

METES AND BOUNDS.

A METES AND BOUNDS description of a certain 12.07 acre (525,752 square feet) tract or parcel of land, located in the City of Bandera, Bandera County, Texas, lying and being situated in the James L. Truehart Survey No. 36, Abstract Number 364, and being all of the called 11.647 acre tract of land conveyed by General Warranty Deed to The William H. Gray Family 1995 Trust executed May 24, 2007, recorded in Volume 783, Page 122, Official Records of Bandera County, Texas (O.R.B.C.). Said 11.647 acre tract of land being formerly known as a portion of a called 12.47 acre tract of land, and a portion of a 2.45 acre tract of land described in Warranty Deed to Gladys Nelwyn Carr executed May 19, 1969, recorded in Volume 134, Page 778, Deed Records of Bandera County, Texas (O.R.B.C.). Said 12.07 acre tract being more particularly described as follows, with all bearings based on the Texas Coordinates System of 1983, South Central Zone:

COMMENCING at a damaged TxDOT Type I monument found in the southwesterly right-of-way (R.O.W.) line of State Highway 173 S. (SH-173, Minimum 120' Variable Width R.O.W.) being the east corner of a called 1.08 acre tract of land conveyed by Warranty Deed to 2 Jenschke Kane, LLC dated February 27, 2015, recorded in Volume 1007, Page 536, O.R.B.C., and being common with the south corner of a called 0.195 acre R.O.W. Deed, recorded in Volume 96, Page 259, D.R.B.C.;

THENCE North 64°10'38" West, with the common line between said southwesterly R.O.W. line of SH-173 and the northeasterly line of said 1.08 acre tract, a distance of 115.28 feet to a point, said point marking the south corner of a called 2.150 acre R.O.W. Deed, recorded in Volume 96, Page 257, D.R.B.C., Texas, being common with the north corner of said 1.08 acre tract and marking the POINT OF BEGINNING of the herein described tract, from which a found 6" cedar post bears North 08°03'11" East, 0.99 feet;

THENCE South 50°01'58" West, with the northeasterly line of said 1.08 acre tract, passing at 6.95 feet a found 1/2"-inch iron rod being the east corner of said 11.647 acre tract, continuing in all a distance of 427.14 feet to a found 5/8"-inch iron rod with cap stamped "RPLS 4611" being in the northeasterly line of a called 2.38 acre tract of land conveyed by Warranty Deed with Vendor's Lien to Robert Winston Preston and Carol J. Preston, executed July 26, 1995, recorded in Volume 426, Page 349, O.R.B.C., Texas, marking the west corner of said 1.08 acre tract, same being the southerly most northeast corner of said 11.647 acre tract being common with the southerly most northeast corner of the herein described tract;

THENCE North 39°26'04" West, with said northeasterly line of said 2.38 acre tract being common with an easterly line of said 11.647 acre tract, a distance of 103.46 feet to a found 5/8"-inch iron rod with cap stamped "RPLS 4611" marking the north corner of said 2.38 acre tract, same being the re-entrant corner of said 11.647 acre tract being common with the re-entrant corner herein described tract, from which a found 6"-inch cedar post bears South 29°58'44" West, 0.67 feet;

THENCE South 50°08'29" West, with the northwesterly line of said 2.38 acre tract being common with the southeasterly line of said 11.647 acre tract, a distance of 500.65 feet to a found 1/2"-iron rod being in the northeasterly R.O.W. line of Old Honda Road (No Record Found, R.O.W. Width Unknown) and marking the west corner of said 2.38 acre tract, said point being common with the south corner of said 11.647 acre tract and the south corner of the herein described tract, from which a found TxDOT Type I Monument bears South 40°17'47" East, 62.9 feet;

THENCE North 39°06'07" East, along said southeasterly R.O.W. of Lake Road, a distance of 473.77 feet to a set 1/2"-inch iron rod with cap stamped "Jones|Carter Prop. Corn." being in the southeast line of a called 2.50 acre Deed to Bandera County, recorded in Volume Q-1, Page 548, D.R.B.C., Texas, said point marking the northwesterly most corner of the herein described tract;

THENCE North 70°30'55" East, a distance of 165.89 feet to a found damaged TxDOT Type I monument being in the southwesterly R.O.W. line of SH-173 and being the west corner of a called 0.109 acre R.O.W. Deed to Texas Highway Department, recorded in Volume 138, Page 695, D.R.B.C., Texas, same being common with a southwesterly corner of said 2.150 acre R.O.W. Deed and marking the north corner of the herein described tract;

THENCE South 67°30'56" East, with said southwesterly R.O.W. line of SH-173 same being common with the south line of said 0.109 acre R.O.W. Deed, passing at 116.76 feet (1.65 feet right) a found leaning TxDOT Type I Monument, continuing in all a distance of 226.45 to a set 1/2"-inch iron rod with cap stamped "Jones|Carter Prop. Corn." marking the beginning of a circular curve to the left;

THENCE along said curve to the left, having an arc length of 346.55 feet, a radius of 1969.86 feet, a chord bearing of South 59°08'16" East, a delta angle of 10°04'47", and a chord length of 346.10 feet to a set 1/2"-inch iron rod with cap stamped "Jones|Carter Prop. Corn." in the southwest R.O.W. line of said SH-183, being common with a northeasterly line of the herein described tract and marking a point of tangency in said R.O.W. line;

THENCE South 64°10'38" East, with said southwesterly R.O.W. line of SH-173, a distance of 222.31 feet to the POINT OF BEGINNING, CONTAINING 12.07 acres (525,752 square feet) of land in Bandera County, Texas as shown on Drawing No. 11873 filed under Job No. 15001-0002-00 in the office of JONES|CARTER San Antonio, Texas.

GENERAL NOTES.

- According to Map No. 48019C0377E of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Bandera County, dated February 4, 2011, the subject tract is situated within: Unshaded Zone "X", defined as areas determined to be outside the 500-year flood plain, Shaded Zone "X", and Zone "AE" defined as special flood hazard areas inundated by 100-year flood with base elevations determined.
- Visible evidence of easements and easements of record affecting this tract as provided in title report from First American Title Insurance Company, G.F. Number 201700952, dated May 11, 2018 with regard to any easements, setbacks, restrictions, or rights-of-way affecting the subject property. No additional research regarding the existence of easements, setbacks, restrictions, rights-of-way, or other matters of record, has been performed by the surveyor.
- Bearings are based upon the Texas Coordinate System, South Central Zone, NAD83, based on GPS observations. Distances shown hereon are one call and can be converted to grid by applying a combined scale factor of 0.99987.
- ONE CALL UTILITY LOCATION SERVICE was performed for this survey to locate and mark utilities. Underground utilities marked in conjunction to One Call ticket # 580658554 & utility maps provided by the City of Bandera, are shown hereon. Underground utilities may exist which are not shown hereon.
- Visible improvements are shown with this survey; no subsurface probing, excavation or exploration was performed for this survey. No buildings were found on the subject tract at the time of the survey.
- This survey does not provide a determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.
- Elevations shown hereon reference NAVD 88 Vertical Datum as determined by GPS observations. These observations were submitted to OPUS (Online Positioning User Service) for post processing from the station observations obtained in the field.
- Temporary Benchmark A being an aluminum disk monument stamped Texas Department of Transportation B.L. Control, being located approximately 117 feet west from the intersection of Old Honda Road (pavement drive) and SH 173 (southwest edge of pavement), as shown hereon. Elevation = 1220.40 feet, NAVD 88, 2001 Adjustment.
- Temporary Benchmark B being a Rail Road Spike in a power pole located approximately 2 feet north of a 5" Cedar Post (southeasterly reentrant corner of the subject tract) and approximately 40 feet south of a 36" Oak tree, as shown hereon. Elevation = 1244.20 feet, NAVD 88, 2001 Adjustment.
- A separate legal description and surveyors report of equal date was prepared in conjunction with this survey.
- Per Zoning Letter dated April 16, 2018, from Suzanne Schumann, Mayor of the City of Bandera, the subject tract lies within a B-3 Commercial Zoning District. Use regulations per Chapter 14, Section (g), Zoning Ordinance of the City of Bandera, adopted November 20, 2008. The setback and height requirements, and lot sizes, for uses permitted within this district shall be:
  - (1) Front Yard - minimum twenty (20) feet
  - (2) Rear yard - minimum ten (10) feet
  - (3) Side yard - minimum ten (10) feet except when a firewall is provided on the adjoining property line, in which case the minimum clearance may be less as approved and directed by the building inspector.
  - (4) Lot size - the minimum lot size per building, structure or premise shall be no less than six thousand (6,000) sq. ft.
  - (5) The maximum height for any building within this district shall be no more than three (3) stories or thirty (30) feet, whichever is less.
  - (6) Parking - Retail sales and service - 250 SF of floor area for the first 3,000 SF; thereafter 1.0 space for each additional 300 SF (The City of Bandera Code of Ordinances)

ALTA TABLE A ITEM

- Monuments found and set as shown hereon.
- According to FEMA Flood Map this tract lies within Zone "AE" and Zone "X" of the Flood Insurance Rate Map, Community No.s. 480021 & 480020, Map Number 48019C0377E, Panel 0377, Suffix "E" dated February 4, 2011 for Bandera County, Texas and incorporated areas.
- Per Zoning Letter dated April 16, 2018, from Suzanne Schumann, Mayor of the City of Bandera, the subject tract lies within a B-3 Commercial Zoning District. Use regulations per Chapter 14, Section (g), Zoning Ordinance of the City of Bandera, adopted November 20, 2008. The setback and height requirements, and lot sizes, for uses permitted within this district shall be:
  - (1) Front Yard - minimum twenty (20) feet
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  - (4) Lot size - the minimum lot size per building, structure or premise shall be no less than six thousand (6,000) sq. ft.
  - (5) The maximum height for any building within this district shall be no more than three (3) stories or thirty (30) feet, whichever is less.
  - (6) Parking - Retail sales and service - 250 SF of floor area for the first 3,000 SF; thereafter 1.0 space for each additional 300 SF (The City of Bandera Code of Ordinances)
- Substantial features observed as shown hereon.
- Utilities shown hereon based upon observable evidence and markings per Texas One-Call ticket # 580658554.
- Adjoining owners shown hereon.
- The northeast corner of the subject tract lies S 67°43'41" E, 572' from the intersection of State Highway 173 and Farm to Market 1077, as shown hereon.
- Surveyor contacted the Texas Department of Transportation San Antonio District office, concerning proposed street right-of-way changes along SH 173. As of April 25, 2018, Surveyor spoke with the District Surveyor and he said "unaware of any future right-of-way changes". Surveyor contacted Bandera City Hall, concerning proposed street right-of-way changes along Old Honda Road. Surveyor spoke with a Public Works representative who mentioned that "the City Council was considering relinquishing the City owned portion of Old Honda Road" (along the west line of subject tract). No evidence of recent street or sidewalk construction or repairs were observed during the process of conducting the fieldwork.
- No wetland markers were observed on the subject tract. (See General Note No. 6)
- Offsite easements: none.

NOTES CORRESPONDING TO SCHEDULE "B" ITEMS

Reference Commitment for Title Insurance issued by First American Title Insurance Company, dated 05/11/2018, counterpartyed by Heritage Title Company of Austin, Inc., G.F. No. 201700952, having an effective date of May 11, 2018 and an issue date of May 23, 2018. No further research for easements or encumbrances was performed by Jones|Carter.

SUBJECT TO THE GENERAL NOTES SHOWN.

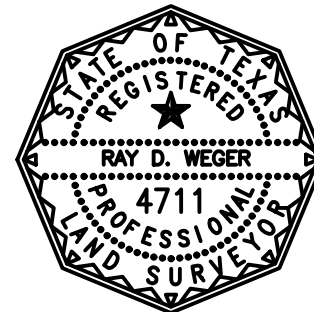
- Item No. 10a of Schedule B (Not addressed as a survey matter)
- Item No. 10b of Schedule B (Intentionally deleted)
- Item No. 10c of Schedule B (Not addressed as a survey matter)
- Item No. 10d of Schedule B (Not addressed as a survey matter)
- Item No. 10e of Schedule B (Not addressed as a survey matter)
- Item No. 10f of Schedule B (Intentionally deleted)
- Item No. 10g of Schedule B (Not addressed as a survey matter)
- Item No. 10h of Schedule B - Fence insets/outsets as shown on survey dated April 26, 2018, prepared by Ray D. Weger, Registered Professional Land Surveyor No. 4711 ("the Survey"). (Is intended to refer to this survey - shown hereon)
- Item No. 10i of Schedule B (Intentionally deleted)
- Item No. 10j of Schedule B - Apparent easement evidenced by the location of utility poles, utility lines, guy wires, fire hydrant, underground cable marker, telephone pedestal, water meter and water valve outside of a dedicated easement as shown on the Survey. (Is intended to refer to this survey - shown hereon)

To: JW Buno, Ltd.; JW Bandera I, Ltd.; Bingham Construction, Inc.; Tractor Supply Co. of Texas, LP; a Texas limited partnership; Tractor Supply Company, a Delaware corporation; Heritage Title Company of Austin, Inc. and First American Title Insurance Company

We, Jones|Carter, acting by and through Ray D. Weger, a Registered Professional Land Surveyor, hereby certify that this map and plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 6 (a & b), 8, 11, 13, 14, 17, 18, and 19 of Table A thereof. The fieldwork was completed on the 9th day of April, 2018.

Date of Plat or Map: 4/25/2018  
Revised: 4/26/2018 (Revised 2" (wall) Water Line R.O.W. - Per V179/PL332)  
Revised: 5/30/2018 (Revised certification and Title Commitment notes)

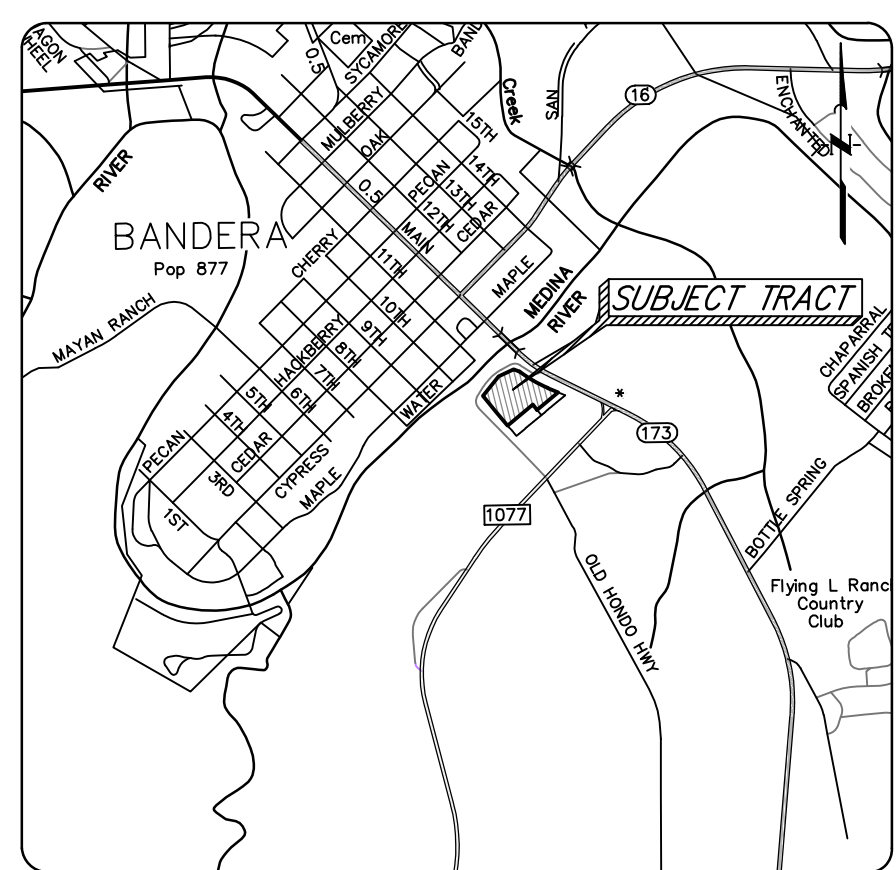
Ray D. Weger  
Registered Professional Land Surveyor  
No. 4711  
rweger@jonescarter.com



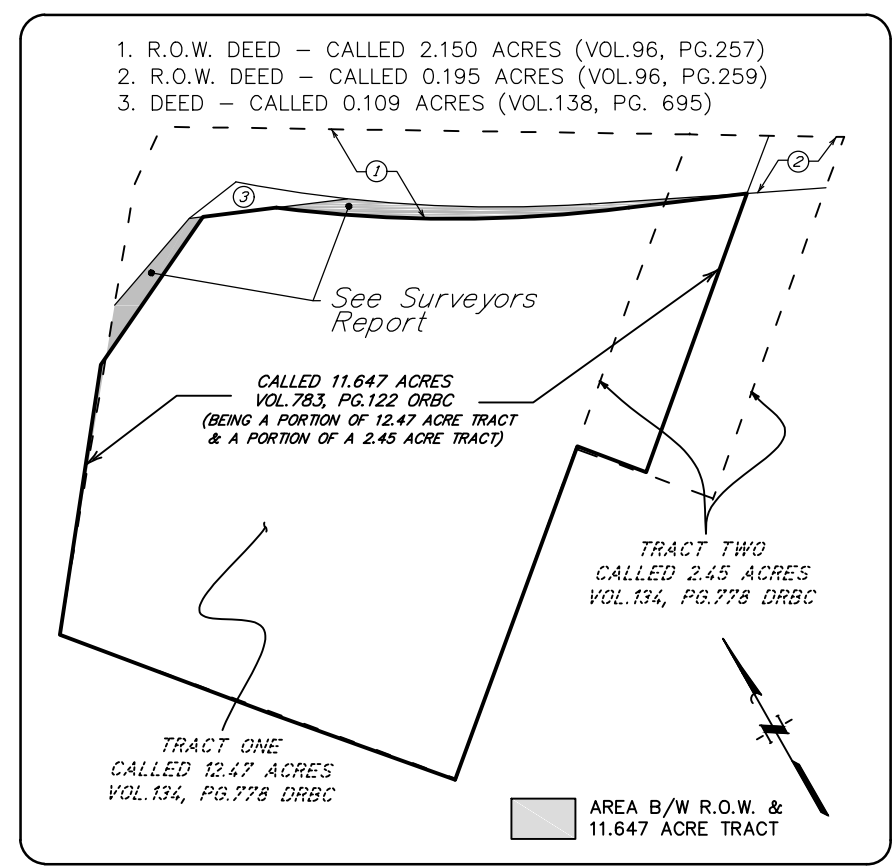
- LEGEND:
- BFE BASE FLOOD ELEVATION
  - BCM UNDERGROUND CABLE MARKER
  - BSL BUILDING SETBACK LINE
  - DBRC DEED RECORDS OF BANDERA COUNTY
  - ELEV ELEVATION
  - F.D.-TI FOUND DAMAGED TxDOT TYPE 1 MONUMENT
  - FH FIRE HYDRANT
  - F-POST FOUND 6" CEDAR POST
  - IR IRON ROD
  - ORBC OFFICIAL RECORDS OF BANDERA COUNTY
  - POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT
  - PP POWER POLE
  - PP/G POWER POLE W/ GUY
  - POST POST
  - ROW RIGHT-OF-WAY
  - RP REFLECTOR POST
  - S\* SET 1/2" IRON ROD W/ CAP
  - STAMPED "JONES|CARTER PROP. CORN."
  - SGN SIGN
  - MB MAILBOX
  - TPED TELEPHONE PEDESTAL
  - TBM TEMPORARY BENCHMARK
  - WM WATER METER
  - WV WATER VALVE

- CONCRETE
- ASPHALT
- ADJOINING LINE
- BOUNDARY SETBACK LINE
- BUILDING SETBACK LINE
- FEMA FLOOD ZONE LINE
- GUARDRAIL (METAL)
- GUARD FENCE (CABLE)
- OVERHEAD POWER
- WIRE FENCE
- UNDERGROUND FIBER OPTIC LINE
- UNDERGROUND WATER LINE
- CITY LIMITS

(BEARING DISTANCE) = RECORD CALL  
- - - - - RECORD DEED LINE



VICINITY MAP  
(NOT TO SCALE)



RECORD DETAIL  
(NOT TO SCALE)

SURVEYOR'S REPORT

The metes & bounds description of a called 11.647 acre tract (herein described as the subject tract) conveyed by General Warranty Deed to The William H. Gray Family 1995 Trust, recorded in Volume 783, Page 122, of the Official Records of Bandera County (O.R.B.C.), Texas, said subject tract being more generally described by said instrument of record as being a portion of a called 12.47 acre tract "Tract One", and a portion of a called 2.45 acre tract "Tract Two" conveyed by Warranty Deed to Gladys Nelwyn Carr, recorded in Volume 134, Page 778, D.R.B.C., Texas, said instrument of record conveyed the aforementioned Tract One & Tract Two, save & except from said conveyance a called 2.150 acre R.O.W. Deed to the State of Texas, recorded in Volume 96, Page 257, D.R.B.C., Texas, and a called 1.225 acres conveyed to B. Ferguson, recorded in Volume 78, Page 314, D.R.B.C., Texas.

Jones|Carter has retraced the previous survey of this subject tract and has found conflicts and ambiguities with the said 11.647 acre tract metes & bounds in comparison to both the former survey and evidence found during the process performing the fieldwork for this survey, as shown hereon. Known issues for said 11.647 acre tract metes & bounds description are as follows:

1) The southwest boundary line of said 11.647 acre tract is described with the following corners and distances:

"BEGINNING at an iron bar found set <sup>11</sup> in the ground in the northeast right-of-way (ROW) line of Old Honda Rd. and the south corner of a 12.47 acre tract [...], for the south corner of this tract, THENCE N 40°57'49" W with the northeast ROW line of Old Honda Rd. and the southwest boundary line of said 12.47 acre tract a distance of 312.88 feet to an iron bar set in the ground at the point of intersection of the northeast ROW line of Lake Rd., the west corner of said 12.47 acre tract, for the west corner of this tract."

1) Conflicting terms. Property corner's are found or set by a Surveyor and generally described as one or the other.

2) The instrument of record for the aforementioned 12.47 acre tract specifically describes said southwesterly line as N 40°30'00" W, 600 feet, and does not identify a point in said line at this particular location.

2) The northwest & northeast boundary lines of said 11.647 acre tract is described with the following corners and distances:

"THENCE N 38°00'11" E with the southwest ROW line of Lake Rd. and the northwest boundary line of said 12.47 acre tract a distance of 385.33 feet to an iron bar set in the ground at the point of intersection of the southeast ROW line of Lake Rd. and the southeast ROW line of State Highway No. 173 (SH 173) for a corner of this tract, THENCE N 64°03'11" E crossing said 12.47 acre tract with the southeast ROW line of said SH 173 a distance of 226.50 feet to an iron bar found set <sup>21</sup> for the north corner of this tract, THENCE S 68°30'55" E with the southwest ROW line of SH 173 a distance of 45.07 feet to a concrete monument <sup>22</sup> found set <sup>21</sup> in the ground in the arc of a curve [...], for a corner of this tract, [...] THENCE [with a curve to the left] in an easterly direction along the arc of said curve having a radius of 1970.8 feet with the southwest ROW line of SH 173, a distance of 506.80 feet <sup>23</sup> to an iron bar set in the ground for a corner of this tract."

3) The southwest ROW line of SH 173, as described per instrument of record for said 2.150 acre R.O.W. Deed is concurrent with the curve data reported in the 11.647 acre tract survey, however the placement, monuments held or set, curve radius and arc distance of the 11.647 acre survey is not in accordance with a subsequent conveyance, which occurred prior to said 11.647 acre tract survey, of an acre tract of land was conveyed to the State of Texas, being a portion said 12.47 acre tract, recorded in Volume 138, Page 169, D.R.B.C., Texas. This conveyance altered the southwesterly ROW line of SH 173 (see instrument for more details) along the northeasterly line of the subject tract, as shown hereon. Jones|Carter determined that the previous property description of said 11.647 acre tract held courses and distances appurtenant to the former ROW line prior to the 0.109 acre tract conveyance, and that the subject tract, as shown hereon, is located 260.4 feet from center line Station 109+16.5. Jones|Carter recovered evidence during the process of conducting fieldwork for this survey supporting the called course and distance in said R.O.W. Deed, as shown hereon.

2.2) Conflicting Terms. (See 1.1)

2.3) The distance reported in the above referenced property description is not supported by any instrument of record obtained by Jones|Carter during the process of conducting this survey.

2.4) Conflicting Terms. (See 1.1)

2.5) Said curve to the left, as described per instrument of record for said 2.150 acre R.O.W. Deed is concurrent with the curve data reported in the 11.647 acre tract survey, however the placement, monuments held or set, curve radius and arc distance of the 11.647 acre survey is not in accordance with a subsequent conveyance, which occurred prior to said 11.647 acre tract survey, of an acre tract of land was conveyed to the State of Texas, being a portion said 12.47 acre tract, recorded in Volume 138, Page 169, D.R.B.C., Texas. This conveyance altered the southwesterly ROW line of SH 173 (see instrument for more details) along the northeasterly line of the subject tract, as shown hereon. Jones|Carter determined that the previous property description of said 11.647 acre tract held courses and distances appurtenant to the former ROW line prior to the 0.109 acre tract conveyance, and that the subject tract, as shown hereon, is located 260.4 feet from center line Station 109+16.5. Jones|Carter recovered evidence during the process of conducting fieldwork for this survey supporting the called course and distance in said R.O.W. Deed, as shown hereon.

2.6) Conflicting Terms. (See 1.1)

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