

CAUSE NO. 26CV37497

BTA ETG GATHERING LLC,

Plaintiff,

vs.

THE UNKNOWN HEIRS OF ELROY
NETHERLY; ET AL.

Defendants.

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IN THE DISTRICT COURT OF

SHELBY COUNTY, TEXAS

273RD JUDICIAL DISTRICT

CITATION AND NOTICE BY PUBLICATION

STATE OF TEXAS

To:

- 1) THE UNKNOWN HEIRS OF ELROY NETHERLY, Deceased;
- 2) ANY OTHER PERSON OR ENTITY WHO OWNS OR CLAIMS AN INTEREST IN that certain tract of land containing 160.00 acres, more or less, situated in the John Brush Survey, Abstract No. 985 and Abstract No. 466, Shelby County, Texas and San Augustine County, Texas, being more particularly described in that certain Quit Claim Deed dated August 07, 1959, recorded in Volume 379, at Page 351, under Entry No. 1956 of the Deed Records of Shelby County, Texas, less and except (i) that certain tract of land containing 15.00 acres, more or less, situated in the John Brush Pre-Emption Survey, Abstract No. 985, Shelby County, Texas, being more particularly described in that certain Deed dated December 27, 1932, recorded in Volume 165, at Page 61, under Entry No. 2575 of the Deed Records of Shelby, Texas, (ii) that certain tract of land containing 2.00 acres, more or less, situated in the John Brush Survey, Abstract No. 985, Shelby County, Texas, being more particularly described in that certain Deed dated April 12, 1947, recorded in Volume 267, at Page 13, under Entry No. 13269 of the Deed Records of Shelby, Texas, and (iii) that certain tract of land containing 20.00 acres, more or less, situated in the John Brush Pre-Emption Survey, Abstract No. 985, Shelby County, Texas, being more particularly described in that certain Deed dated December 08, 1961, recorded in Volume 396, at Page 324, under Entry No. 8625 of the Deed Records of Shelby, Texas

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN SUED. You are commanded to appear at the hearing before the undersigned Special Commissioners, each of whom were appointed by the Judge of the 273rd District Court of Shelby County, Texas, in the lawsuit numbered and styled, respectively, as follows: Cause No. 26CV37497; *BTA ETG GATHERING LLC v. THE UNKNOWN HEIRS OF ELROY NETHERLY, et al.* The Special Commissioners' Hearing will be held on **July 29, 2026, at 3:00PM, at the Best Western Plus Classic Inn & Suites, Conference Room, 210 Moffett Dr., Center, Texas 75935**, which is the

earliest practicable date following the expiration of forty-two (42) days from the date of this notice, in compliance with Texas Rules of Civil Procedure and the Texas Property Code.

At the hearing, the Special Commissioners will meet and proceed to hear evidence from all parties present in order to determine the value of and assess the damages, if any, caused by the condemnation of certain property interests described in Plaintiff's Original Statement and Petition for Condemnation filed with the District Clerk of Shelby County on May 8, 2026, or any subsequent amended or supplemental petition filed by Plaintiff.

You may appear and present evidence at the hearing. If you desire to appear before the date of the hearing, you may do so by filing a notice of appearance in the above-styled and numbered lawsuit. You may employ an attorney. A judgment in the absence of objections rendered for the relief demanded in the live petition may be taken if you or your attorney do not timely file objections to any award by the Special Commissioners.

The case is presently pending before the 273rd District Court of Shelby County, Texas, sitting in Center, Texas. The nature of the suit being a Condemnation that was filed on May 8, 2026, in: Cause No. **26CV37497**; *BTA ETG GATHERING LLC v. THE UNKOWN HEIRS OF ELROY NETHERLY, et al.*

Plaintiff seeks to acquire property interests, including easements, for the construction of a pipeline and appurtenant facilities in, over, through, across, under, and along the above-described property by exercising its power of Eminent Domain.

All parties to this suit, including Plaintiff and Defendants, shall take notice of all claims and pleadings now on file and which may hereafter be filed in said cause by all other parties.

The names and addresses of Plaintiff's attorneys are Scott R. Davis, Bryon A. Rice, Jon C. Vicklund, Jarod D. Bonine, Roderick P. Hatch, Shannon M. Terry, Hicks Davis Wynn, P.C., 3555 Timmons Lane, Suite 1000, Houston, Texas 77027.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said court at office, this the ____ day of _____ 2026.

Dee Dee Green, District Clerk
Shelby County, Texas