

01906994-d

GRANTOR	GRANTEE
FORAL, L.P. P.O. Box 304 Waller, Texas 77484 Waller County, Texas	S. KEITH THOMAS and wife, JOY R. THOMAS P.O. Box 185 Waller, Texas 77484 Waller County, Texas

STATE OF TEXAS §
COUNTY OF WALLER §

KNOW ALL MEN BY THESE PRESENTS, THAT:

FORAL, L.P., a Texas Limited Partnership, of the County and State aforesaid, by and through its General Partner FORAL, L.L.C., a Texas limited liability company, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to FORAL, L.P., paid by S. KEITH THOMAS and wife, JOY R. THOMAS, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL AND CONVEY unto the said S. KEITH THOMAS and wife, JOY R. THOMAS, of the County and State aforesaid, the following described land or parcel of land situated in Waller County, Texas, more particularly described as follows, to-wit:

A 95.5 acre tract, more or less, out of a 152.677 acre tract of land out of a 202.854 acre tract (called 202.288, Volume 537, Page 720 of the Official Public Records, Waller County, Texas) situated in the Justo Liendo Survey, A-41, Waller County, Texas; said 152.677 acre tract of land being more particularly described on Exhibit "A" attached.

RESERVATIONS AND EXCEPTIONS

This conveyance is made and accepted subject to the following conditions and restrictions:

- a. It is expressly stipulated and agreed that no manufactured home, industrialized housing, mobile home, modular home or other type of off-site constructed housing, defined as such under the Texas Manufactured Housing Standards Act, shall be placed on the property or any part thereof, for use as a residential structure. This provision does not prohibit the maintaining of a recreational vehicle, camper or motor home on the property which is used for off-site recreational purposes.
- b. All tracts shall be used for single-family residential purposes or light commercial purposes only.
- c. The minimum square footage for a single-family residence shall be 2,000 square feet of air conditioned living area.
- d. The term "single-family residential" used herein shall be held and construed to exclude hospitals, industrial usages, apartment houses, duplex houses and multi-family houses of any kind, and any such usage of the tracts in said Property is hereby expressly prohibited. The term "light commercial" as used herein shall be held and construed to exclude manufacturing plants of any kind, chemical or fertilizer plants or sales of chemicals or any business having to do with industrial chemicals, kennels, rendering facilities of any kind, oil or gas extraction facilities or the equipment yards of same, stock yards, storage yards for equipment or junk or any other storage facility involved with scrap or waste of any kind, yards for the storage of tractors and/or trailers as a business, businesses that sell gasoline or alcoholic beverages, any other commercial purposes which causes pollution or seepage, whether visible or not, and could be deemed a health hazard or visually obnoxious to the neighborhood and any such usage of the subject property is expressly prohibited.
- e. The covenants, conditions, and restrictions of this Declaration shall be effective for a term of 20 years from the date this Declaration is recorded, after which period the covenants, conditions, and restrictions shall be automatically extended for successive periods of 10 years subject to termination by an instrument signed by 100 percent of the Owners of land within the 152.3 acre "Parent Tract". The covenants, conditions, and restrictions of this Declaration may be amended by an instrument signed by 100 percent of such Owners. Neither any amendment nor any termination shall be effective until recorded in the deed records of Waller County, Texas, and all requisite governmental approvals, if any, have been obtained.
- f. No tract shall be resubdivided or split except as follows. Any person owning two or more adjoining tracts may consolidate those parcels into a single parcel. Further, no tract, or

consolidated tract, or subdivision of tracts shall result in any tract having less than five (5) acres of land.

There is further excepted from this conveyance, and the same made subject to, all restrictions, covenants, conditions, reservations, and easements of record in the Office of the County Clerk of Waller County, Texas, and all valid and subsisting easements for electric lines, highways or roadways, gas lines and pipe lines or for rights-of-way of every kind, nature and description.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said S. KEITH THOMAS and wife, JOY R. THOMAS, their heirs, executors and administrators forever; and FORAL, L.P., does hereby bind itself, its successors and assigns, to Warrant and Forever Defend, all and singular, the said premises unto the said S. KEITH THOMAS and wife, JOY R. THOMAS, their heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Current property taxes shall be prorated through the date of this instrument. If this conveyance or Grantee's use of the Property after the date of this conveyance results in the assessment of additional property taxes for periods prior to closing, such additional taxes shall be the obligation of Grantee.

EXECUTED by WAYNE RALSTON this 17 day January, 2002.

FORAL, L.P., a Texas Limited Partnership

Wayne Ralston
By WAYNE RALSTON, Manager of FORAL,
L.L.C., General Partner of FORAL, L.P.

STATE OF TEXAS §
COUNTY OF WALLER §

This instrument was acknowledged before me by WAYNE RALSTON, Manager of FORAL, L.L.C., on the 17 day of January, 2002, and in the capacity so stated.

Doris Gregston Atwell
Notary Public, State of Texas



PREPARED IN THE LAW OFFICE OF
Albert M. McCaig, Jr.
1210 Saunders, P.O. Box 760
Waller, Texas 77484
Office: 936/372-9101 FAX: 936/372-5581

Exhibit "A" 1 of 2

FIELD NOTES FOR A 95.499 ACRE TRACT OUT OF A 152.677 ACRE TRACT (VOLUME 664, PAGE 116 OFFICIAL RECORDS) OUT OF AN ORIGINAL 202.288 ACRE TRACT (CALLED 202.288 ACRES, VOLUME 537, PAGE 720, OFFICIAL RECORDS) SITUATED IN THE JUSTO LIENDO SURVEY, ABSTRACT 41, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a 1/2 inch iron rod set in the centerline of Penick Road (75 foot width) for the Southeast corner of the original called 202.288 acre tract, said corner bears East 37 50 feet from a one inch iron pipe found for the Northeast corner of the Pine Grove Subdivision (Volume 358, Page 693, Deed Records).

THENCE. North 0° 07' 35" West a distance of 60.00 feet along the centerline of Penick Road to a 1/2 inch iron rod found for the Southeast corner of said 152.677 acre tract;

THENCE. North 0° 07' 35" West along the centerline of Penick Road a distance of 1784.54 feet to a 1/2 inch iron rod set for the lower Northeast corner of said 152.677 acre tract, same being the Southeast corner of a 1.000 acre tract (Volume 285, Page 295, Deed Records);

THENCE. South 89° 37' 44" West along the South line of said 1.000 acre tract a distance of 327.81 feet to a one inch iron pipe found for the Southwest corner of said 1.000 acre tract, same being the lower Southeast corner and ACTUAL PLACE OF BEGINNING of this 95.499 acre tract.

THENCE. North 89° 49' 30" West a distance of 1066.45 feet to a 1/2 inch iron rod set for the Northeast corner of a 50.229 acre tract (Volume 655, Page 451, Official Records), same being a corner of this 95.499 acre tract.

THENCE. West along the North line of said 50.229 acre tract a distance of 1140.00 feet to a one inch iron pipe found in the center of an old abandoned roadway for the Northwest corner of said 50.229 acre tract and the Northeast corner of a 170.065 acre tract (Volume 519, Page 544, Official Records), same being the Southwest corner of this 95.499 acre tract and the Southeast corner of a 113.2476 acre tract (Volume 632, Page 717, Official Records);

THENCE. North 0° 00' 11" East along the East line of said 113.2476 acre tract a distance of 154.71 feet to a 1/2 inch iron rod found for a common corner of this 95.499 acre tract and of said 113.2476 acre tract;

THENCE. North 9° 58' 54" West along the East line of said 113.2476 acre tract a distance of 1221.70 feet to a 1/2 inch iron rod found for the Northwest corner of this tract, same being the Southwest corner of a 14.00 acre tract (Volume 148, Page 355, Deed Records);

THENCE. North 70° 22' 23" East along the South line of said 14.00 acre tract a distance of 2134.60 feet to a 1/2 inch iron pipe found for a corner of this 95.499 acre tract;

THENCE. North 62° 37' 32" East a distance of 17.71 feet to a point in the centerline of Mound Creek and the Southeast line of a 36.585 acre tract (Volume 465, Page 630, Deed Records) for the Northernmost corner of this 95.499 acre tract;

THENCE. Along the centerline of said Mound Creek the following calls:

1. South 41° 24' 26" East, 140.04 feet.
2. North 87° 51' 52" East, 164.35 feet.
3. South 31° 04' 52" East, 58.15 feet.
4. South 0° 27' 05" West, 53.08 feet.
5. South 40° 51' 24" West, 39.18 feet.
6. South 14° 27' 29" East, 197.07 feet.
7. South 18° 21' 57" East, 97.94 feet.
8. South 4° 08' 30" East, 81.39 feet.
9. South 3° 22' 58" West, 179.45 feet.

Exhibit "A" 2 of 2

- 10. South 1° 52' 13" West, 63.86 feet;
- 11. South 1° 11' 12" East, 51.20 feet;
- 12. South 34° 10' 21" East, 145.28 feet;
- 13. South 11° 41' 01" East, 117.93 feet;
- 14. South 50° 17' 46" West, 61.42 feet;
- 15. South 3° 46' 27" West, 62.10 feet;
- 16. South 31° 54' 08" West, 71.90 feet;
- 17. South 17° 39' 14" West, 141.05 feet;
- 18. South 39° 12' 37" East, 42.08 feet;
- 19. South 71° 52' 45" East, 220.44 feet;
- 20. South 27° 56' 04" East, 76.32 feet.

THENCE: South 68° 22' 32" East along the centerline of said Mound Creek at 106.56 feet pass a 1/2 inch iron rod set in the West right-of-way line of said Penick Road, continuing for a total distance of 147.00 feet to a 1/2 inch iron rod set in the centerline of Penick road, and being a Northeast corner of the original called 202.288 acre tract and this tract;

THENCE: South 0° 21' 02" East along the centerline of said Penick Road and the East line of this tract and the original 202.288 acre tract a distance of 200.12 feet to a 1/2 inch iron rod set for a corner of this tract and the original 202.288 acre tract, and being the Northeast corner of said 1 000 acre tract;

THENCE: South 89° 29' 29" West at 37.50 feet pass a one inch iron pipe found in the West line of said Penick Road and continuing for a total distance of 328.14 feet to a one inch iron pipe found for an interior corner of this tract and being the Northwest corner of said 1 000 acre tract;

THENCE: South 0° 28' 34" East a distance of 149.67 feet to the ACTUAL PLACE OF BEGINNING and containing 95.499 acres of land including the land in Penick Road.

All bearings recited hereon are based on the South line of the original called 202.288 acre tract running East-West

This survey consists of a separate plat and legal description.

David Leyendecker
 For Clay & Leyendecker, Inc.
 David Leyendecker, R.P.L.S.
 Texas Registration No. 2085
 January 10, 2002



TS
 LIENDO95 499

Filed for Record

Jan. 18

A.D., 2002 at 3:15 o'clock P. M.

RECORDED

Jan. 29

A.D., 2002 at 2:20 o'clock P. M.

CHERYL PETERS, County Clerk, Waller County, Texas

By *Stephanie Compkins* Deputy