

ISAAC LEE SURVEY  
A - 77  
WASHINGTON COUNTY, TEXAS

The following easements may apply:

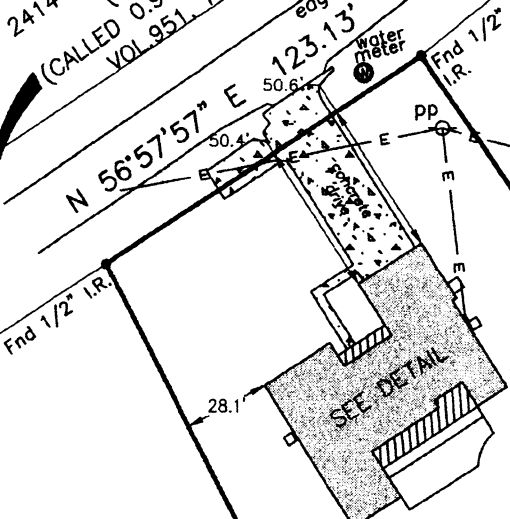
g. Bluebonnet Electric Coop. Inc.  
1031/754 - undefined location

MARK T. DENSON  
CALLED 2.00 ACRE TRACT  
VOL.1523, PG.308  
O.R.W.C.T.

ROBERT M. STEPHENS, ET UX  
CALLED 2.278 ACRE TRACT  
VOL. 1281, PG. 234  
O.R.W.C.T.

2414 EAST ROSEDALE DRIVE  
(CALLED 0.987 ACRE TRACT  
VOL.951, PG.228)

N 56°57'57" E 123.13'  
edge of pavement  
N 51°44'11" E 74.99'

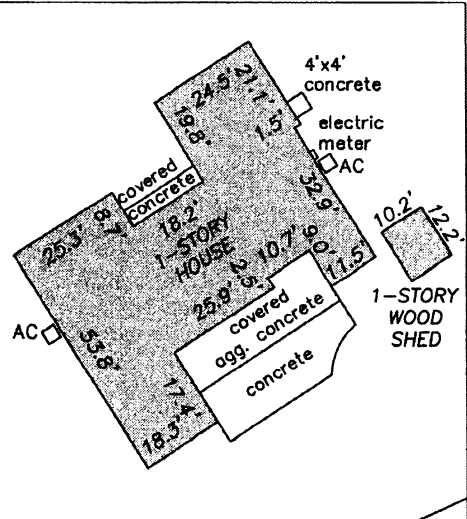


1.28 Acre Tract

SOMMERS FAMILY TRUST  
CALLED 1.28 ACRE TRACT  
VOL.837, PG.283  
O.R.W.C.T.

LANDRY FUCHS AND JENNIFER FUCHS  
CALLED 1.279 ACRE TRACT  
VOL.1365, PG.367  
O.R.W.C.T.

LANDRY FUCHS AND JENNIFER FUCHS  
CALLED 0.400 ACRE TRACT  
VOL.1521, PG.678  
O.R.W.C.T.



LOT 8  
SPRINGWOOD  
SECTION 1

LOT 7  
SPRINGWOOD  
SECTION 1

PLAT CABINET FILE  
NO. 356B  
P.R.W.C.

I, Tyler Tumlinson, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property, legally described hereon, and is correct; and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments at ground level, overlapping of improvements, easements, or apparent rights of way, except as shown hereon, and said property has access to and from a dedicated roadway, except as shown hereon.

All bearings and distances are based on State Plane Coordinate System, Texas Central Zone, Nad 1983.

*T. Tumlinson*

Tyler Tumlinson, R.P.L.S. No 6410 August 31, 2017



2423 Peach Creek Rd  
College Station, Texas 77845  
(254) 931-6707  
FIRM #10193858

BOUNDARY AND IMPROVEMENT SURVEY

OF A 1.28 ACRE TRACT OF LAND OUT OF THE ISAAC LEE SURVEY, A-77, WASHINGTON COUNTY, TEXAS.

Surveyed for: Jim Barker and Cathy Barker

PROJECT:	01051-BAR
DATE:	08-31-2017
SURVEYOR:	T. TUMLINSON
DRAWN BY:	T. TUMLINSON
FIELDBOOK:	see file

**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

File No. 170842	Effective Date: September 11, 2017 at 8:00 AM
	Issued September 11, 2017 at 2:05 PM

1. The policy or policies to be issued are:

- (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)  
(Not applicable for improved one-to-four family residential real estate)  
Policy Amount: \$  
PROPOSED INSURED:
- (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE  
--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)  
Policy Amount: \$340,000.00  
PROPOSED INSURED: Jim Barker and Cathy Barker
- (c) LOAN POLICY OF TITLE INSURANCE (Form T-2)  
Policy Amount: \$272,000.00  
PROPOSED INSURED: Sweetwater Home Finance of Houston, Inc.  
Proposed Borrower: Jim Barker and Cathy Barker
- (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)  
Policy Amount: \$  
PROPOSED INSURED:  
Proposed Borrower:
- (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)  
Binder Amount: \$  
PROPOSED INSURED:  
Proposed Borrower:
- (f) OTHER -  
Policy Amount: \$  
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:

Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:

Landry Fuchs and Jennifer Fuchs

4. Legal description of the land:

All that certain tract or parcel of land, lying and being situated in Washington County, Texas out of the Isaac Lee Survey, Abstract No. 77, containing 1.28 acres of land, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Being the same property described in Deed dated February 22, 2011, executed by Marilyn Maddox Thomason to Landry Fuchs and Jennifer Fuchs, recorded in Volume 1365, Page 367, Official Records of Washington County, Texas.

Any reference in the foregoing legal description is not a guarantee that the area or boundary description is accurate. Any reference herein to area or quantity is for information and/or description purposes only and does not override Item 2 of Schedule B hereof.

**SCHEDULE B****EXCEPTIONS FROM COVERAGE**

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

Restrictive Covenants found in Warranty Deed dated March 8, 1978, executed by Edwin Schmid and Florine Schmid to Larry C. Firestone, recorded in Volume 362, Page 642, Deed Records of Washington County, Texas, together with all rights incident thereto. Title to said interest not checked subsequent to date of such document.
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including but not limited to, persons, the public, corporations, governments or other entities,
  - a. to tidelands, or land comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays gulfs or oceans, or
  - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
  - c. to filled-in lands, or artificial islands, or
  - d. to statutory water rights, including riparian rights, or
  - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.(Applies to the Owner's Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year 2017, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2017 and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only). Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).
10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):

**SCHEDULE B****EXCEPTIONS FROM COVERAGE**

- a. Rights of Parties in Possession. (OWNER'S POLICY ONLY)
- b. Such presently valid and subsisting easements, if any, to which the above property is subject as may be actually located upon the ground, which are not of record.
- c. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
- d. Subject to the rights of the public to area of property located within the public road/roadway.
- e. The tax certificate furnished by the taxing authorities is issued on real property only. It does not include taxes on the mineral estate and/or personal property, therefore, no liability is assumed hereunder for the payment of said taxes on the mineral estate and/or personal property.
- f. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule "B" or not. There may be leases, grants exceptions or reservations of mineral interest that are not listed.
- g. Easement dated December 31, 2001, executed by Ed Kruse to Bluebonnet Electric Cooperative, Inc., recorded in Volume 1031, Page 754, Official Records of Washington County, Texas, and as stated on survey dated August 31, 2017, prepared by Tyler Tumlinson, R.P.L.S. No. 6410, together with all rights incident thereto. Title to said interest not checked subsequent to date of such document.
- h. Oil, Gas and Mineral Lease executed by Larry C. Firestone and Martha Firestone to Union Pacific Resources Company, dated July 9, 1995, recorded in Volume 951, Page 228, Official Records of Washington County, Texas for a term of three (3) years and Memorandum of Lease Extension recorded in Volume 884, Page 885, Official Records of Washington County, Texas. Title to said lease has not been investigated subsequent to the date of said interest. This policy does not insure against loss sustained by the owner of the surface of said property through the exercise of the right of ingress and egress and/or any other right incident to the ownership of said mineral estate. The Company makes no representation as to the present ownership of any such interest. There may be leases, grants, exceptions or reservations of interest that are not listed.
- i. Any claim or right of adjoining property owner to that strip of land lying between the fence and the boundary line on the southeast corner of the property as shown on survey dated August 31, 2017, prepared by Tyler Tumlinson, R.P.L.S. No. 6410.
- j. Overhead electric line, power pole, water meter, electric meter, and any easement rights appurtenant thereto, as shown on survey dated August 31, 2017, prepared by Tyler Tumlinson, R.P.L.S. No. 6410.

**NOTE:** Certain documents recorded in the public records may have language restricting land ownership or use because of race, color, creed, national origin, religion, disabilities, handicap, sex, or familial status (called herein "Personal Restrictions"). Federal law prohibits enforcement of such personal restrictions and even limits the ability of the title company to report or show them. To the extent such personal restrictions are contained in any document listed as an exception to title in this insuring form, such personal restrictions or covenants are omitted from the exception. If the Company or its title insurance agent have provided copies of documents containing such personal restrictions or covenants, we are simply providing a true copy of the recorded documents and do not publish, state, or imply such personal restrictions or covenants are enforceable.

## SCHEDULE C

Your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
  - a. no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
  - b. all standby fees, taxes, assessments and charges against the property have been paid,
  - c. all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, subcontractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialman's liens have attached to the property,
  - d. there is legal right of access to and from the land,
  - e. (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. Note: Procedural Rule P-27 as provided for in Section 2561.202, Texas Insurance Code requires that "Good Funds" be received and deposited before a Title Agent may disburse from its Trust Fund Account. Procedural Rule P-27 provides a list of the types of financial documents and instruments which satisfy this requirement. Please be advised that we reserve the right to determine on a case-by-case basis what form of good funds is acceptable.
6. Require all taxes be paid up to and including 2016.
7. Require execution of Affidavit as to Debts and Liens by Seller.
8. Require execution of Waiver of Inspection form by Buyer.
9. We reserve the right to make additional exceptions and/or requirements upon receipt and review of a current property survey.
10. Note: If you will be obtaining a Residential Owner Policy (T-1R), you may also purchase insurance against boundary discrepancies, boundary conflicts, boundary line issues, encroachments, protrusions and overlaps of improvements existing at the Date of your Policy (unless we add an exception to a specific item.) This boundary coverage is not automatically included in the Residential Owner Policy. Boundary coverage is available if you: (1) provide us a satisfactory existing survey, and (2) pay an additional 5% of the Basic Rate for your Residential Owner Policy. If you desire to receive this insurance, we will hire an attorney on your behalf in the event that you are sued over these matters existing at the Date of your Policy. If you do not get this insurance, you will have to hire your own attorney and surveyor, if necessary, and you will not be protected under your Residential Owner Policy against any encroachments, such as buildings over easements, buildings over setback lines, buildings over property lines, or location of fences.
11. **NOTE TO ALL BUYERS, SELLERS, BORROWERS, LENDERS AND ALL PARTIES INTERESTED IN THE TRANSACTIONS COVERED BY THIS COMMITMENT:** The following constitutes a major change in the procedures and requirements for disbursement of funds by the Title Agent pursuant to this transaction:

## SCHEDULE C

12. Effective August 1, 1988, the State Board of Insurance has adopted Procedural Rule P-27 which requires that "Good Funds" be received, deposited and unconditionally credited before a Title Agent may disburse from its trust fund account. The term "Good Funds" is defined as:
  1. Cash or wire transfers;
  2. Certified funds, including certified checks and cashier's check;
  3. Uncertified funds in amounts less than \$1,500.00, including checks, traveler's checks, money orders and negotiable orders of withdrawal; provided multiple items shall not be used to avoid the \$1,500.00 limitations; and
  4. Uncertified funds in amounts of \$1,500.00 or more, drafts and any other items when collected by the financial institutions.
13. At least 48 hours prior to any anticipated closing under this commitment for title insurance, all loan documents and closing instructions must be submitted to Washington County Abstract Company. Timely compliance by the mortgage company with this request will facilitate the prompt closing of this loan.
14. NOTE: If you divide your property into two or more parcels to convey to others, such "subdividing" is now regulated by law. Please contact the County Judge's office for a copy of the County Subdivision Regulations where you can also be directed to the proper person to answer any questions or concerns you may have. Failure to abide by the subdivision rules and regulations could result in both civil and criminal sanctions.
15. Subject to the terms, conditions and stipulations contained in the Earnest Money Contract by and between Landry Fuchs and Jennifer Fuchs, Seller(s), and Jim Barker and Cathy Barker, Buyer(s)
16. Require Release of Deed of Trust dated February 22, 2011, recorded in Volume 1365, Page 372, Official Records of Washington County, Texas, executed by Landry Fuchs and Jennifer Fuchs securing payment of one note of even date therewith in the principal sum of \$166,500.00 payable to Burton State Bank bearing interest and due and payable as therein provided; vendor's lien retained in Deed dated February 22, 2011, executed by Marilyn Maddox Thomason to Landry Fuchs and Jennifer Fuchs, recorded in Volume 1365, Page 367, Official Records of Washington County, Texas.
17. Require execution of Deed from Landry Fuchs and Jennifer Fuchs, to Jim Barker and Cathy Barker, Subject to approval of this Title Company.

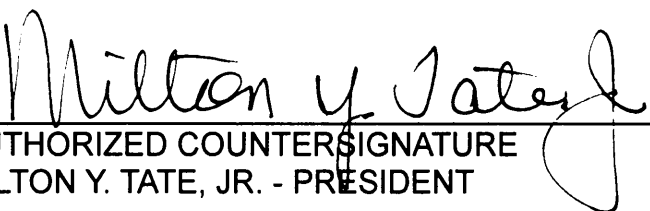
**SCHEDULE C**

18. Require execution of Deed of Trust from Jim Barker and Cathy Barker to Lender, Subject to approval of this Title Company.

NOTE: Requirements of, consequences of noncompliance with V.T.C.A., Local Government Code, Chapter 232 and Transportation Code, Chapter 251, and/or rules, regulations, ordinances of Washington County, Texas, concerning roads, subdivision of property and/or subdivision lots.

**TO EXPEDITE THE CLOSING OF THIS TRANSACTION, PLEASE BRING A CASHIER'S CHECK TO CLOSING MADE PAYABLE TO WASHINGTON COUNTY ABSTRACT COMPANY.**

WASHINGTON COUNTY ABSTRACT COMPANY

BY:   
\_\_\_\_\_  
AUTHORIZED COUNTERSIGNATURE  
MILTON Y. TATE, JR. - PRESIDENT

# COMMITMENT SCHEDULE D

Policy Commitment No.: 170842

The information contained in this Schedule (D) does not affect title to or the lien upon the land described in Schedule A hereof, to be insured in any policy(ies) of title insurance to be issued in accordance with this Commitment.

As to Stewart Title Guaranty Company, the Underwriter herein, the following disclosures are made as of December 31, 2016:

A-1. Shareholders owning or controlling, or holding, directly or indirectly, ten percent (10%) or more of the shares of Stewart Title Guaranty Company as of the last day of the year preceding the date hereinabove set forth are as follows:

Stewart Information Services Corporation -100%

A-2. The members of the Board of Directors of Stewart Title Guaranty Company as of the last day of the year preceding the date hereinabove set forth are as follows: Malcolm S. Morris, Charles F. Howard, Matthew Morris, Stewart Morris, Stewart Morris, Jr., John Killea and Allen Berryman.

A-3. The designated officers of Stewart Title Guaranty Company as of the date hereinabove set forth are as follows: Matthew Morris, Chief Executive Officer & President; Allen Berryman, Chief Financial Officer & Assistant Secretary-Treasurer; Timothy Okrie, Chief Operations Officer; Brad Rable, Chief Information Officer; Genady Vishnevetsky, Chief Information Security Officer; Jay Milligan, Chief Revenue Officer; Ann Manal, Chief Human Resources Officer; Dave Fauth, Group President – Direct Operations; Steven M. Lessack, Group President – International Operations; Patrick Beall, Group President; John Killea, General Counsel & Chief Compliance Officer; Bruce Hawley, Executive Vice President – Commercial Services; Richard Black, Senior Vice President – Associate Senior Underwriting Counsel; James Gosdin, Senior Vice President – Chief Underwriting Counsel & Associate General Counsel; John Rothermel, Senior Vice President – Regional Underwriting Counsel.

As to Washington County Abstract Company (Title Insurance Agent), the following disclosures are made:

B-1: Shareholders, owners, partners or other persons having, owning or controlling one percent (1%) or more of Title Insurance Agent are as follows:

Milton Y. Tate, Jr., R. Hal Moorman, Theodore Clark Moorman, Lydia Moorman Hattrup, Peter Baker Moorman, Rebecca Tate Ehlert, Rachel Tate Cangelosi, Christopher Cangelosi

B-2: Shareholders, owners, partners, or other persons having, owning or controlling ten percent (10%) or more of an entity that has, owns, or controls one percent (1%) or more of Title Insurance Agent are as follows:

B-3: If Title Insurance Agent is a corporation, the following is a list of the members of the Board of Directors:

Milton Y. Tate, Jr.                      R. Hal Moorman

B-4: If Title Insurance Agent is a corporation, the following is a list of its officers:

President: Milton Y. Tate, Jr.                      Secretary: R. Hal Moorman                      Treasurer: R. Hal Moorman  
Executive Vice President: R. Hal Moorman                      Assistant Secretary: Cheryl Beckermann  
Vice-President: Christopher Cangelosi                      Assistant Secretary: Christopher Cangelosi

C-1. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving a portion of the premium from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium\* is:

Owner's Policy	\$2,205.00
Loan Policy	\$100.00
Endorsement Charges	\$50.00
Other	
<b>Total</b>	<b>\$2,355.00</b>

Of this total amount 15% will be paid to Stewart Title Guaranty Company; 85% will be retained by the issuing Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows:

Amount		To Whom	For Services
	(or %)	Washington County Abstract Company	
	(or %)		



COMMITMENT  
SCHEDULE D

Policy Commitment No.: 170842

\_\_\_\_\_ (or %) \_\_\_\_\_

"The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance."

**METES AND BOUNDS DESCRIPTION**

**1.28 ACRE TRACT**

**Isaac Lee Survey**

**A - 77**

**Washington County, Texas**

Being a 1.28 acre tract of land out of the Isaac Lee Survey, Abstract No. 77, Washington County, Texas and being all that certain called 1.279 acre tract to Landry Fuchs and Jennifer Fuchs, recorded in Volume 1365, Page 367 of the Official Records of Washington County, Texas, said 1.28 acres being more particularly described by metes and bounds as follows;

**BEGINNING** at a 1/2 inch iron rod found at the northwest corner of the above mentioned 1.279 acre tract, same being the northeast corner of a called 1.28 acre tract to Sommers Family Trust, (837/283), located on the south line of Rosedale Drive, for the northwest corner of this;

**THENCE** along the north line of said 1.279 acre tract and, with the south line of said road N 58°57'57" E a distance of 123.13 feet to a 1/2 inch iron rod found at the northeast corner of said 1.279 acre tract, same being the northwest corner of a called 0.400 acre tract to Landry Fuchs and Jennifer Fuchs, (1521/678), for the northeast corner of this;

**THENCE** departing Rosedale Drive, along the east line of said 1.279 acre tract, common boundary with said 0.400 acre tract S 34°44'51" E a distance of 233.56 feet to a 1/2 inch iron rod found at the southeast corner of said 0.400 acre tract, being a northeast corner of a called 2.278 acre tract to Robert M. Stephens, et ux, (1281/234), for an angle point of this;

**THENCE** continuing along the east line of said 1.279 acre tract, common boundary with said 2.278 acre tract S 34°48'12" E a distance of 159.03 feet to a 1/2 inch iron with yellow cap set at the southeast corner of said 1.279 acre tract, same being the southwest corner of said 2.278 acre tract, located on the north line of Springwood Subdivision, Section 1, (Plat Cabinet File No. 356-B, P.R.W.C.), for the southeast corner of this;

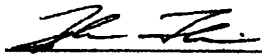
**THENCE** along the south line of said 1.279 acre tract, common boundary with Lots 7 and 8 of said subdivision S 66°31'57" W a distance of 174.06 feet to a 1/2 inch iron found at the southwest corner of said 1.279 acre tract, same being the southeast corner of said 1.28 acre tract, for the southwest corner of this;

**THENCE** along the west line of said 1.279 acre tract, common boundary with said 1.28 acre tract N 27°16'54" W a distance of 365.32 feet to the **POINT OF BEGINNING**.

All bearings and distances are based on State Plane Coordinate System, Texas Central Zone, Nad 1983.

This description to accompany a plat of like date representing an on the ground survey supervised by me Tyler Tumlinson, Registered Professional Land Surveyor.

August 31, 2017



Tyler Tumlinson  
RPLS No. 6410  
Firm #10193858  
01051-BAR

