTE THAT it's Michael MA who is submitting this even though his supervisor JOHN BAKER did all the talking and handled the judge the papers.
- ② Usually (maybe always) John Baker signs off on documents over whatever attorney's signature / work — as a supervisor does.
- ③ Check out these firm profile & attorney descriptions — experts who lecture & write about how to do eminent domain.
- ④ I never saw this document until now.