

Count

EASEMENT AGREEMENT

177-83-0511 21'00
848864 (21)

100-2-01 188017

This Easement Agreement, entered into on DECEMBER 10TH,

848864

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1980, by and between Edmund M. Fountain, Jr., an individual resident of Houston, Texas, hereinafter called "Fountain", Texas Commerce Bank National Association, Houston, Texas, as Trustee of the Jane Welde Fountain Grantor Trust, recorded under Harris County Clerk's File No. G681737 at Film Code No. 166-98-1813, in the Official Public Records of Real Property of Harris County, Texas, on September 18, 1980, and as Trustee of the Edmund M. and Elizabeth W. Fountain Family Trust, Jane Welde Fountain Primary Beneficiary, hereinafter called "Trustee", and Jane Welde Fountain as Beneficiary of the Jane Welde Fountain Grantor Trust and as Beneficiary of the Edmund M. and Elizabeth W. Fountain Family Trust, Jane Welde Fountain Primary Beneficiary.

W I T N E S S E T H:

Recitations

1. Fountain owns certain real estate situated in Harris County, hereinafter called "Fountain Tract", containing 14.1100 acres and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; Trustee owns certain adjoining real estate situated in Harris County, hereinafter called "Trustee Tract", containing 14.1095 acres and more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

2. The parties to this Agreement desire to create a right-of-way easement between the hereinabove described adjoining Tracts owned by them for the benefit of each of them, their lessees, tenants, invitees, purchasers, successors and assigns for the purpose of vehicular and pedestrian access over and across that portion of the Fountain Tract containing 1.151 acres, hereinafter called "Fountain Easement Tract", and more particularly described in Exhibit "C" attached hereto and made a part hereof for all purposes and over and across that portion of the Trustee Tract containing .903 acres, hereinafter called "Trustee Easement Tract", and more particularly described in Exhibit "D" attached hereto and made a part hereof for all purposes.

AGREEMENTS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT

1. Fountain, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to him paid by Trustee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell and convey to Trustee and its successors and assigns a non-exclusive right-of-way easement, hereinafter called "Fountain Easement", for vehicular and pedestrian access over and across the Fountain Easement Tract to the Trustee Tract and the right of ingress and egress over and across the Fountain Easement Tract;

TO HAVE AND TO HOLD the Fountain Easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto Trustee and its successors and assigns; and Fountain does hereby bind himself, his heirs and legal representatives, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Fountain Easement unto Trustee and its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof by, through or under him but not otherwise.

It is agreed that the lessees, tenants, invitees, and purchasers of all or a portion of the Trustee Tract and their heirs, successors and assigns and Trustee's successors and assigns shall be entitled to use the Fountain Easement for the purposes herein provided.

2. Trustee, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to it paid by Fountain, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell and convey to Fountain and his heirs, successors and assigns a non-exclusive right-of-way easement, hereinafter called "Trustee Easement", for vehicular and pedestrian access over and across the Trustee Easement Tract to the Fountain Tract and the right of ingress and egress over and across the Trustee Easement Tract;

TO HAVE AND TO HOLD the Trustee Easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto Fountain and his heirs, successors and assigns; and Trustee does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Trustee Easement unto Fountain and his heirs,

177-83-0512

successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof by, through or under it but not otherwise.

It is agreed that the lessees, tenants, invitees, and purchasers of all or a portion of the Fountain Tract and their heirs, successors, and assigns and Fountain's heirs, successors and assigns shall be entitled to use the Trustee Easement for the purposes herein provided.

3. The joint usage of the Fountain Easement and Trustee Easement provided for in Paragraphs 1 and 2 of this Section shall be free of any charge or payment therefor but shall be subject to the right of owners of the Fountain Tract and the Trustee Tract to restrict or prohibit use of same at such intervals, if any, as such owner may reasonably determine to be necessary to prevent the accrual of prescriptive rights of usage in favor of the public. No public road is or shall be created by this Agreement.

4. No provision of this Agreement shall ever be construed to grant or create any rights whatsoever in or to any portion of the Fountain Tract and the Trustee Tract not coincident with the Fountain Easement Tract and the Trustee Easement Tract (including specifically, but without limitation, any right to cross any other portion of the Fountain Tract to gain access to the Trustee Tract, Trustee Easement Tract or to any street or road and any right to cross any other portion of the Trustee Tract to gain access to the Fountain Tract, Fountain Easement Tract or to any street or road.)

5. The parties agree that the costs and expenses of making repairs which are mutually agreed upon by Fountain and Trustee in order to maintain the above-described easements, which shall include the filling of chuckholes and resurfacing, shall be allocated equally to the Fountain Tract and to the Trustee Tract.

6. Texas Commerce Bank National Association, hereinafter called "Bank", executes this Agreement solely in the capacity herein stated and in no other capacity or capacities whatsoever. All liability of the Bank herein and hereunder shall be limited solely to the Bank acting in such capacity and to the assets held by the Bank in such capacity at the time any such liability may be established.

177-83-0513

IN WITNESS WHEREOF, the parties hereto execute this Agreement on the 10th day of DECEMBER, 1980.

[Signature]
EDMUND M. FOUNTAIN, JR.

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TEXAS COMMERCE BANK NATIONAL ASSOCIATION,
Houston, Texas, as Trustee of the
Jane Welde Fountain Trust

BY: [Signature]
BRAD A. CARSON
Personal Trust Officer

177-83-0514

TEXAS COMMERCE BANK NATIONAL ASSOCIATION,
Houston, Texas, as Trustee of the
Edmund M. and Elizabeth W. Fountain
Family Trust, Jane Welde Fountain
Primary Beneficiary

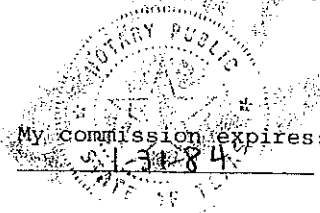
BY: [Signature]
BRAD A. CARSON
Personal Trust Officer

Jane Welde Fountain /cc
JANE WELDE FOUNTAIN /cc
as Beneficiary of the Jane Welde
Fountain Grantor Trust and as
Beneficiary of the Edmund M. and
Elizabeth W. Fountain Family Trust,
Jane Welde Fountain Primary
Beneficiary

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared EDMUND M. FOUNTAIN, JR., 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 23 day of January, 1980.



RECORDER'S MEMORANDUM
ALL BLACKOUTS, ADDITIONS AND CHANGES
WERE PRESENT AT THE TIME THE INSTRUMENT
WAS FILED AND RECORDED.

[Signature]
NOTARY PUBLIC in and for
Harris County, T E X A S
[Signature]
(Printed Name of Notary Public)

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared BRAD A. CARSON, Personal Trust Officer of TEXAS COMMERCE BANK NATIONAL ASSOCIATION, Houston, Texas as Trustee of the Jane Welde Fountain Grantor Trust, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration set forth therein, in the capacity therein stated and as the act and deed of said TEXAS COMMERCE BANK NATIONAL ASSOCIATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10 day of December, 1980.

I. B. SPINKS
Notary Public in and for Harris County, Texas
My Commission Expires March 31, 1981

I. B. Spinks

NOTARY PUBLIC in and for
Harris County, T E X A S

My Commission Expires: _____

(Printed Name of Notary Public)

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared BRAD A. CARSON, Personal Trust Officer of TEXAS COMMERCE BANK NATIONAL ASSOCIATION, Houston, Texas as Trustee of the Edmund M. and Elizabeth W. Fountain Family Trust, Jane Welde Fountain Primary Beneficiary, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration set forth therein, in the capacity therein stated and as the act and deed of said TEXAS COMMERCE BANK NATIONAL ASSOCIATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10 day of December, 1980.

I. B. SPINKS
Notary Public in and for Harris County, Texas
My Commission Expires March 31, 1981

I. B. Spinks

NOTARY PUBLIC in and for Harris
County, T E X A S

My Commission Expires: _____

(Printed Name of Notary Public)

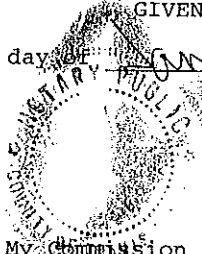
177-83-0515

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared JANE WELDE FOUNTAIN, known to me to be the person whose name is subscribed to the foregoing instrument, as Beneficiary of the Jane Welde Fountain Grantor Trust and as Beneficiary of the Edmund M. and Elizabeth W. Fountain Family Trust, Jane Welde Fountain Primary Beneficiary, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

177-83-0516

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 1st day of January, 1980. 1981



James E. Aldridge
NOTARY PUBLIC in and for Harris Travis
County, T E X A S

My Commission Expires:

July 1984

James E. Aldridge
(Printed Name of Notary Public)

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

Paula H. [Signature]
COUNTY CLERK
HARRIS COUNTY, TEXAS

FEB 2 9 00 AM 1981

FILED

EXHIBIT A

A certain 14.1100 acre tract of land situated in the W. A. Sorsby Survey, A-958, Harris County, Texas, said 14.1100 acre tract of land being off of the South side of a certain 28.2195 acre tract of land described in a Vendor's lien from John Trimble, Trustee to Waller Land and Investment Company on December 30, 1970 and recorded in Volume 8274, Page 139, Deed Records of Harris County, Texas, said 14.1100 acre tract of land being described as follows:

Beginning at a concrete monument found at the S.W. corner of the said 28.2195 acre tract of land for the S.W. corner of this tract;

Thence: North along the West fence line of the said 28.2195 acre tract of land, 312.54 feet to an iron pipe set for the N.W. corner of this tract;

Thence: S 89° 58' 51" E along the North line of this tract, 1966.0 feet to an iron pipe set for the N.E. corner of this tract in the West right of way line of Stokes public road and the East line of the said 28.2195 acre tract of land;

Thence: S 0° 11' W along the said West line of road, 312.88 feet to a concrete monument found for the S.E. corner of this tract and the S.E. corner of the said 28.2195 acre tract of land;

Thence: N 89° 58' 52" W along the South line of this tract and the South line of the said 28.2195 acre tract of land, 1965.0 feet to the point of beginning containing 14.1100 acres of land, as surveyed by W.D. Kennedy, Registered Public Surveyor No. 511, May 8, 1980.

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177-83-0517

EXHIBIT B

A certain 14.1095 acre tract of land situated in the W.A. Sorsby Survey, A- 958, Harris County, Texas, said 14.1095 acre tract of land being off of the North side of a certain 28.2195 acre tract of land described in a Vendor's lien from John Trimble, Trustee to Waller Land and Investment Company on December 30, 1970 and recorded in Volume 8274, Page 139, Deed Records of Harris County, Texas, said 14.1095 acre tract of land being described as follows:

Beginning at a concrete monument found at the N.W. fence corner of the said 28.2195 acre tract of land for the N.W. corner of this tract;

Thence: East along the North fence line of the said 28.2195 acre tract of land, 1967.0 feet to a concrete monument found at the N.E. fence corner of the said 28.2195 acre tract of land in the West right of way line of Stokes public road;

Thence: S 0° 11' W along the said right of way line and the East line of the said 28.2195 acre tract of land, 312.88 feet to an iron pipe set for the S.E. corner of this tract;

Thence: N 89° 58' 51" W along the South line of this tract, 1966.0 feet to an iron pipe set for the S.W. corner of this tract in the West line of the said 28.2195 acre tract of land;

Thence: North along the said West line, 312.22 feet to the point of beginning containing 14.1095 acres of land, as surveyed by W.D. Kennedy, Registered Public Surveyor No. 511, May 8, 1980.

177-83-0518

EXHIBIT C

A certain 1.151 acre tract of land situated in the Wm Sorsby Survey, A- 958, Harris County, Texas, said 1.151 acre tract of land being a strip of land off of the North end of a certain 14.110 acre tract of land which is off of the South side of a certain 28.2195 acre tract of land as recorded in Volume 8274, Page 139, Deed Records of Harris County, Texas, said 1.151 acre tract of land being described as follows:

Beginning at a 1 $\frac{1}{4}$ " iron pipe found marking the N.W. corner of the said 14.110 acre tract of land in the West line of the said 28.2195 acre tract, said corner bears North, 312.54 feet from a concrete monument found at the S.W. corner of the said 14.110 acre tract of land and the S.W. corner of the said 28.2195 acre tract of land;

Thence: S 89° 58' 51" E along the North line of the said 14.110 acre tract of land and the South line of the 14.1095 acre tract off of the North side of the said 28.2195 acre tract, 1966.00 feet to a 1 $\frac{1}{4}$ " iron pipe found for the N.E. corner of the said 14.110 acre tract of land and the S.E. corner of the said 14.1095 acre tract, in the West right of way line of Stokes road;

Thence: S 0° 11' 00" W along the said West right of way line, 20.0 feet to the S.E. corner of this strip of land and this tract;

Thence: N 89° 58' 51" W along the South line of this tract, 1965.96 feet to the S.W. corner of this tract in the West line of the said 14.110 acre tract of land;

Thence: North along the said West line, 31.0 feet to the point of beginning containing 1.151 acres of land, as surveyed by W.D. Kennedy Registered Public Surveyor No. 511, September 5, 1980.

177-83-0519

EXHIBIT D

177-83-0520

A certain 0.903 acre tract of land situated in the Wm Sorsby Survey, A- 958, Harris County, Texas, said 0.903 acre tract of land being a strip of land off of the South side of a certain 14.1095 acre tract of land which is off of the North side of a certain 28.2195 acre tract of land as recorded in Volume 8274, Page 139, Deed Records of Harris County, Texas, said 0.903 acre tract of land being described as follows:

Beginning at a 1 1/4" iron pipe found marking the S.W. corner of the said 14.1095 acre tract of land and the N.W. corner of a certain 14.110 acre tract in the West line of the said 28.2195 acre tract of land, said corner bears North, 312.54 feet from a concrete monument found marking the S.W. corner of the said 28.2195 acre tract of land;

Thence: North along the said West line of the said 14.1095 acre tract of land, 20.0 feet to the N.W. corner of this tract;

Thence: S 89° 58' 51" E along the North line of this tract, 1966.06 feet to the N.E. corner of this tract in the West right of way line of Stokes road and the East line of the said 14.1095 acre tract;

Thence: S 0° 11' 00" W along the said West line, 20.0 feet to a 1 1/4" iron pipe marking the S.E. corner of the said 14.1095 acre tract of land and the N.E. corner of the said 14.110 acre tract;

Thence: N 89° 58' 51" W along the South line of the said 14.1095 acre tract and the North line of the said 14.110 acre tract, 1966.00 feet to the point of beginning containing 0.903 acres of land, as surveyed by W.D. Kennedy, Registered Public Surveyor No. 511, September 5, 1980.

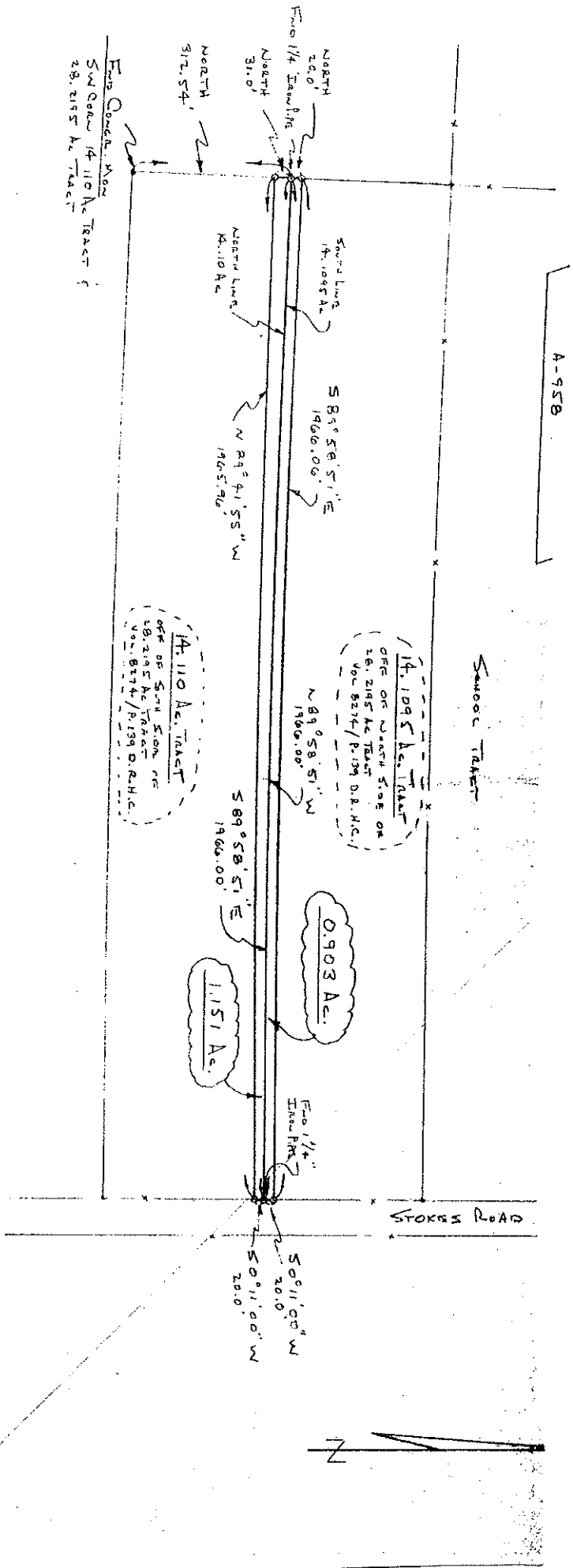
STATE OF TEXAS }
COUNTY OF HARRIS }

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

FEB 2 1981



Quita Rodriguez
COUNTY CLERK,
HARRIS COUNTY, TEXAS

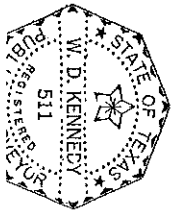


SW CORNER 14 110 AC TRACT
28.2195 AC TRACT

14 110 AC TRACT
OFF OF SOUTH SIDE OF
28.2195 AC TRACT
VOL 8274/P. 139 D.B.H.C.

14 1095 AC TRACT
OFF OF NORTH SIDE OF
28.2195 AC TRACT
VOL 8274/P. 139 D.B.H.C.

0.903 AC
1.151 AC



PLAT SHOWING A
0.903 AC OF TRACT OF LAND &
1.151 AC OF TRACT OF LAND
W & A. SONSBY SURVEY A-95B
HARRIS COUNTY, TEXAS
SCALE: 1" = 200' DATE: 9/5/80
SURVEYED BY: W.D. Kennedy