

5
Y**GENERAL UTILITY EASEMENT**

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MONTGOMERY §

TIMBERLOCH ESTATES, LTD., a Texas Limited Partnership, (hereinafter called "Grantors"), for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, give, dedicate and convey unto all utilities serving the public including, without limitation, Montgomery County and Public Utilities, (hereinafter referred to as the "Public Utilities"), and to their respective successors, assigns and other beneficial parties whom they may represent, a perpetual right-of-way and easement (hereinafter referred to as the "Easement") in, across, under, over and through the tract of land (hereinafter referred to as the "Easement Tract") situated in Montgomery County, Texas, described on Exhibit "A" attached hereto and made apart hereof for all purposes, for the purpose of laying, constructing, maintaining, inspecting, operating, protecting, repairing, altering, changing the size of, replacing, relocating (but only within the Easement Tract), substituting and/or removing gas lines, electric power distribution lines, and communication lines and any appurtenant materials, apparatuses and/or facilities as may from time to time be deemed necessary by the Public Utilities in connection with the use, operation, transportation and furnishing of gas, electricity, telephone service, cable television and/or other publicly beneficial and useful utility services.

The Public Utilities shall have other rights and benefits necessary and/or convenient for the full enjoyment and use of the rights herein granted, including, without limitation, the reasonable right of ingress and egress over and across lands owned by Grantors which are contiguous to the Easement Tract and the reasonable right from time to time to remove any and all paving, undergrowth and other obstructions that may injure utility facilities and appurtenances or interfere with the construction, maintenance,

inspection, operation, protection, repair, alteration, replacement, changes of the size, relocation (as above limited), substitution or removal thereof.

The Easement herein granted is a non-exclusive easement and Grantors and their successors and assigns shall have the right to use and enjoy the surface of the Easement Tract for all purposes which do not unreasonably interfere with the use thereof by the Public Utilities for the purposes for which said Easement is granted.

TO HAVE AND TO HOLD said Easement unto the Public Utilities for the purposes mentioned above, until the utilities facilities are constructed hereunder and so long thereafter as any of such utility facilities are located and operated thereon, and the Grantors hereby binds themselves, their successors and assigns, to warrant and forever defend all and singular said premises unto the Public Utilities against every person whomsoever claiming or to claim the same or any part hereof, subject to the matters set out below.

By acceptance of this grant and utilization of any rights granted hereby, each Public Utility agrees that it will at all times, after doing any work pursuant to the rights hereby granted, restore the surface of the Easement Tract to the same conditions in which same was found before such work was undertaken and that the Public Utilities will not do any act, or fail to do any act, that will be detrimental or create a hazard to the surface of the lands covered thereby or to the use thereof.

The grant of the Easement Tract is expressly made subject to the purposes stated herein and to any and all easements, restrictions, reservations, conditions or other matters or record in the Office of the County Clerk of Montgomery County, Texas affecting the Easement Tract.

IN WITNESS WHEREOF, this instrument is executed this 10 day of April 2002.

TIMBERLOCH ESTATES, LTD.
A Texas Limited Partnership

Robert C. Whitaker
Robert C. Whitaker, President and General Partner

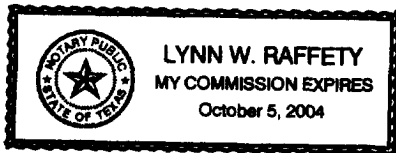
THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Robert C. Whitaker, 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 considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL of office this 10 day of April 2002.

Lynn W. Raffety
Notary Public in and for the State of Texas

My Commission Expires: 10/5/04



Post Recordation, Return to:
Michael D. Ramirez
R.G. Miller Engineers, Inc.
12121 Wickchester Lane Ste 200
Houston, Texas 77079
713-461-9600

Exhibit_Page 1 of 2 Pages

County: Montgomery
 Project: Timberloch, Section 2
 M.S.G. No.: 021048
 Job Number: 005101

FIELD NOTES FOR 0.164 ACRES

Being a tract of land containing 0.164 acres of land located in the George H. Bringhurst Survey, Abstract 86 in Montgomery County, Texas; Said 0.164 acre tract being out of a called 167.2530 acre tract recorded in the name of Robert C. Whitaker, trustee in Montgomery County Clerk's File (M.C.C.F.) Number 9805462; Said 0.164 acre tract being more particularly described by metes and bounds as follows (bearings are based on said 167.2530 acre tract):

Commencing at a concrete monument found on the west line of aforesaid 167.2530 acre tract, at the southeast corner of a called 0.4893 acre tract recorded in the name of John W. Jackson and wife, Connie J. Jackson in Montgomery County Clerk's File (M.C.C.F.) Number 8812950;

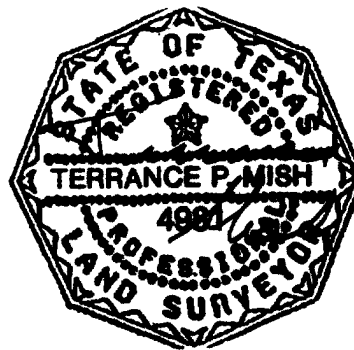
Thence, with the aforesaid west line, North 00 degrees 00 minutes 06 seconds West, a distance of 1,385.52 feet to the **Point of Beginning** and southwest corner of the herein described tract;

Thence, continuing along aforesaid west line, North 00 degrees 00 minutes 06 seconds West, a distance of 14.00 feet to the northwest corner of the herein described tract;

Thence, through and across aforesaid 167.2530 acre tract, the following three (3) courses:

1. North 89 degrees 31 minutes 59 seconds East, a distance of 510.65 feet to the northeast corner of the herein described tract;
2. South 00 degrees 00 minutes 00 seconds East, a distance of 14.00 feet to the southeast corner of the herein described tract;
3. South 89 degrees 31 minutes 59 seconds West, a distance of 510.60 feet to the **Point of Beginning** and containing 0.164 acres of land.

Miller Survey Group
 (713) 413-1900
 Job No.: 005101
 March 2002



051-10-2456

SCALE: 1" = 500'

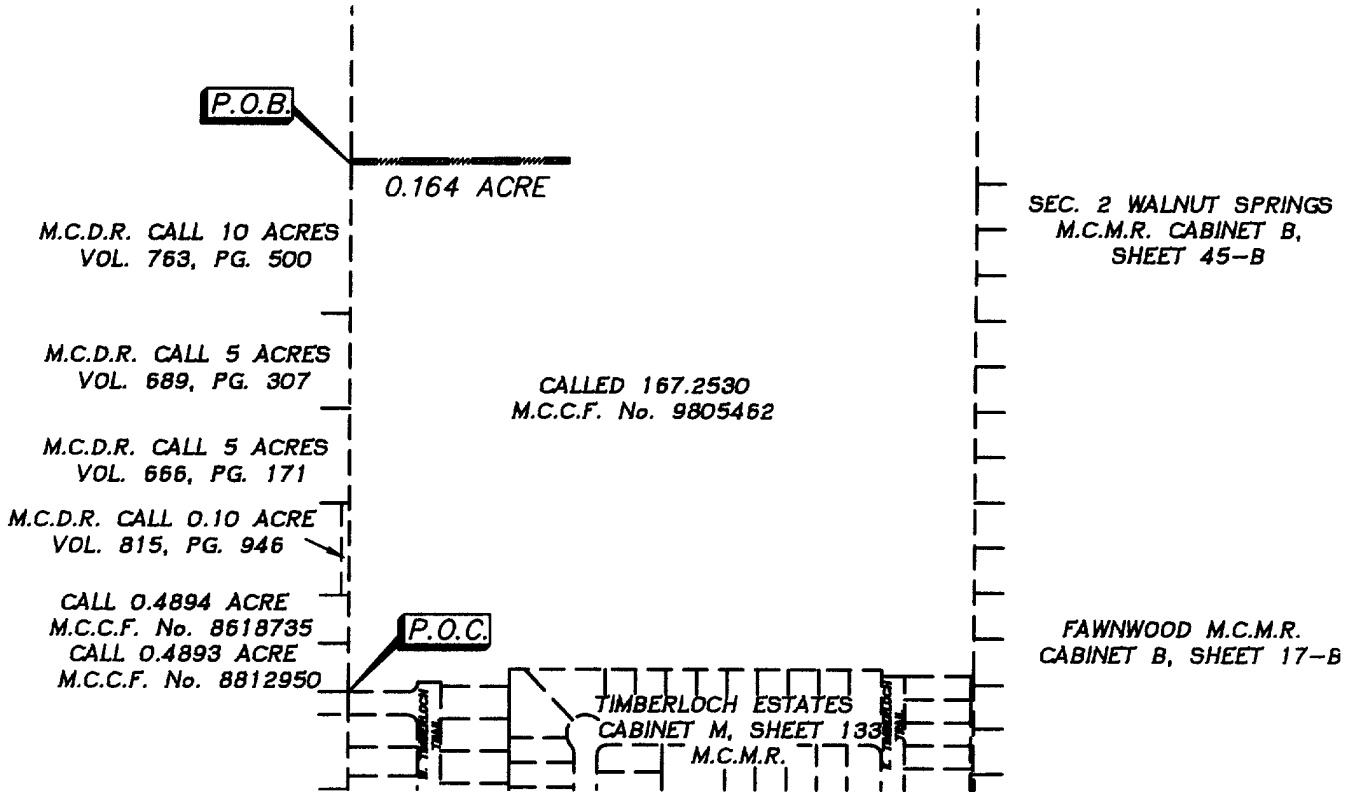


EXHIBIT OF 0.164 ACRE

LOCATED IN THE GEORGE H.
BRINGHURST SURVEY, ABSTRACT-86,
MONTGOMERY COUNTY, TEXAS



1760 WEST SAM HOUSTON PARKWAY NORTH*HOUSTON, TEXAS 77043
PHONE 713-413-1900*FAX 713-413-1944

051-10-2457

FILED FOR RECORD

2002 APR 10 AM 10:26

Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify this instrument was filed in
File Number Sequence on the date and at the time
stamped herein by me and was duly RECORDED in
the Official Public Records of Real Property at
Montgomery County Texas.

APR 10 2002



Mark Turnbull
County Clerk
Montgomery County, Texas