

**RELEASE AND ABANDONMENT OF RESTRICTIVE COVENANTS
AND IMPOSITION OF NEW RESTRICTIONS**

STATE OF TEXAS

COUNTY OF MONTGOMERY

WHEREAS, by Deed dated December 4, 2006, of record in the Official Public Records of Real Property of Montgomery County, Texas under Clerk's File No. 2006-142201, Arthur Lee Ballard and wife, Aurora Angela Ballard (the "Ballards") conveyed to Margaret L. Alexander ("Alexander") 20 acres of land (the "20 Acre Tract") located in the William Atkins Survey, A-3, Montgomery County, Texas, as described in Exhibit "A" attached hereto; and

WHEREAS, in the Deed from the Ballards to Alexander, certain restrictive covenants were impressed upon the 20 Acre Tract; and

WHEREAS, the 20 Acre Tract is now owned by Jim P. Morris ("Morris"); and

WHEREAS, contemporaneously with their execution of this document, Morris is conveying to the Ballards, a 9.993 acre tract of land (the "9.993 Acre Tract") out of the west end of the 20 Acre Tract, said 9.993 Acre Tract being described in Exhibit "B" attached hereto, and Morris is reserving to himself the remaining 10 acres (the "Residual 10 Acre Tract") out of the east end of the 20 Acre Tract; and

WHEREAS, in connection with Morris' sale and conveyance to the Ballards of the 9.993 Acre Tract, the parties desire to cancel, release and abandon the restrictive covenants contained in the December 4, 2006 Deed to Alexander, to the extent and only to the extent the restrictive covenants pertain to and affect the Residual 10 Acre Tract and further desire to impose upon the Residual 10 Acre Tract new and different restrictive covenants concerning the future use of the Residual 10 Acre Tract;

NOW THEREFORE, in consideration of the premises and Morris' agreement to sell and convey the 9.993 Acre Tract to the Ballards, the parties hereby CANCEL, RELEASE and ABANDON the restrictive covenants contained in the December 4, 2006 Deed from the Ballards to Alexander, to the extent and only to the extent that said restrictive covenants pertain to and affect the Residual 10 Acre Tract, it being specifically understood and agreed that the restrictive covenants will continue to apply to and encumber the 9.993 Acre Tract this day conveyed by Morris to the Ballards.

The Ballards and Morris further agree that the Residual 10 Acre Tract shall be and it hereby is subjected to and burdened with the following restrictive covenants, to-wit:

1. The Residual 10 Acre Tract may only be subdivided into a maximum of three (3) tracts.
2. The minimum building setback along the West boundary line of the Residual 10 Acre Tract shall be fifty feet (50').
3. The Residual 10 Acre Tract is restricted for single family residential use, including one residential dwelling, a garage, a guest house and outbuildings for storage on each individual tract. Except as provided in this Paragraph 3 and Paragraph 6, no business, commercial or industrial use or activity shall be permitted on any part of the Residual 10 Acre Tract; provided however, home offices shall be permitted as long as there are no store fronts, signs, or other evidences of commercial or business activity on the property.
4. The main residential dwelling on each subdivided tract of the Residual 10 Acre Tract must be a minimum of 2,000 square feet, excluding garages and porches.
5. No mobile homes, manufactured homes, or modular homes shall be allowed on any part of the Residual 10 Acre Tract.
6. Notwithstanding the prohibited uses prescribed in Paragraph 3, one (1) radio or cellular communications tower shall be permitted on the Residual 10 Acre Tract.

These restrictive covenants shall run with the land, shall be binding on, inure to the benefit of and be enforceable by any and all owners of the Residual 10 Acre Tract or any portion thereof, and additionally shall inure to the benefit of and be enforceable by any and all owners of the 9.993 Acre Tract.

EXECUTED February 4, 2015.

Jim P. Morris
JIM P. MORRIS

Arthur Lee Ballard
ARTHUR LEE BALLARD

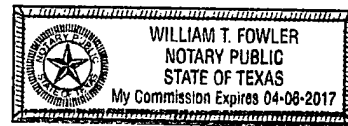
Aurora Angela Fisher-Ballard
AURORA ANGELA BALLARD

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 4th day of February, 2015, by JIM P. MORRIS.

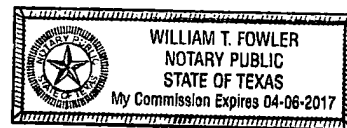
William T. Fowler
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §



This instrument was acknowledged before me on the 4th day of February, 2015, by ARTHUR LEE BALLARD and wife, AURORA ANGELA BALLARD.

William T. Fowler
Notary Public, State of Texas



Return to
Jim Morris
17178 W. FM 1097
Montgomery, TX 77356

FIELD NOTES FOR 20.000 ACRES

FIELD NOTES FOR 20.000 ACRES OR 871,200 SQUARE FEET OF LAND AND BEING COMPOSED OF A CALLED 10.999 ACRE TRACT OF LAND (CALLED 11.028 ACRES) AS DESCRIBED IN DEED TO ARTHUR L. BALLARD AND AURORA BALLARD, RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE (M.C.C.F.) NO. 9909656 AND A 6.933 ACRE TRACT OF LAND BEING OUT OF A CALLED 7.3309 ACRE TRACT OF LAND AS DESCRIBED IN DEED TO VETERANS LAND BOARD OF THE STATE OF TEXAS, RECORDED UNDER M.C.C.F. NO. 9712445 AND A 2.068 ACRE TRACT OF LAND BEING OUT OF A CALLED 11.4072 ACRE TRACT OF LAND AS DESCRIBED IN DEED TO ART BALLARD AND AURORA ANGELA BALLARD, RECORDED UNDER M.C.C.F. NO. 9512490, LOCATED IN THE WILLIAM ATKINS SURVEY, ABSTRACT NO. 3, MONTGOMERY COUNTY, TEXAS. (Bearings are referenced to the record bearing (N 77° 31' 24" E) along the northerly line of called 5.086 acre tract as recorded under M.C.C.F. No. 9445187).

BEGINNING at a 1 inch pipe rod found in the west line of Mohawk Drive (no-record deed found) for the northeast corner of a called 10.4996 acre tract of land as described in deed to Arthur L. Ballard and Aurora A. Ballard, recorded under M.C.C.F. No. 9529428, same being the southeast corner of a called 11.028 acre tract of land as described in deed to Arthur L. Ballard and Aurora Ballard, recorded under M.C.C.F. No. 9909656, same being in the north line of a 61 foot wide road easement as described in deed and recorded under M.C.C.F. Nos. 8334025 and 8354152 and the southeast corner of the herein described tract;

THENCE N 89°54'34" W, along the north line of said Arthur L. Ballard and Aurora A. Ballard called 10.4996 acre tract and the north line of said 61 foot road easement, at a distance of 1,081.54 feet (called 1,081.77 feet) pass a 1/2 inch iron rod found for the southeast corner of said Veterans Land Board of the State of Texas called 7.3309 acre tract, same being the southwest corner of said Arthur L. Ballard and Aurora Ballard called 11.028 acre tract and continuing in all a total distance of 1,763.40 feet to a 1/2 inch iron rod with cap stamped "D & Z Land Surveying" set for the southwest corner of the herein described tract;

THENCE N 13°32'04" W, a distance of 395.82 feet to a 1/2 inch iron rod with cap stamped "D & Z Land Surveying" set for the most westerly northwest corner of the herein described tract;

THENCE N 76°46'11" E, a distance of 50.00 feet to a 1/2 inch iron rod with cap stamped "D & Z Land Surveying" set for an ell corner of the herein described tract;

THENCE N 13°32'04" W, a distance of 91.84 feet to a 1/2 inch iron rod with cap stamped "D & Z Land Surveying" set for the most northerly northwest corner of the herein described tract;

THENCE N 76°46'11" E, a distance of 650.26 feet to a 1/2 inch iron rod with cap stamped "D & Z Land Surveying" set in the west line of a called 12.317 acre tract of land as described in deed to Mohawk Realty 900 LTD., recorded under M.C.C.F. No. 2005-070978 for the most northerly northeast corner of the herein described tract;

THENCE S 13°33'53" E, along the west line of said Mohawk Realty 900 LTD. called 12.317 acre tract, at a distance of 140.81 feet pass a 5/8 inch iron rod found for the northeast corner of said Veterans Land Board of the State of Texas called 7.3309 acre tract, same being the southeast corner of said Art Ballard and Angela Aurora Ballard called 11.4072 acre tract, continuing in all a total distance of 206.79 feet to a 5/8 inch iron rod found for the southwest corner of said Mohawk Realty 900, LTD. called 12.317 acre tract and a corner of the herein described tract;



I hereby certify that this is a true and correct copy of the original record on file in my office.

Mark Turnbull, County Clerk
Montgomery County, Texas
by *Wanda Wilson* Deputy

Issued 4-13-2012

EXHIBIT "A"

234-11-2763

THENCE S 89° 58' 16" E, along the south line of said Mohawk Realty 900, LTD. called 12.317 acre tract, a distance of 1,146.31 feet to a 1/2 iron pipe found in the west line of said Mohawk Drive for the southeast corner of said Mohawk Realty 900, LTD. called 12.317 acre tract and the most easterly northeast corner of the herein described tract;

THENCE S 00°08' 12" E, along the west line of said Mohawk Drive, a distance of 435.59 feet to the POINT OF BEGINNING and containing 20.000 acres or 871,200 square feet of land.

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 black-outs, additions and changes were present at the time the instrument was filed and recorded.

FILED FOR RECORD
06 DEC -6 PM 2:04

Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

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

DEC - 6 2006



Mark Turnbull
County Clerk
Montgomery County, Texas



I hereby certify that this is a true and correct copy of the original record on file in my office.

Mark Turnbull, County Clerk
Montgomery County, Texas

by *Wanda Lidgren* Deputy

Issued 4-13-2012

Field Notes
9.993 acres
William Atkins Survey, A-3
Montgomery County, Texas

Being a 9.993 acre tract or parcel of land situated in the William Atkins Survey, Abstract No. 3, of Montgomery County, Texas, and being out of and part of a called 20.000 acre tract conveyed to Jim P. Morris in deed recorded in CF No. 2012-124047, R.P.R.M.C., and re-recorded to include metes and bounds in CF No. 2014-044966, R.P.R.M.C., said 9.993 acres being more particularly described as follows:

BEGINNING at a found 1/2" iron rod in the north line of a 61 foot road easement known as Hope Road (CF No(s). 8334025 and 8354152, R.P.R.M.C.) as a point for the southwest corner of the herein described tract, same being the southwest corner of the said 20.000 acre tract, said point also being the most southerly southeast corner of the residual of a called 11.4072 acre tract conveyed to Arthur and Aurora Ballard as described in deed recorded in CF No. 9512490, R.P.R.M.C., and said point being in the north line of a called 10.4996 acre tract conveyed to Arthur and Aurora Ballard as described in deed recorded in CF No. 9659261, R.P.R.M.C., and proceeding:

THENCE: N 13°34'01" W, a distance of 395.79 feet (Deed - N 13°32'04" W, a distance of 395.82 feet) to a found 1/2" iron rod as a point for the most westerly northwest corner of the herein described tract;

THENCE: N 76°46'02" E, a distance of 50.06 feet (Deed - N 76°46'11" E, a distance of 50.00 feet) to a found 1/2" iron rod as a point for an inner corner of the herein described tract, same being an angle point in the said residual of the 11.4072 acre tract;

THENCE: N 13°28'32" W, a distance of 91.82 feet (Deed - N 13°32'04" E, a distance of 91.84 feet) to a found 1/2" iron rod as a point for the most northerly northwest corner of the herein described tract, same being an angle point in the residual of the said 11.4072 acre tract;

THENCE: N 76°46'44" E, a distance of 650.17 feet (Deed - N 76°46'11" E, a distance of 650.26 feet) to a found 1/2" iron rod in the westerly line of a called 12.317 acre tract conveyed to Mohawk Realty 900 LTD as described in deed recorded in CF No. 2005-070978, R.P.R.M.C., as a point for the most northerly northeast corner of the herein described tract, and said point being the southeast corner of the residual of the said 11.4072 acres;

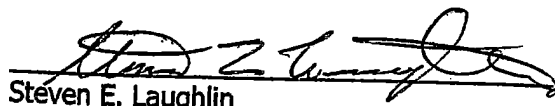
THENCE: S 13°31'17" E, a distance of 206.77 feet (Deed - S 13°33'53" E, a distance of 206.79 feet) to a found 1/2" iron rod as a point for an inner corner of the east line of the herein described tract, same being the southwest corner of the said 12.317 acre tract;

THENCE: S 89°58'41" E, a distance of 144.56 feet along the south line of the said 12.317 acre tract, to a 1/2" iron rod set in the lower north line of the said 20.000 acre tract as a point for the northeast corner of the herein described tract, said point being N 89°58'41" W, a distance of 1001.60 feet from a found 1 1/4" iron pipe in the west right-of-way line of Mohawk Drive as a point for the most easterly northeast corner of the said 20.000 acre tract;

THENCE: along a new line, S 00°12'16" E, a distance of 434.31 feet, severing the said 20.000 acre tract, to a 1/2" iron rod set in the north line of said Hope Road, and the north line of the said 10.4996 acre tract, and the south line of the said 20.000 acre tract, as a point for the southeast corner of the herein described tract and said point being N 89°54'39" W, a distance of 1001.60 feet from a found 3/4" iron pipe at the intersection of the said west line of Mohawk Drive with the north line of Hope Road as point for the southeast corner of the said 20.000 acres;

THENCE: N 89°54'34" W, a distance of 761.89 feet, back to the place and point of BEGINNING and having a computed area of 9.993 acres.

These field notes are based on a land survey performed on the ground by Laughlin Surveying, December 2014, Job No. 14-314, bearings based on the south line of the 20.000 acres described in deed recorded in CF No. 2014-044966, R.P.R.M.C.


Steven E. Laughlin
R.P.L.S. No. 5178



FILED FOR RECORD

02/10/2015 10:51AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

RECORDER'S MEMORANDUM:

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

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Montgomery County, Texas.

02/10/2015



County Clerk
Montgomery County, Texas