

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

STATE OF TEXAS §
 §
COUNTY OF WALLER §

This DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (THE "Restrictions") is made by Timothy J. Phelan ("Developer")

WHEREAS, Developer is the owner of 145.0615 acres of land (called 148.994) which has been surveyed into 9 separate parcels, all referred to herein as the "145.0615 Acres" (the 145.0615 Acres being more particularly described in a Warranty Deed with Vendor's Lien recorded under Instrument Number 2214769, Official Public Records of Waller County, Texas and Tracts 1-4 and 6-8 of the 9 parcels being described in EXHIBIT "A-1" attached hereto and made a part hereof for all intents and purposes, and Tracts 5 and 9 of the 9 parcels being described in EXHIBIT "A-2" attached hereto and made a part hereof for all intents and purposes.

WHEREAS, Developer desires to impose upon the 145.0615 Acres SAVE AND EXCEPT Tracts 5 and 9 as described in EXHIBIT "A-2" ("Restricted Tracts") the covenants, conditions, and restrictions herein set forth.

NOW, THEREFORE, Developer hereby declares that the Restricted Tracts shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall constitute covenants running with the land, and which shall be binding on all parties having any right, title, or interest in the Restricted Tracts or any part thereof, their respective heirs, personal representatives, successors, and assigns, and shall inure to the benefits of each owner thereof, and the Developer.

ARTICLE 1
DEFINITIONS

Section 1. "Owner" or "Owners" shall mean and refer to the record owner(s) of a fee simple title to any parcel out of the Restricted Tracts, but excluding those having such interest merely as security for the performance of obligation.

Section 2. "Parcel" shall mean and refer to any separate parcel which is a part of the 145.0615 Acres, including those properties described in EXHIBIT "A-1" but excluding those properties described in EXHIBIT "A-2". "Parcels" shall mean more than one Parcel. Any restrictions set out herein applicable to the use of or applicable in any other manner to the 145.0615 Acres shall also be applicable to each Parcel in the same manner.

Section 3. "Developer" shall mean and refer to Timothy J. Phelan.



840 13th Street
Suite 201
Hempstead, TX 77445

University Title GF# 2200788 HE
(Base Fee)

ARTICLE II
USE RESTRICTIONS AND CONSTRUCTION OF IMPROVEMENTS

Section 1. USE RESTRICTIONS

- 1.01 Single-Family Residence. Each Parcel shall be used only for single-family residential purposes and/or for agricultural or wildlife use, unless otherwise provided for herein.
- 1.02 Commercial Activity. No retail, industrial, manufacturing, business, multifamily, office building, or mixed-use commercial activity is permitted on any Parcel, other than a home-based business as provided for below. Noxious or offensive activities of any sort, including loud noises or anything done on any Parcel that may be or become an annoyance or a nuisance to the neighboring Parcels, shall not be permitted.
- 1.03 Manufactured Housing. Manufactured and/or modular homes may not be located on any parcel. Recreational vehicles, including motor homes and travel trailers are permitted as long as they are occupied for occasional use, but may not be used as a primary residence. Recreational vehicles may be used for residence during construction for a period of one year. All recreational vehicles are to be stored behind the rear line of the main residence.
- 1.04 Multi-Family Residence. No apartments, duplexes, or other buildings used for multi-family residential purposes may be constructed on the subject property.
- 1.05 Home Based Business. Businesses and business activities not specifically excluded elsewhere in this instrument which involve use of office space in either the residence or garage are permitted. Home-based businesses are not permitted to have deliveries from or to the subject property using semi-trucks.
- 1.06 Storage of automobiles, boats, trailers and other vehicles. No abandoned vehicles, boats or trailers shall be stored on the parcels. Personal boats, trailers, and RVs in working condition may be stored on the parcels behind the rear line of the main residence.
- 1.07 Noxious and dangerous activities. Any activities that may endanger the health or unreasonably disturb the peaceful enjoyment of other adjoining landowners are prohibited. No toxic chemicals are permitted on the premises.
- 1.08 Dumping. No tract shall be used or maintained as a dumping ground for rubbish or junk. No garbage, trash, ashes, or other refuse of any kind may be dumped or thrown on any Parcel. All trash shall be stored in appropriate sanitation containers.

Section 2. AGRICULTURAL USE. For purposes of these restrictions, the term “agricultural use” shall be limited as follows:

2.01 Commercial Livestock. Raising of livestock shall be permitted; however, feed lot operations are prohibited. Livestock shall be limited to one (1) animal unit per one (1) acre, excluding household pets raised and housed within the residence. Raising of swine and poultry other than for reasonable personal use or FFA, 4-H and other similar-type projects is strictly prohibited. Any animal and their unweaned offspring shall be deemed and considered to be a single animal unit.

ARTICLE II

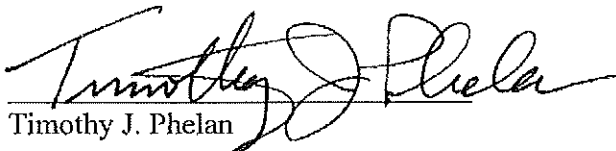
GENERAL PROVISIONS

Section 1. Enforcement. All restrictions, conditions, covenants and reservations imposed by the provisions of this Declaration shall run with the subject property. Any Owner or Developer, shall have the right to enforce all restrictions, conditions, covenants, and reservations imposed by the provisions of this Declaration. Failure by the Owners or the Developer to enforce any covenant or restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter. The Owners or Developer may recover reasonable attorney’s fees and court cost incurred in the effort to enforce deed restrictions. After 75% of conditions, covenants, and reservations imposed by the provisions of this Declaration shall be the sole responsibility of the Owners, and the Developer may only enforce as an Owner.

Section 2. Term-Amendment. The covenants and restrictions of the Declaration shall run with the land for a term of thirty (30) years from the date this Declaration is recorded (“Initial Term”). At the end of the Initial Term and any successive extension thereof, these restrictions will be extended automatically for successive periods of ten (10) years each, unless terminated prior to the end of the term by filing in the Official Public Records of Waller County, Texas an instrument signed by those Owners of at least seventy-five (75%) of the Parcels. This Declaration may be amended by an instrument signed by those Owners of not less than seventy five percent (75%) of the Parcels.

Section 3. Lienholders. The lienholders join herein solely for the purpose of subordinating the liens held by it of record upon the subject property to the covenants, conditions, and restrictions contained herein.

DECLARANT:

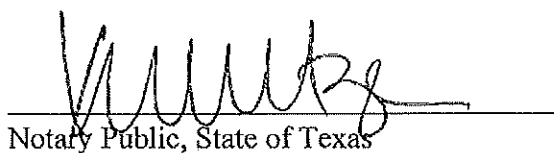

Timothy J. Phelan

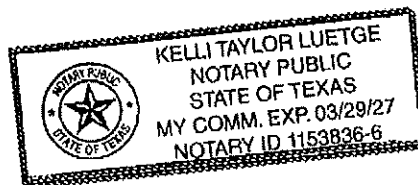
STATE OF TEXAS

§
§
§

COUNTY OF WALLER

SUBSCRIBED AND SWORN TO before me by Timothy Joseph Phelan, Declarant, on
330.23, 2022.


Notary Public, State of Texas



CONSENT BY LIENHOLDER

Note and Lien Are Described in the Following Documents:

A Warranty Deed with Vendor's Lien recorded under Instrument Number 2214769, Official Public Records of Waller County, Texas, and a Deed of Trust recorded under Instrument Number 2214770, Official Public Records of Waller County, Texas.

Real Property: The 145.0615 Acres (called 148.994 acres) described in foregoing Covenants, Conditions and Restrictions.

For value received, Holder of Note and Lien hereby consents to the Covenants, Conditions, and Restrictions as set out herein. Holder of Note and Lien subordinates the lien referenced above and all liens held by it regardless of how created or evidenced to the Covenants, Conditions, and Restrictions as set out herein. Foreclosure of the lien or liens will not extinguish the Covenants, Conditions, and Restrictions as set out herein.

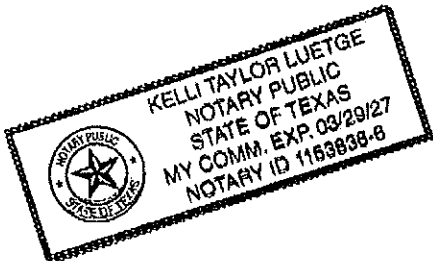
PROSPERITY BANK, a Texas banking association

By: Cynthia Powers

Its: President - Hempstead

THE STATE OF TEXAS §
 §
COUNTY OF Waller §

On the 31 day of March in the year 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared Cynthia Powers as President of Prosperity Bank personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



[Signature]
Notary Public

FIELD NOTES FOR AN 11.5177 ACRE TRACT (TRACT 1) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

BEGINNING: At a ½ inch iron rod found for the Southeast corner of the herein described tract and being the Easternmost Southeast corner of the above 145.0615 acre tract for the Northeast corner of a 50 acre tract (Volume 46, Page 586 Deed Records) and being located in the West line of a 30.0 acre tract (Volume 208, Page 528 Deed Records), said point being located in the East line of the Wm. Hedly Survey, Abstract 134 and the West line of the S. Marsh Survey, Abstract 217, from said point a ½ inch iron rod found for an interior corner of the 145.0615 acre tract and the Northwest corner of the 50 acre tract bears South 87° 44' 30" West a distance of 1388.54 feet;

THENCE: South 87° 44' 30" West a distance of 347.13 feet to a ½ inch iron rod set for the Southwest corner of this tract and the Southeast corner of a 12.0610 acre tract (Tract 2 surveyed at the same time as this tract and not yet recorded), said point located in the common line of the 50 acre tract and the 145.0615 acre tract;

THENCE: North 03° 11' 24" West a distance of 1501.83 feet to a ½ inch iron rod set for the Northwest corner of this tract and the Northeast corner of Tract 2 and being located in the North line of the 145.0615 acre tract and the South line of a 1.9545 acre tract conveyed to Waller County (surveyed at the same time as this tract and not yet recorded);

THENCE: With a curve to the right having a radius of 1092.97 feet, a length of 355.24 feet and a chord bearing of South 73° 22' 08" East a distance of 353.68 feet to a ½ inch iron rod found for a Northwest corner of a portion of an abandoned road according to Volume 4, Page 539 Commissioners Court Minutes for a Northeast corner of this tract located in the South line of the 1.9545 acre tract;

THENCE: South 60° 00' 42" East a distance of 27.93 feet to a 5/8 inch iron rod found for the Northeast corner of both the herein described tract and the portion of the abandoned road and being the Northwest corner of a 0.746 acre tract (Clerk's File No. 1909743);

THENCE: South 08° 42' 35" East a distance of 191.55 feet to a 5/8 inch iron rod found for an angle point in the East line of this tract and being the Southwest corner of the 0.746 acre tract located in the North line of the abandoned road;

THENCE: South 33° 51' 03" West a distance of 63.51 feet to a 5/8 inch iron rod found for an angle point in the East line of this tract for the Southwest portion of the abandoned road and the Northwest corner of a 19.19 acre tract (Volume 1327, Page 116 Official Public Records);

EXIST ——— A-1

THENCE: South 03° 44' 17" East a distance of 1130.96 feet to the **PLACE OF BEGINNING** and containing 11.5177 acres of land.

All bearings recited hereon are based on the South line of the 149.0735 acre tract (South line of this tract) running South 87° 44' 30" West.

This survey consists of a separate plat and a legal description.

H M Clay Jr

For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 11, 2022
Br



HEDDY-11.5177AC(TR1)-22-105

FIELD NOTES FOR A 12.0610 ACRE TRACT (TRACT 2) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a 1/2 inch iron rod found for the Southeast corner of an 11.7658 acre tract (Tract 1 surveyed at the same time as this tract and not yet recorded) and being the Easternmost Southeast corner of the above 145.0615 acre tract for the Northeast corner of a 50 acre tract (Volume 46, Page 586 Deed Records) and being located in the West line of a 30.0 acre tract (Volume 208, Page 528 Deed Records), said point being located in the East line of the Wm. Heddy Survey, Abstract 134 and the West line of the S. Marsh Survey, Abstract 217, from said point a 1/2 inch iron rod found for an interior corner of the 145.0615 acre tract and the Northwest corner of the 50 acre tract bears South 87° 44' 30" West a distance of 1388.54 feet;

THENCE: South 87° 44' 30" West a distance of 347.13 feet to a 1/2 inch iron rod set for the Southwest corner of Tract 1 and the Southeast corner and PLACE OF BEGINNING of this tract, said point located in the common line of the 50 acre tract and the 145.0615 acre tract;

THENCE: South 87° 44' 30" West a distance of 347.13 feet to a 1/2 inch iron rod set for the Southwest corner of the herein described tract and the Southeast corner of a 12.1410 acre tract (Tract 3 surveyed at the same time as this tract and not yet recorded);

THENCE: North 03° 09' 46" West a distance of 1520.64 feet to a 1/2 inch iron rod set for the Northwest corner of this tract and the Northeast corner of Tract 3 and being located in the North line of the 145.0615 acre tract and the South line of a 1.9545 acre tract to be conveyed to Waller County for road widening of Joseph Road (surveyed at the same time as this tract and not yet recorded);

THENCE: North 88° 59' 44" East a distance of 213.55 feet to a 1/2 inch iron rod found for the beginning of a curve to the right;

THENCE: With a curve to the right having a radius of 1092.97 feet, a length of 134.05 feet and a chord bearing of South 86° 11' 38" East a distance of 133.97 feet to a 1/2 inch iron rod set for the Northeast corner of this tract and the Northwest corner of Tract 1;

THENCE: South 03° 11' 24" East a distance of 1501.83 feet to the PLACE OF BEGINNING and containing 12.0610 acres of land.

All bearings recited hereon are based on the South line of the 149.0735 acre tract (South line of this tract) running South 87° 44' 30" West.

This survey consists of a separate plat and a legal description.

H.M. Clay Jr.
For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 11, 2022
Br
HEDDY-12.0610AC(TR2)-22-105



EXHIBIT 127

FIELD NOTES FOR A 12.1410 ACRE TRACT (TRACT 3) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a 1/2 inch iron rod found for the Southeast corner of an 11.7658 acre tract (Tract 1 surveyed at the same time as this tract and not yet recorded) and being the Easternmost Southeast corner of the above 145.0615 acre tract for the Northeast corner of a 50 acre tract (Volume 46, Page 586 Deed Records) and being located in the West line of a 30.0 acre tract (Volume 208, Page 528 Deed Records), said point being located in the East line of the Wm. Heddy Survey, Abstract 134 and the West line of the S. Marsh Survey, Abstract 217, from said point a 1/2 inch iron rod found for an interior corner of the 145.0615 acre tract and the Northwest corner of the 50 acre tract bears South 87° 44' 30" West a distance of 1388.54 feet;

THENCE: South 87° 44' 30" West at a distance of 347.13 feet passing a 1/2 inch iron rod set for the Southwest corner of Tract 1 and the Southeast corner of a 12.0610 acre tract (Tract 2 surveyed at the same time as this tract and not yet recorded) and continuing on for a total distance of 694.26 feet to a 1/2 inch iron rod set for the Southwest corner of Tract 2 and the Southeast corner and PLACE OF BEGINNING of this tract, said point located in the common line of the 50 acre tract and the 145.0615 acre tract;

THENCE: South 87° 44' 30" West a distance of 347.13 feet to a 1/2 inch iron rod set for the Southwest corner of the herein described tract and the Southeast corner of a 12.2015 acre tract (Tract 4 surveyed at the same time as this tract and not yet recorded);

THENCE: North 03° 09' 00" West a distance of 1528.23 feet to a 1/2 inch iron rod set for the Northwest corner of this tract and the Northeast corner of Tract 4 and being located in the North line of the 145.0615 acre tract and the South line of a 1.9545 acre tract conveyed to Waller County for widening of Joseph Road (surveyed at the same time as this tract and not yet recorded);

THENCE: North 88° 59' 44" East a distance of 347.00 feet to a 1/2 inch iron rod set for the Northeast corner of this tract and the Northwest corner of Tract 2;

THENCE: South 03° 09' 46" East a distance of 1520.64 feet to the PLACE OF BEGINNING and containing 12.1410 acres of land.

All bearings recited hercon are based on the South line of the 149.0735 acre tract (South line of this tract) running South 87° 44' 30" West.

This survey consists of a separate plat and a legal description.

H. M. Clay Jr.
For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 11, 2022
Br
HEDDY-12.1410AC(TR3)-22-105



EXHIBIT 11

FIELD NOTES FOR A 12.2015 ACRE TRACT (TRACT 4) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a ½ inch iron rod found for the Southeast corner of an 11.7658 acre tract (Tract 1 surveyed at the same time as this tract and not yet recorded) and being the Easternmost Southeast corner of the above 145.0615 acre tract for the Northeast corner of a 50 acre tract (Volume 46, Page 586 Deed Records) and being located in the West line of a 30.0 acre tract (Volume 208, Page 528 Deed Records), said point being located in the East line of the Wm. Heddy Survey, Abstract 134 and the West line of the S. Marsh Survey, Abstract 217, from said point a ½ inch iron rod found for an interior corner of the 145.0615 acre tract and the Northwest corner of the 50 acre tract bears South 87° 44' 30" West a distance of 1388.54 feet;

THENCE: South 87° 44' 30" West at a distance of 347.13 feet passing a ½ inch iron rod set for the Southwest corner of Tract 1 and the Southeast corner of a 12.0610 acre tract (Tract 2 surveyed at the same time as this tract and not yet recorded), at 694.26 feet passing a ½ inch iron rod set for the Southwest corner of Tract 2 and the Southeast corner of a 12.1410 acre tract (Tract 3 surveyed at the same time as this tract and not yet recorded) and continuing on for a total distance of 1041.39 feet to a ½ inch iron rod set for the Southwest corner of Tract 3 and the Southeast corner and **PLACE OF BEGINNING** of this tract, said point located in the common line of the 50 acre tract and the 145.0615 acre tract;

THENCE: South 87° 44' 30" West a distance of 347.14 feet to a ½ inch iron rod found for the Southwest corner of the herein described tract located in the East line of a 12.000 acre tract (Tract 7 surveyed at the same time as this tract and not yet recorded, said point being the Northwest corner of the 50 acre tract and an interior corner of the above 145.0615 acre tract;

THENCE: North 03° 08' 15" West at a distance of 141.42 feet passing a ½ inch iron rod set for the Northeast corner of Tract 7 and the Southeast corner of a 12.000 acre tract (Tract 6 surveyed at the same time as this tract and not yet recorded), at 516.40 feet passing a ½ inch iron rod set for the Northeast corner of Tract 6 and the Southeast corner of a 33.1169 acre tract (Tract 5 being surveyed at the same time as this tract and not yet recorded) and continuing on for a total distance of 1535.82 feet to a ½ inch iron rod set for the Northwest corner of this tract and the Northeast corner of Tract 5 and being located in the North line of the 145.0615 acre tract and the South line of a 1.9545 acre tract conveyed to Waller County for widening of Joseph Road (surveyed at the same time as this tract and not yet recorded);

THENCE: North 88° 59' 44" East a distance of 347.00 feet to a ½ inch iron rod set for the Northeast corner of this tract and the Northwest corner of Tract 3;

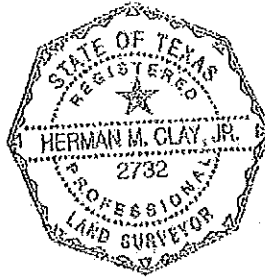
THENCE: South 03° 09' 00" East a distance of 1528.23 feet to the **PLACE OF BEGINNING** and containing 12.2015 acres of land.

All bearings recited hereon are based on the South line of the 149.0735 acre tract (South line of this tract) running South 87° 44' 30" West.

This survey consists of a separate plat and a legal description.

Hm Clay Jr

For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 11, 2022
Br
HEDDY-12.2015AC(TR4)-22-105



FIELD NOTES FOR A 12.000 ACRE TRACT (TRACT 6) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a 1/2 inch iron rod found for the Northwest corner of a called 50 acre tract (Volume 46, Page 586 Deed Records) and being an interior corner of the above 145.0615 acre tract for the Southwest corner of a 12.2015 acre tract (Tract 4 surveyed at the same time as this tract and not yet recorded) and located in the East line of a 12.000 acre tract (Tract 7 surveyed at the same time as this tract and not yet recorded);

THENCE: North 03° 08' 15" West a distance of 141.42 feet to a 1/2 inch iron rod set for the Southeast corner and PLACE OF BEGINNING of the herein described tract located in the West line of Tract 4 and being the Northeast corner of Tract 7;

THENCE: South 86° 51' 45" West a distance of 1394.22 feet to a 1/2 inch iron rod set in the East fence line of Heger Road for the East line of a 2.0575 acre tract (out of the above 149.0735 acre tract) granted to Waller County for widening of Heger Road and not yet recorded;

THENCE: North 03° 04' 02" West a distance of 374.98 feet with an existing fence line for the East line of Heger Road and the 2.0575 acre tract to a 1/2 inch iron rod set for the Northwest corner of this tract and the Southwest corner of a 33.1169 acre tract (Tract 5 surveyed at the same time as this tract and not yet recorded);

THENCE: North 86° 51' 45" East a distance of 1393.76 feet to a 1/2 inch iron rod set for the Northeast corner of this tract, the Southeast corner of Tract 5 located in the West line of Tract 4;

THENCE: South 03° 08' 15" East a distance of 374.98 feet to the PLACE OF BEGINNING and containing 12.000 acres of land.

All bearings recited hereon are based on the East line of this tract running South 03° 08' 15" East.

This survey consists of a separate plat and a legal description.

H. M. Clay Jr.
For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 15, 2022
By
HEDDY-12.000AC(TR6)-22-105

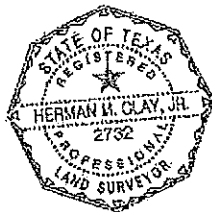


EXHIBIT A-1

FIELD NOTES FOR A 12.000 ACRE TRACT (TRACT 7) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a 1/2 inch iron rod found for the Northwest corner of a called 50 acre tract (Volume 46, Page 586 Deed Records) and being an interior corner of the above 145.0615 acre tract for the Southwest corner of a 12.2015 acre tract (Tract 4 surveyed at the same time as this tract and not yet recorded) and located in the East line of the herein described tract;

THENCE: South 03° 08' 15" East a distance of 233.74 feet to a 1/2 inch iron rod set for the Southeast corner and PLACE OF BEGINNING of the herein described tract located in the East line of the 50 acre tract and being the Northeast corner of a 12.000 acre tract (Tract 8 surveyed at the same time as this tract and not yet recorded);

THENCE: South 86° 51' 45" West a distance of 1391.64 feet to a 1/2 inch iron rod set in the East fence line of Hegar Road for the East line of a 2.0575 acre tract (out of the above 149.0735 acre tract) granted to Waller County for widening of Hegar Road and not yet recorded for the Southwest corner of this tract and the Northwest corner of Tract 8;

THENCE: North 03° 41' 39" West with an existing fence line of the East line of the 2.0575 acre tract and the West line of this tract and the above 145.0615 acre tract a distance of 278.04 feet to a 1/2 inch iron rod set at a fence post for an angle point;

THENCE: North 03° 04' 02" West a distance of 97.14 feet with an existing fence line for the East line of Hegar Road and the 2.0575 acre tract to a 1/2 inch iron rod set for the Northwest corner of this tract and the Southwest corner of Tract 6;

THENCE: North 86° 51' 45" East a distance of 1394.22 feet to a 1/2 inch iron rod set for the Northeast corner of this tract, the Southeast corner of Tract 6 located in the West line of Tract 4;

THENCE: South 03° 08' 15" East at a distance of 141.42 feet passing the commencing point and continuing on for a total distance of 375.16 feet to the PLACE OF BEGINNING and containing 12.000 acres of land,

All bearings recited hereon are based on the East line of this tract running South 03° 08' 15" East.

This survey consists of a separate plat and a legal description.

H M Clay Jr
For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 15, 2022
By
HEDDY-12.000AC(TR7)-22-105



EXHIBIT A-1

FIELD NOTES FOR A 12.000 ACRE TRACT (TRACT 8) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a 1/2 inch iron rod found for the Northwest corner of a called 50 acre tract (Volume 46, Page 586 Deed Records) and being an interior corner of the above 145.0615 acre tract for the Southwest corner of a 12.2015 acre tract (Tract 4 surveyed at the same time as this tract and not yet recorded) and located in the East line of a 12.000 acre tract (Tract 7 surveyed at the same time as this tract and not yet recorded);

THENCE: South 03° 08' 15" East a distance of 233.74 feet to a 1/2 inch iron rod set for the Northeast corner and PLACE OF BEGINNING of the herein described tract located in the West line of the 50 acre tract for the Southeast corner of Tract 7;

THENCE: South 03° 08' 15" East a distance of 378.74 feet to a 1/2 inch iron rod set for the Southeast corner of this tract, the Northeast corner of a 28.1593 acre tract (Tract 9 surveyed at the same time as this tract and not yet recorded) and being located in the West line of the 50 acre tract, said point also being located in the East center line of a 60 foot wide utility easement (Volume 423, Page 894 Deed Records);

THENCE: South 87° 04' 47" West a distance of 1388.02 feet with the center line of the utility easement to a 1/2 inch iron rod set in the East fence line of Hegar Road for the East line of a 2.0575 acre tract (out of the above 149.0735 acre tract) granted to Waller County for widening of Hegar Road and not yet recorded for the Southwest corner of this tract and the Northwest corner of Tract 9;

THENCE: North 03° 41' 39" West with an existing fence line of the East line of the 2.0575 acre tract and the West line of this tract and the above 145.0615 acre tract a distance of 373.49 feet to a 1/2 inch iron rod set at a fence post for the Northwest corner of this tract and the Southwest corner of Tract 7;

THENCE: North 86° 51' 45" East a distance of 1391.64 feet to the PLACE OF BEGINNING and containing 12.000 acres of land.

All bearings recited hereon are based on the East line of this tract running South 03° 08' 15" East.

This survey consists of a separate plat and a legal description.

Herman M. Clay Jr.
For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 15, 2022
By
HEDDY-12.000AC(TR8)-22-105

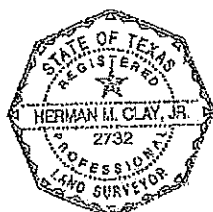


EXHIBIT A-1

FIELD NOTES FOR A 33.1169 ACRE TRACT (TRACT 5) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a ½ inch iron rod set for the Northwest corner of the above 149.0735 acre tract, same being the Northwest corner of a called 0.71 acre right-of-way granted to Waller County (Volume 150, Page 623 Deed Records) & a 1.9545 acre tract granted to Waller County for widening of Joseph Road (surveyed at the same time as this tract and not yet recorded), said point located in Joseph Road and being the approximate center of Hegar Road, from said point a ½ inch iron rod found at a fence corner post in the West line of Hegar Road and the South line of Joseph Road bears South 55° 06' 22" West a distance of 35.81 feet;

THENCE: South 03° 19' 06" East a distance of 18.43 feet to a point located in the West line of the 149.0735 acre tract and being the Southwest corner of the 1.9545 acre tract and being the Northwest corner of a 2.0575 acre tract granted to Waller County for widening of Hegar Road (surveyed at the same time as this tract and not yet recorded);

THENCE: North 88° 59' 44" East a distance of 126.89 feet to a ½ inch iron rod found at a fence corner post for the Northernmost Northwest corner and **PLACE OF BEGINNING** of the herein described tract located in the South line of the 1.9545 acre tract and being a Northwest corner of the above 145.0615 acre tract;

THENCE: North 88° 59' 44" East a distance of 1285.95 feet to a ½ inch iron rod set for the Northeast corner of this tract and the Northwest corner of a 12.2015 acre tract (Tract 4 surveyed at the same time as this tract and not yet recorded), said point located in the South line of the 1.9545 acre tract;

THENCE: South 03° 08' 15" East a distance of 1019.42 feet to a ½ inch iron rod set for the Southeast corner of this tract, the Northeast corner of a 12.000 acre tract (Tract 6 surveyed at the same time as this tract and not yet recorded) and being located in the West line of Tract 4;

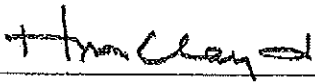
THENCE: South 86° 51' 45" West a distance of 1393.76 feet to a ½ inch iron rod set for the Southwest corner of this tract and the Northwest corner of Tract 6 being located in the an existing fence line for the East line of the before mentioned 2.0575 acre tract to be granted to Waller County;

THENCE: For the West line of this tract and the East line of the 2.0575 acre tract and generally with an existing fence line as follows:

North 03° 04' 02" West a distance of 530.99 feet to a ½ inch iron rod set;
North 02° 20' 19" East a distance of 141.99 feet to a ½ inch iron rod set;
North 34° 50' 26" East a distance of 14.48 feet to a ½ inch iron rod set and being the Southeast corner of the 0.71 acre tract;
North 03° 18' 54" West a distance of 288.00 feet to a ½ inch iron rod set;
North 39° 00' 41" East a distance of 128.87 feet to the **PLACE OF BEGINNING** and containing 33.1169 acres of land.

All bearings recited hereon are based on the North line of this tract running North 88° 59' 44" East.

This survey consists of a separate plat and a legal description.



For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 11, 2022
Br
HEDDY-33.1169AC(TR5)-22-105



FIELD NOTES FOR A 28.0233 ACRE TRACT (TRACT 9) OUT OF A 145.0615 ACRE TRACT BEING THE RESIDUE OF A 149.0735 ACRE TRACT OF LAND CALLED 148.994 ACRES IN VOLUME 633, PAGE 301 OFFICIAL PUBLIC RECORDS AND BEING LOCATED IN THE WM. HEDDY SURVEY, ABSTRACT 134 AND PARTIALLY IN THE GEORGE W. CLARY SURVEY, ABSTRACT 108, WALLER COUNTY, TEXAS

COMMENCING FOR REFERENCE: At a ½ inch iron rod found in Hegar Road for the Southeast corner of the above 149.0735 acre tract and the Southeast corner of a 2.0575 acre tract to be granted to Waller Count for widening of Hegar Road (not yet recorded) and being the Southwest corner of a 50 acre tract (Volume 46, Page 586 Deed Records)

THENCE: North 03° 08' 15" West a distance of 14.32 feet to a ½ inch iron rod found for the Southeast corner and **PLACE OF BEGINNING** of the herein described tract located in the West line of the 50 acre tract for a Northeast corner of the 2.0575 acre tract and being located in the North fence line of Hegar Road;

THENCE: South 88° 36' 35" West a distance of 1357.42 feet with the existing North fence line of Hegar Road to a ½ inch iron rod set for a Southwest corner of the herein described tract and being an interior corner of the 2.0575 acre tract;

THENCE: North 71° 24' 14" West a distance of 15.09 feet to a ½ inch iron rod found at a fence post for a Southwest corner of this tract and an interior corner of the 2.0575 acre tract, from said point a ½ inch iron rod found for the Southwest corner of the above 149.0735 acre tract bears South 59° 54' 11" West a distance of 35.17 feet;

THENCE: North 35° 16' 27" West a distance of 16.83 feet to a ½ inch iron rod found at a fence post for a Southwest corner of this tract for an interior corner of the 2.0575 feet being located in the East fence line of Hegar Road;

THENCE: North 03° 41' 39" West a distance of 864.08 feet with the East fence line of Hegar Road for the East line of the 2.0575 acre tract to a ½ inch iron rod set for the Northwest corner of this tract and the Southwest corner of a 12.000 acre tract (Tract 8 surveyed at the same time as this tract and not yet recorded), said point being located in the center line of a 60 foot wide utility easement (Volume 423, Page 894 Deed Records);

THENCE: North 87° 04' 47" East a distance of 1388.02 feet with the center line of said utility easement to a ½ inch iron rod set for the Northeast corner of this tract, the Southeast corner of Tract 8, located in the West line of the 50 acre tract;

THENCE: South 03° 08' 15" East a distance of 920.00 feet to the **PLACE OF BEGINNING** and containing 28.0233 acres of land.

All bearings recited hereon are based on the East line of this tract running South 03° 08' 15" East.

This survey consists of a separate plat and a legal description.

H M Clay Jr

For Clay & Leyendecker, Inc.
Herman M. Clay Jr., R.P.L.S.
Texas Registration No. 2732
Registered Firm No. 10044600
November 15, 2022
Br
HEDDY-28.0233AC(TR9)-22-105



FILED AND RECORDED

Instrument Number: 2303776

Filing and Recording Date: 03/31/2023 02:10:01 PM Pages: 19 Recording Fee: \$84.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



Debbie Hollan

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

simplifile, Deputy

Returned To:
UNIVERSITY TITLE COMPANY
1021 UNIVERSITY E DR STE A
COLLEGE STATION, TX 77840-2185