

**RESIDENTIAL REAL PROPERTY SURVEY AFFIDAVIT**

(signed by seller in sale transaction)

**Date:** August 27, 2007  
**GF No.:** 207-08005  
**Name of Affiant(s):** ROCHELLE OWENS  
**Address of Affiant(s):** 104 Apollo Dr.  
Livingston, Texas 77351

**Description of Property:**

Tract One:

Lot One (1), Section One (1), of COMMODORE CAPE, a subdivision in Polk County, Texas, as same is depicted upon a plat thereof duly recorded in Volume 6, page 29 of the Plat Records of Polk County, Texas.

LESS, SAVE AND EXCEPT THEREFROM that certain called 0.002 of an acre tract as described in deed dated April 19, 2001, executed by Augustine Sanchez and wife, Shirley Sanchez to Van G. Bateman and wife, Marcia A. Bateman, recorded in Volume 1212, Pages 49 et seq of the Official Records of Polk County, Texas.

Tract Two:

That certain called 0.016 of an acre tract, as situated in the THOMAS BURRIS SURVEY, Abstract No. 10 in Polk County, Texas, and being out of that certain called 6.681 of an acre tract of land conveyed to Van G. Bateman and wife, Marcia A. Bateman, by deed recorded in Volume 603, pages 78 et seq of the Official Records of Polk County, Texas, and as described in deed dated April 19, 2001, executed by Van G. Bateman and wife, Marcia A. Bateman to Augustine Sanchez and wife, Shirley Sanchez, recorded in Volume 1212, Pages 52 et seq of the Official Records of Polk County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the northeast corner of this tract, same being an interior corner of said 6.681 acres and being the southeast corner of Lot 1 of Commodore Cape, Section One as shown on plat recorded in Volume 6, page 29 of the Plat Records of said county;

THENCE S 02° 01' W, 18.39 ft. on a line within said 6.681 acres, to a 1/2" iron rod set for the southeast corner of this tract;

THENCE N 87° 59' W, 47.25 ft., continuing within said 6.681 acres, to a 1/2" iron rod set for the southwest corner of this tract, same being on the right of way of a cul-de-sac on the end of Birdsong Lane in said Commodore Cape, Section One, and being on a westerly line of said 6.681 acres;

THENCE Northeasterly 24.31 ft. with said cul-de-sac right of way, in a curve to the left having a central angle of 69° 38' 35", a radius of 20.00 ft., and a long chord bearing N 37° 16' 17" E, 22.84 ft. to a 1/2" iron rod set for the northwest corner of this tract, same being an exterior corner of said 6.681 acres and being the lower southwest corner of said Lot 1 of Commodore Cape, Section One;

THENCE S 87° 33' E, 34.07 ft., with the lower south line of Lot 1, to the Place of Beginning and containing within these bounds 0.016 of an acre of land, more or less.

Name of Title Company: LIVINGSTON ABSTRACT COMPANY

BEFORE ME, the undersigned authority for the state of Texas, personally appeared Affiant(s) who after by me being duly sworn, stated:

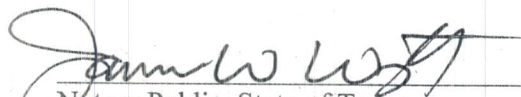
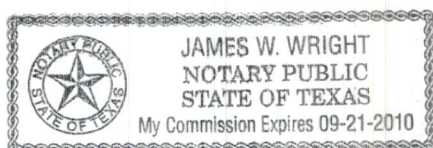
1. I/We am/are the owner(s) of the Property.
2. I/We am/are familiar with the Property and the improvements located on the Property.
3. I/We am/are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Company may make exceptions to the coverage of the title insurance as Company may deem appropriate. We understand that the owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.
4. To the best of our actual knowledge and belief since 4-13-2000 (date of last survey) there have been no:
  - a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent structures or fixtures;
  - b. changes in the location of boundary fences or boundary walls;
  - c. construction projects on immediately adjoining property(ies) which encroach on the Property;
  - d. conveyances, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property.
5. We understand that Title Company is relying on the truthfulness of the statements made in this Affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property attached to this Affidavit. This affidavit is not made for the benefit of any other parties and this affidavit does not constitute a warranty or guarantee of the location of the improvements.
6. We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

Signed on the Date above stated.



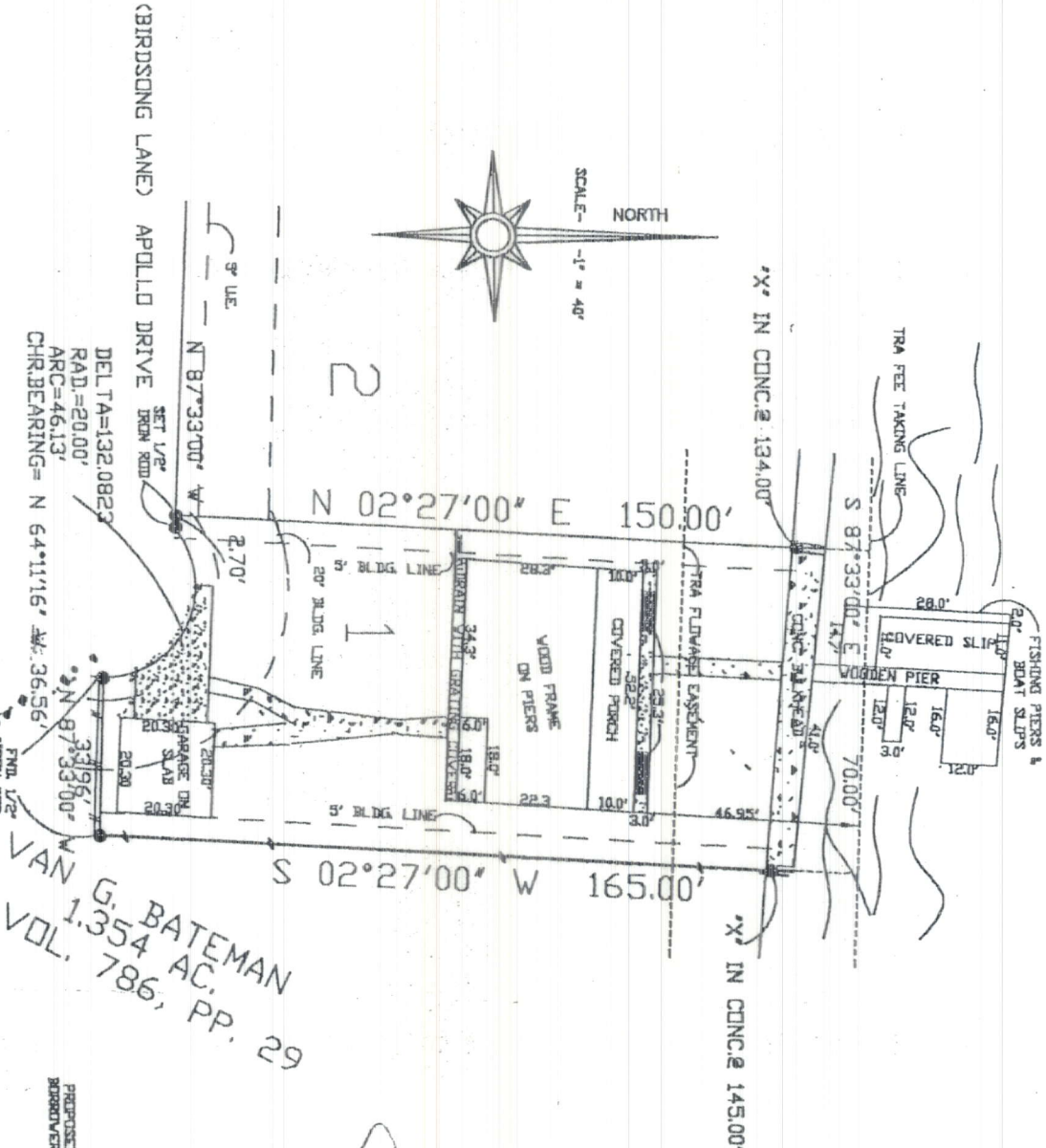
ROCHELLE OWENS

Sworn to and subscribed before me this the 27 day of August, 2007.

  
Notary Public, State of Texas



LAKE LIVINGSTON



VAN G. BATEMAN  
VOL. 1.354 AC.  
786, PP. 29

PLAT SHOWING A SURVEY OF  
LOT 1 OF COMMODORE CAPE  
SECTION ONE SUBDIVISION,  
AS SHOWN ON A PLAT IN  
VOLUME 6, PAGES 29 OF  
THE PLAT RECORDS OF POLK  
COUNTY, TEXAS.

TO THE LENDORS AND/OR THE OWNERS OF THE PROPERTY AND TO ANY LAND TITLE GUARANTY COMPANY  
THE UNDERSIGNED DEES HEREBY CERTIFY THAT THIS SURVEY WAS MADE THE 13 TH DAY OF APRIL, 2000 ON THE  
GROUND OF THE PROPERTY LEGALLY SHOWN HEREON AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES  
CONFLICTS OR SHORTAGES IN AREA AND BOUNDARY LINES OR ANY UNLAWFUL ENCROACHMENTS OR ANY  
OVERLAPPING OF ENCROACHMENTS OR ANY APPROPRIATE EASEMENTS OR RIGHTS OF WAY EXCEPT AS SHOWN HEREON.  
SAID PROPERTY HAS ACCESS TO AND FROM A PUBLICLY OWNED ROADWAY AND THE SAME IS SHOWN HEREON.  
ON VITTON 100 YEAR FLOOD PLAN AS SHOWN ON COUNTY OF POLK MAP NUMBER 48026 0006 A DATED  
DECEMBER 13, 1977, ACCORDING TO THE FLOOD ELEVATION OF 100 YEARS AND URBAN DEVELOPMENT, EXCEPT THE  
AREA IN THE TRIMBLE RIVER ALTERNATE FLOOD ELEVATION AS SHOWN ON THE MAP.

JAMES F. BENTON, JR., R.P.S. #1655  
STEVE HAMBROD TECHNICAL SERVICES  
1203 NORTH HOLISTON  
LIVINGSTON TEXAS, 77351



PROPOSED INSURED, PNC MORTGAGE CORP. OF AMERICA  
BORROWER ALIUSTINE SANCHEZ AND SHURLEY SANCHEZ

LIVINGSTON ABSTRACT  
109 EAST POLK  
LIVINGSTON, TEXAS 77351  
GF #200-03042

*John R. Gandy*  
*Deplunk & Gandy*  
*R. Duvall*

