

copy received  
8-18-09

item 36B2  
6/23/09 Comm Ct

June 23, 2009

**Item 36A continued - 551.071 Consultation with Attorney:**

**3) Current condemnation cases regarding Mobility Bond projects.**

No action.

**B. § 551.072. Deliberation Regarding Real Property.**

**1) Acquisition of property, Katy Flewellen Rd., Mobility Bond Project #734, Pct. 3.**

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to purchase Parcel 16 of the Katy Flewellen Mobility Project #734 in the amount of \$45,160.00 plus necessary costs not to exceed \$3,000.00 with funds from Right of Way Fund and authorize County Judge to sign all necessary documents.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	absent
Commissioner Patterson	yes

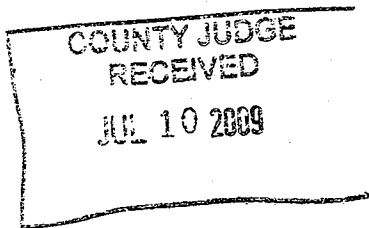
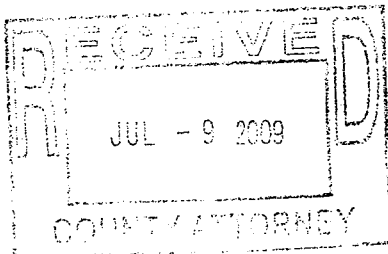
Note: See consent agenda item 9J.

**2) Acquisition of property, Katy Gaston Rd., Mobility Bond Project #723, Pct. 3.**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to purchase Terrabrook Property of the Katy Gaston Mobility Project #723 in the amount of \$154,067.00 plus necessary costs not to exceed \$3,000.00 with funds from Right of Way Fund and authorize County Judge to sign all necessary documents.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	absent
Commissioner Patterson	yes





# Property Acquisition Services, Inc.

August 4, 2009

Paulette Batts  
Executive Assistant  
Fort Bend County Engineering  
1124 Blume Road  
Rosenberg, Texas 77471

**Re: Katy Gaston Project - Parcel 10, 11, 12, 13 - Terrabrook Cinco Ranch Southwest**

Dear Ms. Batts:

Please find enclosed the following referenced documents for signature and your review:

- Original Special Warranty Deed for County Attorney Review
- Original Title Company Documents/Disclosures supplied by land owner:
  - Notices to Purchaser
  - Affidavit as to Debts, Liens & Possession
  - Non-Foreign Affidavit
  - Agreement on adjustments of Prorations and Payoffs and disbursement Authorization Statement

At this time, we ask that the County have the settlement statement and supporting documents executed for processing. Once these agreements are signed and the check request processed, my office will pick up all documents from you and deliver all original documents along with the check to the title company for closing.

Thank you for your attention to this matter and please contact me at (281) 343-7171 if I can answer any questions or be of further assistance.

Sincerely,

*Shelly*  
Do Mark Davis  
Project Manager

Enclosures

*Approved as to  
from my office - FBC  
JH 8/11/09*



## Newland Communities

10235 West Little York, Suite 300  
Houston, TX 77040  
Telephone: (713) 575-9000  
Fax: (713) 575-9001

August 3, 2009

Raymond Johnson  
Property Acquisition Services, Inc  
19855 S.W. Freeway Suite 200  
Sugar Land, Texas 77479  
Phone: (281) 343-7171

Re: GF 09309872, Terrabrook Cinco Ranch Southwest, L.P. (Seller) – sale to County of Fort Bend, 2.2252 acres

Dear Raymond:

Please find enclosed at your request the following documents which are being delivered to you in executable form by the applicable parties to this transaction:

1. Special Warranty Deed;
2. Notices to Purchaser;
3. Affidavit as to Debts, Liens and Possession;
4. Non-foreign Affidavit; and,
5. Agreement on Adjustments of Prorations and Payoffs and disbursement Authorization Statement

In addition, I have included the most recent preliminary HUD-1 Settlement Statement. As you are aware, we are still awaiting receipt of the final Settlement Statement with which we can process our lender pay-off request for the Partial Release of Liens. For your convenient reference, however, I have attached the version of Partial Release of Liens that would be provided to our lender for execution. Once we have received and approved a final HUD-1 Settlement Statement with the anticipated Closing Date, we intend to execute and deliver the Closing Documents to the Title Company for further handling in their escrow capacity and will process the request for release with our Lender.

If you have any questions regarding these instructions, please do not hesitate to contact me at (713) 575-9000. Thank you for your assistance in this matter.

Sincerely,

*Lori Curtis*

Lori Curtis

Enclosures

cc: Travis Stone



## Newland Communities

10235 West Little York, Suite 300  
Houston, TX 77040  
Telephone: (713) 575-9000  
Fax: (713) 575-9001

July 31, 2009

Monroe A. Ashworth IV  
Stewart Title Fort Bend  
Commercial Department  
14100 Southwest Freeway, # 200  
Sugar Land, TX 77478

Phone 281-275-4404  
Fax 281-242-2836

Reference: Your GF 09309872, Terrabrook Cinco Ranch Southwest, L.P. (Seller) – sale to  
County of Fort Bend

Dear Monroe:

Please find enclosed for your handling in an escrow capacity the following documents  
executed by Seller::

1. Settlement Statement;
2. Special Warranty Deed;
3. Notices to Purchaser;
4. Affidavit as to Debts, Liens and Possession;
5. Non-foreign Affidavit; and,
6. Agreement on Adjustments of Prorations and Payoffs and disbursement  
Authorization Statement

You will also receive "Partial Release Documents" directly from our lender, Residential  
Funding Corporation ("RFC"). You are authorized to release the documents only in accordance  
with the Instruction letter from RFC.

The documents are being sent to you to be held in escrow. You are authorized to deliver  
these documents only when you: (i) have a fully executed Settlement Statement; (ii) have on  
hand sufficient good funds; and (iii) are ready and obligated to immediately wire transfer the  
proceeds of the sale in accordance with the enclosed Settlement Statement or another  
Settlement Statement which has been previously approved by me; and, (iv) have received from  
Purchase execution pages to the Deed, the Affidavit, the Proration Agreement, and the Notices  
to Purchaser.

**WIRING INSTRUCTIONS FOR RFC:**

Bank Name: JP Morgan Chase, N.A.  
ABA No.: 021000021  
Acct Name: Residential Funding Corporation  
Acct No.: 55-82008  
Re: Newland –Cinco Southwest – Fort Bend County, 2.1968 acres-\$92,440.40

**WIRING INSTRUCTIONS FOR SELLER:**

Bank Name: California Bank and Trust, San Diego, CA  
ABA No.: 122232109  
Acct Name: Terrabrook Cinco Ranch Southwest LP  
Acct No.: 2120192591  
Re: Newland –Cinco Southwest – Fort Bend County, 2.1968 acres-\$61,626.94

**Once the funds have been wired to RFC and Seller as indicated in the approved Settlement Statement, please PDF copies of each wire transmittal, the fully executed HUD-1 Settlement Statement and the Special Warranty Deed to [lcurtis@newlandcommunities.com](mailto:lcurtis@newlandcommunities.com). Please be sure that each wire transmittal properly identifies proceeds relating to this closing by listing the simple property description as set forth above.**

You are authorized to record the enclosed documents in the following order only:

1. Partial Release of Liens included in the Partial Release Documents;
2. Special Warranty Deed;
3. Notices to Purchaser.

**Following recordation of these Closing documents, please provide me with a copy of same but with the original recorded Partial Release of Liens to be returned to my attention.**

Your acceptance of this letter and holding of the documents will evidence your agreement to be bound by the terms of this letter.

If you have any questions regarding these instructions, please do not hesitate to contact me at (713) 575-9000. Thank you for your assistance in this matter.

Sincerely,

*Lori Curtis*

Lori Curtis

Enclosures

cc: Travis Stone

<b>A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>		<b>B. TYPE OF LOAN</b> OMB No. 2502-0265	
		1. <input type="checkbox"/> FHA 2. <input type="checkbox"/> FMHA 3. <input type="checkbox"/> CONV. UNINS.	
		4. <input type="checkbox"/> VA 5. <input type="checkbox"/> CONV. INS.	
		6. FILE NUMBER: 09309872	7. LOAN NUMBER:
		8. MTG. INS. CASE NO.:	
C.NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked ("p.o.c.") were paid outside the closing; they are shown here for information purposes and are not included in the totals.			
D. NAME OF BORROWER: Fort Bend County			
ADDRESS:			
E. NAME OF SELLER: Terrabrook Cinco Ranch Southwest LP			
ADDRESS:			
SELLER TIN:			
F. NAME OF LENDER:			
ADDRESS:			
G. PROPERTY LOCATION: .1546 AC TRACT IN 1 & GN RR SURVEY A365/.2498 & .0346 & 1.7861 AC TRACT IN THE CARLIDGE & FERGUSEN SURVEY A444 PARCELS 10,11,12 & 13			
H. SETTLEMENT AGENT: STEWART TITLE COMPANY CLOSER: MONROE ASHWORTH PHONE NUMBER:			
ADDRESS: 14100 SOUTHWEST FRWY, STE 200 SUGAR LAND, TEXAS 77478 SETTLEMENT AGENT TIN: 74-0923770			
I. SUMMARY OF BORROWER'S TRANSACTION			
K. SUMMARY OF SELLER'S TRANSACTION			
100. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER:	
101. Contract sales price	154,067.00	401. Contract sales price	154,067.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower(line 1400)	1,365.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance:		Adjustments for items paid for seller in advance:	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109. Maintenance to		409. Maintenance to	
110. School/Taxes to		410. School/Taxes to	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER:	155,432.00	420. GROSS AMOUNT DUE TO SELLER:	154,067.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
201. Deposit or earnest money		501. Excess deposit(see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller(line 1400)	390.61
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. Commitment Fee		504. Payoff of first mortgage loan RFC PAYOFF	92,440.40
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller:		Adjustments for items unpaid by seller:	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213. School/Taxes to		513. School/Taxes to	
214.		514. Maintenance to	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER:		520. TOTAL REDUCTION IN AMOUNT:	92,831.01
300. CASH AT SETTLEMENT FROM/TO BORROWER:		600. CASH AT SETTLEMENT TO/FROM SELLER:	
301. Gross amount due from borrower(line 120)	155,432.00	601. Gross amount due to seller(line 420)	154,067.00
302. Less amounts paid by/for borrower(line 220)		602. Less total reductions in amount due seller(line 520)	92,831.01
303. CASH [X FROM] [ ] TO BORROWER:	155,432.00	603. CASH [X TO] [ ] FROM SELLER:	61,235.99

File 09309872		L. SETTLEMENT CHARGES		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700. TOTAL SALES/BROKER'S COMMISSION Based on \$	@	% =			
Division of Commission (line 700) as follows:					
701. \$	to				
702. \$	to				
703. Commission paid at settlement					
704.					
800. ITEMS PAYABLE IN CONNECTION WITH LOAN.					
801. Loan Origination fee		%			
802. Loan Discount		%			
803. Appraisal fee		to			
804. Credit Report		to			
805. Lender's inspection fee		to			
806. Mortgage Insurance application fee		to			
807. Assumption Fee		to			
808. Commitment Fee		to			
809. FNMA Processing Fee		to			
810. Pictures		to			
811.		to			
812.		to			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE.					
901. Interest from	to	@ \$	/day		
902. Mortgage insurance premium for	mo. to				
903. Hazard insurance premium for	yrs. to				
904. Flood Insurance	yrs. to				
905.					
1000. RESERVES DEPOSITED WITH LENDER					
1001. Hazard Insurance	mo. @ \$		per mo.		
1002. Mortgage insurance	mo. @ \$		per mo.		
1003. City property taxes	mo. @ \$		per mo.		
1004. County property taxes	mo. @ \$		per mo.		
1005. Annual assessments (Mamnt.)	mo. @ \$		per mo.		
1006. School Property Taxes	mo. @ \$		per mo.		
1007. Water Dist. Prop. Tax	mo. @ \$		per mo.		
1008. Flood Insurance	mo. @ \$		per mo.		
1009. Aggregate Accounting Adjustment					
1100. TITLE CHARGES:					
1101. Settlement or closing fee		to			
1102. Abstract or title search		to			
1103. Title examination		to			
1104. Title insurance binder		to			
1105. Document preparation		to			
1106. Notary fee		to			
1107. Attorney's fee to		to			
(includes above items No.:					
1108. Title insurance		to STEWART TITLE COMPANY		1,132.00	
(includes above items No.: )					
1109. Lender's coverage		\$			
1110. Owner's coverage	154,067.00	\$	1,132.00		
1111. Escrow fee		to			
1112. Restrictions		to			
1113. Messenger Fee/Document Delivery		to STEWART TITLE COMPANY		20.00	
1114.		to			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES					
1201. Recording fees:	Deed \$ 96.00	Mrtg \$	Rel. \$ 20.00	116.00	
1202. City/county tax/stamps:	Deed \$	Mrtg \$			
1203. State tax/stamps:	Deed \$	Mrtg \$			
1204. Tax certificates		to STEWART TITLE COMPANY		92.00	
1205.		to			
1206. State of Texas Policy Gty Fee		to STEWART TITLE POLICY GUARANTY FEE		5.00	
1300. ADDITIONAL SETTLEMENT CHARGES					
1301. Survey		to			
1302. Pest inspection		to			
1303. School/Taxes		to KATY ISD			390.61
1304.		to			
1305.		to			
1400. TOTAL SETTLEMENT CHARGES (entered on lines 103, Section J and 502, Section K)				1,365.00	390.61

CERTIFICATION: I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of HUD-1 Settlement Statement.

Borrowers

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Sellers

Settlement Agent

Date

SEE PAGE 3 FOR SIGNATURES, IF APPLICABLE

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18: U.S. Code Section 1001 and Section 1010.

**CERTIFICATION**

Seller's and Purchaser's signature hereon acknowledges his/their approval of tax proration and signifies their understanding that proration was based on taxes for the preceding year or estimates for the current year, and in the event of any change for the current year, all necessary adjustments must be made between Seller and Purchaser; likewise any default in delinquent taxes will be reimbursed to Title Company by the Seller.

Title Company, in its capacity as Escrow Agent, is and has been authorized to deposit all funds it receives in this transaction in any financial institution, whether affiliated or not. Title Company shall not be liable for any interest or other charges on the earnest money and shall be under no duty to invest or reinvest funds held by it at any time. Seller and Purchasers hereby acknowledge and consent to the deposit of the escrow money in financial institutions with which Title Company has or may have other banking relationships and further consent to the retention by Title Company and/or its affiliates of any and all benefits (including advantageous interest rates on loans) Title Company and/or its affiliates may receive from such financial institutions by reason of their maintenance of said escrow accounts.

The parties have read the above sentences, recognize that the recitations herein are material, agree to same, and recognize Title Company is relying on the same.

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

**SELLER(S):**

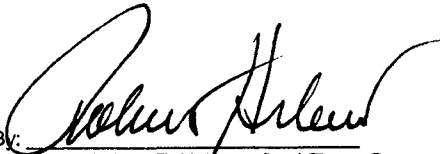
TERRABROOK CINCO RANCH  
SOUTHWEST, L.P., a Delaware limited partnership

By: Terrabrook Cinco Ranch Southwest GP, LLC  
A Delaware limited liability company, its General  
Partner.

By: \_\_\_\_\_  
E. Travis Stone, Jr.  
Vice President

**PURCHASER (S):**

FORT BEND COUNTY

By:   
Judge Robert E. Hebert 8-17-09  
Fort Bend County Judge

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

**STEWART TITLE**

By: \_\_\_\_\_  
Monroe Ashworth, Commercial Escrow Officer  
Settlement Agent

\_\_\_\_\_ Date

**WARNING:**  
It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS                   §  
  §           KNOW ALL PERSONS BY THESE PRESENTS  
COUNTY OF FORT BEND               §

THAT, **TERRABROOK CINCO RANCH SOUTHWEST, L.P.**, a Delaware limited partnership, hereinafter referred to as "Grantor," for and in consideration of the sum of Ten and No/100 Dollar (\$10.00) and other good and valuable consideration to Grantor in hand paid by the **COUNTY OF FORT BEND** (the "County"), whose mailing address is 301 Jackson St., Richmond, Texas 77469, the receipt of which is hereby acknowledged, and for which no lien is retained, either express or implied, has GRANTED, BARGAINED, SOLD, and CONVEYED and, by these presents, does GRANT, BARGAIN, SELL and CONVEY unto the County, all those certain tracts or parcels of land lying and being situated in the County of Fort Bend, State of Texas, more particularly described in Exhibit "A," Exhibit "B," Exhibit "C," and Exhibit "D," each of which is attached hereto and incorporated herein for any and all purposes (collectively, the "Property").

TOGETHER WITH, all and singular of Grantor's rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining to the Property but only to the extent the same benefit the Property (the "Appurtenant Rights").

Grantor hereby reserves and excepts to itself and its successors and assigns all oil, gas and other minerals in, under and/or that may be produced from the Property, together with all privileges appertaining thereto (collectively, the "Minerals"), provided, however, Grantor, for itself, its successors and assigns, hereby release, waive and relinquish all of Grantor's rights and interest in and to the use of the surface of the Property for exploring, drilling for, developing, producing, storing, processing, marketing and transporting the Minerals from the Property, subject to the right of Grantor to explore, drill for, develop and produce the Minerals from the Property without the use of the surface or any portion thereof, through wells at surface locations situated outside the Property including, without limitation, directional wells drilled off the Property and under or through and bottomed beneath the Property, and entirely below the surface, and wells located off the Property in a pooled unit which includes the Property or a portion or portions thereof and other lands.

THE PROPERTY IS CONVEYED BY GRANTOR TO THE COUNTY ON AN AS-IS BASIS, IN ITS PRESENT CONDITION, BUT WITHOUT ANY EXPRESS WARRANTY (EXCEPT THE SPECIAL WARRANTY OF TITLE CONTAINED HEREIN) AND WITHOUT ANY IMPLIED WARRANTY OF MERCHANTABILITY, HABITABILITY, SUITABILITY

OR OTHER IMPLIED WARRANTY. THE CONVEYANCE OF THE APPURTENANT RIGHTS IS MADE WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED.

In addition, this conveyance is made by Grantor and accepted by the County subject to matters that a correct survey of the Property would reflect, easements, restrictions, reservations, covenants and conditions and other matters (other than lien encumbrances) relating to the Property to the extent that the same are valid and enforceable against the Property, as same are shown by instruments filed for record in the Official Public Records of Real Property of Fort Bend County, Texas, or as same are evident upon inspection of the Property (herein collectively called the "Permitted Exceptions").

It is acknowledged and agreed that Grantee is acquiring the Property for the purpose of dedicating, constructing and maintaining a public right of way.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, unto the County, and its assigns forever; and Grantor binds itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the title to the Property, except for the Permitted Exceptions, unto the County, and its assigns, against every person whomsoever lawfully claiming or to claim the same or any part of the Property, by, through or under Grantor, but not otherwise.

PROVIDED, HOWEVER, that Grantor hereby reserves unto itself, its successors and assigns, a temporary, exclusive easement (the "Landscaping Easement") to enter onto the Property and landscape the Property and to thereafter maintain and/or replace such landscaping, until such time that Grantee has commenced construction of a public right of way (such date being the "Construction Commencement Date"). At least thirty (30) days prior to Construction Commencement Date, Grantee shall provide written notice of the Commencement Construction Date and Grantor shall have the right, but not the obligation, prior to the Construction Commencement Date to remove and relocate from the Property any landscaping it has previously planted.

PROVIDED FURTHER, HOWEVER, Grantor has agreed to sell the Property to Grantee in reliance on Grantee's covenant to construct the Right of way (the "Right of Way") on the Property not later than ten (10) years following the date hereof ("Option Date"), and Grantee acknowledges that Grantor would not have sold the Property to Grantee but for such covenant by Grantee (unless Grantee was unable to do so as a result of *force majeure*, in which event Grantee shall be granted an extension of time equal to the delay caused by *force majeure* to commence construction of the Building). Therefore, in the event that Grantee has not, on or before the Option Date (as may be extended pursuant to the immediately preceding sentence), commenced construction of the Right of Way, Grantor shall have the right, but not the obligation, to require Grantee to reconvey the Property, or a portion of the Property selected by Grantor, to Grantor in accordance with the hereinafter described provisions (the "Repurchase Option").

In the event that Grantee has not commenced construction on or before the Option Date (as it may be extended as above specified), Grantee shall, upon the written request of Grantor, its successors or assigns (and upon delivery to a title company for immediate disbursement to

Grantee of the hereinafter described "Repurchase Price"), reconvey the Property, or that portion of the Property selected by Grantor, to Grantor, its nominee or its successors or assigns, by special warranty deed in the physical condition existing on the date of this instrument (or its then present physical condition), at Grantor's option. The aforesaid Repurchase Option shall be exercisable by Grantor or its successors or assigns at any time within five (5) years after the Option Date provided that Grantee has not commenced construction of the Right of Way prior to Grantor's exercise of such Repurchase Option; if not exercised within such time period, such Repurchase Option shall automatically terminate and be of no further force or effect. Grantor's notice of the exercise of such Repurchase Option shall set forth the title company at which the closing shall occur and a date which shall not be earlier than ten (10) days nor later than thirty (30) days after the giving of such notice, at which time the closing shall occur.

If Grantor exercises the aforesaid Repurchase Option, the Repurchase Price, payable in cash at the closing, shall be either (i) if the entire Property is repurchased by Grantor, a sum equal to one hundred percent (100%) of the purchase price theretofore paid by Grantee to purchase the Property, or (ii) if only a portion of the Property is repurchased by Grantor, an amount equal to one hundred percent (100%) of the purchase price theretofore paid by Grantee to purchase the Property multiplied by a fraction of which the numerator shall be the total acreage of the Property being repurchased by Grantor and the denominator of which shall be the total acreage of the Property. Grantor shall not be obligated to reimburse Grantee for any taxes or charges paid by Grantee with respect to the Property or any other sums paid by Grantee to Grantor for the purchase of the Property.

The Repurchase Option set forth herein shall automatically terminate once construction of the Right of Way has commenced so long as such construction commences prior to Grantor's exercise of the Repurchase Option and is in accordance with the terms hereto.

*[Remainder of page intentionally left blank.]*

This Special Warranty Deed is EXECUTED as of the date of acknowledgment below to be EFFECTIVE as of the \_\_\_ day of \_\_\_\_\_, 2009.

GRANTOR:

**TERRABROOK CINCO RANCH  
SOUTHWEST, L.P.**, a Delaware limited  
partnership

By: Terrabrook Cinco Ranch Southwest GP,  
LLC, a Delaware limited liability company,  
its General Partner

By: \_\_\_\_\_  
E. Travis Stone, Jr., Vice President

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND §

This instrument was ACKNOWLEDGED before me on the \_\_\_ day of \_\_\_\_\_, 2009, by E. Travis Stone, Jr., Vice President of Terrabrook Cinco Ranch Southwest GP, LLC, a Delaware limited liability company, General Partner of Terrabrook Cinco Ranch Southwest, L.P., a Delaware limited liability partnership, on behalf of said limited liability partnership.

[S E A L]

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Notary Public

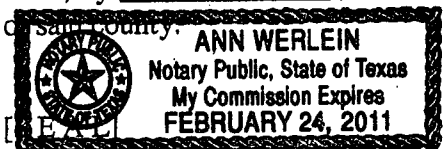
THE COUNTY OF FORT BEND accepts the foregoing Special Warranty Deed and consents to its form and substance.

THE COUNTY OF FORT BEND

By: *Robert Hebert*  
Name: Robert Hebert  
Title: County Judge  
8-17-09

STATE OF TEXAS §  
  §  
COUNTY OF FORT BEND §

This instrument was ACKNOWLEDGED before me on the 17 day of August, 2009, by Robert Hebert, County Judge of the County of Fort Bend, on behalf



*Ann Werlein*  
Notary Public in and for the State of Texas

My Commission Expires:

Feb 24, 2011

Ann Werlein  
Printed Name of Notary Public

**EXHIBIT "A"**

**PROPERTY DESCRIPTION**

**PARCEL 10  
DESCRIPTION OF A  
0.1546 ACRE TRACT IN THE  
I. & G. N. R.R. SURVEY, A-365  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.1546 acre tract (6,734 square feet) of land situated in the I. & G. N. R.R. Survey, Abstract 365, Fort Bend County, Texas, being a portion of a residue of a called 847.4831 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 of the Fort Bend County Official Public Records of Real Property (F.B.C.O.P.R.R.P.); said 0.1546 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**COMMENCING** at a 5/8-inch iron with cap stamped "SURVCON", found on the northerly right-of-way line of Fry Road (100-foot width) as described on the plat to Katy I.S.D., High School No. 6, and recorded under Plat Number 20050205, of the Fort Bend County Plat Records (F.B.C.P.R.), same being a southeasterly corner of a subdivision referred to Cinco Ranch Southwest, Section 1, and recorded under Plat Number 20060286 (F.B.C.P.R.);

**THENCE** North 29° 56' 25" East, 13.46 feet, with the northerly right-of-way line of Fry Road, to a point, for the beginning of a curve to the right;

**THENCE** continuing with the northerly right-of-way line of Fry Road, in a northeasterly direction, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 149.62 feet, a central angle of 04° 10' 54", and a chord bearing North 32° 01' 41" East, 149.59 feet to a 5/8-inch iron rod stamped "JACOBS" set on the proposed right-of-way line of Katy-Gaston Road, for the **POINT OF BEGINNING**, same being the beginning of a reverse curve to the left, from which a 5/8-inch iron rod with cap stamped "JNS Engineers" bears North 34° 31' 12" West, 4.12 feet;

**THENCE** with the proposed right-of-way line of Katy-Gaston Road, in a northerly direction, along the arc of said reverse curve to the left, having a radius of 30.00 feet, an arc length of 42.20 feet, a central angle of 80° 35' 14", and a chord bearing North 06° 10' 10" West, 38.80 feet, to a 5/8-inch iron rod stamped "Jacobs", from which a 5/8-inch iron with cap stamped "JNS Engineers" bears South 45° 39' 47" East, 4.29 feet;

**THENCE** North 46° 27' 47" West, 114.50 feet, continuing with the proposed right-of-way line of Katy-Gaston Road, to a 5/8-inch iron rod stamped "JNS Engineers" found on the common line of said 847.4831 acre tract and a called 108.997 acre residue tract as described in deed to Terrabrook Cinco Southwest, L.P. and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.), same being on the common survey line of the Carlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365;

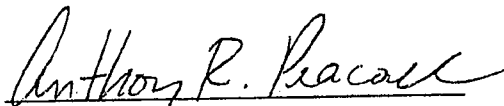
THENCE North 43° 22' 44" East, 55.73 feet, with the said common survey line, to a point in the westerly right-of-way of Katy-Gaston Road (50-foot width), as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South 46° 26' 45" East, 111.57 feet, with the westerly right-of-way of Katy-Gaston Road, to a point at the intersection of the westerly right-of-way Katy-Gaston Road, and the aforementioned northerly right-of-way of Fry Road;

THENCE South 43° 32' 44" West, 36.45 feet, with the said northerly right-of-way of Fry Road, to a point for the beginning of a non-tangent curve to the right;

THENCE in a southerly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 42.47 feet, a central angle of 81° 06' 49", and a chord bearing South 05° 53' 51" East, 39.01 feet to a point for the beginning of reverse curve to the left;

THENCE in a southwesterly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the left, having a radius of 2050.00 feet, an arc length of 19.22 feet, a central angle of 00° 32' 14", and a chord bearing South 34° 23' 34" West, 19.22 feet to the **POINT OF BEGINNING**, and containing 0.1546 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised February 3, 2009;



Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402



2/3/2009



**EXHIBIT "B"**

**PROPERTY DESCRIPTION**

**PARCEL 11  
DESCRIPTION OF A  
0.2498 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.2498 acre tract (10,883 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 108.997 acre tract described in a Special Warranty Deed to Terrabrook Cinco Southwest, LP., recorded under Clerk's File Number 2002071041, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.2498 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSO 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the northeast corner of a 0.2478 acre tract recorded under Clerk's File Number 2007021192, (F.B.C.O.P.R.R.P.), same being on the southwesterly right-of-way line of Katy-Gaston Road (width varies), same being North 46° 26' 23" West, 60.00 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the southeast corner of said 0.2478 acre tract, same being North 46° 26' 23" West, 597.65 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the most northerly end of cut back corner of Fry Road (100-foot width) and recorded under Plat Number 20050205 of the Fort Bend County Plat Records;

**THENCE** South 43° 16' 30" West, 19.40 feet along the northerly line of said 0.2478 acre tract to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

**THENCE** South 46° 27' 47" East, 60.00 feet to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found for the **POINT OF BEGINNING** on the southerly line of said 0.2478 acre tract;

**THENCE** North 43° 16' 30" East, along said southerly line at 19.38 feet pass a 5/8-inch iron rod with cap stamped "SURVCON INC." found for southeast corner of said 0.2478 acre tract and continuing in all 25.19 feet to a point;

**THENCE** South 46° 33' 52" East, 325.32 feet to a point;

**THENCE** South 46° 26' 45" East, 100.84 feet to a point;

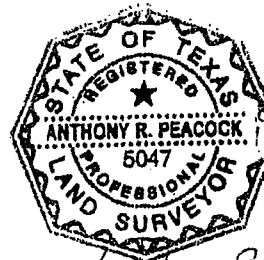
THENCE South 43° 22' 44" West, 25.73 feet along the common line of the aforementioned 108.997 acre tract and a called 847.4831 acre tract as described under Clerk's File Number 2002071214, (F.B.C.O.P.R.R.P), same being on the common line of the aforementioned Cartlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365 to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

THENCE North 46° 27' 47" West, 426.12 feet to the **POINT OF BEGINNING**, and containing 0.2498 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., and revised January 30, 2009.

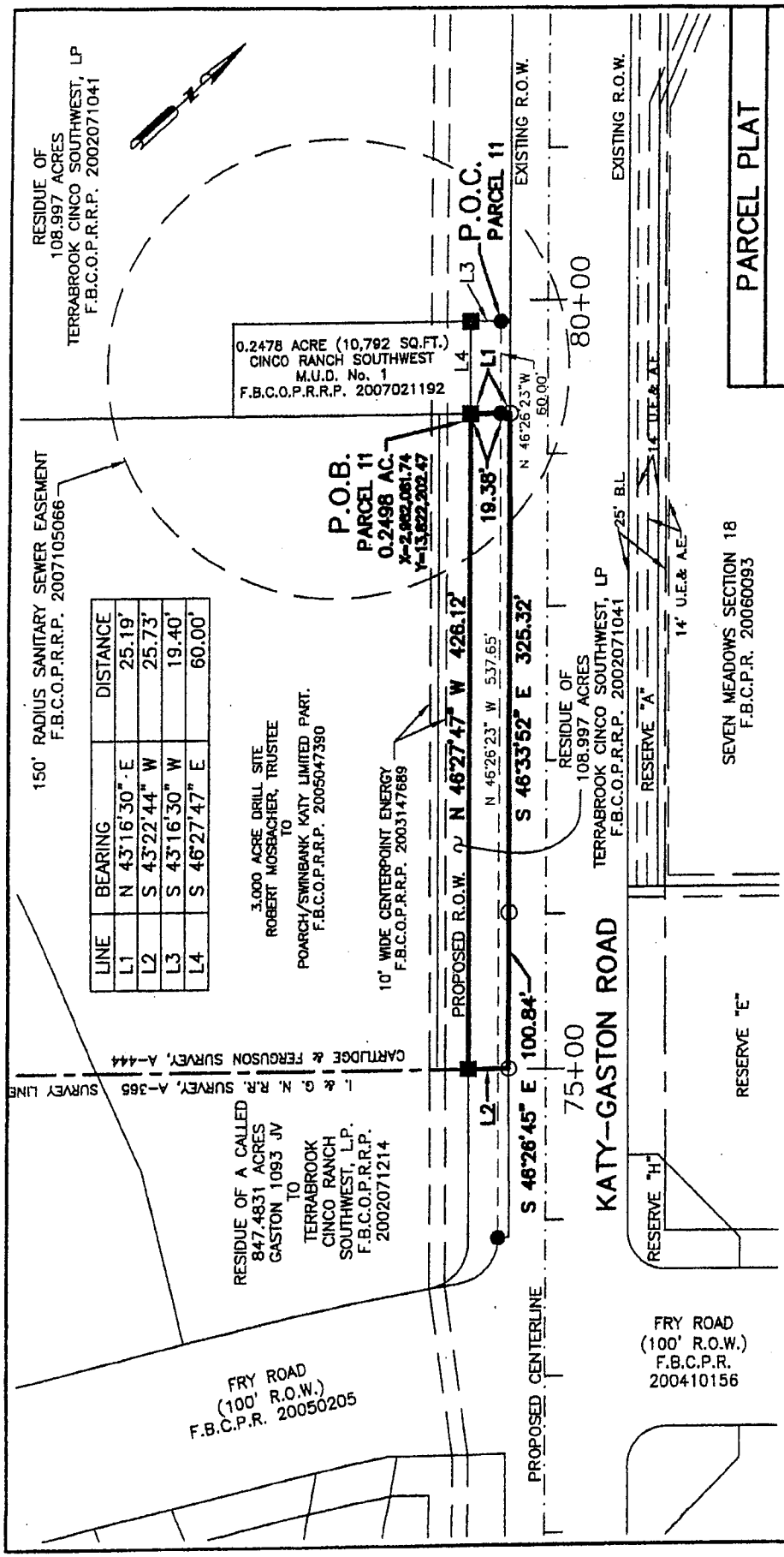
*Anthony R. Peacock*

Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402



1/30/2009



**LEGEND**

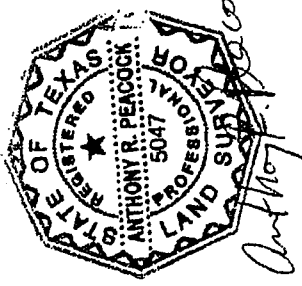
- Point not found
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."

F.B.C.P.R. Fort Bend County Plat Records  
F.B.C.O.P.R.P. Fort Bend County Official Public Records of Real Property

EXISTING ACREAGE	PARCEL TAKING	REMAINING ACREAGE
108,9970 AC	0.2498 AC	108,7472 AC

**Notes:**

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORRS station CMS2 and NGS Monument HGCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.



**JACOBS™**  
Jacobs Engineering Group Inc.  
55 Wought Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

<b>PARCEL PLAT</b>		PARCEL 11 0.2498 ACRE OUT OF THE CARTLIDGE & FERGUSON SURVEY, ABSTRACT 444 FORT BEND COUNTY, TEXAS	PROJ. NO. C3X41402
SCALE: 1" = 100'	DRAWN BY: MVR	DATE: 12/31/2008	SHEET: 1 of 1
	CHK'D BY: MVR	APPROVED: ARP	

\*\*Revised on January 30, 2009

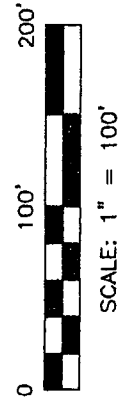


EXHIBIT "C"

PROPERTY DESCRIPTION

**PARCEL 12  
DESCRIPTION OF A  
0.0346 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.0346 acre tract (1,508 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 0.2478 acre tract described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.0346 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSD 67;

**BEGINNING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found on the southerly line of said 0.2478 acre tract, from which a 5/8-inch iron rod with cap stamped "JNS Engineers", found bears South 46° 27' 47" East, 426.12 feet;

**THENCE** North 46° 27' 47" West, 60.00 feet, with the proposed westerly right-of-way of Katy-Gaston Road, to a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the northerly boundary of said 0.2478 acre tract;

**THENCE** North 43° 16' 30" East, with the northerly boundary of said 0.2478 acre tract, at 19.40 feet, a found 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all, 25.08 feet to a point in the westerly right-of-way of Katy-Gaston Road as described in the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580, of the Fort Bend County Plat Records, (F.B.C.P.R.);

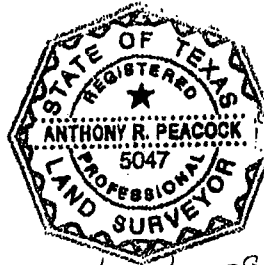
**THENCE** South 46° 33' 51" East, 60.00 feet, with the westerly right-of-way line of Katy-Gaston Road, to a point on the westerly line of a residue of a 108.997 acre tract, described in deed to Terrabrook Cinco Southwest, L.P., and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.);

THENCE South 43° 16' 30" West, with the common line of said 0.2478 acre tract and said 3.000 acre tract, at 5.81 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.19 feet to **POINT OF BEGINNING**, and containing 0.0346 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009;

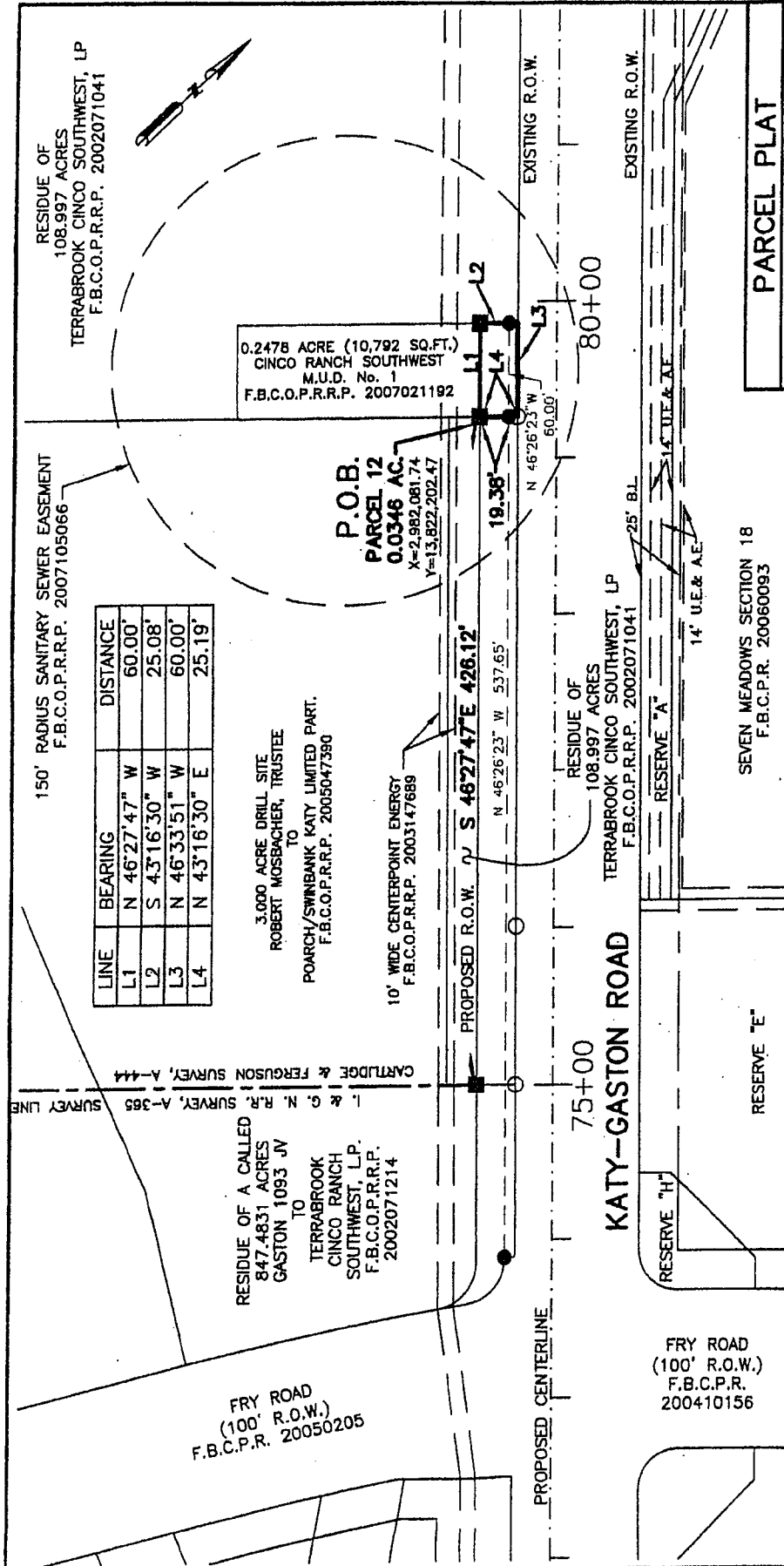
*Anthony R. Peacock*

Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402



1/30/2009



LINE	BEARING	DISTANCE
L1	N 46°27'47" W	60.00'
L2	S 43°16'30" W	25.08'
L3	N 46°33'51" W	60.00'
L4	N 43°16'30" E	25.19'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

P.O.B.  
PARCEL 12  
0.0346 AC.  
X=2,982,081.74  
Y=13,822,202.47

3,000 ACRE DRILL SITE  
ROBERT MOSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147689

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, LP.  
F.B.C.O.P.R.R.P.  
2002071214

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 20050205

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R.  
200410156

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

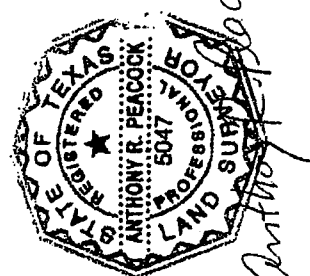
EXISTING ACREAGE	PARCEL TAKING	REMAINING ACREAGE
0.2478 AC	0.0346 AC	0.2132 AC

PARCEL PLAT

PARCEL 12  
0.0346 ACRE  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444  
FORT BEND COUNTY, TEXAS

**JACOBS**  
Jacobs Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE:	1" = 100'	PROJ. NO.	CSX41402
DRAWN BY:	MVR	DATE	SHEET
CHK'D BY:	MVR		1/30/2009
APPROVED:	ARP		1 of 1

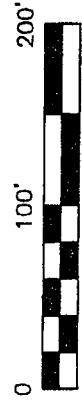


Notes:

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

LEGEND

- Point not found
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records
- F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



SCALE: 1" = 100'

**EXHIBIT "D"**

**PROPERTY DESCRIPTION**

**PARCEL 13  
DESCRIPTION OF A  
1.7861 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
AND  
S.M. WILLIAMS SURVEY A-463  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 1.7861 acre tract (77,804 square feet) of land situated in the Carlidge and Ferguson Survey Abstract Number 444, and the S.M. Williams Survey, Abstract 463, Fort Bend County, Texas, being a portion a residue of a called 108.997 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071041, of the Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 1.7861 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS D 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the southerly right-of-way line of Cinco Ranch Boulevard (100-foot width) as described in the plat of Katy-Gaston Road at Cinco Ranch Boulevard, and recorded under Plat Number 20060045, of the Fort Bend county Plat Records (F.B.C.P.R.);

**THENCE** North 43° 31' 13" East, 166.15 feet, with the said southerly right-of-way line of Cinco Ranch Boulevard, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the **POINT OF BEGINNING**, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears, North 61° 02' 08" East, 12.16 feet;

**THENCE** North 43° 31' 13" East, with the said southerly right-of-way line of Cinco Ranch Boulevard, 18.50 feet to a point for the westerly cutback corner of Katy-Gaston Road, and for the beginning of a curve to the right;

**THENCE** in an easterly direction, with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 47.08 feet, a central angle of 89°54'57", and a chord bearing North 88° 28' 41" East, 42.40 feet to a point;

**THENCE** South 46° 33' 50" East, 461.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the left;

**THENCE** in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the left, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of 2°01'57", and a chord bearing South 47° 34' 49" East, 17.73 feet to a point;

**THENCE** South 48° 35' 47" East, 546.21 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the right;

THENCE in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of 2°01'57", and a chord bearing South 47° 34' 49" East, 17.73 feet to a point;

THENCE South 46° 33' 51" East, 111.96 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point;

THENCE North 43° 26' 09" East, 30.00 feet, with the southerly existing westerly right-of-way of Katy-Gaston Road, to the northwesterly corner of Katy-Gaston Road (50-foot width) as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South 46° 33' 51" East, 935.57 feet, with the existing westerly right-of-way of Katy-Gaston Road, to an angle point;

THENCE South 46° 26' 45" East, 100.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the corner of a residue of a called 847.4831 acre tract as described in the deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 (F.B.C.O.P.R.R.P.);

THENCE South 43° 22' 44" West, 30.00 feet, with the common line of the said residue of a 847.4831 acre tract, and the aforementioned 108.997 acre tract, to the southeasterly corner of a called 3.000 acre drill site as described in deed to Poarch/Swimbank Katy Limited Partnership, and recorded under Clerk's File Number 2005047390 (F.B.C.O.P.R.R.P.);

THENCE North 46° 26' 45" West, 100.84 feet, to an angle point;

THENCE North 46° 33' 52" West, 385.32 feet, with the easterly boundary of the residue of said 108.997 acre tract, to a point, for the most northerly corner of a called 0.2478 acre tract as described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192 (F.B.C.O.P.R.R.P.);

THENCE South 43° 16' 30" West, with the northerly boundary of said 0.2478 acre tract, at 5.68 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.08 feet, to a 5/8-inch iron with cap stamped "JNS Engineers", found in the aforementioned proposed westerly right-of-way of Katy Gaston Road;

THENCE North 46° 27' 47" West, 232.76 feet, with the proposed westerly right-of-way of Katy Gaston Road to a 5/8-inch iron rod with cap stamped "JNS Engineers", found for the beginning of a curve to the left;

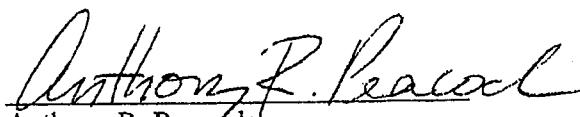
THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the left, having a radius of 1950.00 feet, an arc length of 118.20 feet, a central angle of  $03^{\circ} 28' 23''$ , and a chord bearing North  $48^{\circ} 11' 58''$  West, 118.18 feet to a 5/8-inch iron rod with cap stamped "JNS Engineers" found;

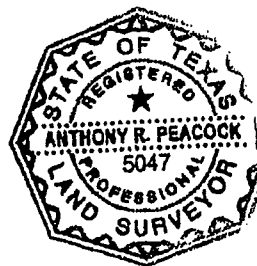
THENCE North  $49^{\circ} 56' 55''$  West, 153.28 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the right, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $52^{\circ} 06' 36''$  East, 3.37 feet;

THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 124.28 feet, a central angle of  $03^{\circ} 28' 25''$ , and a chord bearing North  $48^{\circ} 05' 42''$  West, 124.26 feet, to a 5/8-inch iron rod with cap stamped "Jacobs" set from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $48^{\circ} 15' 18''$  East, 3.36 feet;

THENCE North  $46^{\circ} 27' 45''$  West, 1077.16 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the left, from which a found 5/8-inch iron with cap stamped "JNS Engineers" bears North  $43^{\circ} 41' 10''$  East, 7.17 feet;

THENCE in a westerly direction, along the arc of said curve to the left, having a radius of 30.00 feet, an arc length of 47.13 feet, a central angle of  $90^{\circ} 00' 42''$ , and a chord bearing South  $88^{\circ} 31' 44''$  West, 42.43 feet to the **POINT OF BEGINNING**, and containing 1.7861 acres of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised July 17, 2009;

  
Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047



Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

RESIDUE OF A CALLED 108.997 ACRES  
 POARCH/SWINBANK KATY LIMITED PARTNERSHIP  
 TO  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.B.O.P.R.R.P. No. 2002071041  
 JULY 2, 2002

10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. 2003147699

P.O.C. 13  
 P.O.B. 13  
 PARCEL 13  
 1.7578 AC  
 X=2,980,748.38  
 Y=13,823,405.48  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N61°02'08"E, 12.18'  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N43°41'10"W, 7.17'

PROPOSED R.O.W.

PROPOSED CENTERLINE

EXISTING R.O.W.

KATY-GASTON ROAD 95+00

EXISTING R.O.W.

EXISTING R.O.W.

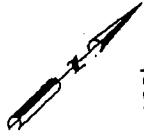
RESERVE "D" 10' B.L.

RESERVE "B"

CINCO WEST AT SEVEN MEADOWS SECTION 1  
 F.B.O.P.R.R.P. No. 2004131292

CINCO WEST AT SEVEN MEADOWS SECTION 1  
 F.B.O.P.R.R.P. No. 2004131292

CINCO BRANCH BLVD.  
 (100' R.O.W.)  
 F.B.C.P.R. 20060045



0

100'

200'

SCALE: 1" = 100'

LINE	BEARING	DISTANCE
L1	N 43°31'13" E	166.15'
L2	N 43°31'13" E	18.50'
L3	S 46°33'50" E	481.75'
L4	S 48°35'47" E	546.21'
L5	S 46°27'45" E	1077.16'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	47.08'	42.40'	N 85°28'41" E	89°34'57"
C2	500.00'	17.74'	17.73'	S 47°34'49" E	02°01'57"
C3	30.00'	47.13'	42.43'	S 88°31'44" W	90°00'42"

LEGEND

- Point not found
- 5/8" Iron Rod set w/cap stamped "Jacobs"
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- Fort Bend County Plat Records
- Fort Bend County Official Public Records of Real Property

Notes:

1. This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSD 67.
3. This plot has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.



\*\* Revised July 17, 2009

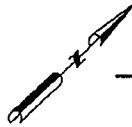
PARCEL PLAT

PARCEL 13  
 1.7861 ACRES  
 OUT OF THE  
 CARTLIDGE & FERGUSON SURVEY,  
 ABSTRACT 444 &  
 S. M. WILLIAMS SURVEY,  
 ABSTRACT 463  
 FORT BEND COUNTY, TEXAS

**JACOBS**

Jacobs Engineering Group Inc.  
 55 Waugh Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE: 1" = 100'	PROJ. NO. C3X41402
DRAWN BY: MVR	DATE
CHK'D BY: MVR	1/30/2009
APPROVED: ARP	SHEET 1 of 3



"MATCHLINE" STATION 91+00.00

"MATCHLINE" STATION 82+00.00

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1950.00'	118.20'	118.18'	N 48°11'58" W	03°28'23"
C2	2050.00'	124.28'	124.26'	N 48°05'42" W	03°28'25"
C3	500.00'	17.74'	17.73'	S 47°34'49" E	02°01'57"

RESIDUE OF A CALLED 108.997 ACRES  
 POARCH/SWINBANK KATY LIMITED PARTNERSHIP  
 TO  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.B.O.P.R.R.P. No. 2002071041  
 JULY 2, 2002

**BASELINE CURVE DATA**

PI STATION = 85+50.71  
 DELTA = 3°28'24.75" (RT)  
 DEGREE OF CURVE = 2°51'53.24"  
 TANGENT = 60.64  
 LENGTH = 121.25  
 RADIUS = 2,000.00  
 PC STATION = 84+90.06  
 PT STATION = 86+11.31  
 10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. No. 2003147689  
 PROPOSED R.O.W.

**BASELINE CURVE DATA**

PI STATION = 82+79.47  
 DELTA = 3°28'23.13" (LT)  
 DEGREE OF CURVE = 2°51'53.24"  
 TANGENT = 60.64  
 LENGTH = 121.23  
 RADIUS = 2,000.00  
 PC STATION = 82+18.83  
 PT STATION = 83+40.06  
 20' WATER LINE EASEMENT  
 F.B.O.P.R.R.P. No. 2006004926

5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS S48°15'18"E,  
 3.36'  
 S. M. WILLIAMS  
 SURVEY, A-463

25' PHILIPS PETROLEUM  
 PIPELINE EASEMENT  
 F.B.O.P.R.R.P. No. 2000006109  
 EXISTING R.O.W.

15' S.S.E.  
 F.B.O.P.R.R.P. No. 2004118194  
 15' ST.S.E.  
 F.B.O.P.R.R.P. No. 2004118193  
 14' U.E. & A.E.  
 F.B.O.P.R.R.P. No. 2004127791

**KATY-GASTON ROAD**

SEVEN MEADOWS SECTION 18  
 F.B.O.P.R.R.P. No. 2006041580

LINE	BEARING	DISTANCE
L1	N 43°26'09" E	30.00'
L2	S 46°33'51" E	935.57'
L3	N 49°56'55" W	153.28'
L4	N 46°27'45" W	1077.16'
L5	S 48°35'47" E	546.21'
L6	S 46°33'51" E	111.96'

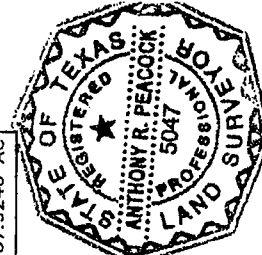
**LEGEND**

- Point not found
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod set w/cap stamped "Jacobs"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



SCALE: 1" = 100'

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC



**Notes:**

1. This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Cornerstone RTK network COPS COBS station CMS2 and NGS Monument HGCSD 67.
3. This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

**PARCEL PLAT**

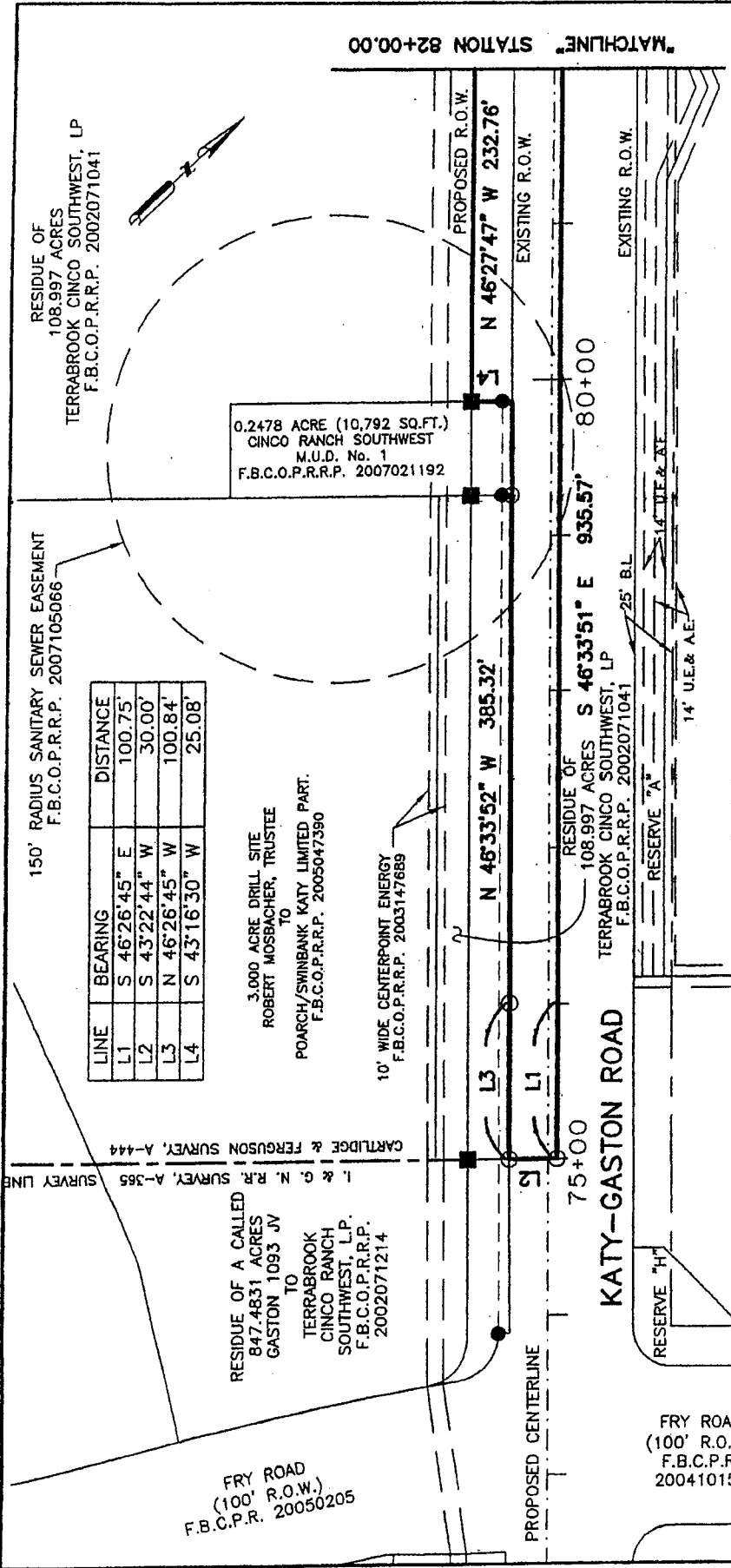
PARCEL 13  
 1.7861 ACRES  
 OUT OF THE  
 CARTLIDGE & FERGUSON SURVEY,  
 ABSTRACT 444 &  
 S. M. WILLIAMS SURVEY,  
 ABSTRACT 463  
 FORT BEND COUNTY, TEXAS



JACOBS  
 Jacobs Engineering Group Inc.  
 55 Waugh Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE:	1" = 100'	PROJ. NO.	C3X41402
DRAWN BY:	MVR	DATE	
CHK'D BY:	MVR	1/30/2009	SHEET
APPROVED:	ARP		2 of 3

\*\* Revised July 17, 2009



LINE	BEARING	DISTANCE
L1	S 46°26'45" E	100.75'
L2	S 43°22'44" W	30.00'
L3	N 46°26'45" W	100.84'
L4	S 43°16'30" W	25.08'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

3,000 ACRE DRILL SITE  
ROBERT MOSSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147689

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, L.P.  
F.B.C.O.P.R.R.P.  
2002071214

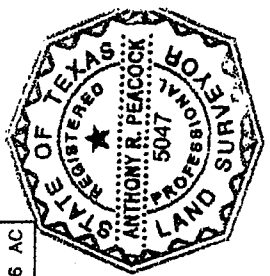
FRY ROAD  
(100' P.O.W.)  
F.B.C.P.R. 20050205

**PARCEL PLAT**  
PARCEL 13  
1.7861 ACRES  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444 &  
S. M. WILLIAMS SURVEY,  
ABSTRACT 463  
FORT BEND COUNTY, TEXAS

**JACOBS™**  
Jacobs Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-669-7900

SCALE: 1" = 100'  
DRAWN BY: MVR  
CHK'D BY: MVR  
APPROVED: ARP

PROJ. NO. C3X41402  
DATE 1/30/2009  
SHEET 3 of 3



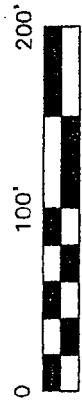
EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

**Notes:**

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HCCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

**LEGEND**

- Point not found
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



SCALE: 1" = 100'

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

\*\* Revised July 17, 2009

**NOTICE TO PURCHASER OF REAL PROPERTY  
(CSWMUD 2)**

**STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND   §**

The real property, described below, which you are about to purchase is located in the **Cinco Southwest Municipal Utility District No. 2**. The district has taxing authority separate from any other taxing authority and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. The district has not yet levied taxes but the most recent projected debt service tax, as of this date, is \$1.50 on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$320,000,000, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the district and payable in whole or in part from property taxes is \$ 17,710,000. The district is one of four districts in the Cinco Southwest regional system that provides water, sewer, drainage, roads, parks and other regional facilities. An aggregate of \$562,000,000 in bonds have been authorized to finance these regional facilities.

The district also has the authority to adopt and impose a standby fee on property in the district that has water, sewer, sanitary, or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The district may exercise the authority without holding an election on the matter. As of this date, the amount of the standby fee is \$0.00. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of unpaid standby fees on a tract of property in the district.

The district is located in whole or in part in the extraterritorial jurisdiction of the City of Houston. By law, a district located in the extraterritorial jurisdiction of a municipality may be annexed without the consent of the district or the voters of the district. When a district is annexed, the district is dissolved.

The purpose of this district is to provide water, sewer, drainage, or flood control facilities and services within the district through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the district. The legal description of the property which you are acquiring is as follows:

All those certain tracts or parcels of land lying and being situated in Fort Bend County, Texas, more particularly described on Exhibit A, Exhibit B, Exhibit C, and Exhibit D, each of which is attached hereto and incorporated herein by this reference.

Seller:

\_\_\_\_\_  
Date

**TERRABROOK CINCO RANCH SOUTHWEST, L.P.,  
a Delaware limited partnership**  
By: Terrabrook Cinco Ranch Southwest GP, LLC,  
a Delaware limited liability company,  
its General partner

By: \_\_\_\_\_  
Name: E. Travis Stone, Jr.  
Title: Vice President

PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHES TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES TO THE INFORMATION SHOWN ON THIS FORM.

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to execution of a binding contract for the purchase of the real property described in such notice or at closing of purchase of the real property.

August 17, 2009  
Date

*Robert Hebert*  
Signature of Purchaser

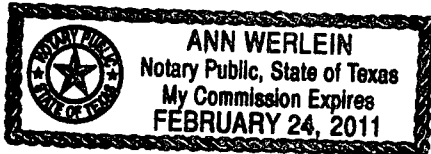
STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by E. Travis Stone, Jr., Vice President of Terrabrook Cinco Ranch Southwest GP, L.L.C., a Delaware limited liability company, the general partner of Terrabrook Cinco Ranch Southwest, L.P., a Delaware limited partnership, on behalf of said limited liability company and limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF Fort Bend   §

This instrument was acknowledged before me on August 17, 2009 by Robert + Hebert of Fort Bend County, a County Judge authorized Purchaser, on behalf of the County.



*Ann Werlein*  
Notary Public, State of Texas

**EXHIBIT A**

**PARCEL 10  
DESCRIPTION OF A  
0.1546 ACRE TRACT IN THE  
I. & G. N. R.R. SURVEY, A-365  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.1546 acre tract (6,734 square feet) of land situated in the I. & G. N. R.R. Survey, Abstract 365, Fort Bend County, Texas, being a portion of a residue of a called 847.4831 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 of the Fort Bend County Official Public Records of Real Property (F.B.C.O.P.R.R.P.); said 0.1546 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS D 67;

**COMMENCING** at a 5/8-inch iron with cap stamped "SURVCON", found on the northerly right-of-way line of Fry Road (100-foot width) as described on the plat to Katy I.S.D., High School No. 6, and recorded under Plat Number 20050205, of the Fort Bend County Plat Records (F.B.C.P.R.), same being a southeasterly corner of a subdivision referred to Cinco Ranch Southwest, Section 1, and recorded under Plat Number 20060286 (F.B.C.P.R.);

**THENCE** North 29° 56' 25" East, 13.46 feet, with the northerly right-of-way line of Fry Road, to a point, for the beginning of a curve to the right;

**THENCE** continuing with the northerly right-of-way line of Fry Road, in a northeasterly direction, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 149.62 feet, a central angle of 04° 10' 54", and a chord bearing North 32° 01' 41" East, 149.59 feet to a 5/8-inch iron rod stamped "JACOBS" set on the proposed right-of-way line of Katy-Gaston Road, for the **POINT OF BEGINNING**, same being the beginning of a reverse curve to the left, from which a 5/8-inch iron rod with cap stamped "JNS Engineers" bears North 34° 31' 12" West, 4.12 feet;

**THENCE** with the proposed right-of-way line of Katy-Gaston Road, in a northerly direction, along the arc of said reverse curve to the left, having a radius of 30.00 feet, an arc length of 42.20 feet, a central angle of 80° 35' 14", and a chord bearing North 06° 10' 10" West, 38.80 feet, to a 5/8-inch iron rod stamped "Jacobs", from which a 5/8-inch iron with cap stamped "JNS Engineers" bears South 45° 39' 47" East, 4.29 feet;

**THENCE** North 46° 27' 47" West, 114.50 feet, continuing with the proposed right-of-way line of Katy-Gaston Road, to a 5/8-inch iron rod stamped "JNS Engineers" found on the common line of said 847.4831 acre tract and a called 108.997 acre residue tract as described in deed to Terrabrook Cinco Southwest, L.P. and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.), same being on the common survey line of the Carlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365;

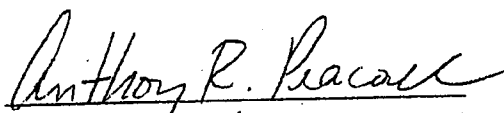
THENCE North 43° 22' 44" East, 55.73 feet, with the said common survey line, to a point in the westerly right-of-way of Katy-Gaston Road (50-foot width), as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South 46° 26' 45" East, 111.57 feet, with the westerly right-of-way of Katy-Gaston Road, to a point at the intersection of the westerly right-of-way Katy-Gaston Road, and the aforementioned northerly right-of-way of Fry Road;

THENCE South 43° 32' 44" West, 36.45 feet, with the said northerly right-of-way of Fry Road, to a point for the beginning of a non-tangent curve to the right;

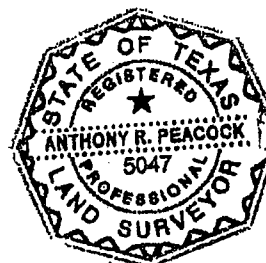
THENCE in a southerly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 42.47 feet, a central angle of 81° 06' 49", and a chord bearing South 05° 53' 51" East, 39.01 feet to a point for the beginning of reverse curve to the left;

THENCE in a southwesterly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the left, having a radius of 2050.00 feet, an arc length of 19.22 feet, a central angle of 00° 32' 14", and a chord bearing South 34° 23' 34" West, 19.22 feet to the **POINT OF BEGINNING**, and containing 0.1546 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised February 3, 2009;



Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402



2/3/2009



SCALE: 1" = 100'  
 50' WIDE PIPELINE EASEMENT  
 PER AMENDMENT TO PIPELINE EASEMENT  
 F.B.C.O.P.R.R.P. No. 2001097664

RESERVE "A"  
 KATY I.S.D. HIGH SCHOOL No. 6  
 F.B.C.O.P.R.R.P. No. 20050202

10' ENTEX GAS PIPELINE EASEMENT  
 VOL. 1405, PG. 638 F.B.C.P.R.  
 25' BUILDING LINE

50' WIDE DRAINAGE  
 EASEMENT BY PLAT

25' BUILDING LINE

FRY ROAD  
 (100' R.O.W.)  
 F.B.C.P.R. No.  
 20050205

P.O.C.  
 PARCEL 10

RESIDUE OF A CALLED  
 847.4831 ACRES  
 GASTON 1093 JV  
 TO  
 TERRABROOK CINCO RANCH  
 SOUTHWEST, L.P.  
 F.B.C.O.P.R.R.P. No.  
 2002071214  
 JULY 2, 2002

P.O.B.  
 PARCEL 10  
 0.1546 AC.  
 X=2,982,477.82  
 Y=13,821,791.50

BEARS  
 S 54°39'47"E  
 4.28'

PROPOSED R.O.W.

BEARS  
 N 34°31'32" E  
 4.12'

KATY-GASTON ROAD

EXISTING R.O.W.

TXU EASEMENT  
 PGTX DEVELOPMENT, LLC  
 F.B.C.O.P.R.R.P. No. 2007156228  
 DEC. 28, 2007

EXISTING R.O.W. 70+00

CALLED 1.8726 ACRES  
 PGTX DEVELOPMENT, LLC  
 F.B.C.O.P.R.R.P. No. 2007156228  
 DEC. 28, 2007

MEMBERS CHOICE CREDIT UNION  
 RESERVE "A"  
 F.B.C.O.P.R.R.P. No. 20070186

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2050.00'	149.62'	N 32°01'41" E	04°10'54"	
C2	30.00'	42.20'	S 06°10'10" E	80°35'14"	
C3	30.00'	42.47'	S 05°53'51" E	81°08'49"	
C4	2050.00'	19.22'	S 34°23'34" W	00°32'14"	

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
847.4831 AC	0.0778 AC	0.0768 AC	847.4063 AC

LEGEND

- Point not found
  - 5/8" Iron Rod set w/cap stamped "JACOBS"
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property

Notes:

1. This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HCCSD 67.
3. This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

FRY ROAD  
 (100' R.O.W.)  
 F.B.C.P.R. No.  
 2004104430

EXISTING R.O.W. 75+00

EXISTING R.O.W.

RESERVE "A"

RESERVE "H"

SEVEN MEADOWS SECTION 18  
 F.B.C.O.P.R.R.P. No. 2006041580

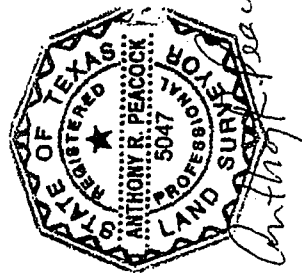
PARCEL PLAT

PARCEL 10  
 0.1546 ACRE  
 OUT OF THE  
 I. & G. N. R.R. SURVEY,  
 ABSTRACT 365  
 FORT BEND COUNTY, TEXAS

**JACOBS**

Jacobs Engineering Group Inc.  
 55 Waugh Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE: 1" = 100'	PROJ. NO. C3X1402
DRAWN BY: MVR	DATE
CHK'D BY: MVR	1/30/2009
APPROVED: ARP	SHEET 1 of 1



\*\* Revised February 3, 2009

**EXHIBIT B**

**PARCEL 11  
DESCRIPTION OF A  
0.2498 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.2498 acre tract (10,883 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 108.997 acre tract described in a Special Warranty Deed to Terrabrook Cinco Southwest, LP., recorded under Clerk's File Number 2002071041, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.2498 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the northeast corner of a 0.2478 acre tract recorded under Clerk's File Number 2007021192, (F.B.C.O.P.R.R.P.), same being on the southwesterly right-of-way line of Katy-Gaston Road (width varies), same being North 46° 26' 23" West, 60.00 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the southeast corner of said 0.2478 acre tract, same being North 46° 26' 23" West, 597.65 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the most northerly end of cut back corner of Fry Road (100-foot width) and recorded under Plat Number 20050205 of the Fort Bend County Plat Records;

**THENCE** South 43° 16' 30" West, 19.40 feet along the northerly line of said 0.2478 acre tract to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

**THENCE** South 46° 27' 47" East, 60.00 feet to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found for the **POINT OF BEGINNING** on the southerly line of said 0.2478 acre tract;

**THENCE** North 43° 16' 30" East, along said southerly line at 19.38 feet pass a 5/8-inch iron rod with cap stamped "SURVCON INC." found for southeast corner of said 0.2478 acre tract and continuing in all 25.19 feet to a point;

**THENCE** South 46° 33' 52" East, 325.32 feet to a point;

**THENCE** South 46° 26' 45" East, 100.84 feet to a point;

THENCE South 43° 22' 44" West, 25.73 feet along the common line of the aforementioned 108.997 acre tract and a called 847.4831 acre tract as described under Clerk's File Number 2002071214, (F.B.C.O.P.R.R.P), same being on the common line of the aforementioned Carlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365 to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

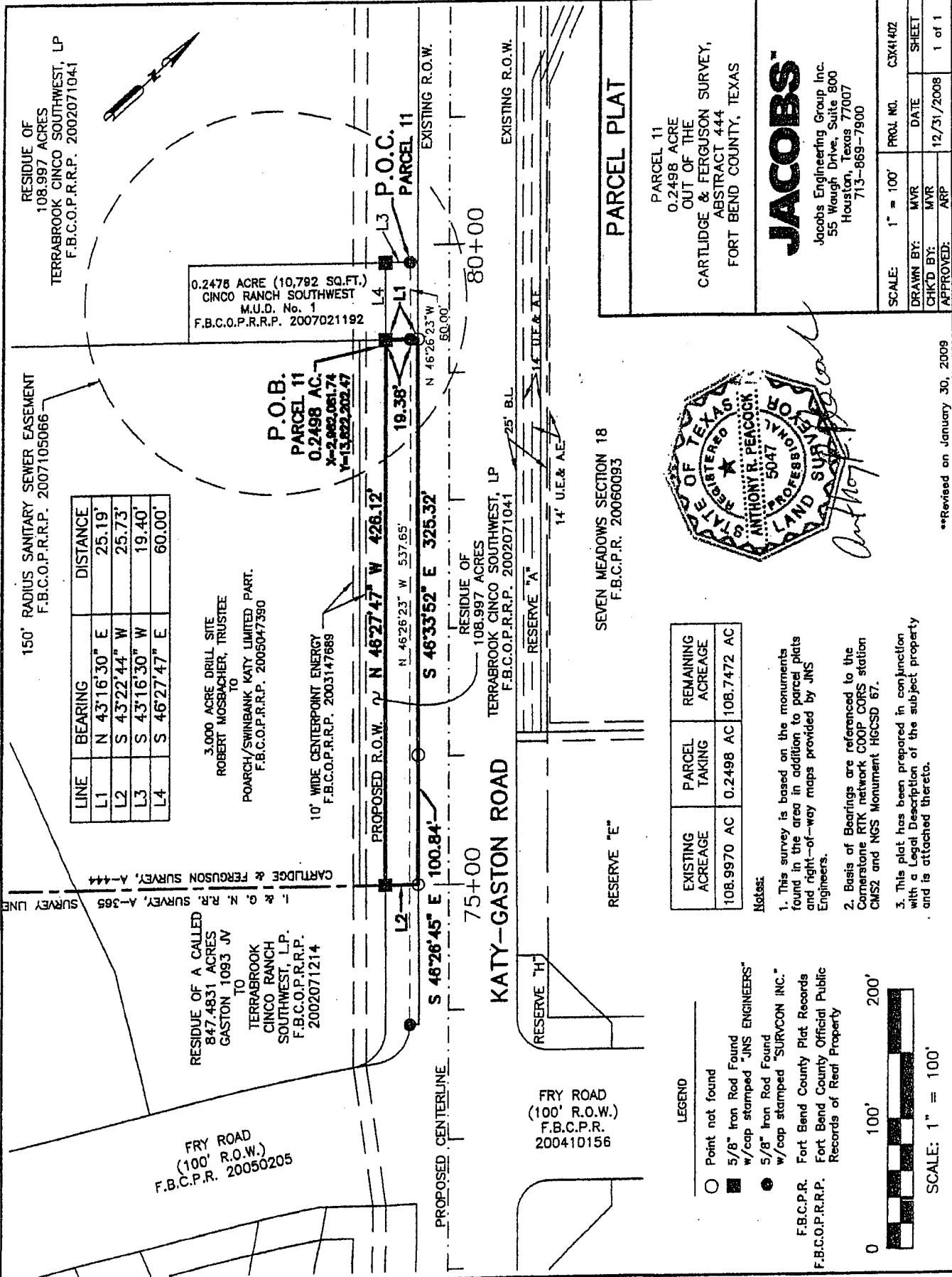
THENCE North 46° 27' 47" West, 426.12 feet to the **POINT OF BEGINNING**, and containing 0.2498 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., and revised January 30, 2009.

*Anthony R. Peacock*

Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402





LINE	BEARING	DISTANCE
L1	N 43°16'30" E	25.19'
L2	S 43°22'44" W	25.73'
L3	S 43°16'30" W	19.40'
L4	S 46°27'47" E	60.00'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

P.O.B.  
PARCEL 11  
0.2498 AC.  
X=2,962,061.74  
Y=13,822,202.47

3.000 ACRE DRILL SITE  
ROBERT MOSSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147889

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, L.P.  
F.B.C.O.P.R.R.P.  
2002071214

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 20050205

PROPOSED R.O.W. N 46°27'47" W 426.12'  
N 46°26'23" W 537.65'  
S 46°33'52" E 325.32'

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

FRY ROAD  
(100' R.O.W.)  
T.B.C.P.R.  
200410156

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

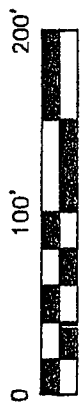
EXISTING ACREAGE	PARCEL TAKING	REMAINING ACREAGE
108.9970 AC	0.2498 AC	108.7472 AC

Notes:

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HCCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

LEGEND

- Point not found
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



SCALE: 1" = 100'

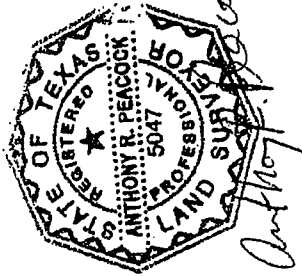
PARCEL PLAT

PARCEL 11  
0.2498 ACRE  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444  
FORT BEND COUNTY, TEXAS



JACOBS Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE:	1" = 100'	PROJ. NO.	C3X41402
DRAWN BY:	MVR	DATE	SHEET
CHKD BY:	MVR		
APPROVED:	ARP		1 of 1



\*\*Revised on January 30, 2009

**EXHIBIT C**

**PARCEL 12  
DESCRIPTION OF A  
0.0346 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.0346 acre tract (1,508 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 0.2478 acre tract described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.0346 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**BEGINNING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found on the southerly line of said 0.2478 acre tract, from which a 5/8-inch iron rod with cap stamped "JNS Engineers", found bears South 46° 27' 47" East, 426.12 feet;

**THENCE** North 46° 27' 47" West, 60.00 feet, with the proposed westerly right-of-way of Katy-Gaston Road, to a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the northerly boundary of said 0.2478 acre tract;

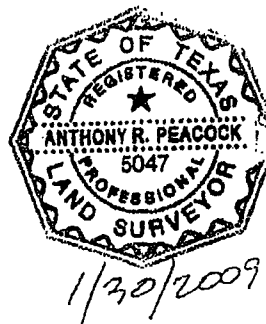
**THENCE** North 43° 16' 30" East, with the northerly boundary of said 0.2478 acre tract, at 19.40 feet, a found 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all, 25.08 feet to a point in the westerly right-of-way of Katy-Gaston Road as described in the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580, of the Fort Bend County Plat Records, (F.B.C.P.R.);

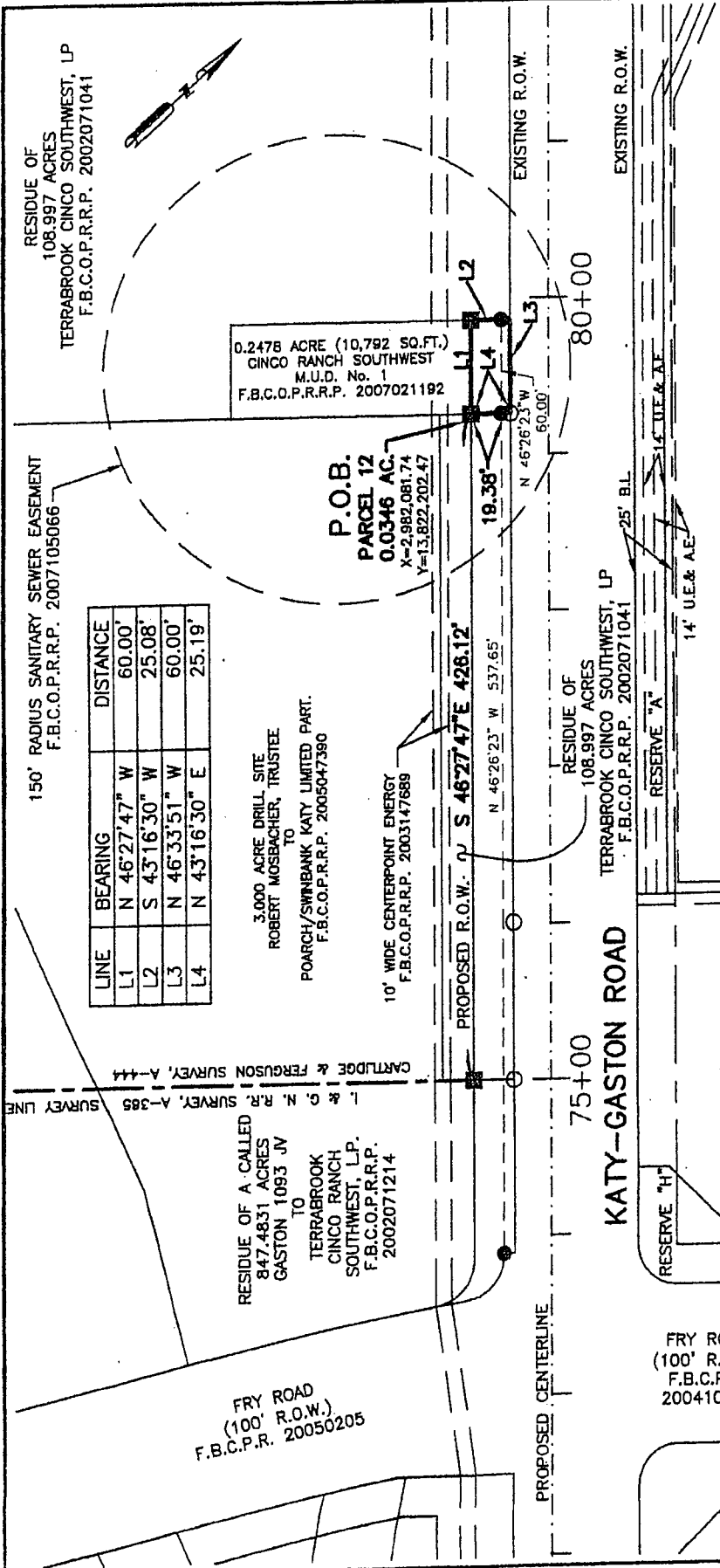
**THENCE** South 46° 33' 51" East, 60.00 feet, with the westerly right-of-way line of Katy-Gaston Road, to a point on the westerly line of a residue of a 108.997 acre tract, described in deed to Terrabrook Cinco Southwest, L.P., and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.);

THENCE South 43° 16' 30" West, with the common line of said 0.2478 acre tract and said 3.000 acre tract, at 5.81 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.19 feet to **POINT OF BEGINNING**, and containing 0.0346 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009;

Anthony R. Peacock  
Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402





LINE	BEARING	DISTANCE
L1	N 46°27'47" W	60.00'
L2	S 43°16'30" W	25.08'
L3	N 46°33'51" W	60.00'
L4	N 43°16'30" E	25.19'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

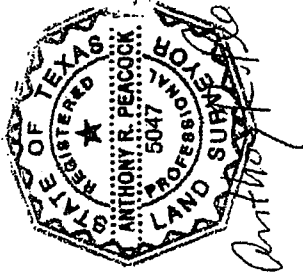
P.O.B.  
PARCEL 12  
0.0346 AC.  
X=2,982,081.74  
Y=13,822,202.47

**PARCEL PLAT**

PARCEL 12  
0.0346 ACRE  
OUT OF THE  
CARLIDGE & FERGUSON SURVEY,  
ABSTRACT 444  
FORT BEND COUNTY, TEXAS

**JACOBS**  
Jacobs Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE:	1" = 100'	PROJ. NO.	C3X41402
DRAWN BY:	MVR	DATE	SHEET
CHK'D BY:	MVR	1/30/2009	1 of 1
APPROVED:	ARP		



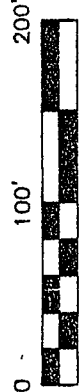
EXISTING ACREAGE	PARCEL TAKING	REMAINING ACREAGE
0.2478 AC	0.0346 AC	0.2132 AC

**Notes:**

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

**LEGEND**

- Point not found
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records
- F.B.C.O.P.R.R.P. Official Public Records of Real Property



SCALE: 1" = 100'

**EXHIBIT D**

**PARCEL 13  
DESCRIPTION OF A  
1.7861 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
AND  
S.M. WILLIAMS SURVEY A-463  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 1.7861 acre tract (77,804 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, and the S.M. Williams Survey, Abstract 463, Fort Bend County, Texas, being a portion a residue of a called 108.997 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071041, of the Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 1.7861 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the southerly right-of-way line of Cinco Ranch Boulevard (100-foot width) as described in the plat of Katy-Gaston Road at Cinco Ranch Boulevard, and recorded under Plat Number 20060045, of the Fort Bend county Plat Records (F.B.C.P.R.);

**THENCE** North 43° 31' 13" East, 166.15 feet, with the said southerly right-of-way line of Cinco Ranch Boulevard, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the **POINT OF BEGINNING**, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears, North 61° 02' 08" East, 12.16 feet;

**THENCE** North 43° 31' 13" East, with the said southerly right-of-way line of Cinco Ranch Boulevard, 18.50 feet to a point for the westerly cutback corner of Katy-Gaston Road, and for the beginning of a curve to the right;

**THENCE** in an easterly direction, with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 47.08 feet, a central angle of 89°54'57", and a chord bearing North 88° 28' 41" East, 42.40 feet to a point;

**THENCE** South 46° 33' 50" East, 461.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the left;

**THENCE** in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the left, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of 2°01'57", and a chord bearing South 47° 34' 49" East, 17.73 feet to a point;

**THENCE** South 48° 35' 47" East, 546.21 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the right;

THENCE in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of  $2^{\circ}01'57''$ , and a chord bearing South  $47^{\circ}34'49''$  East, 17.73 feet to a point;

THENCE South  $46^{\circ}33'51''$  East, 111.96 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point;

THENCE North  $43^{\circ}26'09''$  East, 30.00 feet, with the southerly existing westerly right-of-way of Katy-Gaston Road, to the northwesterly corner of Katy-Gaston Road (50-foot width) as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South  $46^{\circ}33'51''$  East, 935.57 feet, with the existing westerly right-of-way of Katy-Gaston Road, to an angle point;

THENCE South  $46^{\circ}26'45''$  East, 100.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the corner of a residue of a called 847.4831 acre tract as described in the deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 (F.B.C.O.P.R.R.P.);

THENCE South  $43^{\circ}22'44''$  West, 30.00 feet, with the common line of the said residue of a 847.4831 acre tract, and the aforementioned 108.997 acre tract, to the southeasterly corner of a called 3.000 acre drill site as described in deed to Poarch/Swimbank Katy Limited Partnership, and recorded under Clerk's File Number 2005047390 (F.B.C.O.P.R.R.P.);

THENCE North  $46^{\circ}26'45''$  West, 100.84 feet, to an angle point;

THENCE North  $46^{\circ}33'52''$  West, 385.32 feet, with the easterly boundary of the residue of said 108.997 acre tract, to a point, for the most northerly corner of a called 0.2478 acre tract as described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192 (F.B.C.O.P.R.R.P.);

THENCE South  $43^{\circ}16'30''$  West, with the northerly boundary of said 0.2478 acre tract, at 5.68 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.08 feet, to a 5/8-inch iron with cap stamped "JNS Engineers", found in the aforementioned proposed westerly right-of-way of Katy Gaston Road;

THENCE North  $46^{\circ}27'47''$  West, 232.76 feet, with the proposed westerly right-of-way of Katy Gaston Road to a 5/8-inch iron rod with cap stamped "JNS Engineers", found for the beginning of a curve to the left;

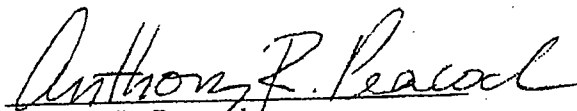
THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the left, having a radius of 1950.00 feet, an arc length of 118.20 feet, a central angle of  $03^{\circ} 28' 23''$ , and a chord bearing North  $48^{\circ} 11' 58''$  West, 118.18 feet to a 5/8-inch iron rod with cap stamped "JNS Engineers" found;

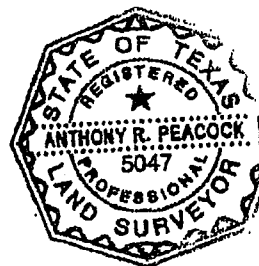
THENCE North  $49^{\circ} 56' 55''$  West, 153.28 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the right, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $52^{\circ} 06' 36''$  East, 3.37 feet;

THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 124.28 feet, a central angle of  $03^{\circ} 28' 25''$ , and a chord bearing North  $48^{\circ} 05' 42''$  West, 124.26 feet, to a 5/8-inch iron rod with cap stamped "Jacobs" set from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $48^{\circ} 15' 18''$  East, 3.36 feet;

THENCE North  $46^{\circ} 27' 45''$  West, 1077.16 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the left, from which a found 5/8-inch iron with cap stamped "JNS Engineers" bears North  $43^{\circ} 41' 10''$  East, 7.17 feet;

THENCE in a westerly direction, along the arc of said curve to the left, having a radius of 30.00 feet, an arc length of 47.13 feet, a central angle of  $90^{\circ} 00' 42''$ , and a chord bearing South  $88^{\circ} 31' 44''$  West, 42.43 feet to the **POINT OF BEGINNING**, and containing 1.7861 acres of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised July 17, 2009;

  
Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047



Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

RESIDUE OF A CALLED 108.997 ACRES  
 POARCH/SWINBANK KATY LIMITED PARTNERSHIP  
 TO  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.B.O.P.R.R.P. No. 2002071041  
 JULY 2, 2002

"MATCHLINE" STATION 91+00.00

10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. 2003147689

PROPOSED R.O.W.

L5

PROPOSED CENTERLINE

KATY-GASTON ROAD 95+00

EXISTING R.O.W.

RESERVE "D" 10' B.L.

CINCO WEST AT SEVEN MEADOWS SECTION 1  
 F.B.O.P.R.R.P. No. 2004131292

YMS BRANCH LANE  
 (60' R.O.W.)

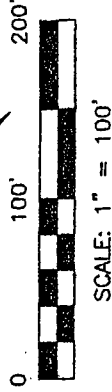
10' B.L. RESERVE "B"

EXISTING R.O.W.

CINCO BRANCH BLVD.  
 (100' R.O.W.)  
 F.B.C.P.R. 20060045

P.O.C.  
 PARCEL 13  
 P.O.B.

PARCEL 13  
 1.7578 AC.  
 X=2,980,748.38  
 Y=13,823,405.48  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N61°02'08"E, 12.16'  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N43°41'10"W, 7.17'



LINE	BEARING	DISTANCE
L1	N 43°31'13" E	186.15'
L2	N 45°31'13" E	18.50'
L3	S 45°33'50" E	461.75'
L4	S 48°35'47" E	546.21'
L5	S 45°27'45" E	1077.16'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	47.08'	42.40'	N 88°28'41" E	89°54'57"
C2	500.00'	17.74'	17.73'	S 47°34'49" E	02°01'57"
C3	30.00'	47.13'	42.43'	S 88°31'44" W	90°00'42"

LEGEND

- Point not found
  - 5/8" Iron Rod set w/cap stamped "Jacobs"
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURVOON INC."
- Fort Bend County Plat Records  
 Fort Bend County Official Public Records of Real Property

Notes:

1. This survey is based on the monuments found in the area in addition to parcel plots and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS0 67.
3. This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.



\*\* Revised July 17, 2009

PARCEL PLAT

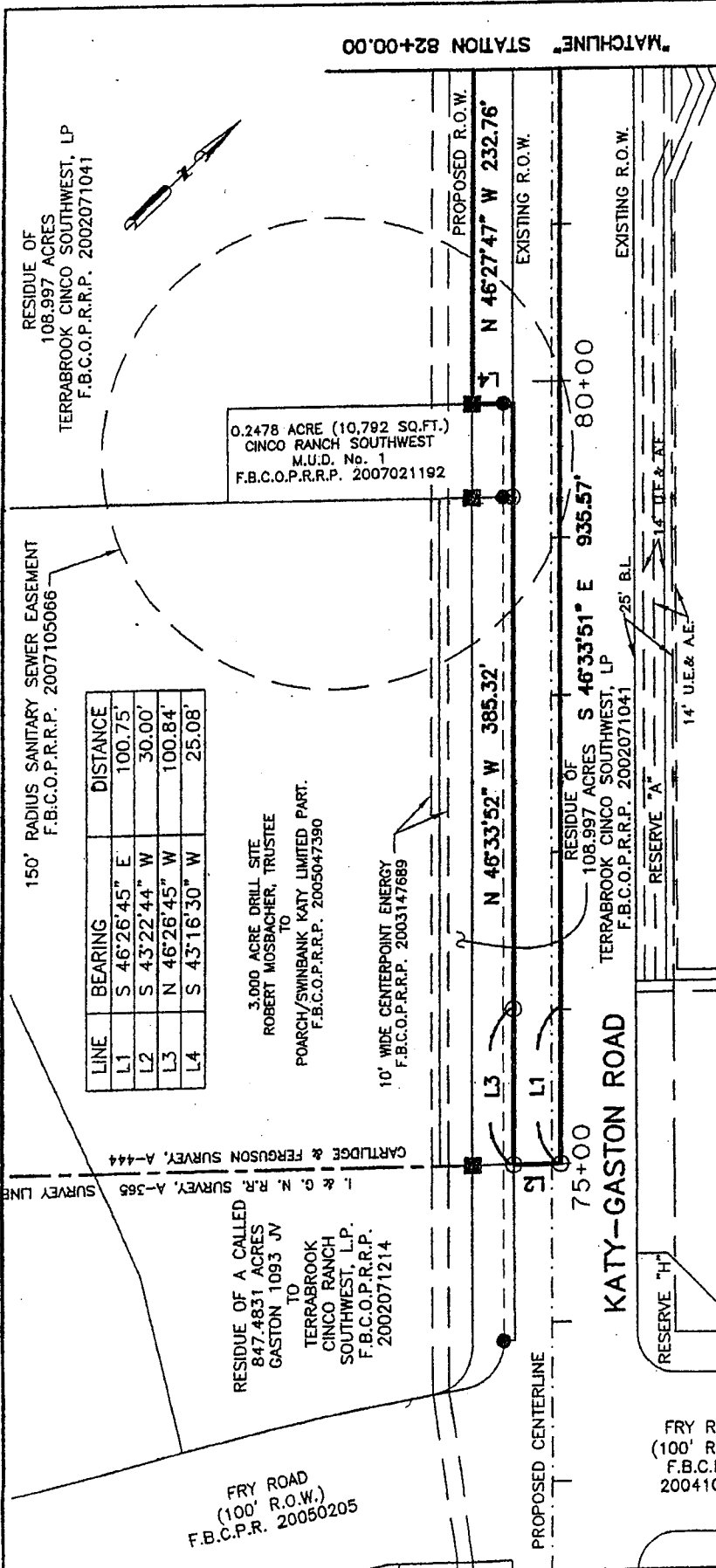
PARCEL 13  
 1.7861 ACRES  
 OUT OF THE  
 CARTLIDGE & FERGUSON SURVEY,  
 ABSTRACT 444 &  
 S. M. WILLIAMS SURVEY,  
 ABSTRACT 463  
 FORT BEND COUNTY, TEXAS

JACOBS

Jacobs Engineering Group Inc.  
 55 Wough Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE:	1" = 100'	PROJ. NO.	C3041402
DRAWN BY:	MVR	DATE	
CHK'D BY:	MVR	1/30/2009	
APPROVED:	ARP		1 of 3





LINE	BEARING	DISTANCE
L1	S 46°26'45" E	100.75'
L2	S 43°22'44" W	30.00'
L3	N 46°26'45" W	100.84'
L4	S 43°16'30" W	25.08'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

3,000 ACRE DRILL SITE  
ROBERT MOSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147689

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, L.P.  
F.B.C.O.P.R.R.P.  
2002071214

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 20050205

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

"MATCHLINE" STATION 82+00.00

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

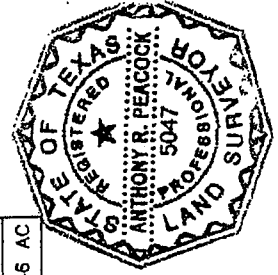
**NOTES:**

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HCCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

F.B.C.P.R. Fort Bend County Plat Records  
F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



SCALE: 1" = 100'



\*\* Revised July 17, 2009

**PARCEL PLAT**

PARCEL 13  
1.7851 ACRES  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444 &  
S. M. WILLIAMS SURVEY,  
ABSTRACT 463  
FORT BEND COUNTY, TEXAS

**JACOBS™**  
Jacobs Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE: 1" = 100'    PROJ. NO. C3X41402  
DRAWN BY: MVR    DATE:    SHEET  
CHK'D BY: MVR    DATE: 1/30/2009    3 of 3  
APPROVED: ARP

**NONFOREIGN AFFIDAVIT--ENTITY**

Date: \_\_\_\_\_, 2009

Transferor: **TERRABROOK CINCO RANCH SOUTHWEST, L.P.**, a Delaware limited partnership

Transferor's Office Address: Attention: Walter F. Nelson, 10235 West Little York, #300,  
Houston, Harris County, Texas 77040

Transferor's U.S. Taxpayer Identification Number: 47-0872361

Transferee: **COUNTY OF FORT BEND**

**Property:**

All those certain tracts or parcels of land lying and being situated in Fort Bend County, Texas, more particularly described on Exhibit A, Exhibit B, Exhibit C, and Exhibit D, each of which is attached hereto and incorporated herein by this reference.

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform Transferee that withholding of tax is not required on the disposition of a U.S. real property interest by Transferor, I certify on behalf of Transferor that the contents of this affidavit are true.

Transferor is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations).

Transferor understands that this certification may be disclosed to the Internal Revenue Service by Transferee and that any false statement contained in this affidavit could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this affidavit and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of Transferor.

**TERRABROOK CINCO RANCH SOUTHWEST, L.P.,  
a Delaware limited partnership**

By: Terrabrook Cinco Ranch Southwest GP, LLC,  
a Delaware limited liability company,  
its General partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A**

**PARCEL 10  
DESCRIPTION OF A  
0.1546 ACRE TRACT IN THE  
I. & G. N. R.R. SURVEY, A-365  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.1546 acre tract (6,734 square feet) of land situated in the I. & G. N. R.R. Survey, Abstract 365, Fort Bend County, Texas, being a portion of a residue of a called 847.4831 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 of the Fort Bend County Official Public Records of Real Property (F.B.C.O.P.R.R.P.); said 0.1546 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**COMMENCING** at a 5/8-inch iron with cap stamped "SURVCON", found on the northerly right-of-way line of Fry Road (100-foot width) as described on the plat to Katy I.S.D., High School No. 6, and recorded under Plat Number 20050205, of the Fort Bend County Plat Records (F.B.C.P.R.), same being a southeasterly corner of a subdivision referred to Cinco Ranch Southwest, Section 1, and recorded under Plat Number 20060286 (F.B.C.P.R.);

**THENCE** North 29° 56' 25" East, 13.46 feet, with the northerly right-of-way line of Fry Road, to a point, for the beginning of a curve to the right;

**THENCE** continuing with the northerly right-of-way line of Fry Road, in a northeasterly direction, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 149.62 feet, a central angle of 04° 10' 54", and a chord bearing North 32° 01' 41" East, 149.59 feet to a 5/8-inch iron rod stamped "JACOBS" set on the proposed right-of-way line of Katy-Gaston Road, for the **POINT OF BEGINNING**, same being the beginning of a reverse curve to the left, from which a 5/8-inch iron rod with cap stamped "JNS Engineers" bears North 34° 31' 12" West, 4.12 feet;

**THENCE** with the proposed right-of-way line of Katy-Gaston Road, in a northerly direction, along the arc of said reverse curve to the left, having a radius of 30.00 feet, an arc length of 42.20 feet, a central angle of 80° 35' 14", and a chord bearing North 06° 10' 10" West, 38.80 feet, to a 5/8-inch iron rod stamped "Jacobs", from which a 5/8-inch iron with cap stamped "JNS Engineers" bears South 45° 39' 47" East, 4.29 feet;

**THENCE** North 46° 27' 47" West, 114.50 feet, continuing with the proposed right-of-way line of Katy-Gaston Road, to a 5/8-inch iron rod stamped "JNS Engineers" found on the common line of said 847.4831 acre tract and a called 108.997 acre residue tract as described in deed to Terrabrook Cinco Southwest, L.P. and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.), same being on the common survey line of the Carlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365;

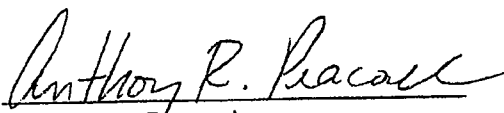
THENCE North 43° 22' 44" East, 55.73 feet, with the said common survey line, to a point in the westerly right-of-way of Katy-Gaston Road (50-foot width), as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South 46° 26' 45" East, 111.57 feet, with the westerly right-of-way of Katy-Gaston Road, to a point at the intersection of the westerly right-of-way Katy-Gaston Road, and the aforementioned northerly right-of-way of Fry Road;

THENCE South 43° 32' 44" West, 36.45 feet, with the said northerly right-of-way of Fry Road, to a point for the beginning of a non-tangent curve to the right;

THENCE in a southerly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 42.47 feet, a central angle of 81° 06' 49", and a chord bearing South 05° 53' 51" East, 39.01 feet to a point for the beginning of reverse curve to the left;

THENCE in a southwesterly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the left, having a radius of 2050.00 feet, an arc length of 19.22 feet, a central angle of 00° 32' 14", and a chord bearing South 34° 23' 34" West, 19.22 feet to the **POINT OF BEGINNING**, and containing 0.1546 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised February 3, 2009;



Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402



2/3/2009



SCALE: 1" = 100'  
 50' WIDE PIPELINE EASEMENT  
 PER AMENDMENT TO PIPELINE EASEMENT  
 F.B.C.O.P.R.R.P. No. 2001097664

RESERVE "A"  
 KATY I.S.D. HIGH SCHOOL No. 6  
 F.B.C.O.P.R.R.P. No. 20050202

10' ENTEX GAS PIPELINE EASEMENT  
 VOL. 1405, PG. 638 F.B.C.P.R.

TXU EASEMENT  
 PGTX DEVELOPMENT, LLC  
 F.B.C.O.P.R.R.P. No. 2007156228  
 DEC. 28, 2007

EXISTING R.O.W. 70+00  
 MEMBERS CHOICE CREDIT UNION  
 RESERVE "A"  
 F.B.C.O.P.R.R.P. No. 20070186  
 DEC. 28, 2007

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2050.00'	149.62'	149.59'	N 32°01'41" E	04°10'54"
C2	30.00'	42.20'	38.80'	S 06°10'10" E	80°35'14"
C3	30.00'	42.47'	39.01'	S 05°53'51" E	81°06'49"
C4	2050.00'	19.22'	19.22'	S 34°23'34" W	00°32'14"

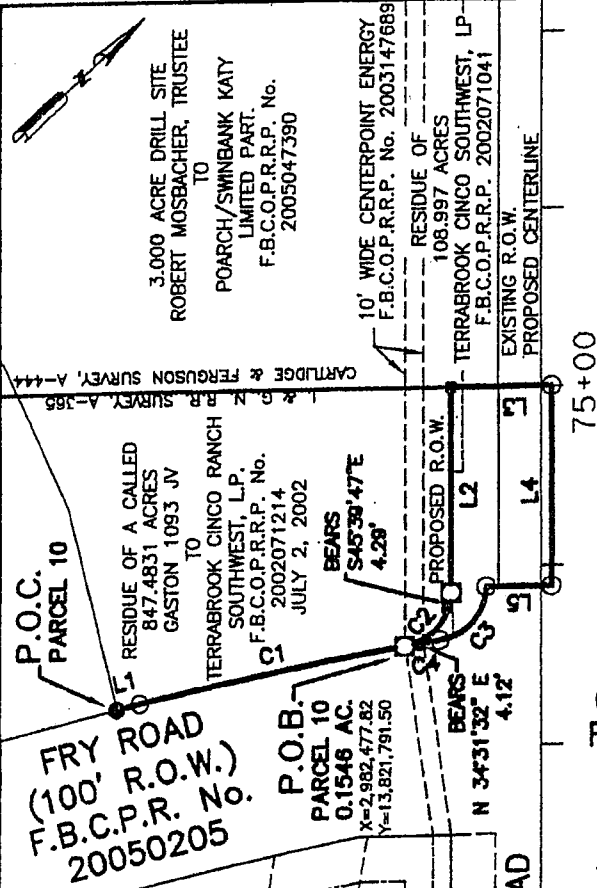
EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
847.4831 AC	0.0778 AC	0.0768 AC	847.4063 AC

LEGEND

- Point not found
  - 5/8" Iron Rod set w/cap stamped "JACOBS"
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURYCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property

Notes:

1. This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Cornerstone RTK network COOP COIRS station CMSZ and NGS Monument HCCSD 67.
3. This Plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.



FRY ROAD  
 (100' R.O.W.)  
 F.B.C.P.R. No. 2004104430

LINE	BEARING	DISTANCE
L1	N 28°56'25" E	13.46'
L2	N 46°27'47" W	114.50'
L3	N 43°22'44" E	55.73'
L4	S 46°26'45" E	111.57'
L5	S 43°32'44" W	36.45'

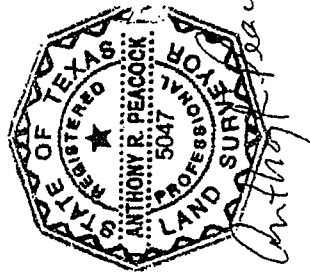
PARCEL PLAT

PARCEL 10  
 0.1546 ACRE  
 OUT OF THE  
 I. & G. N. R.R. SURVEY,  
 ABSTRACT 365  
 FORT BEND COUNTY, TEXAS



JACOBS Engineering Group Inc.  
 55 Wough Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE: 1" = 100'	PROJ. NO. C3X1402
DRAWN BY: MVR	DATE
CHECKED BY: MVR	1/30/2009
APPROVED: APP	SHEET 1 of 1



Revised February 3, 2009

**EXHIBIT B**

**PARCEL 11  
DESCRIPTION OF A  
0.2498 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.2498 acre tract (10,883 square feet) of land situated in the Carlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 108.997 acre tract described in a Special Warranty Deed to Terrabrook Cinco Southwest, LP., recorded under Clerk's File Number 2002071041, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.2498 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the northeast corner of a 0.2478 acre tract recorded under Clerk's File Number 2007021192, (F.B.C.O.P.R.R.P.), same being on the southwesterly right-of-way line of Katy-Gaston Road (width varies), same being North 46° 26' 23" West, 60.00 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the southeast corner of said 0.2478 acre tract, same being North 46° 26' 23" West, 597.65 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the most northerly end of cut back corner of Fry Road (100-foot width) and recorded under Plat Number 20050205 of the Fort Bend County Plat Records;

**THENCE** South 43° 16' 30" West, 19.40 feet along the northerly line of said 0.2478 acre tract to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

**THENCE** South 46° 27' 47" East, 60.00 feet to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found for the **POINT OF BEGINNING** on the southerly line of said 0.2478 acre tract;

**THENCE** North 43° 16' 30" East, along said southerly line at 19.38 feet pass a 5/8-inch iron rod with cap stamped "SURVCON INC." found for southeast corner of said 0.2478 acre tract and continuing in all 25.19 feet to a point;

**THENCE** South 46° 33' 52" East, 325.32 feet to a point;

**THENCE** South 46° 26' 45" East, 100.84 feet to a point;

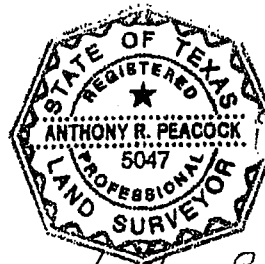
THENCE South 43° 22' 44" West, 25.73 feet along the common line of the aforementioned 108.997 acre tract and a called 847.4831 acre tract as described under Clerk's File Number 2002071214, (F.B.C.O.P.R.R.P), same being on the common line of the aforementioned Carlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365 to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

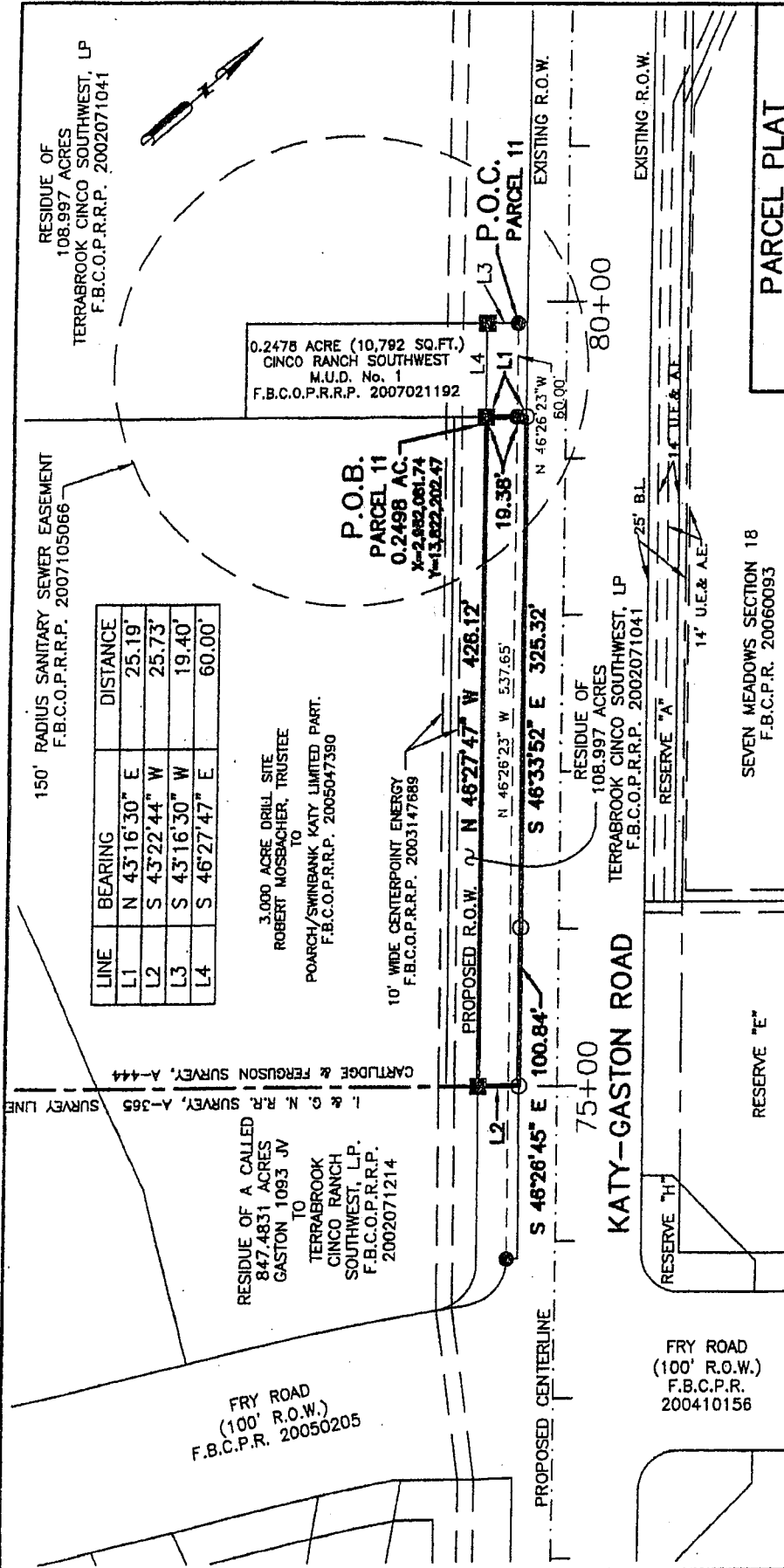
THENCE North 46° 27' 47" West, 426.12 feet to the **POINT OF BEGINNING**, and containing 0.2498 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., and revised January 30, 2009.

*Anthony R. Peacock*

Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402





LINE	BEARING	DISTANCE
L1	N 43°16'30" E	25.19'
L2	S 43°22'44" W	25.73'
L3	S 43°16'30" W	19.40'
L4	S 46°27'47" E	60.00'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.L.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

P.O.B.  
PARCEL 11  
0.2498 AC.  
X=2,882,081.74  
Y=13,622,202.47

3.000 ACRE DRILL SITE  
ROBERT MOSSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147889

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, L.P.  
F.B.C.O.P.R.R.P.  
2002071214

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 20050205

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

EXISTING ACREAGE	PARCEL TAKING ACREAGE	REMAINING ACREAGE
108.9970 AC	0.2498 AC	108.7472 AC

Notes:

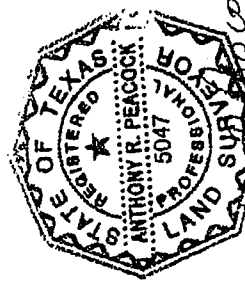
- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HCCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

LEGEND

- Point not found
- ◻ 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records
- F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



SCALE: 1" = 100'



*Anthony R. Peacock*

\*\*Revised on January 30, 2009

**PARCEL PLAT**

PARCEL 11  
0.2498 ACRE  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444  
FORT BEND COUNTY, TEXAS

**JACOBS**  
Jacobs Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE: 1" = 100' PLOT NO. C3X41402  
DRAWN BY: MVR DATE SHEET  
CHK'D BY: MVR 12/31/2008 1 of 1  
APPROVED: ARP

**EXHIBIT C**

**PARCEL 12  
DESCRIPTION OF A  
0.0346 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.0346 acre tract (1,508 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 0.2478 acre tract described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.0346 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**BEGINNING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found on the southerly line of said 0.2478 acre tract, from which a 5/8-inch iron rod with cap stamped "JNS Engineers", found bears South 46° 27' 47" East, 426.12 feet;

**THENCE** North 46° 27' 47" West, 60.00 feet, with the proposed westerly right-of-way of Katy-Gaston Road, to a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the northerly boundary of said 0.2478 acre tract;

**THENCE** North 43° 16' 30" East, with the northerly boundary of said 0.2478 acre tract, at 19.40 feet, a found 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all, 25.08 feet to a point in the westerly right-of-way of Katy-Gaston Road as described in the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580, of the Fort Bend County Plat Records, (F.B.C.P.R.);

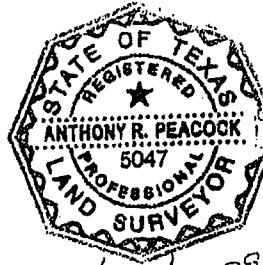
**THENCE** South 46° 33' 51" East, 60.00 feet, with the westerly right-of-way line of Katy-Gaston Road, to a point on the westerly line of a residue of a 108.997 acre tract, described in deed to Terrabrook Cinco Southwest, L.P., and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.);

THENCE South 43° 16' 30" West, with the common line of said 0.2478 acre tract and said 3.000 acre tract, at 5.81 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.19 feet to **POINT OF BEGINNING**, and containing 0.0346 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009;

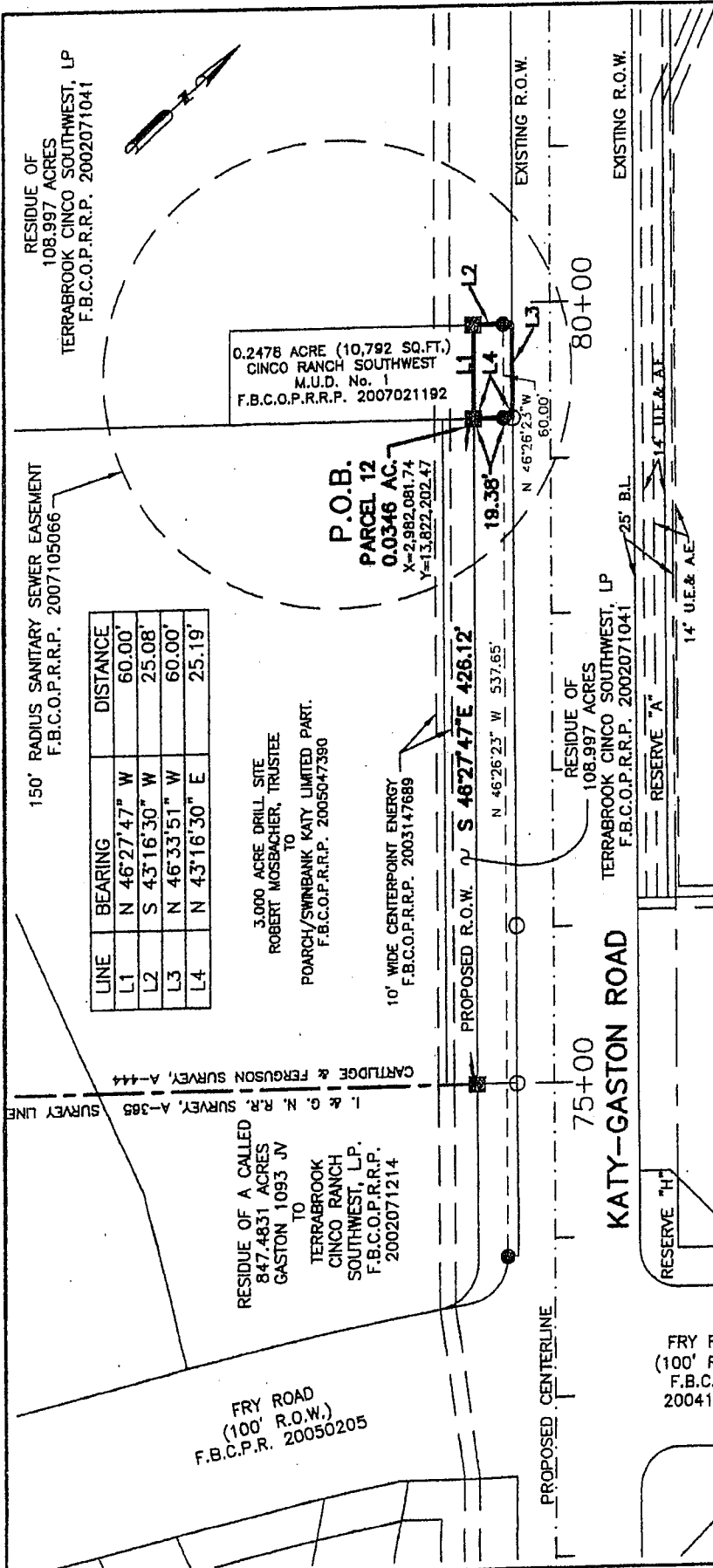
*Anthony R. Peacock*

Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No: WHXH C3X41402



1/30/2009

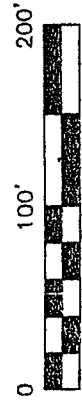


LINE	BEARING	DISTANCE
L1	N 46°27'47" W	60.00'
L2	S 43°16'30" W	25.08'
L3	N 46°33'51" W	60.00'
L4	N 43°16'30" E	25.19'

EXISTING ACREAGE	PARCEL TAKING ACREAGE	REMAINING ACREAGE
0.2478 AC	0.0346 AC	0.2132 AC

**LEGEND**

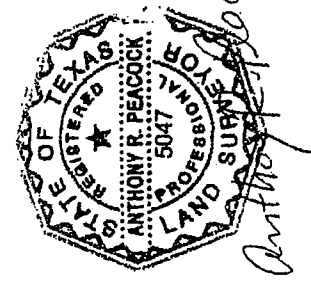
- Point not found
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records
- F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



SCALE: 1" = 100'

**Notes**

1. This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station OMSZ and NGS Monument HGCSID 67.
3. This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.



**PARCEL PLAT**

PARCEL 12  
0.0346 ACRE  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444  
FORT BEND COUNTY, TEXAS



JACOBS Engineering Group Inc.  
55 Wough Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE: 1" = 100'	PROJ. NO. C3X41402
DRAWN BY: MVR	DATE
CHK'D BY: MVR	1/30/2009
APPROVED: ARP	SHEET 1 of 1

**EXHIBIT D**

**PARCEL 13  
DESCRIPTION OF A  
1.7861 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
AND  
S.M. WILLIAMS SURVEY A-463  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 1.7861 acre tract (77,804 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, and the S.M. Williams Survey, Abstract 463, Fort Bend County, Texas, being a portion a residue of a called 108.997 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071041, of the Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 1.7861 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSO 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the southerly right-of-way line of Cinco Ranch Boulevard (100-foot width) as described in the plat of Katy-Gaston Road at Cinco Ranch Boulevard, and recorded under Plat Number 20060045, of the Fort Bend county Plat Records (F.B.C.P.R.);

**THENCE** North 43° 31' 13" East, 166.15 feet, with the said southerly right-of-way line of Cinco Ranch Boulevard, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the **POINT OF BEGINNING**, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears, North 61° 02' 08" East, 12.16 feet;

**THENCE** North 43° 31' 13" East, with the said southerly right-of-way line of Cinco Ranch Boulevard, 18.50 feet to a point for the westerly cutback corner of Katy-Gaston Road, and for the beginning of a curve to the right;

**THENCE** in an easterly direction, with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 47.08 feet, a central angle of 89°54'57", and a chord bearing North 88° 28' 41" East, 42.40 feet to a point;

**THENCE** South 46° 33' 50" East, 461.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the left;

**THENCE** in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the left, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of 2°01'57", and a chord bearing South 47° 34' 49" East, 17.73 feet to a point;

**THENCE** South 48° 35' 47" East, 546.21 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the right;

THENCE in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of 2°01'57", and a chord bearing South 47° 34' 49" East, 17.73 feet to a point;

THENCE South 46° 33' 51" East, 111.96 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point;

THENCE North 43° 26' 09" East, 30.00 feet, with the southerly existing westerly right-of-way of Katy-Gaston Road, to the northwesterly corner of Katy-Gaston Road (50-foot width) as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South 46° 33' 51" East, 935.57 feet, with the existing westerly right-of-way of Katy-Gaston Road, to an angle point;

THENCE South 46° 26' 45" East, 100.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the corner of a residue of a called 847.4831 acre tract as described in the deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 (F.B.C.O.P.R.R.P.);

THENCE South 43° 22' 44" West, 30.00 feet, with the common line of the said residue of a 847.4831 acre tract, and the aforementioned 108.997 acre tract, to the southeasterly corner of a called 3.000 acre drill site as described in deed to Poarch/Swimbank Katy Limited Partnership, and recorded under Clerk's File Number 2005047390 (F.B.C.O.P.R.R.P.);

THENCE North 46° 26' 45" West, 100.84 feet, to an angle point;

THENCE North 46° 33' 52" West, 385.32 feet, with the easterly boundary of the residue of said 108.997 acre tract, to a point, for the most northerly corner of a called 0.2478 acre tract as described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192 (F.B.C.O.P.R.R.P.);

THENCE South 43° 16' 30" West, with the northerly boundary of said 0.2478 acre tract, at 5.68 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.08 feet, to a 5/8-inch iron with cap stamped "JNS Engineers", found in the aforementioned proposed westerly right-of-way of Katy Gaston Road;

THENCE North 46° 27' 47" West, 232.76 feet, with the proposed westerly right-of-way of Katy Gaston Road to a 5/8-inch iron rod with cap stamped "JNS Engineers", found for the beginning of a curve to the left;

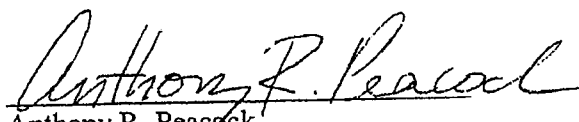
THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the left, having a radius of 1950.00 feet, an arc length of 118.20 feet, a central angle of  $03^{\circ} 28' 23''$ , and a chord bearing North  $48^{\circ} 11' 58''$  West, 118.18 feet to a 5/8-inch iron rod with cap stamped "JNS Engineers" found;

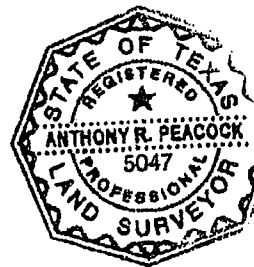
THENCE North  $49^{\circ} 56' 55''$  West, 153.28 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the right, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $52^{\circ} 06' 36''$  East, 3.37 feet;

THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 124.28 feet, a central angle of  $03^{\circ} 28' 25''$ , and a chord bearing North  $48^{\circ} 05' 42''$  West, 124.26 feet, to a 5/8-inch iron rod with cap stamped "Jacobs" set from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $48^{\circ} 15' 18''$  East, 3.36 feet;

THENCE North  $46^{\circ} 27' 45''$  West, 1077.16 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the left, from which a found 5/8-inch iron with cap stamped "JNS Engineers" bears North  $43^{\circ} 41' 10''$  East, 7.17 feet;

THENCE in a westerly direction, along the arc of said curve to the left, having a radius of 30.00 feet, an arc length of 47.13 feet, a central angle of  $90^{\circ} 00' 42''$ , and a chord bearing South  $88^{\circ} 31' 44''$  West, 42.43 feet to the **POINT OF BEGINNING**, and containing 1.7861 acres of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised July 17, 2009;

  
Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047



Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402

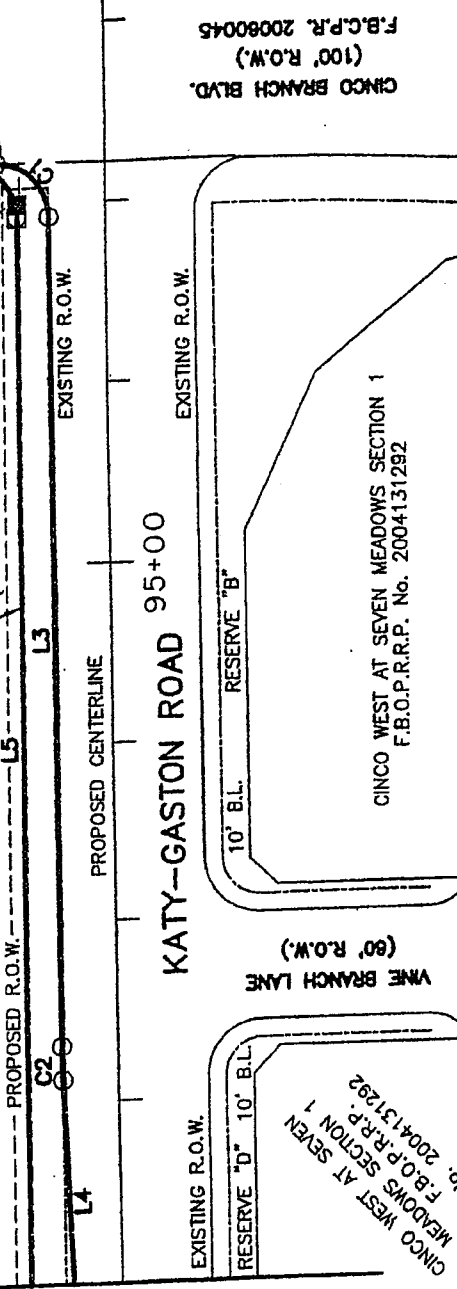
"MATCHLINE" STATION 91+00.00

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

RESIDUE OF A CALLED 108.997 ACRES  
 POARCH/SWINBANK KATY LIMITED PARTNERSHIP  
 TO  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.B.O.P.R.R.P. No. 2002071041  
 JULY 2, 2002

10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. 2003147689

P.O.C.  
 PARCEL 13  
 P.O.B.  
 PARCEL 13  
 1.7578 AC  
 X=2,980,748.38  
 Y=13,823,405.48  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N61°02'08"E, 12.16'  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N43°41'10"W, 7.17'



CINCO BRANCH BLVD.  
 (100' R.O.W.)  
 F.B.C.P.R. 20060045



LINE	BEARING	DISTANCE
L1	N 43°31'13" E	186.15'
L2	N 43°31'13" E	18.50'
L3	S 45°33'50" E	461.75'
L4	S 48°35'47" E	546.21'
L5	S 45°27'45" E	1077.16'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	47.08'	42.40'	N 88°28'41" E	89°54'57"
C2	500.00'	17.74'	17.73'	S 47°34'49" E	02°01'57"
C3	30.00'	47.13'	42.43'	S 86°51'44" W	90°00'42"



**Notes:**

- This survey is based on the monuments found in the area in addition to parcel plate and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station GMS2 and NGS Monument HGCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

**LEGEND**

- Point not found
- 5/8" Iron Rod set w/cap stamped "Jacobs"
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."

F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property

**PARCEL PLAT**  
 PARCEL 13  
 1.7861 ACRES  
 OUT OF THE  
 CARTLIDGE & FERGUSON SURVEY,  
 ABSTRACT 444 &  
 S. M. WILLIAMS SURVEY,  
 ABSTRACT 463  
 FORT BEND COUNTY, TEXAS

**JACOBS**  
 Jacobs Engineering Group Inc.  
 55 Wought Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE: 1" = 100'	PROJ. NO. C3X4402
DRAWN BY: MVR	DATE
CHK'D BY: MVR	1/30/2009
APPROVED: ARP	SHEET 1 of 3

Revised July 17, 2009

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1950.00'	118.20'	118.18'	N 48°11'58" W	03°28'23"
C2	2050.00'	124.28'	124.26'	N 48°05'42" W	03°28'25"
C3	500.00'	17.74'	17.73'	S 47°34'49" E	02°01'57"

RESIDUE OF A CALLED 108.997 ACRES  
 POARCH/SWINBANK KATY LIMITED PARTNERSHIP  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.B.O.P.R.R.P. No. 2002071041  
 JULY 2, 2002

5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS S52°06'36"E, 3.37'  
 SURVEY, A-444

5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS S48°15'18"E, 3.36'  
 SURVEY, A-463

20' WATER LINE EASEMENT  
 F.B.O.P.R.R.P. No. 2006004926

15' S.S.E. F.B.O.P.R.R.P. No. 2004118194  
 15' S.T.S.E. F.B.O.P.R.R.P. No. 2004118193  
 14' U.E. & A.E. F.B.O.P.R.R.P. No. 2004127791

25' PHILIPS PETROLEUM PIPELINE EASEMENT  
 F.B.O.P.R.R.P. No. 2000006109

EXISTING R.O.W. 85.900

EXISTING R.O.W. 10' B.L.

RESERVE "A"

RESERVE "D"

PROPOSED CENTERLINE

PROPOSED R.O.W.

STATION 82+00.00

STATION 91+00.00



BASELINE CURVE DATA  
 PI STATION = 85+50.71  
 DELTA = 3°28'24.75" (RT)  
 DEGREE OF CURVE = 2°51'53.24"  
 TANGENT = 60.64  
 LENGTH = 121.25  
 RADIUS = 2,000.00  
 PC STATION = 84+90.06  
 PT STATION = 86+11.31

BASELINE CURVE DATA  
 PI STATION = 82+79.47  
 DELTA = 3°28'23.13" (L-T)  
 DEGREE OF CURVE = 2°51'53.24"  
 TANGENT = 60.64  
 LENGTH = 121.23  
 RADIUS = 2,000.00  
 PC STATION = 82+18.83  
 PT STATION = 83+40.06

10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. 2003147689  
 PROPOSED R.O.W.

20' WATER LINE EASEMENT  
 F.B.O.P.R.R.P. No. 2006004926

15' S.S.E. F.B.O.P.R.R.P. No. 2004118194  
 15' S.T.S.E. F.B.O.P.R.R.P. No. 2004118193  
 14' U.E. & A.E. F.B.O.P.R.R.P. No. 2004127791

25' PHILIPS PETROLEUM PIPELINE EASEMENT  
 F.B.O.P.R.R.P. No. 2000006109

CINCO WEST AT SEVEN MEADOWS SECTION 1  
 F.B.O.P.R.R.P. No. 2004131292

EXISTING R.O.W.

RESERVE "D"

PROPOSED CENTERLINE

PROPOSED R.O.W.

STATION 82+00.00

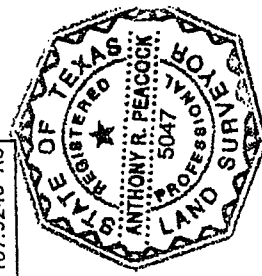
STATION 91+00.00

**PARCEL PLAT**

PARCEL 13  
 1.7861 ACRES  
 OUT OF THE  
 CARTLIDGE & FERGUSON SURVEY,  
 ABSTRACT 444 &  
 S. M. WILLIAMS SURVEY,  
 ABSTRACT 463  
 FORT BEND COUNTY, TEXAS

**JACOBS**  
 Jacobs Engineering Group Inc.  
 55 Wough Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

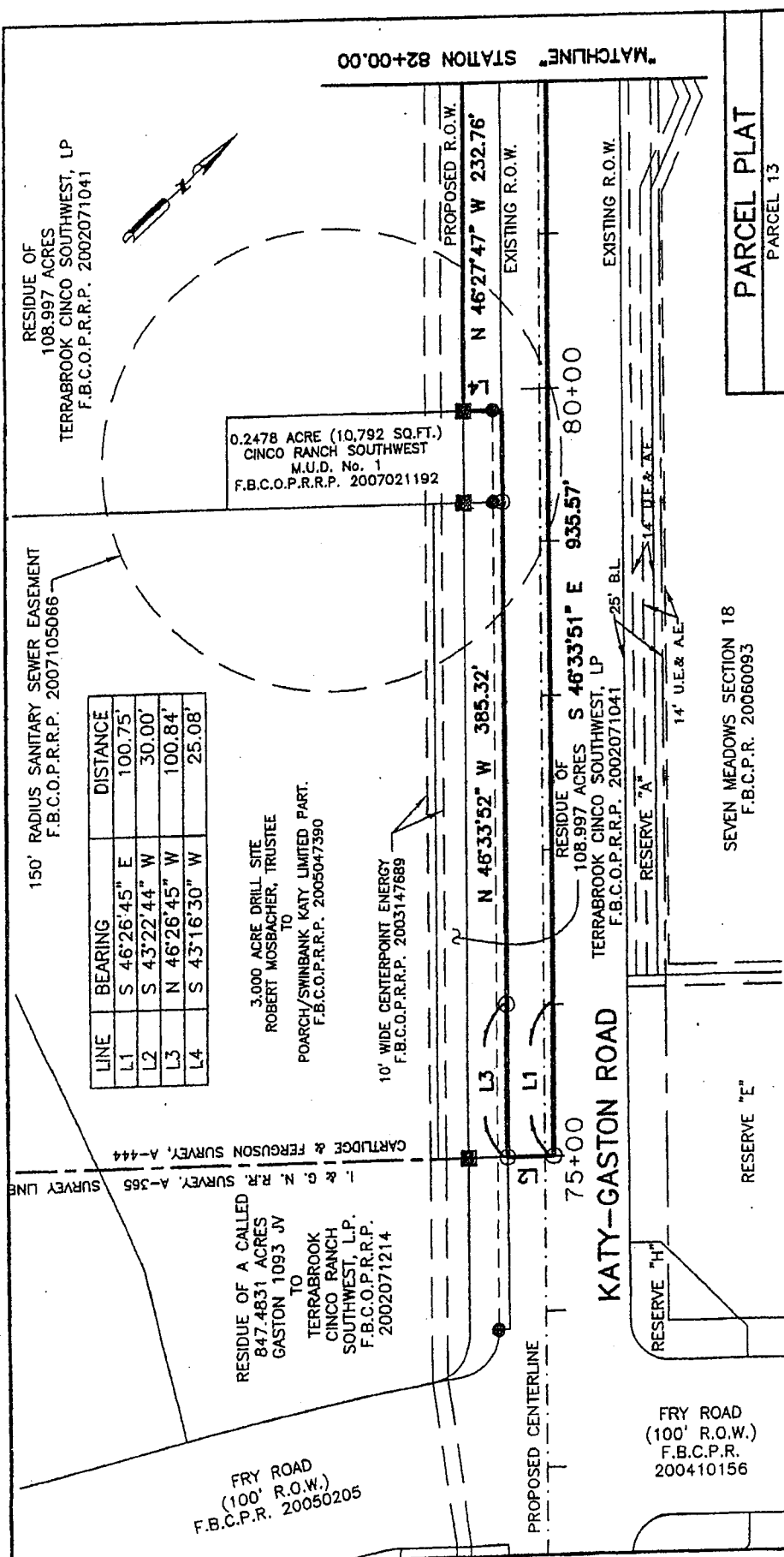
SCALE: 1" = 100' PROJ. NO. C3X41402  
 DRAWN BY: MVR DATE 1/30/2009 SHEET 2 of 3  
 CHK'D BY: MVR  
 APPROVED: ARP



EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

- LEGEND**
- Point not found
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod set w/cap stamped "Jacobs"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property
- 0' 100' 200'
- SCALE: 1" = 100'

\*\* Revised July 17, 2009



LINE	BEARING	DISTANCE
L1	S 46°26'45" E	100.75'
L2	S 43°22'44" W	30.00'
L3	N 46°26'45" W	100.84'
L4	S 43°16'30" W	25.08'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

3,000 ACRE DRILL SITE  
ROBERT MOSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147689

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, L.P.  
F.B.C.O.P.R.R.P.  
2002071214

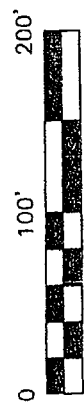
FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 20050205

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

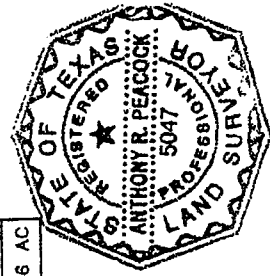
EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

- LEGEND
- Point not found
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property



Notes:

1. This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Connerstone RTK network COOP CORS station CMS2 and NGS Monument HCCSD 67.
3. This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.



\*\* Revised July 17, 2009

**PARCEL PLAT**

PARCEL 13  
1.7861 ACRES  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444 &  
S. M. WILLIAMS SURVEY,  
ABSTRACT 463  
FORT BEND COUNTY, TEXAS

**JACOBS™**  
Jacobs Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE: 1" = 100' PROJ. NO. C3X41402  
DRAWN BY: MVR DATE SHEET  
CHK'D BY: MVR 1/30/2009 3 of 3  
APPROVED: ARP

**AFFIDAVIT AS TO DEBTS, LIENS AND POSSESSION**

GF # 09309872

SUBJECT PROPERTY: See Exhibits A -D attached hereto (the Property)

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

Before me, the undersigned authority, this day personally appeared \_\_\_\_\_, the \_\_\_\_\_, TERRABROOK CINCO RANCH SOUTHWEST GP, L.L.C., the general partner of TERRABROOK CINCO RANCH SOUTHWEST, L.P. (the "Seller") who, after being duly sworn, hereby declared and stated upon oath on behalf of the Seller in connection with a transaction involving the Property that the following was true and correct to the best of the Seller's current actual knowledge:

1. Parties in Possession. There are no parties occupying, renting, residing or possessing the Property or any portion thereof, nor is the Seller aware of any parties claiming title to the Property or any portion thereof by reason of adverse possession.

2. Unpaid Debts. There are no unpaid debts incurred by Seller for equipment, plumbing fixtures, water heaters, floor furnaces, air conditioners, radio or television antennae, carpeting, rugs, lawn sprinkling systems, venetian blinds, window shades, draperies, electric appliances, fences, street paving, or any personal property or fixtures located on the Property, and no such items have been purchased by Seller on time payment contracts, and there are no bills for contracts with Seller or for labor or materials furnished at Seller's request or pursuant to contracts with Seller in connection with any construction, improvements or otherwise on the Property.

3. Liens.

A. Seller has received no notice of any Mechanic's or Materialman's liens upon the Property and no tax liens have been filed against Seller (federal, state, local or otherwise) or abstracts of judgment liens against Seller affecting title to the Property.

B. With respect to the Property, there are no paving liens against Seller of any kind or character or claims against Seller for paving outstanding against the Property.

C. Seller has not signed any petitions for the paving of any street or alley adjoining the Property and knows of no petitions being circulated for the pavement of the streets, alleys or sidewalks adjacent to the Property.

D. Seller has not received notice of any federal tax liens against the Property.

This AFFIDAVIT is made to Stewart Title Company of Houston in connection with the sale described above.

DATED EFFECTIVE as of the \_\_\_\_ day of July \_\_\_\_\_, 2009.

GRANTOR:

TERRABROOK CINCO RANCH SOUTHWEST, L.P.,  
a Delaware limited partnership

By: TERRABROOK CINCO RANCH  
SOUTHWEST GP, L.L.C., its general partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me this \_\_\_\_ day of July \_\_\_\_\_, 2009 by \_\_\_\_\_ of TERRABROOK CINCO RANCH SOUTHWEST GP, L.L.C., a Delaware limited liability company, as general partner of TERRABROOK CINCO RANCH SOUTHWEST, L.P., a Delaware limited partnership, on behalf of said limited partnership and limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas

**PARCEL 10**  
**DESCRIPTION OF A**  
**0.1546 ACRE TRACT IN THE**  
**I. & G. N. R.R. SURVEY, A-365**  
**FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.1546 acre tract (6,734 square feet) of land situated in the I. & G. N. R.R. Survey, Abstract 365, Fort Bend County, Texas, being a portion of a residue of a called 847.4831 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 of the Fort Bend County Official Public Records of Real Property (F.B.C.O.P.R.R.P.); said 0.1546 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSO 67;

**COMMENCING** at a 5/8-inch iron with cap stamped "SURVCON", found on the northerly right-of-way line of Fry Road (100-foot width) as described on the plat to Katy I.S.D., High School No. 6, and recorded under Plat Number 20050205, of the Fort Bend County Plat Records (F.B.C.P.R.), same being a southeasterly corner of a subdivision referred to Cinco Ranch Southwest, Section 1, and recorded under Plat Number 20060286 (F.B.C.P.R.);

**THENCE** North 29° 56' 25" East, 13.46 feet, with the northerly right-of-way line of Fry Road, to a point, for the beginning of a curve to the right;

**THENCE** continuing with the northerly right-of-way line of Fry Road, in a northeasterly direction, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 149.62 feet, a central angle of 04° 10' 54", and a chord bearing North 32° 01' 41" East, 149.59 feet to a 5/8-inch iron rod stamped "JACOBS" set on the proposed right-of-way line of Katy-Gaston Road, for the **POINT OF BEGINNING**, same being the beginning of a reverse curve to the left, from which a 5/8-inch iron rod with cap stamped "JNS Engineers" bears North 34° 31' 12" West, 4.12 feet;

**THENCE** with the proposed right-of-way line of Katy-Gaston Road, in a northerly direction, along the arc of said reverse curve to the left, having a radius of 30.00 feet, an arc length of 42.20 feet, a central angle of 80° 35' 14", and a chord bearing North 06° 10' 10" West, 38.80 feet, to a 5/8-inch iron rod stamped "Jacobs", from which a 5/8-inch iron with cap stamped "JNS Engineers" bears South 45° 39' 47" East, 4.29 feet;

**THENCE** North 46° 27' 47" West, 114.50 feet, continuing with the proposed right-of-way line of Katy-Gaston Road, to a 5/8-inch iron rod stamped "JNS Engineers" found on the common line of said 847.4831 acre tract and a called 108.997 acre residue tract as described in deed to Terrabrook Cinco Southwest, L.P. and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.), same being on the common survey line of the Carlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365;

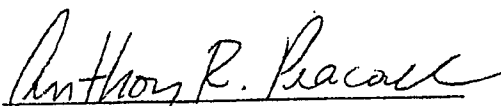
THENCE North 43° 22' 44" East, 55.73 feet, with the said common survey line, to a point in the westerly right-of-way of Katy-Gaston Road (50-foot width), as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South 46° 26' 45" East, 111.57 feet, with the westerly right-of-way of Katy-Gaston Road, to a point at the intersection of the westerly right-of-way Katy-Gaston Road, and the aforementioned northerly right-of-way of Fry Road;

THENCE South 43° 32' 44" West, 36.45 feet, with the said northerly right-of-way of Fry Road, to a point for the beginning of a non-tangent curve to the right;

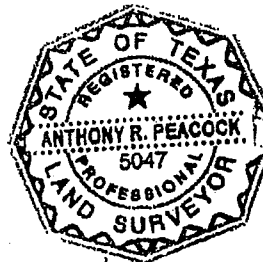
THENCE in a southerly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 42.47 feet, a central angle of 81° 06' 49", and a chord bearing South 05° 53' 51" East, 39.01 feet to a point for the beginning of reverse curve to the left;

THENCE in a southwesterly direction, with the said northerly right-of-way of Fry Road, along the arc of said curve to the left, having a radius of 2050.00 feet, an arc length of 19.22 feet, a central angle of 00° 32' 14", and a chord bearing South 34° 23' 34" West, 19.22 feet to the **POINT OF BEGINNING**, and containing 0.1546 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised February 3, 2009;



Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402



2/3/2009



SCALE: 1" = 100'  
 50' WIDE PIPELINE EASEMENT  
 PER AMENDMENT TO PIPELINE EASEMENT  
 F.B.C.O.P.R.R.P. No. 2001097664

RESERVE "A"  
 KATY I.S.D. HIGH SCHOOL No. 6  
 F.B.C.O.P.R.R.P. No. 20050202

10' ENTENX GAS PIPELINE EASEMENT  
 VOL. 1405, PG. 638 F.B.C.P.R.

25' BUILDING LINE

25' BUILDING LINE

KATY-GASTON ROAD

EXISTING R.O.W. 70+00

TXU EASEMENT  
 PGTX DEVELOPMENT, LLC  
 F.B.C.O.P.R.R.P. No. 2007156228  
 DEC. 28, 2007

MEMBERS CHOICE CREDIT UNION  
 RESERVE "A"  
 F.B.C.O.P.R.R.P. No. 20070186  
 DEC. 28, 2007

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2050.00'	149.62'	N 37°01'41" E	04°10'54"	
C2	30.00'	42.20'	S 05°10'10" E	80°35'14"	
C3	30.00'	42.47'	S 05°53'51" E	81°06'49"	
C4	2050.00'	19.22'	S 34°23'34" W	00°32'14"	

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
847.4831 AC	0.0778 AC	0.0768 AC	847.4063 AC

LEGEND

- Point not found
  - 5/8" Iron Rod set w/cap stamped "JACOBS"
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property

Notes:

1. This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
2. Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS0 57.
3. This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

P.O.C. PARCEL 10

FRY ROAD  
 (100' R.O.W.)  
 F.B.C.P.R. No. 20050205

P.O.B. PARCEL 10  
 0.1546 AC.  
 X=2,982,477.82  
 Y=13,821,791.50

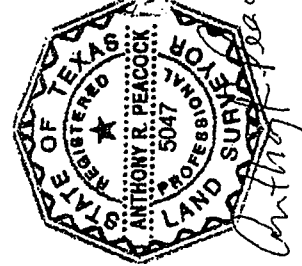
RESIDUE OF A CALLED  
 847.4831 ACRES  
 GASTON 1093 JV  
 TO  
 TERRABROOK CINCO RANCH  
 SOUTHWEST, L.P.  
 F.B.C.O.P.R.R.P. No. 2002071214  
 JULY 2, 2002

BEARS  
 S45°39'47"E  
 4.28'

BEARS  
 N 34°31'32" E  
 4.12'

FRY ROAD  
 (100' R.O.W.)  
 F.B.C.P.R. No. 2004104430

LINE	BEARING	DISTANCE
L1	N 28°56'25" E	13.46'
L2	N 46°27'47" W	114.50'
L3	N 43°22'44" E	55.73'
L4	S 46°26'45" E	111.57'
L5	S 43°32'44" W	36.45'



Revised February 3, 2009

3,000 ACRE DRILL SITE  
 ROBERT MOSBACHER, TRUSTEE  
 TO  
 POARCH/SWIMBANK KATY  
 LIMITED PART.  
 F.B.C.O.P.R.R.P. No. 2005047390

10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. No. 2003147689  
 RESIDUE OF  
 108.997 ACRES  
 TERRABROOK CINCO SOUTHWEST, LP  
 F.B.C.O.P.R.R.P. No. 2002071041

EXISTING R.O.W.  
 PROPOSED CENTERLINE

75+00

EXISTING R.O.W.

RESERVE "A"

SEVEN MEADOWS SECTION 18  
 F.B.C.O.P.R.R.P. No. 2006041580

PARCEL PLAT

PARCEL 10  
 0.1546 ACRE  
 OUT OF THE  
 I. & G. N. R.R. SURVEY,  
 ABSTRACT 365  
 FORT BEND COUNTY, TEXAS



JACOBS  
 Jacobs Engineering Group Inc.  
 55 Waugh Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE: 1" = 100'	PROJ. NO. C3X41402
DRAWN BY: MVR	DATE
CHK'D BY: MVR	1/30/2009
APPROVED: ARP	SHEET 1 of 1

**EXHIBIT B**

**PARCEL 11  
DESCRIPTION OF A  
0.2498 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.2498 acre tract (10,883 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 108.997 acre tract described in a Special Warranty Deed to Terrabrook Cinco Southwest, LP., recorded under Clerk's File Number 2002071041, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.2498 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCS2 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the northeast corner of a 0.2478 acre tract recorded under Clerk's File Number 2007021192, (F.B.C.O.P.R.R.P.), same being on the southwesterly right-of-way line of Katy-Gaston Road (width varies), same being North 46° 26' 23" West, 60.00 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the southeast corner of said 0.2478 acre tract, same being North 46° 26' 23" West, 597.65 feet from a 5/8-inch iron rod with cap stamped "SURVCON INC." found for the most northerly end of cut back corner of Fry Road (100-foot width) and recorded under Plat Number 20050205 of the Fort Bend County Plat Records;

**THENCE** South 43° 16' 30" West, 19.40 feet along the northerly line of said 0.2478 acre tract to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

**THENCE** South 46° 27' 47" East, 60.00 feet to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found for the **POINT OF BEGINNING** on the southerly line of said 0.2478 acre tract;

**THENCE** North 43° 16' 30" East, along said southerly line at 19.38 feet pass a 5/8-inch iron rod with cap stamped "SURVCON INC." found for southeast corner of said 0.2478 acre tract and continuing in all 25.19 feet to a point;

**THENCE** South 46° 33' 52" East, 325.32 feet to a point;

**THENCE** South 46° 26' 45" East, 100.84 feet to a point;

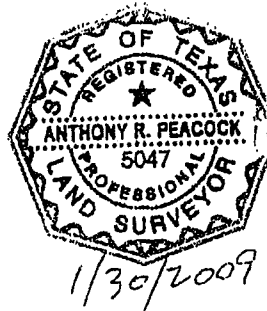
THENCE South 43° 22' 44" West, 25.73 feet along the common line of the aforementioned 108.997 acre tract and a called 847.4831 acre tract as described under Clerk's File Number 2002071214, (F.B.C.O.P.R.R.P), same being on the common line of the aforementioned Cartlidge and Ferguson Survey A-444 and the I. & G.N.R.R Survey A-365 to a 5/8-inch iron rod with cap stamped "JNS ENGINEERS" found;

THENCE North 46° 27' 47" West, 426.12 feet to the **POINT OF BEGINNING**, and containing 0.2498 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., and revised January 30, 2009.

*Anthony R. Peacock*

Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402



RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

150' RADIUS SANITARY SEWER EASEMENT  
F.B.C.O.P.R.R.P. 2007105066

LINE	BEARING	DISTANCE
L1	N 43°16'30" E	25.19'
L2	S 43°22'44" W	25.73'
L3	S 43°16'30" W	19.40'
L4	S 46°27'47" E	60.00'

3.000 ACRE DRILL SITE  
ROBERT MOSSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147689

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON, 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, L.P.  
F.B.C.O.P.R.R.P.  
2002071214

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 20050205

0.2478 ACRE (10,792 SQ. FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

P.O.B.  
PARCEL 11  
0.2498 AC.  
X=2,962,061.74  
Y=13,822,202.47

L3 P.O.C.  
PARCEL 11

EXISTING R.O.W.

EXISTING R.O.W.

80+00

75+00

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

KATY-GASTON ROAD

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 200410156

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

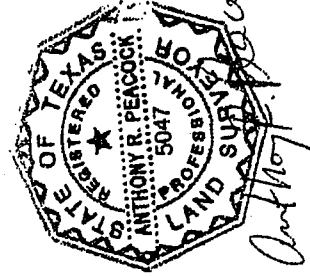
PARCEL PLAT

PARCEL 11  
0.2498 ACRE  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444  
FORT BEND COUNTY, TEXAS

**JACOBS™**

Jacobs Engineering Group Inc.  
55 Wough Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE:	1" = 100'	PROJ. NO.	C3X41402
DRAWN BY:	MVR	DATE	
CHK'D BY:	MVR		12/31/2008
APPROVED:	ARP		1 of 1



EXISTING ACREAGE	PARCEL TAKING	REMAINING ACREAGE
108.9970 AC	0.2498 AC	108.7472 AC

Notes:

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

LEGEND

- Point not found
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records
- F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property

SCALE: 1" = 100'

\*\*Revised on January 30, 2009

**EXHIBIT C**

**PARCEL 12  
DESCRIPTION OF A  
0.0346 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 0.0346 acre tract (1,508 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, Fort Bend County, Texas, being a portion a called 0.2478 acre tract described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192, Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 0.0346 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSD 67;

**BEGINNING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found on the southerly line of said 0.2478 acre tract, from which a 5/8-inch iron rod with cap stamped "JNS Engineers", found bears South 46° 27' 47" East, 426.12 feet;

**THENCE** North 46° 27' 47" West, 60.00 feet, with the proposed westerly right-of-way of Katy-Gaston Road, to a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the northerly boundary of said 0.2478 acre tract;

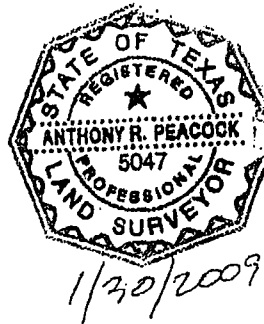
**THENCE** North 43° 16' 30" East, with the northerly boundary of said 0.2478 acre tract, at 19.40 feet, a found 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all, 25.08 feet to a point in the westerly right-of-way of Katy-Gaston Road as described in the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580, of the Fort Bend County Plat Records, (F.B.C.P.R.);

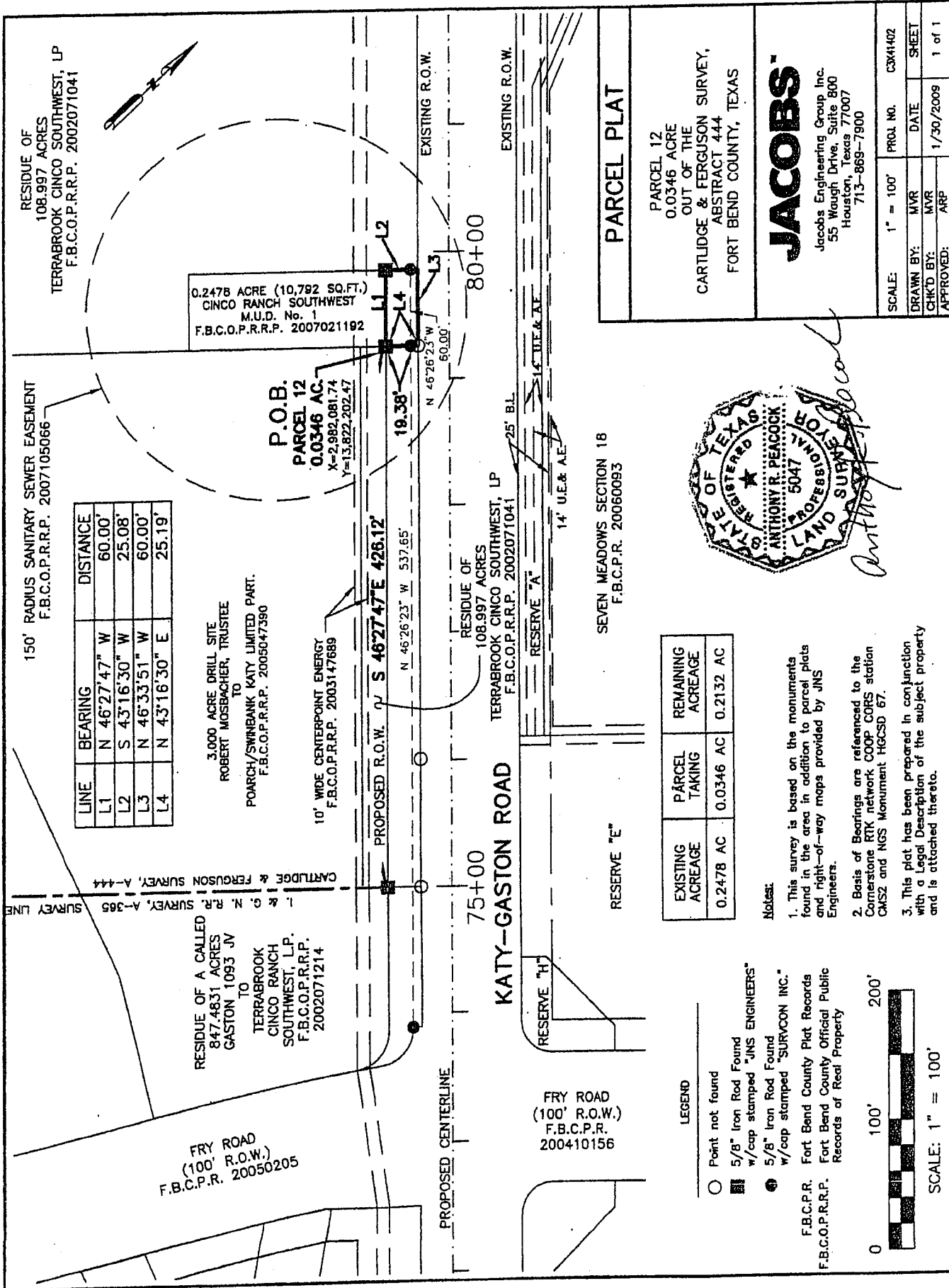
**THENCE** South 46° 33' 51" East, 60.00 feet, with the westerly right-of-way line of Katy-Gaston Road, to a point on the westerly line of a residue of a 108.997 acre tract, described in deed to Terrabrook Cinco Southwest, L.P., and recorded under Clerk's File Number 2002071041 (F.B.C.O.P.R.R.P.);

THENCE South 43° 16' 30" West, with the common line of said 0.2478 acre tract and said 3.000 acre tract, at 5.81 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.19 feet to **POINT OF BEGINNING**, and containing 0.0346 acre of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009;

Anthony R. Peacock  
Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047

Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402





RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

150' RADIUS SANITARY SEWER EASEMENT  
F.B.C.O.P.R.R.P. 2007105066

LINE	BEARING	DISTANCE
L1	N 46°27'47" W	60.00'
L2	S 43°16'30" W	25.08'
L3	N 46°33'51" W	60.00'
L4	N 43°16'30" E	25.19'

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

P.O.B.  
PARCEL 12  
0.0346 AC.  
X=2,982,081.74  
Y=13,822,202.47

3,000 ACRE DRILL SITE  
ROBERT MOSBACHER, TRUSTEE  
TO  
POARCH/SWIRNBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147689

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, LP.  
F.B.C.O.P.R.R.P.  
2002071214

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R.  
200410156

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

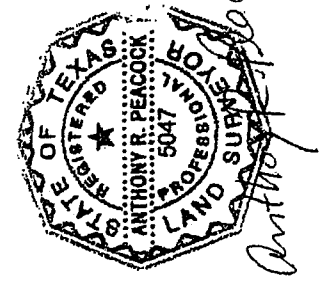
PARCEL PLAT

PARCEL 12  
0.0346 ACRE  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444  
FORT BEND COUNTY, TEXAS

**JACOBS**

Jacobs Engineering Group Inc.  
55 Waugh Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE: 1" = 100'	PROJ. NO. C3X41402
DRAWN BY: MVR	DATE
CHK'D BY: MVR	1/30/2009
APPROVED: ARP	SHEET 1 of 1



EXISTING ACREAGE	PARCEL TAKING	REMAINING ACREAGE
0.2478 AC	0.0346 AC	0.2132 AC

Notes:

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument H6CSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

LEGEND

- Point not found
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVOON INC."
- Fort Bend County Plat Records
- Fort Bend County Official Public Records of Real Property

**EXHIBIT D**

**PARCEL 13  
DESCRIPTION OF A  
1.7861 ACRE TRACT IN THE  
CARTLIDGE AND FERGUSON SURVEY A-444  
AND  
S.M. WILLIAMS SURVEY A-463  
FORT BEND COUNTY, TEXAS**

A Metes and Bounds description of a 1.7861 acre tract (77,804 square feet) of land situated in the Cartlidge and Ferguson Survey Abstract Number 444, and the S.M. Williams Survey, Abstract 463, Fort Bend County, Texas, being a portion a residue of a called 108.997 acre tract as described in deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071041, of the Fort Bend County Official Public Records of Real Property, (F.B.C.O.P.R.R.P.); said 1.7861 acre tract being more particularly described as follows with all bearings being referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSO 67;

**COMMENCING** at a 5/8-inch iron rod with cap stamped "JNS Engineers", found in the southerly right-of-way line of Cinco Ranch Boulevard (100-foot width) as described in the plat of Katy-Gaston Road at Cinco Ranch Boulevard, and recorded under Plat Number 20060045, of the Fort Bend county Plat Records (F.B.C.P.R.);

**THENCE** North 43° 31' 13" East, 166.15 feet, with the said southerly right-of-way line of Cinco Ranch Boulevard, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the **POINT OF BEGINNING**, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears, North 61° 02' 08" East, 12.16 feet;

**THENCE** North 43° 31' 13" East, with the said southerly right-of-way line of Cinco Ranch Boulevard, 18.50 feet to a point for the westerly cutback corner of Katy-Gaston Road, and for the beginning of a curve to the right;

**THENCE** in an easterly direction, with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 30.00 feet, an arc length of 47.08 feet, a central angle of 89°54'57", and a chord bearing North 88° 28' 41" East, 42.40 feet to a point;

**THENCE** South 46° 33' 50" East, 461.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the left;

**THENCE** in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the left, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of 2°01'57", and a chord bearing South 47° 34' 49" East, 17.73 feet to a point;

**THENCE** South 48° 35' 47" East, 546.21 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the beginning of a curve to the right;

THENCE in a southeasterly direction, and continuing with the existing westerly right-of-way of Katy-Gaston Road, along the arc of said curve to the right, having a radius of 500.00 feet, an arc length of 17.74 feet, a central angle of  $2^{\circ}01'57''$ , and a chord bearing South  $47^{\circ}34'49''$  East, 17.73 feet to a point;

THENCE South  $46^{\circ}33'51''$  East, 111.96 feet, and continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point;

THENCE North  $43^{\circ}26'09''$  East, 30.00 feet, with the southerly existing westerly right-of-way of Katy-Gaston Road, to the northwesterly corner of Katy-Gaston Road (50-foot width) as described on the plat to Seven Meadows, Section 18, and recorded under Plat Number 2006041580 (F.B.C.P.R.);

THENCE South  $46^{\circ}33'51''$  East, 935.57 feet, with the existing westerly right-of-way of Katy-Gaston Road, to an angle point;

THENCE South  $46^{\circ}26'45''$  East, 100.75 feet, continuing with the existing westerly right-of-way of Katy-Gaston Road, to a point for the corner of a residue of a called 847.4831 acre tract as described in the deed to Terrabrook Cinco Ranch Southwest, L.P., and recorded under Clerk's File Number 2002071214 (F.B.C.O.P.R.R.P.);

THENCE South  $43^{\circ}22'44''$  West, 30.00 feet, with the common line of the said residue of a 847.4831 acre tract, and the aforementioned 108.997 acre tract, to the southeasterly corner of a called 3.000 acre drill site as described in deed to Poarch/Swimbank Katy Limited Partnership, and recorded under Clerk's File Number 2005047390 (F.B.C.O.P.R.R.P.);

THENCE North  $46^{\circ}26'45''$  West, 100.84 feet, to an angle point;

THENCE North  $46^{\circ}33'52''$  West, 385.32 feet, with the easterly boundary of the residue of said 108.997 acre tract, to a point, for the most northerly corner of a called 0.2478 acre tract as described in deed to Cinco Ranch Southwest M.U.D. No. 1, and recorded under Clerk's File Number 2007021192 (F.B.C.O.P.R.R.P.);

THENCE South  $43^{\circ}16'30''$  West, with the northerly boundary of said 0.2478 acre tract, at 5.68 feet, a 5/8-inch iron rod with cap stamped "SURVCON" found, and continuing in all 25.08 feet, to a 5/8-inch iron with cap stamped "JNS Engineers", found in the aforementioned proposed westerly right-of-way of Katy Gaston Road;

THENCE North  $46^{\circ}27'47''$  West, 232.76 feet, with the proposed westerly right-of-way of Katy Gaston Road to a 5/8-inch iron rod with cap stamped "JNS Engineers", found for the beginning of a curve to the left;

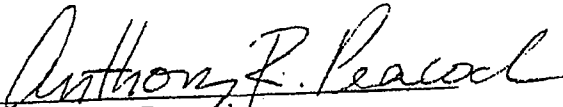
THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the left, having a radius of 1950.00 feet, an arc length of 118.20 feet, a central angle of  $03^{\circ} 28' 23''$ , and a chord bearing North  $48^{\circ} 11' 58''$  West, 118.18 feet to a 5/8-inch iron rod with cap stamped "JNS Engineers" found;

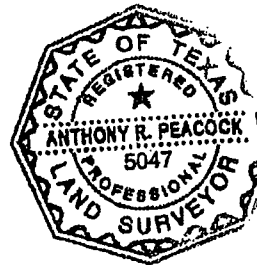
THENCE North  $49^{\circ} 56' 55''$  West, 153.28 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road, to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the right, from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $52^{\circ} 06' 36''$  East, 3.37 feet;

THENCE in a northwesterly direction, continuing with the proposed westerly right-of-way of Katy Gaston Road, along the arc of said curve to the right, having a radius of 2050.00 feet, an arc length of 124.28 feet, a central angle of  $03^{\circ} 28' 25''$ , and a chord bearing North  $48^{\circ} 05' 42''$  West, 124.26 feet, to a 5/8-inch iron rod with cap stamped "Jacobs" set from which a found 5/8-inch iron rod with cap stamped "JNS Engineers" bears South  $48^{\circ} 15' 18''$  East, 3.36 feet;

THENCE North  $46^{\circ} 27' 45''$  West, 1077.16 feet, continuing with the proposed westerly right-of-way of Katy Gaston Road; to a 5/8-inch iron rod with cap stamped "Jacobs", set for the beginning of a curve to the left, from which a found 5/8-inch iron with cap stamped "JNS Engineers" bears North  $43^{\circ} 41' 10''$  East, 7.17 feet;

THENCE in a westerly direction, along the arc of said curve to the left, having a radius of 30.00 feet, an arc length of 47.13 feet, a central angle of  $90^{\circ} 00' 42''$ , and a chord bearing South  $88^{\circ} 31' 44''$  West, 42.43 feet to the **POINT OF BEGINNING**, and containing 1.7861 acres of land in Fort Bend County, Texas. This description was prepared in conjunction with a parcel plat by Jacobs Engineering Group Inc., dated January 30, 2009, and revised July 17, 2009;

  
Anthony R. Peacock  
Registered Professional Land Surveyor  
Texas Registration No. 5047



Jacobs Engineering Group Inc.  
713-869-7900  
Job No. WHXH C3X41402

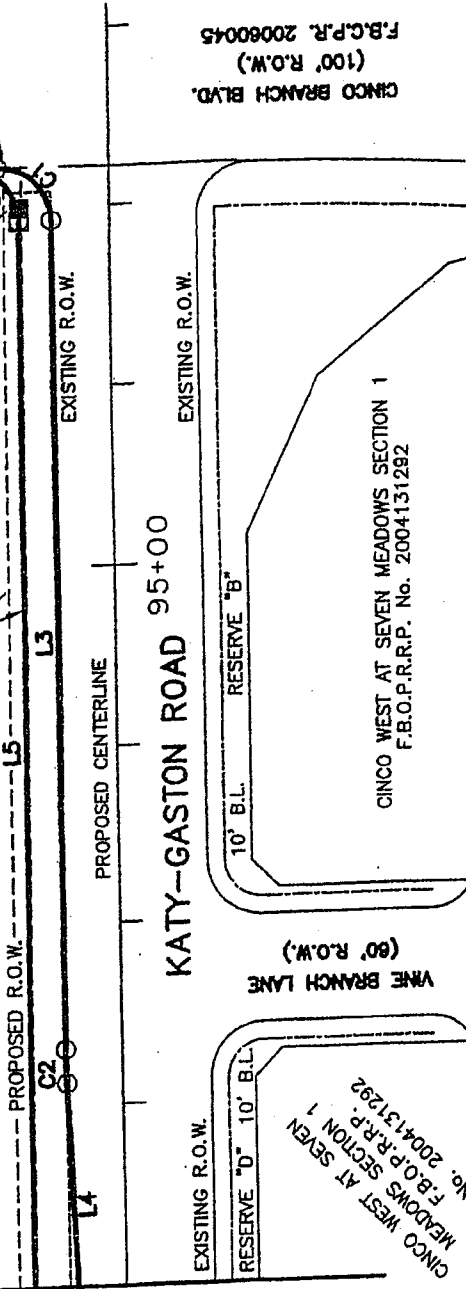
EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

RESIDUE OF A CALLED 108.997 ACRES  
 POARCH/SWINBANK KATY LIMITED PARTNERSHIP  
 TO  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.B.O.P.R.R.P. No. 2002071041  
 JULY 2, 2002

10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. 2003147689

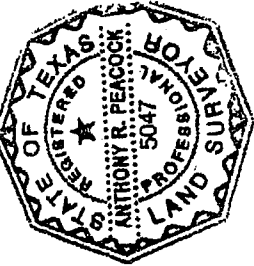
**P.O.C. PARCEL 13**  
**P.O.B. PARCEL 13**  
**1,7578 AC.**  
 X=2,980,748.38  
 Y=13,823,405.48  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N61°02'08" E, 12.16'  
 5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS N43°41'10" W, 7.17'

"MATCHLINE" STATION 91+00.00



LINE	BEARING	DISTANCE
L1	N 43°31'13" E	166.15'
L2	N 43°31'13" E	18.50'
L3	S 46°33'50" E	451.75'
L4	S 48°35'47" E	546.21'
L5	S 46°27'45" E	1077.16'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	47.08'	42.40'	N 85°28'41" E	89°54'57"
C2	500.00'	17.74'	17.73'	S 47°34'49" E	02°01'57"
C3	30.00'	47.13'	42.43'	S 88°31'44" W	90°00'42"



- Notes:**
- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
  - Basis of Bearings are referenced to the Cornerstone RTK network COOP COORS station CMS2 and NGS Monument HGCS0 67.
  - This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

- LEGEND**
- Point not found
  - ◻ 5/8" Iron Rod set w/cap stamped "Jacobs"
  - ◼ 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.O.P.R.R.P. Fort Bend County Official Public Records of Real Property

**PARCEL PLAT**

PARCEL 13  
 1.7861 ACRES  
 OUT OF THE  
 CARTLIDGE & FERGUSON SURVEY,  
 S. M. WILLIAMS SURVEY,  
 ABSTRACT 463  
 FORT BEND COUNTY, TEXAS



JACOBS Engineering Group Inc.  
 55 Waugh Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE: 1" = 100'	PROD. NO. C3X41402
DRAWN BY: MVR	DATE
CHK'D BY: MVR	1/30/2009
APPROVED: ARP	SHEET 1 of 3

\*\* Revised July 17, 2009

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1950.00'	118.20'	116.18'	N 48°11'58" W	03°28'23"
C2	2050.00'	124.28'	124.26'	N 48°05'43" W	03°28'25"
C3	500.00'	17.74'	17.73'	S 47°31'48" E	02°01'57"

RESIDUE OF A CALLED 108.997 ACRES  
 POARCH/SWINBANK KATY LIMITED PARTNERSHIP  
 TO  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.B.O.P.R.R.P. No. 2002071041  
 JULY 2, 2002

5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS S48°18'18"E  
 3.36'

5/8" I.R. W/CAP STAMPED  
 "JNS ENGINEERS"  
 BEARS S52°06'36"E  
 3.37'

20' WATER LINE EASEMENT  
 F.B.O.P.R.R.P. No. 2006004926

25' PHILIPS PETROLEUM PIPELINE EASEMENT  
 F.B.O.P.R.R.P. No. 2000006109

15' S.S.E. F.B.O.P.R.R.P. No. 2004118194  
 15' ST.S.E. F.B.O.P.R.R.P. No. 2004118193  
 14' U.E. & A.E. F.B.O.P.R.R.P. No. 2004127791

SEVEN MEADOWS SECTION 18  
 F.B.O.P.R.R.P. No. 2006041580

LINE	BEARING	DISTANCE
L1	N 43°26'09" E	30.00'
L2	S 46°33'51" E	935.57'
L3	N 49°56'55" W	153.28'
L4	N 45°27'45" W	1077.16'
L5	S 48°35'47" E	546.21'
L6	S 46°33'51" E	111.96'

- LEGEND
- Point not found
  - 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
  - 5/8" Iron Rod set w/cap stamped "Jacobs"
  - 5/8" Iron Rod Found w/cap stamped "SURVCON INC."

F.B.C.P.R. Fort Bend County Plat Records  
 F.B.C.D.P.R.P. Fort Bend County Official Public Records of Real Property



BASELINE CURVE DATA

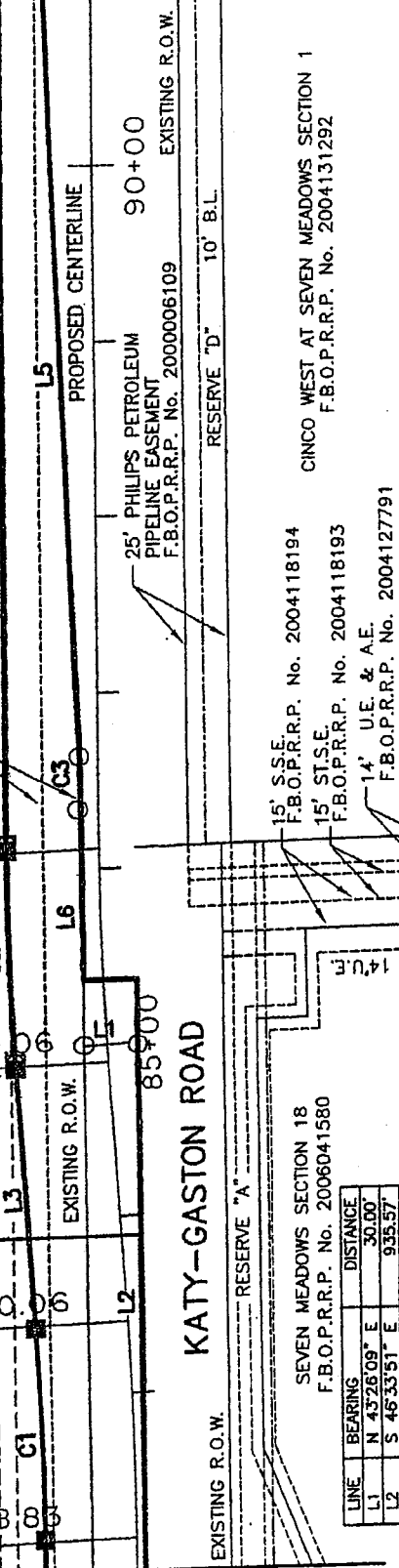
PI STATION = 85+50.71  
 DELTA = 3°28'24.75" (RT)  
 TANGENT = 60.64  
 LENGTH = 121.25  
 RADIUS = 2,000.00  
 PC STATION = 84+90.06  
 PT STATION = 86+11.31

10' WIDE CENTERPOINT ENERGY  
 F.B.C.O.P.R.R.P. 2003147689  
 PROPOSED R.O.W.

BASELINE CURVE DATA

PI STATION = 82+79.47  
 DELTA = 3°28'23.13" (LT)  
 TANGENT = 60.64  
 LENGTH = 121.23  
 RADIUS = 2,000.00  
 PC STATION = 82+18.83  
 PT STATION = 83+40.06

20' WATER LINE EASEMENT  
 F.B.O.P.R.R.P. No. 2006004926



"MATCHLINE" STATION 82+00.00

"MATCHLINE" STATION 91+00.00

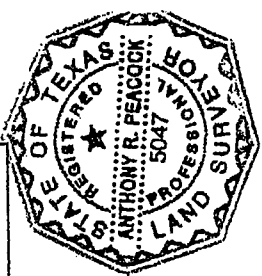
PARCEL PLAT

PARCEL 13  
 1.7861 ACRES  
 OUT OF THE  
 CARTLIDGE & FERGUSON SURVEY,  
 ABSTRACT 444 &  
 S. M. WILLIAMS SURVEY,  
 ABSTRACT 463  
 FORT BEND COUNTY, TEXAS

**JACOBS**  
 Jacobs Engineering Group Inc.  
 55 Waugh Drive, Suite 800  
 Houston, Texas 77007  
 713-869-7900

SCALE:	1" = 100'	PROJ. NO.	C3X41402
DRAWN BY:	MVR	DATE	1/30/2009
CHK'D BY:	MVR	SHEET	2 of 3
APPROVED:	ARP		

EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC



- Notes:
- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
  - Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station CMS2 and NGS Monument HGCSD 67.
  - This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

\*\* Revised July 17, 2009

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

150' RADIUS SANITARY SEWER EASEMENT  
F.B.C.O.P.R.R.P. 2007105066

LINE	BEARING	DISTANCE
L1	S 46°26'45" E	100.75'
L2	S 43°22'44" W	30.00'
L3	N 46°26'45" W	100.84'
L4	S 43°16'30" W	25.08'

3.000 ACRE DRILL SITE  
ROBERT MOSSBACHER, TRUSTEE  
TO  
POARCH/SWINBANK KATY LIMITED PART.  
F.B.C.O.P.R.R.P. 2005047390

10' WIDE CENTERPOINT ENERGY  
F.B.C.O.P.R.R.P. 2003147689

0.2478 ACRE (10,792 SQ.FT.)  
CINCO RANCH SOUTHWEST  
M.U.D. No. 1  
F.B.C.O.P.R.R.P. 2007021192

RESIDUE OF A CALLED  
847.4831 ACRES  
GASTON 1093 JV  
TO  
TERRABROOK  
CINCO RANCH  
SOUTHWEST, LP.  
F.B.C.O.P.R.R.P.  
2002071214

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R. 20050205

"MATCHLINE" STATION 82+00.00

PROPOSED R.O.W.  
N 46°27'47" W 232.76'

EXISTING R.O.W.

EXISTING R.O.W.

80+00

935.57'

S 46°33'51" E

RESIDUE OF  
108.997 ACRES  
TERRABROOK CINCO SOUTHWEST, LP  
F.B.C.O.P.R.R.P. 2002071041

N 46°33'52" W 385.32'

75+00

KATY-GASTON ROAD

PROPOSED CENTERLINE

FRY ROAD  
(100' R.O.W.)  
F.B.C.P.R.  
200410156

RESERVE "H"

RESERVE "E"

SEVEN MEADOWS SECTION 18  
F.B.C.P.R. 20060093

14' U.E. & A.E.

25' B.L.

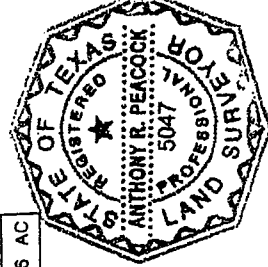
RESERVE "A"

PARCEL PLAT

PARCEL 13  
1.7861 ACRES  
OUT OF THE  
CARTLIDGE & FERGUSON SURVEY,  
ABSTRACT 444 &  
S. M. WILLIAMS SURVEY,  
ABSTRACT 463  
FORT BEND COUNTY, TEXAS

**JACOBS**  
Jacobs Engineering Group Inc.  
55 Wough Drive, Suite 800  
Houston, Texas 77007  
713-869-7900

SCALE:	1" = 100'	PROJ. NO.	C3X41402
DRAWN BY:	MVR	DATE	SHEET
CHK'D BY:	MVR	1/30/2009	3 of 3
APPROVED:	ARR		



EXISTING ACREAGE	PARCEL TAKING	PRESCRIPTIVE ROADWAY TAKING	REMAINING ACREAGE
108.9970 AC	1.0724 AC	0.7137 AC	107.9246 AC

Notes:

- This survey is based on the monuments found in the area in addition to parcel plats and right-of-way maps provided by JNS Engineers.
- Basis of Bearings are referenced to the Cornerstone RTK network COOP CORS station GMS2 and NGS Monument H6CSD 67.
- This plat has been prepared in conjunction with a Legal Description of the subject property and is attached thereto.

LEGEND

- Point not found
- 5/8" Iron Rod Found w/cap stamped "JNS ENGINEERS"
- 5/8" Iron Rod Found w/cap stamped "SURVCON INC."
- Fort Bend County Plat Records
- Fort Bend County Official Public Records of Real Property

SCALE: 1" = 100'

\*\* Revised July 17, 2009

**AGREEMENT ON ADJUSTMENTS OF PRORATIONS  
AND PAYOFFS, AND  
DISBURSEMENT AUTHORIZATION STATEMENT**

BUYER AND SELLER OR BORROWER HEREBY ACKNOWLEDGE THAT THE INFORMATION USED TO PREPARE THE CLOSING STATEMENT IN THIS TRANSACTION WAS ASSEMBLED BY STEWART TITLE COMPANY FROM THIRD PARTY SOURCES OR ARE ESTIMATES BASED ON THE BEST INFORMATION AVAILABLE. STEWART TITLE COMPANY DOES NOT MAKE ANY REPRESENTATIONS AND HAS NO RESPONSIBILITY OR LIABILITY CONCERNING THE ACCURACY OR COMPLETENESS OF THIS INFORMATION.

BUYER AND SELLER OR BORROWER UNDERSTAND AND ACKNOWLEDGE THAT TAX AND INSURANCE PRORATIONS AND RESERVES ARE BASED ON ESTIMATED FIGURES. IN THE EVENT THE ESTIMATED FIGURES USED FOR ANY CALCULATION PROVE TO HAVE BEEN INACCURATE, BUYER AND SELLER AGREE THAT STEWART TITLE COMPANY HAS NO LIABILITY OR OBLIGATION TO CORRECT ANY DISCREPANCIES THAT MAY RESULT. FURTHER BUYER AND SELLER AGREE THAT THE RESOLUTION OF ANY DISCREPANCIES MUST BE SETTLED DIRECTLY BETWEEN THEMSELVES.

SELLER ACKNOWLEDGES THAT LOAN PAYOFF INFORMATION FOR THE PROPERTY IN THIS TRANSACTION WAS SUPPLIED BY THE NOTE HOLDER. IN THE EVENT THE AMOUNT OF SUCH PAYOFF FURNISHED TO STEWART TITLE COMPANY IS LESS THAN ACTUALLY REQUIRED BY THE NOTE HOLDER TO RELEASE THE LIEN OF THE PROPERTY, SELLER AGREES TO PAY SUCH SHORTFALL IN FULL WITHIN 24 HOURS AFTER BEING ADVISED OF THE REQUIRED AMOUNT BY STEWART TITLE COMPANY OR THE HOLDER OF THE NOTE.

BUYER ACKNOWLEDGES THAT THE OWNERS TITLE POLICY WILL CONTAIN AN EXCEPTION TO TAXES DUE TO "SUBSEQUENT ASSESSMENTS FOR THE PRIOR YEARS DUE TO CHANGE IN LAND USAGE OR OWNERSHIP" ("ROLLBACK TAXES"). IN THE EVENT THAT SOME OR ALL OF THE PROPERTY IS CURRENTLY SUBJECT TO REDUCED TAXATION DUE TO DESIGNATION AS "OPEN SPACE" OR "AGRICULTURAL USE", OR IS CURRENTLY EXEMPT FROM TAXATION, AND SAID PROPERTY IS SUBSEQUENTLY ASSESSED FOR ROLLBACK TAXES BECAUSE OF CHANGE IN LAND USE OR OWNERSHIP OF THE PROPERTY, SELLER AGREES THAT IT WILL PAY ALL ROLLBACK TAXES ASSESSED AGAINST THE PROPERTY, FOR ALL PERIODS UP TO AND INCLUDING THE DATE HEREOF. THE BUYER AND SELLER HAVE AGREED AMONG THEMSELVES REGARDING THEIR RESPECTIVE OBLIGATIONS AND STEWART TITLE COMPANY SHALL HAVE NO RESPONSIBILITY

FOR RESOLUTION OF THEIR RESPECTIVE RIGHTS OR FOR PAYMENT OF THE ROLLBACK TAXES.

BUYER AND SELLER ACKNOWLEDGE THAT TAXES WERE PRORATED AT CLOSING. IN THE EVENT THAT THE AMOUNT OF ESTIMATED TAXES FURNISHED TO THE TITLE COMPANY IS INACCURATE, THEY JOINTLY AND SEVERALLY AGREE TO PAY TO STEWART TITLE COMPANY OR THE APPROPRIATE TAXING AUTHORITIES THE AMOUNT REQUIRED TO PAY SUCH TAXES IN FULL, INCLUDING ALL PENALTY AND INTEREST WITHIN 10 DAYS OF BEING ADVISED OF SUCH REQUIRED AMOUNTS. SELLER AGREES THAT IT WILL PAY TAXES UP TO AND THROUGH THE DATE OF CLOSING AND BUYER WILL PAY TAXES OWED SUBSEQUENT TO CLOSING. BUYER AND SELLER AGREE TO INDEMNIFY STEWART TITLE COMPANY FOR ALL COSTS RESULTING FROM UNPAID TAXES, INCLUDING COURT COSTS AND ATTORNEY'S FEES AND ALL EXPENSES RELATED THERETO.

BUYER HEREBY AUTHORIZES STEWART TITLE COMPANY TO MAKE EXPENDITURES AND DISBURSEMENTS AS SHOWN ON THE CLOSING STATEMENT AND APPROVE THE SAME FOR PAYMENT.

BUYER AND SELLER ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

THE PROVISIONS HEREOF SHALL SURVIVE THE CLOSING AND FUNDING OF THE TRANSACTION REFERRED TO HEREIN AND SHALL NOT BE MERGED THEREIN, SHALL BE BINDING UPON THE UNDERSIGNED, THEIR SUCCESSORS AND ASSIGNS, AND SHALL INURE TO THE BENEFIT OF THE NAMED PARTIES, THEIR SUCCESSORS AND ASSIGNS.

EXECUTED ON THIS \_\_\_\_ DAY OF JULY \_\_\_\_\_, 2009.

SELLER:

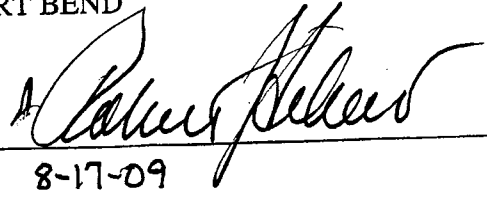
TERRABROOK CINCO RANCH SOUTHWEST, L.P.,  
a Delaware limited partnership

By: TERRABROOK CINCO RANCH  
SOUTHWEST GP, L.L.C.,  
its general partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title \_\_\_\_\_

BUYER:

COUNTY OF FORT BEND



A handwritten signature in cursive script, appearing to read "Robert [unclear]", is written over a horizontal line.

8-17-09