

June 23, 2009

Copy received  
8-18-09

Item 36B3  
6/23/09 Comm Ct  
Parcel 1

**Item 36B continued - 551.072 Deliberation Regarding Real Property:**

**3) Acquisition of property, FM 1093; Mobility Bond Project #748, Precinct 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 FM 1093 Mobility Project #748 in the amount of \$1,026,637.40 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

**4) Acquisition of property, Mason Rd., Mobility Bond Project #735, Pct. 3.**

No action.

**5) Acquisition of property, West Bellfort, Mobility Bond Project #731 Precincts 3 and 4.**

No action.

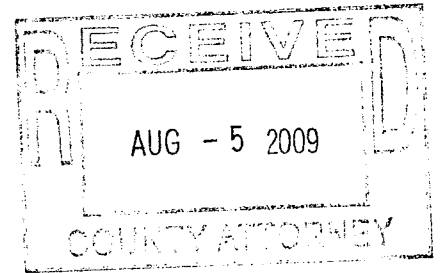
**C. § 551.074. Personnel Matters.**

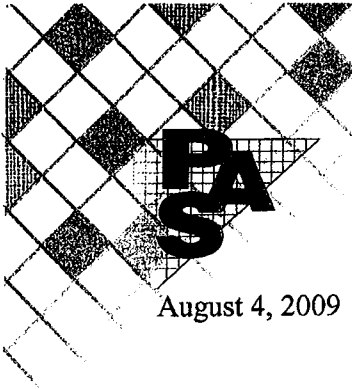
**Executive Manager Evaluation – Road & Bridge Commissioner.**

Annual review conducted.

**37. Adjournment.**

Commissioners Court adjourned at 3:01 p.m. on Tuesday, June 23, 2009.





# Property Acquisition Services, Inc.

August 4, 2009

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

**Re: FM 1093 Project - Parcel 1 - 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,

  
Mark Davis  
Project Manager

Enclosures

*Approved as to  
form only by FBC  
AHO Price  
8/17/09  
WAV*



## Newland Communities

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

July 31, 2009

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

Reference: GF 09301092, Terrabrook Cinco Ranch Southwest, L.P. (Seller) – sale to County of Fort Bend, 14.639 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

Marc R. LaRocca  
Stewart Title  
Escrow Officer - Post Oak Commercial  
1980 Post Oak Boulevard, Suite 110  
Houston, Texas 77056

Phone: (713) 625-8740  
Fax: (713) 629-2255

Reference: Your GF 09301092, Terrabrook Cinco Ranch Southwest, L.P. (Seller) – sale to County of Fort Bend, 14.639 acres

Dear Marc:

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, 14.639 acres -  
\$615,982.46

**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, 14.639 acres -  
\$410,654.94

**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"/> JVA	5. <input type="checkbox"/> CONV. INS.	
		6. FILE NUMBER: 09301092	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: (3) TRS. BROOKS & BURLESON A144, (2) TRS. WALTON SVY. A434, FORT BEND COUNTY				
H. SETTLEMENT AGENT: STEWART TITLE COMPANY		CLOSER: MARC LAROCCA		PHONE NUMBER: (713) 627-1310
ADDRESS: 4700 W. SAM HOUSTON PKWY N. HOUSTON, TEXAS 77041		SETTLEMENT AGENT TIN: 74-0923770		
PLACE OF SETTLEMENT: STEWART TITLE COMPANY		PHONE NUMBER: (713) 625-8702		1. SETTLEMENT DATE
ADDRESS: 1980 POST OAK BLVD. HOUSTON, TEXAS 77056		Closing date: 08/31/09 Proration date: 08/31/09		
J. 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	1,026,637.40	401. Contract sales price	1,026,637.40	
102. Personal property		402. Personal property		
103. Settlement charges to borrower(line 1400)	6,016.77	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:	1,032,654.17	420. GROSS AMOUNT DUE TO SELLER:	1,026,637.40	
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)		
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to		
204. Commitment Fee		504. Payoff of first mortgage loan	615,982.46	
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:	615,982.46	
300. CASH AT SETTLEMENT FROM/TO BORROWER:			600. CASH AT SETTLEMENT TO/FROM SELLER:	
301. Gross amount due from borrower(line 120)	1,032,654.17	601. Gross amount due to seller(line 420)	1,026,637.40	
302. Less amounts paid by/for borrower(line 220)		602. Less total reductions in amount due seller(line 520)	615,982.46	
303. CASH [X FROM] [ ] TO] BORROWER:	1,032,654.17	603. CASH [X TO] [ ] FROM] SELLER:	410,654.94	

File 09301092		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 (Maint.)	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			5,766.00	
(includes above items No.: )					
1109. Lender's coverage	\$				
1110. Owner's coverage	1,026,637.40	\$	5,766.00		
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 \$	90.00	Mrtg \$	Rel. \$	60.00	150.00
1202. City/county tax/stamps: Deed \$		Mrtg \$			
1203. State tax/stamps: Deed \$		Mrtg \$			
1204. Tax certificates	to STEWART TITLE COMPANY			75.77	
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.	to				
1304.	to				
1305.	to				
1400. TOTAL SETTLEMENT CHARGES (entered on lines 103, Section J and 502, Section K)				6,016.77	

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 prorrations and signifies their understanding that prorrations were 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 OF HOUSTON**

By: \_\_\_\_\_  
Marc LaRocca, 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," Exhibit "D," and Exhibit "E," 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

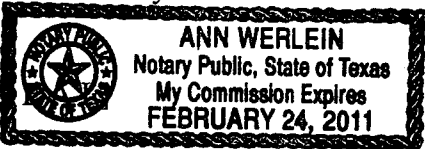
THE COUNTY OF FORT BEND accepts the foregoing Special Warranty Deed and consents to its form and substance.

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 of said county.



My Commission Expires:  
Feb 24, 2011

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

**EXHIBIT "A"**

**PROPERTY DESCRIPTION**

Cinco Ranch Southwest  
Metes and Bounds Description  
2.706 Acres (117,873 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 2.706 acres (117,873 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.706-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of the residue of said 180.2 acre tract, being the southeast corner of a called 225.048 acre tract recorded under F.N. 8752236 of said F.B.C.O.R., and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, North 02°51'43" West, departing said northerly right-of-way line and along the line common to said 180.2 acre tract and said 225.048 acre tract, a distance of 90.23 feet to a point for the northwest corner of the herein described tract;

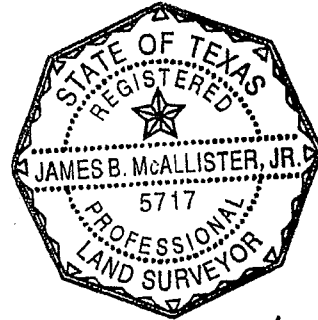
THENCE, North 83°00'52" East, a distance of 1,307.84 feet to a point for corner in the westerly right-of-way line of Cinco Rose Drive (90 feet wide) as shown on the plat recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, South 06°59'06" East, along said westerly right-of-way line, a distance of 65.01 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner at the intersection with the aforementioned northerly right-of-way line of F.M. 1093;

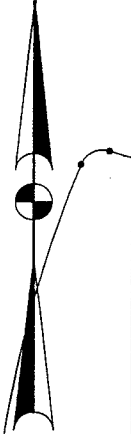
THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle = 90°00'00"; Radius = 25.00 feet; Chord Bearing and Distance = South 38°01'54" West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly cut-back corner in said northerly right-of-way line of F.M. 1093;

THENCE, South 83°00'54" West, along said northerly right-of-way line, a distance of 1,289.33 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 2.706 acres (117,873 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
12-11-08



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°51'43"W	90.23'
L2	S06°59'06"E	65.01'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	S38°00'54"W	35.36'

**General Notes:**

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

**EXHIBIT OF  
2.706 ACRES (117,873 SQ.FT.)  
BROOKS & BURLESON SURVEY, A-144  
FORT BEND COUNTY, TEXAS**

	<b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com	
	<b>SCALE:</b> 1" = 200' <b>DATE:</b> 12-11-08 <b>DWN BY:</b> JBM	<b>CHKD BY:</b> RLM <b>PROJECT:</b> CRSW FM 1093
<b>JOB NO.</b> 60092414.01 <b>F.B. NO.</b> -		

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR RETRANSMITTED IN ANY WAY OR FORM (ELECTRONIC, MECHANICAL, PHOTOCOPIING, OR OTHERWISE) WITHOUT THE EXPRESS

**EXHIBIT "B"**

**PROPERTY DESCRIPTION**

Cinco Ranch Southwest  
Metes and Bounds Description  
1.021 Acres (44,456 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 1.021 acres (44,456 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 1.021-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of a called 19.873 acre residue of a called 200.092 acre tract of land recorded under F.N. 9324552 of said F.B.C.O.R., being the most easterly southeast corner of the residue of said 180.2 acre tract, and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, South 83°00'54" West, along said northerly right-of-way line, a distance of 470.39 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly radial cut-back corner at the intersection with the easterly right-of-way line of Cinco Rose Drive (90 feet wide) as recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, northwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle = 90°00'00"; Radius = 25.00 feet; Chord Bearing and Distance = North 51°59'06" West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly cut-back corner in the easterly right-of-way line of said Cinco Rose Drive;

THENCE, North 06°59'06" West along said easterly right-of-way line, a distance of 65.01 feet to a point for the northwest corner of the herein described tract;

THENCE, North 83°00'54" East, a distance of 495.43 feet to a point for the northeast corner of the herein described tract, being in the line common to the aforementioned residue of said 180.2 acre tract and aforementioned 19.873 acre residue tract;

THENCE, South 06°57'23" East, along the line common to the residue of said 180.2 acre tract and said 19.873 acre residue tract, a distance of 90.00 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 1.021 acres (44,456 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
*12-11-08*

TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2003159919  
 F.B.C.O.R.

CINCO ROSE DRIVE  
 PLAT NO. 20070143  
 F.B.C.P.R.

RESIDUE OF  
 A CALLED 200.092 ACRE TRACT  
 F.B.C.C.F. NO. 9324552  
 19.873 ACRES  
 (865,655 SQ.FT.)



N 83°00'54" E 495.43'

S 83°00'54" W 470.39'

FND. 5/8" I.R.  
 W/CAP  
 STAMPED  
 "SURVCON INC."

P.O.B.  
 FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

FM 1093  
 (100' ROW)

FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

STATE OF TEXAS  
 100' ROW  
 Vol. 285, Pg. 292 F.B.C.D.R.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°59'06"W	65.01'
L2	S06°57'23"E	90.00'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	N51°59'06"W	35.36'

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

EXHIBIT OF  
 1.021 ACRE (44,456 SQ.FT.)  
 BROOKS & BURLESON SURVEY, A-144  
 FORT BEND COUNTY, TEXAS



**SURVCON INC.**  
 PROFESSIONAL SURVEYORS

5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 PH. (713) 760-4123  
 www.survcon.com

SCALE:	1" = 100'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM	CHKD BY:	RLM
PROJECT:		CRSW FM 1093	

**EXHIBIT "C"**

**PROPERTY DESCRIPTION**

Cinco Ranch Southwest  
Metes and Bounds Description  
3.149 Acres (137,175 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 3.149 acres (137,175 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of a called 59.3355 acre tract of land conveyed to Terrabrook Cinco Ranch Southwest, L.P. in deed recorded under Fort Bend County Clerk's File Number (F.N.) 2002071043 of the Fort Bend County Official Records (F.B.C.O.R.), said 3.149-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 1/4-inch iron pipe found marking the southeast corner of said 59.3355 acre tract, also being the southwest corner of a called 3.00 acre residue of a called 62.2830 acre tract of land conveyed to Jane Harwood McGall and Stephen Harwood in deed recorded in Volume 707, Page 701 of the Fort Bend County Deed Records (F.B.C.D.R.), being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of said F.B.C.D.R. and being the southeast corner of the herein described tract;

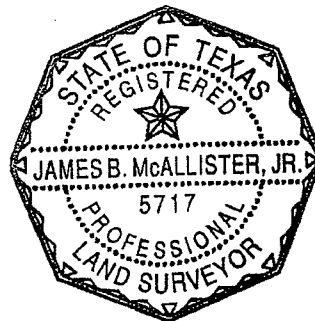
THENCE, South 83°01'49" West, along the northerly right-of-way line of said F.M. 1093, a distance of 1,513.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 59.3355-acre tract, also being the southeast corner of a called 1.754 acre tract of land conveyed to J.P. Morgan Chase Bank, Trustee et al in the deed recorded under File Number 2003159920 of said F.B.C.O.R.;

THENCE, North 16°23'24" West along the line common to said 59.3355-acre tract and said 1.754 acre tract, a distance of 91.28 feet to a point for corner;

THENCE, North 83°01'55" East, a distance of 1,534.32 feet to a point for corner in the line common to said 59.3355 acre tract and said 3.00 acre residue tract;

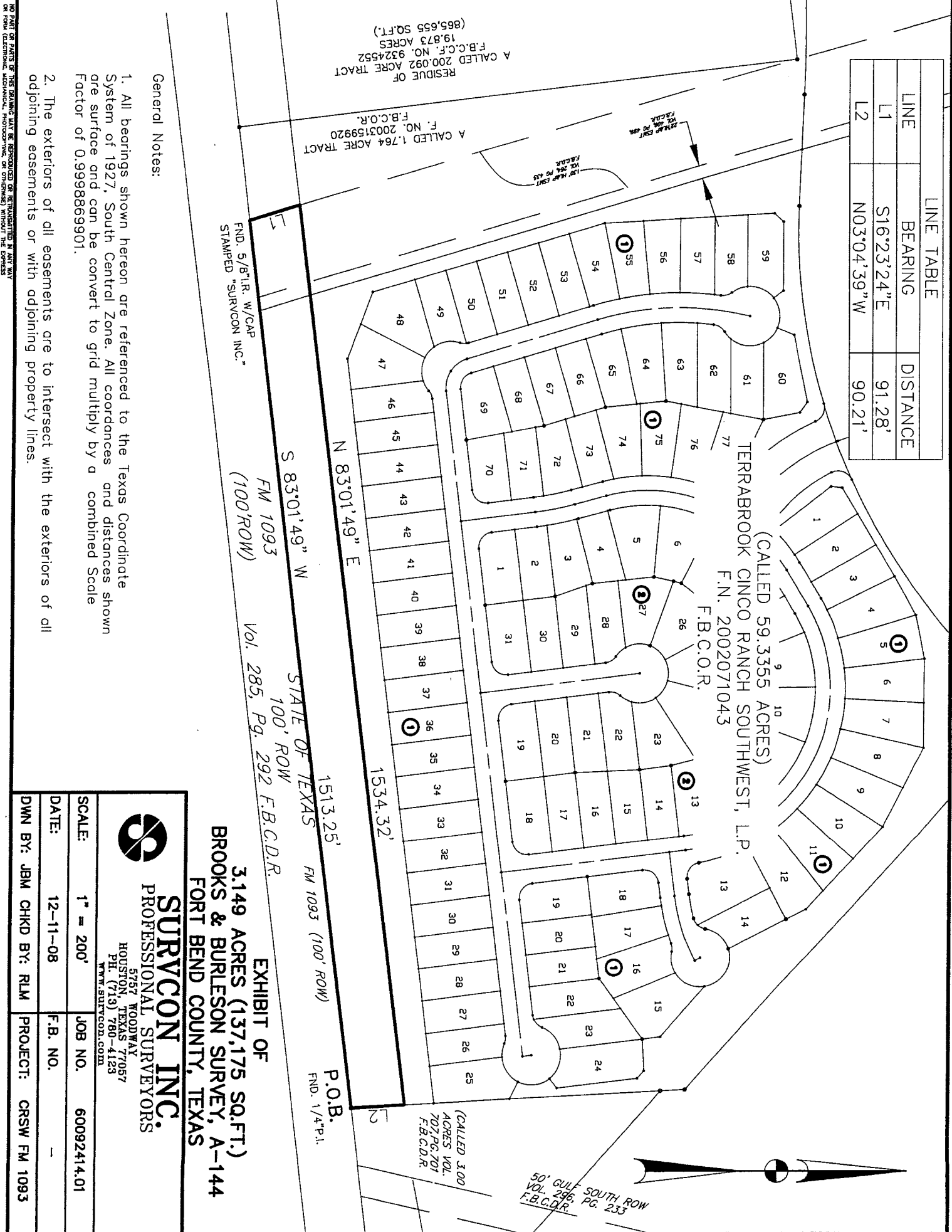
THENCE, South 03°04'39" East, along said common line, a distance of 90.21 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 3.149 acres (137,175 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
12-11-08

LINE	BEARING	DISTANCE
L1	S16°23'24"E	91.28'
L2	N03°04'39"W	90.21'



**General Notes:**

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.



**SURVCON INC.**  
 PROFESSIONAL SURVEYORS

5767 WOODWAY  
 HOUSTON, TEXAS 77057  
 PH. (713) 780-4123  
 WWW.SURVCON.COM

SCALE: 1" = 200'

DATE: 12-11-08

DWN BY: JBM CHKD BY: RLM PROJECT: CRSW FM 1093

**EXHIBIT OF**  
**3.149 ACRES (137,175 SQ.FT.)**  
**BROOKS & BURLESON SURVEY, A-144**  
**FORT BEND COUNTY, TEXAS**

P.O.B.  
 FND. 1/4"=1".

STATE OF TEXAS  
 100' ROW

FND. 5/8"=1". W/CAP  
 STAMPED "SURVCON INC."

NO PART OF THIS DRAWING MAY BE REPRODUCED OR RETRANSMITTED IN ANY WAY  
 OR FOR ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE WITHOUT THE EXPRESS

**EXHIBIT "D"**

**PROPERTY DESCRIPTION**

Cinco Ranch Southwest  
Metes and Bounds Description  
2.987 Acres (130,133 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Fort Bend County, Texas

Being 2.987 acres (130,133 square feet) of land located in the Walton, Hill & Walton Survey, A-434, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.987-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.) with the westerly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southeast corner of the herein described tract;

THENCE, South 83°01'35" West, along the northerly right-of-way line of said F.M. 1093, a distance of 976.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 178.04-acre tract, also being the southeast corner of a tract of land conveyed to Thor Ranch, LLC in the deed recorded under File Number 2006161518 of said F.B.C.O.R.

THENCE, North 06°58'25" West along the line common to said 178.04 acre tract and said Thor Ranch tract, a distance of 154.00 feet to a point for corner;

THENCE, North 83°01'35" East, a distance of 26.71 feet to a point for an angle point;

THENCE, North 85°54'39" East, a distance of 975.78 feet to a point for corner in the aforementioned westerly right-of-way line of Cinco Terrace Drive;

THENCE, South 06°58'25" East, along said westerly right-of-way line, a distance of 79.90 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner;

THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = South  $38^{\circ}01'35''$  West, 35.36 feet) to the POINT OF BEGINNING, containing within its bounds a computed area of 2.987 acres (130,135 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B McAllister Jr*  
*12-11-08*

LINE TABLE				
LINE	BEARING	DISTANCE		
L1	N06°58'25"W	154.00'		
L2	N83°01'35"E	26.71'		
L3	S06°58'25"E	79.90'		

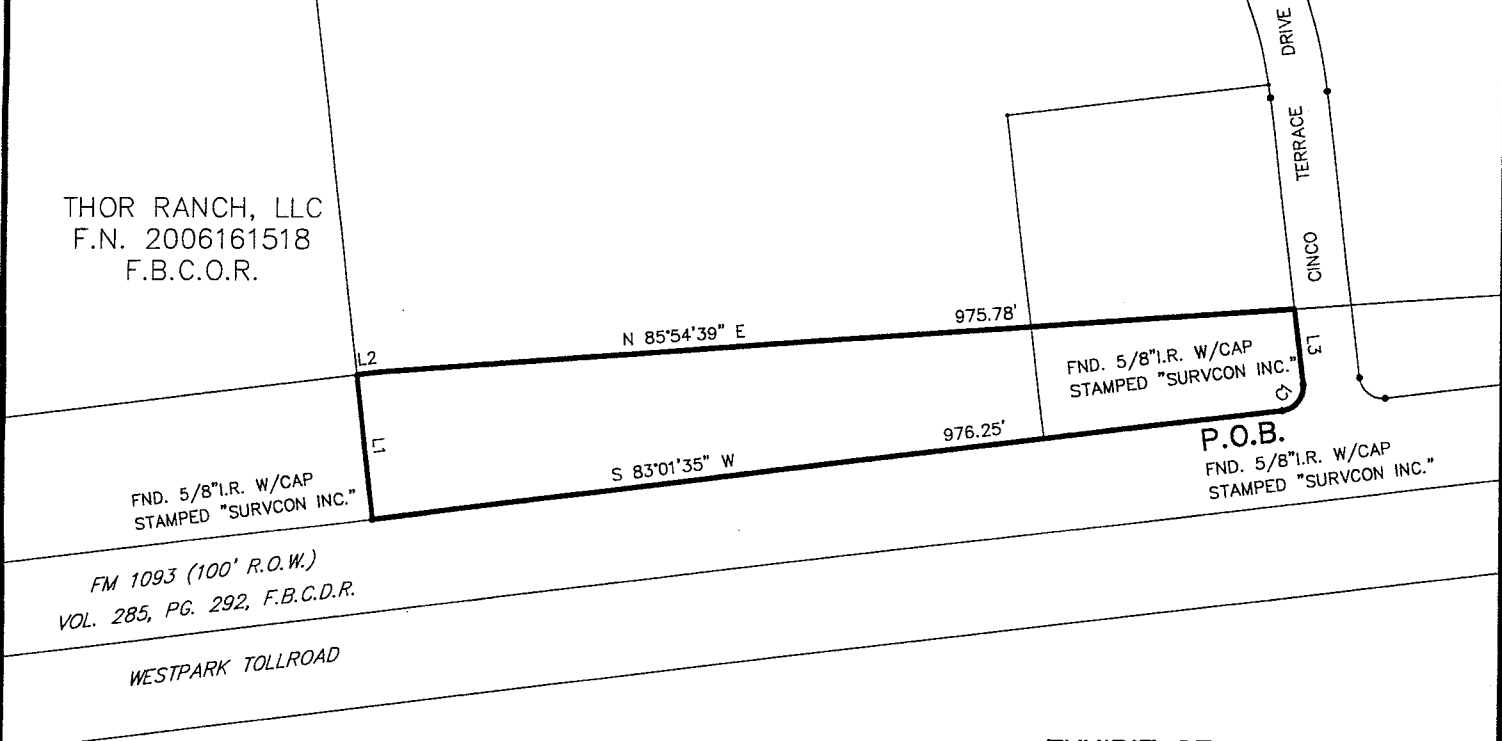
CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	S38°01'35"W	35.36'



WALTON, HILL & WALTON SURVEY, A-434

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

THOR RANCH, LLC  
 F.N. 2006161518  
 F.B.C.O.R.




FM 1093 (100' R.O.W.)  
 VOL. 285, PG. 292, F.B.C.D.R.  
 WESTPARK TOLLROAD

General Notes:

1. All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordances and distances shown are surface and can be convert to grid multiply by a combined Scale Factor of 0.9998869901.
2. The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

EXHIBIT OF  
 2.987 ACRES (130,133 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 FORT BEND COUNTY, TEXAS

 <b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com		
SCALE:	1" = 200'	JOB NO. 60092414.01
DATE:	12-11-08	F.B. NO. -
DWN BY: JBM	CHKD BY: RLM	PROJECT: CRSW FM 1093

**EXHIBIT "E"**

**PROPERTY DESCRIPTION**

Cinco Ranch Southwest  
Metes and Bounds Description  
4.776 Acres (208,026 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Walton, Hill & Walton Survey, A-435  
Fort Bend County, Texas

Being 4.776 acres (208,026 square feet) of land located in the Walton, Hill & Walton Survey, A-434, and the Walton, Hill and Walton Survey, A-435, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 4.776-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records with the easterly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southwest corner of the herein described tract;

THENCE, northwesterly 39.27 feet along the arc of a cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = North  $51^{\circ}58'25''$  West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a point of tangency in said easterly right-of-way line of Cinco Terrace Drive;

THENCE, North  $06^{\circ}58'25''$  West along said easterly right-of-way line of Cinco Terrace Drive, a distance of 76.87 feet to a point for the northwest corner of the herein described tract;

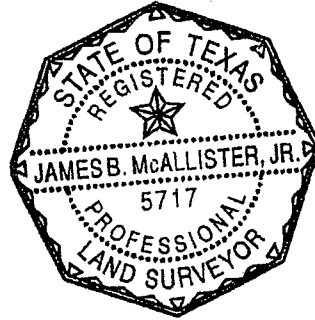
THENCE, North  $85^{\circ}54'39''$  East, a distance of 235.98 feet to a point for an angle point;

THENCE, North  $83^{\circ}01'35''$  East, a distance of 2,068.86 feet to a point for corner in the easterly line of said 178.04 acre tract, also being the westerly line of a called 43.38 acre tract of land described in deed to John H. Beeson, Trustee recorded under File Number 9644828 of said F.B.C.O.R., and being the northeast corner of the herein described tract;

THENCE, South  $02^{\circ}06'33''$  West, along the line common to said 178.04 acre tract and said 43.38 acre tract, a distance of 91.14 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southeast corner of said 178.04 acre tract, being also the southwest corner of said 43.38 acre tract, and being in the aforementioned northerly right-of-way line of F.M.1093;

THENCE, South 83°01'35" West, along said northerly right-of-way line, a distance of 2,265.14 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 4.776 acres (208,026 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



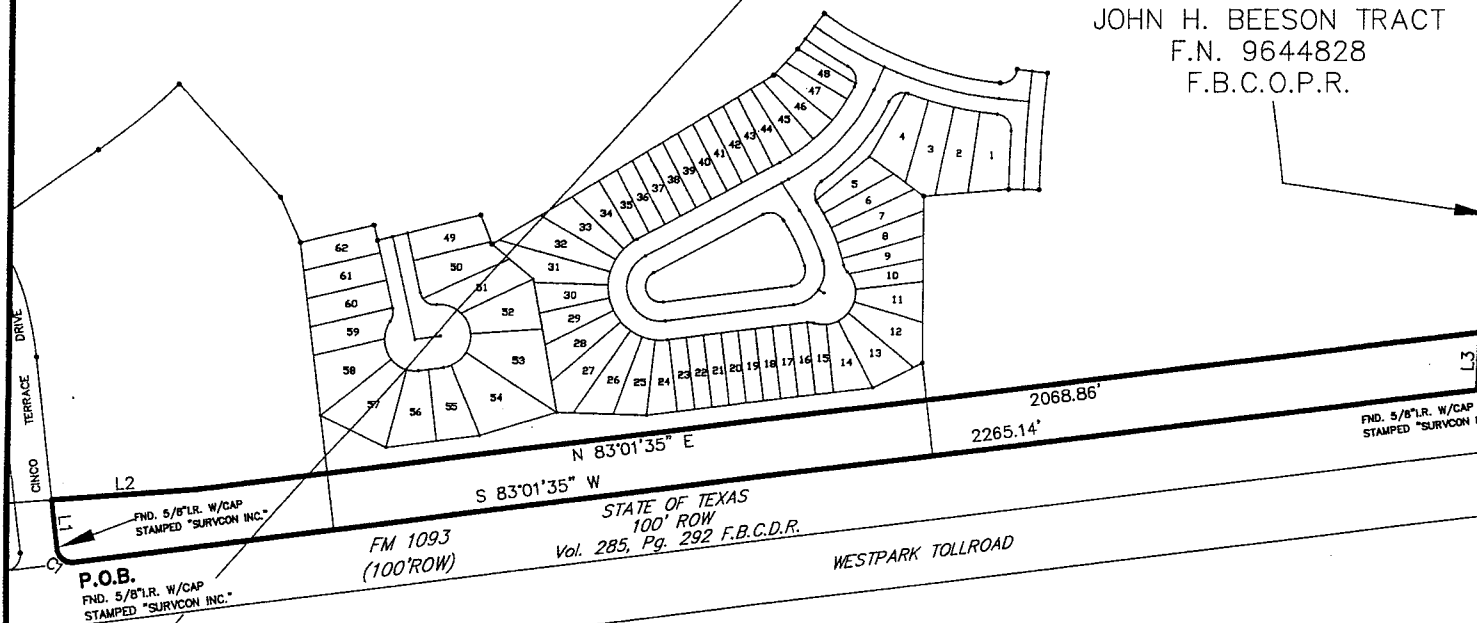
*James B. McAllister, Jr.*  
12-11-08

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH  
 SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

WALTON, HILL & WALTON  
 SURVEY, A-434  
 WALTON, HILL & WALTON  
 SURVEY, A-435




JOHN H. BEESON TRACT  
 F.N. 9644828  
 F.B.C.O.P.R.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°58'25\"W	76.87'
L2	N85°54'39\"E	235.98'
L3	S02°06'33\"W	91.14'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00\"	39.27'	25.00'	N51°58'25\"W	35.36'

EXHIBIT OF  
 4.776 ACRES (208,026 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 WALTON, HILL & WALTON SURVEY, A-435  
 FORT BEND COUNTY, TEXAS



**SURVCON INC.**  
 PROFESSIONAL SURVEYORS  
 5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 PH. (713) 780-4123  
[www.survcon.com](http://www.survcon.com)

SCALE:	1" = 300'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM	CHKD BY:	RLM
PROJECT:		CRSW FM 1093	

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY WAY OR FORM (ELECTRONIC, MECHANICAL, PHOTOCOPIING, OR OTHERWISE) WITHOUT THE EXPRESS

J:\TCP-SUBDIVISIONS\CINCO\FM 1093 TXDIT WDFENING M-BX4.0 Notes Calcs\DRAWING\4 776ac\FM1093.dwg 12/11/2008 11:16:07 AM CST

**NOTICE TO PURCHASER OF REAL PROPERTY**  
(CSWMUD 4)

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. 4**. 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 \$105,000,000, 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 \$ 4,865,000. The district is one of four districts in the Cinco Southwest regional system that provides water, sewer, drainage, road, 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 and Exhibit B, containing 2.987 acres and 4.776 acres, respectively, each of which is attached hereto and incorporated herein by this reference.

\_\_\_\_\_  
Date

Seller:  
  
**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

[Signature]  
Signature of Purchaser

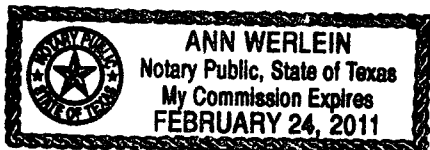
STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on \_\_\_\_\_, 2009, 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, County Judge of Fort Bend County, a authorized Purchaser, on behalf of the County.



[Signature]  
Notary Public, State of Texas

EXHIBIT A

Cinco Ranch Southwest  
Metes and Bounds Description  
2.987 Acres (130,133 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Fort Bend County, Texas

Being 2.987 acres (130,133 square feet) of land located in the Walton, Hill & Walton Survey, A-434, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.987-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.) with the westerly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southeast corner of the herein described tract;

THENCE, South 83°01'35" West, along the northerly right-of-way line of said F.M. 1093, a distance of 976.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 178.04-acre tract, also being the southeast corner of a tract of land conveyed to Thor Ranch, LLC in the deed recorded under File Number 2006161518 of said F.B.C.O.R.

THENCE, North 06°58'25" West along the line common to said 178.04 acre tract and said Thor Ranch tract, a distance of 154.00 feet to a point for corner;

THENCE, North 83°01'35" East, a distance of 26.71 feet to a point for an angle point;

THENCE, North 85°54'39" East, a distance of 975.78 feet to a point for corner in the aforementioned westerly right-of-way line of Cinco Terrace Drive;

THENCE, South 06°58'25" East, along said westerly right-of-way line, a distance of 79.90 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner;

THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = South  $38^{\circ}01'35''$  West, 35.36 feet) to the POINT OF BEGINNING, containing within its bounds a computed area of 2.987 acres (130,135 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
*12-11-08*

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°58'25"W	154.00'
L2	N83°01'35"E	26.71'
L3	S06°58'25"E	79.90'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	S38°01'35"W	35.36'



WALTON, HILL & WALTON SURVEY, A-434

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

THOR RANCH, LLC  
 F.N. 2006161518  
 F.B.C.O.R.

N 85°54'39" E

975.78'

S 83°01'35" W

976.25'

FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

P.O.B.  
 FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

FM 1093 (100' R.O.W.)  
 VOL. 285, PG. 292, F.B.C.D.R.

WESTPARK TOLLROAD

EXHIBIT OF  
 2.987 ACRES (130,133 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 FORT BEND COUNTY, TEXAS

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.


	<b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com	
	SCALE: 1" = 200'	JOB NO. 60092414.01
DATE: 12-11-08	F.B. NO. -	
DWN BY: JBM CHKD BY: RLM	PROJECT: CRSW FM 1093	

EXHIBIT B

Cinco Ranch Southwest  
Metes and Bounds Description  
4.776 Acres (208,026 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Walton, Hill & Walton Survey, A-435  
Fort Bend County, Texas

Being 4.776 acres (208,026 square feet) of land located in the Walton, Hill & Walton Survey, A-434, and the Walton, Hill and Walton Survey, A-435, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 4.776-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records with the easterly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southwest corner of the herein described tract;

THENCE, northwesterly 39.27 feet along the arc of a cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = North  $51^{\circ}58'25''$  West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a point of tangency in said easterly right-of-way line of Cinco Terrace Drive;

THENCE, North  $06^{\circ}58'25''$  West along said easterly right-of-way line of Cinco Terrace Drive, a distance of 76.87 feet to a point for the northwest corner of the herein described tract;

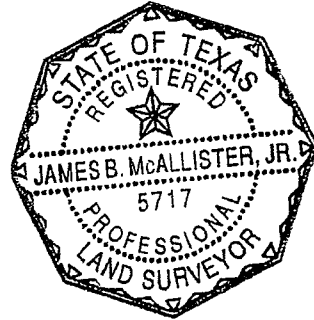
THENCE, North  $85^{\circ}54'39''$  East, a distance of 235.98 feet to a point for an angle point;

THENCE, North  $83^{\circ}01'35''$  East, a distance of 2,068.86 feet to a point for corner in the easterly line of said 178.04 acre tract, also being the westerly line of a called 43.38 acre tract of land described in deed to John H. Beeson, Trustee recorded under File Number 9644828 of said F.B.C.O.R., and being the northeast corner of the herein described tract;

THENCE, South  $02^{\circ}06'33''$  West, along the line common to said 178.04 acre tract and said 43.38 acre tract, a distance of 91.14 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southeast corner of said 178.04 acre tract, being also the southwest corner of said 43.38 acre tract, and being in the aforementioned northerly right-of-way line of F.M.1093;

THENCE, South 83°01'35" West, along said northerly right-of-way line, a distance of 2,265.14 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 4.776 acres (208,026 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



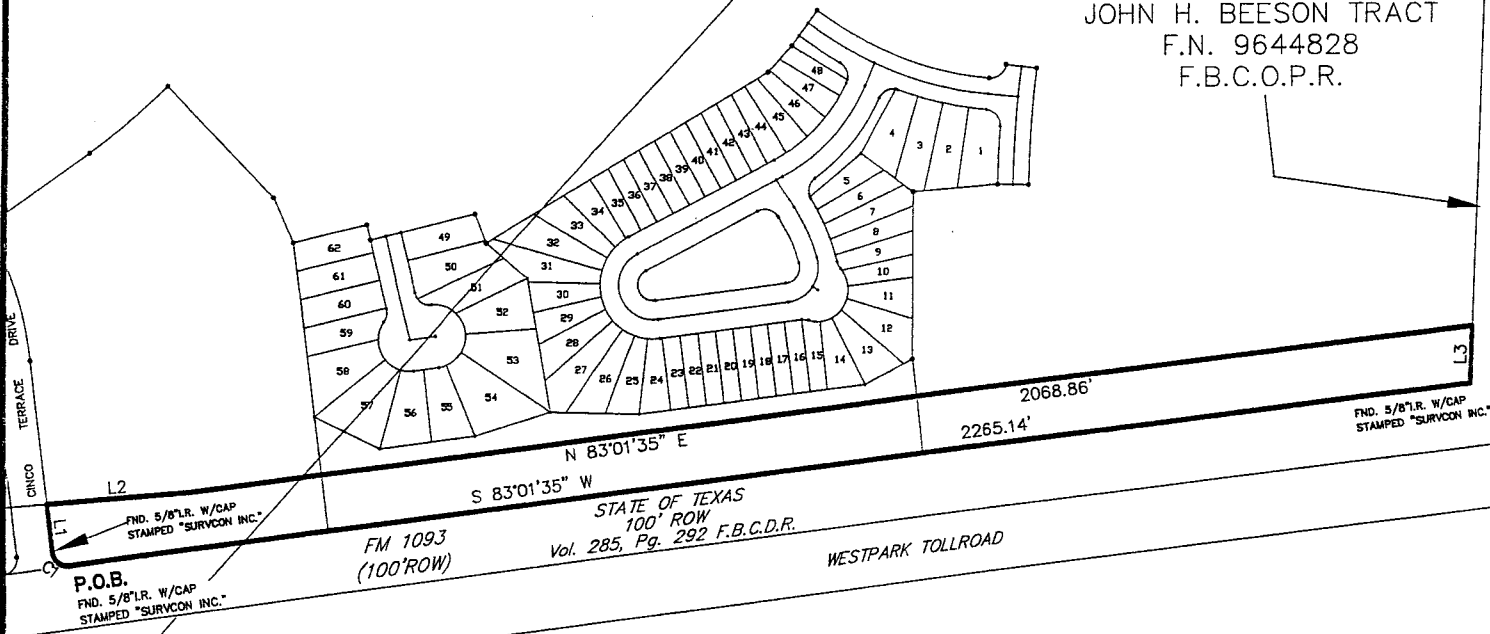
*James B. McAllister, Jr.*  
12-11-08

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH  
 SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

WALTON, HILL & WALTON  
 SURVEY, A-434  
 WALTON, HILL & WALTON  
 SURVEY, A-435




JOHN H. BEESON TRACT  
 F.N. 9644828  
 F.B.C.O.P.R.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°58'25"W	76.87'
L2	N85°54'39"E	235.98'
L3	S02°06'33"W	91.14'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	N51°58'25"W	35.36'

EXHIBIT OF  
 4.776 ACRES (208,026 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 WALTON, HILL & WALTON SURVEY, A-435  
 FORT BEND COUNTY, TEXAS

 <b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 <a href="http://www.survcon.com">www.survcon.com</a>		SCALE:	1" = 300'	JOB NO.	60092414.01
		DATE:	12-11-08	F.B. NO.	-
DWN BY: JBM		CHKD BY: RLM	PROJECT:	CRSW FM 1093	

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

**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, and Exhibit C, and containing 2.706 acres, 1.021 acres, 3.149 acres, respectively, each of which is attached hereto and incorporated herein by this reference.

\_\_\_\_\_  
Date

Seller:  
  
**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

*[Handwritten Signature]*  
Signature of Purchaser

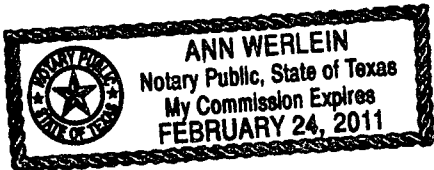
STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

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, County Judge of Fort Bend, an authorized official, on behalf of the County.



*[Handwritten Signature]*  
Notary Public, State of Texas

**EXHIBIT A**

Cinco Ranch Southwest  
Metes and Bounds Description  
2.706 Acres (117,873 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 2.706 acres (117,873 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.706-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of the residue of said 180.2 acre tract, being the southeast corner of a called 225.048 acre tract recorded under F.N. 8752236 of said F.B.C.O.R., and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, North 02°51'43" West, departing said northerly right-of-way line and along the line common to said 180.2 acre tract and said 225.048 acre tract, a distance of 90.23 feet to a point for the northwest corner of the herein described tract;

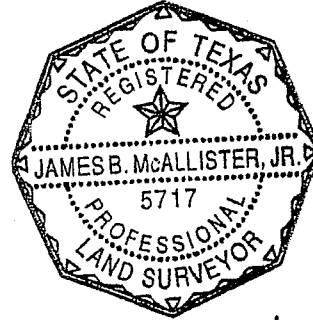
THENCE, North 83°00'52" East, a distance of 1,307.84 feet to a point for corner in the westerly right-of-way line of Cinco Rose Drive (90 feet wide) as shown on the plat recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, South 06°59'06" East, along said westerly right-of-way line, a distance of 65.01 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner at the intersection with the aforementioned northerly right-of-way line of F.M. 1093;

THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle = 90°00'00"; Radius = 25.00 feet; Chord Bearing and Distance = South 38°01'54" West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly cut-back corner in said northerly right-of-way line of F.M. 1093;

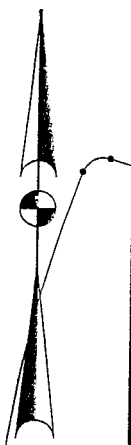
THENCE, South 83°00'54" West, along said northerly right-of-way line, a distance of 1,289.33 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 2.706 acres (117,873 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B McAllister Jr*  
*12-11-08*

J:\TCB-SUBDIVISIONS\CINCO\FM 1093 TXDIT WIDFNG M-B\4.0 Notes Calcs\DRAWING\2 706acFM1093.dwg 12/10/2008 4:00:15 PM C.S.T.



**P.O.B.**  
 FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°51'43"W	90.23'
L2	S06°59'06"E	65.01'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	S38°00'54"W	35.36'

**General Notes:**

1. All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordances and distances shown are surface and can be convert to grid multiply by a combined Scale Factor of 0.9998869901.
2. The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

EXHIBIT OF  
**2.706 ACRES (117,873 SQ.FT.)**  
**BROOKS & BURLESON SURVEY, A-144**  
**FORT BEND COUNTY, TEXAS**

**SURVCON INC.**  
 PROFESSIONAL SURVEYORS  
 5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 PH. (713) 780-4123  
 WWW.SURVCON.COM

SCALE:	1" = 200'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM	CHKD BY:	RLM
PROJECT:	CRSW FM 1093		

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY WAY OR FORM (ELECTRONIC, MECHANICAL, PHOTOCOPIING, OR OTHERWISE) WITHOUT THE EXPRESS

**EXHIBIT B**

Cinco Ranch Southwest  
Metes and Bounds Description  
1.021 Acres (44,456 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 1.021 acres (44,456 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 1.021-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of a called 19.873 acre residue of a called 200.092 acre tract of land recorded under F.N. 9324552 of said F.B.C.O.R., being the most easterly southeast corner of the residue of said 180.2 acre tract, and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, South 83°00'54" West, along said northerly right-of-way line, a distance of 470.39 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly radial cut-back corner at the intersection with the easterly right-of-way line of Cinco Rose Drive (90 feet wide) as recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

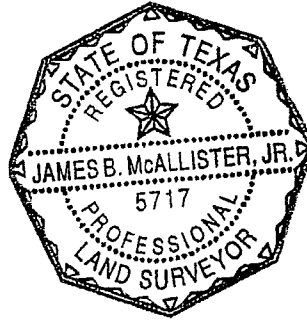
THENCE, northwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle = 90°00'00"; Radius = 25.00 feet; Chord Bearing and Distance = North 51°59'06" West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly cut-back corner in the easterly right-of-way line of said Cinco Rose Drive;

THENCE, North 06°59'06" West along said easterly right-of-way line, a distance of 65.01 feet to a point for the northwest corner of the herein described tract;

THENCE, North 83°00'54" East, a distance of 495.43 feet to a point for the northeast corner of the herein described tract, being in the line common to the aforementioned residue of said 180.2 acre tract and aforementioned 19.873 acre residue tract;

THENCE, South 06°57'23" East, along the line common to the residue of said 180.2 acre tract and said 19.873 acre residue tract, a distance of 90.00 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 1.021 acres (44,456 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B McAllister Jr*  
12-11-08

TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2003159919  
 F.B.C.O.R.

CINCO ROSE DRIVE  
 PLAT NO. 20070143  
 F.B.C.P.R.

RESIDUE OF  
 A CALLED 200.092 ACRE TRACT  
 F.B.C.C.F. NO. 9324552  
 19.873 ACRES  
 (865,655 SQ.FT.)



N 83°00'54" E 495.43'

S 83°00'54" W 470.39'

FND. 5/8" I.R.  
 W/CAP  
 STAMPED  
 "SURVCON INC."

FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

P.O.B.  
 FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

FM 1093  
 (100' ROW)

STATE OF TEXAS  
 100' ROW  
 Vol. 285, Pg. 292 F.B.C.D.R.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°59'06"W	65.01'
L2	S06°57'23"E	90.00'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	N51°59'06"W	35.36'

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordances and distances shown are surface and can be convert to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

EXHIBIT OF  
 1.021 ACRE (44,456 SQ.FT.)  
 BROOKS & BURLESON SURVEY, A-144  
 FORT BEND COUNTY, TEXAS



**SURVCON INC.**  
 PROFESSIONAL SURVEYORS  
 5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 PH. (713) 780-4123  
 www.survcon.com

SCALE:	1" = 100'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM	CHKD BY:	RLM
PROJECT:		CRSW FM 1093	

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**EXHIBIT C**

Cinco Ranch Southwest  
Metes and Bounds Description  
3.149 Acres (137,175 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 3.149 acres (137,175 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of a called 59.3355 acre tract of land conveyed to Terrabrook Cinco Ranch Southwest, L.P. in deed recorded under Fort Bend County Clerk's File Number (F.N.) 2002071043 of the Fort Bend County Official Records (F.B.C.O.R.), said 3.149-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 1/4-inch iron pipe found marking the southeast corner of said 59.3355 acre tract, also being the southwest corner of a called 3.00 acre residue of a called 62.2830 acre tract of land conveyed to Jane Harwood McGall and Stephen Harwood in deed recorded in Volume 707, Page 701 of the Fort Bend County Deed Records (F.B.C.D.R.), being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of said F.B.C.D.R. and being the southeast corner of the herein described tract;

THENCE, South 83°01'49" West, along the northerly right-of-way line of said F.M. 1093, a distance of 1,513.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 59.3355-acre tract, also being the southeast corner of a called 1.754 acre tract of land conveyed to J.P. Morgan Chase Bank, Trustee et al in the deed recorded under File Number 2003159920 of said F.B.C.O.R.;

THENCE, North 16°23'24" West along the line common to said 59.3355-acre tract and said 1.754 acre tract, a distance of 91.28 feet to a point for corner;

THENCE, North 83°01'55" East, a distance of 1,534.32 feet to a point for corner in the line common to said 59.3355 acre tract and said 3.00 acre residue tract;

THENCE, South 03°04'39" East, along said common line, a distance of 90.21 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 3.149 acres (137,175 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008

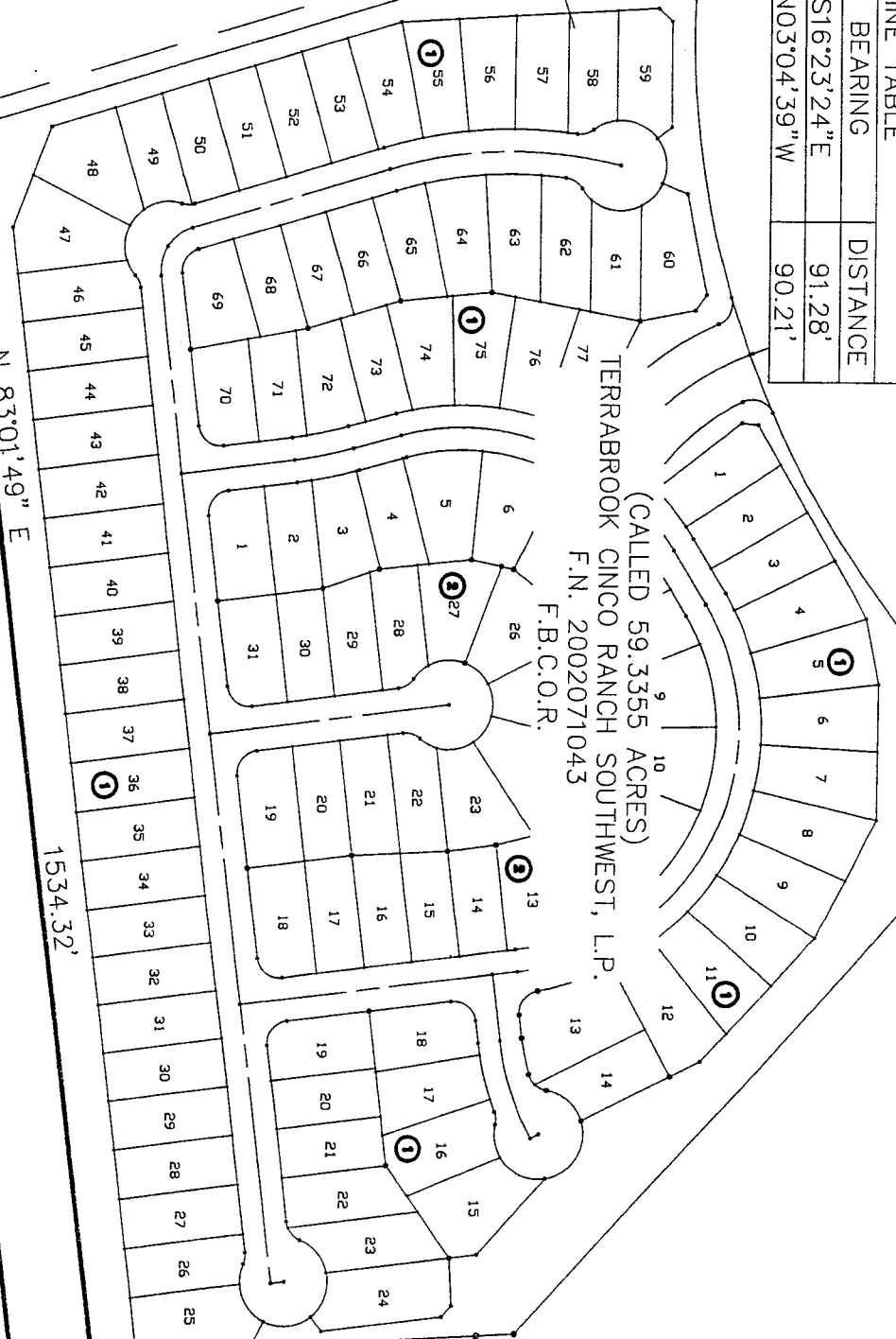


*James B. McAllister, Jr.*  
12-11-08

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S16°23'24"E	91.28'
L2	N03°04'39"W	90.21'

A CALLED 200.092 ACRE TRACT  
RESIDUE OF  
F.B.C.C.F. NO. 9324552  
19.873 ACRES  
(865,655 SQ.FT.)

A CALLED 1.764 ACRE TRACT  
F. NO. 2003159920  
F.B.C.O.R.



(CALLED 59.3355 ACRES)  
TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
F.N. 2002071043  
F.B.C.O.R.

50' GULF SOUTH ROW  
VOL. 296, PG. 233  
F.B.C.D.R.

(CALLED 3.00  
ACRES VOL.  
707 PG. 701  
F.B.C.D.R.

FND. 5/8"R. W/CAP  
STAMPED "SURVCON INC."

S 83°01'49" W  
FM 1093  
(100' ROW)

N 83°01'49" E  
STATE OF TEXAS  
100' ROW  
Vol. 285, Pg. 292 F.B.C.D.R.

1513.25'  
FM 1093 (100' ROW)  
P.O.B.  
FND. 1/4"R.1.

General Notes:

1. All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be convert to grid multiply by a combined Scale Factor of 0.9998869901.
2. The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.



**SURVCON INC.**  
PROFESSIONAL SURVEYORS  
5757 WOODWAY  
HOUSTON, TEXAS 77057  
PH. (713) 780-4123  
WWW.SURVCON.COM

EXHIBIT OF  
3.149 ACRES (137,175 SQ.FT.)  
BROOKS & BURLESON SURVEY, A-144  
FORT BEND COUNTY, TEXAS

SCALE:	1" = 200'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM CHKD BY: RLM	PROJECT:	GRSW FM 1093

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

GF # 09301092

SUBJECT PROPERTY: See Exhibits A - E 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 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

**EXHIBIT A**

Cinco Ranch Southwest  
Metes and Bounds Description  
2.706 Acres (117,873 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 2.706 acres (117,873 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.706-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of the residue of said 180.2 acre tract, being the southeast corner of a called 225.048 acre tract recorded under F.N. 8752236 of said F.B.C.O.R., and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, North 02°51'43" West, departing said northerly right-of-way line and along the line common to said 180.2 acre tract and said 225.048 acre tract, a distance of 90.23 feet to a point for the northwest corner of the herein described tract;

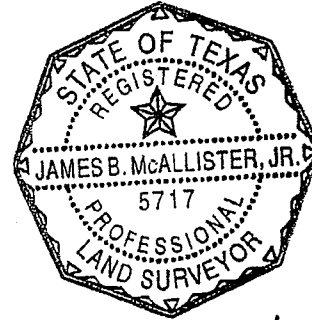
THENCE, North 83°00'52" East, a distance of 1,307.84 feet to a point for corner in the westerly right-of-way line of Cinco Rose Drive (90 feet wide) as shown on the plat recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, South 06°59'06" East, along said westerly right-of-way line, a distance of 65.01 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner at the intersection with the aforementioned northerly right-of-way line of F.M. 1093;

THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle = 90°00'00"; Radius = 25.00 feet; Chord Bearing and Distance = South 38°01'54" West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly cut-back corner in said northerly right-of-way line of F.M. 1093;

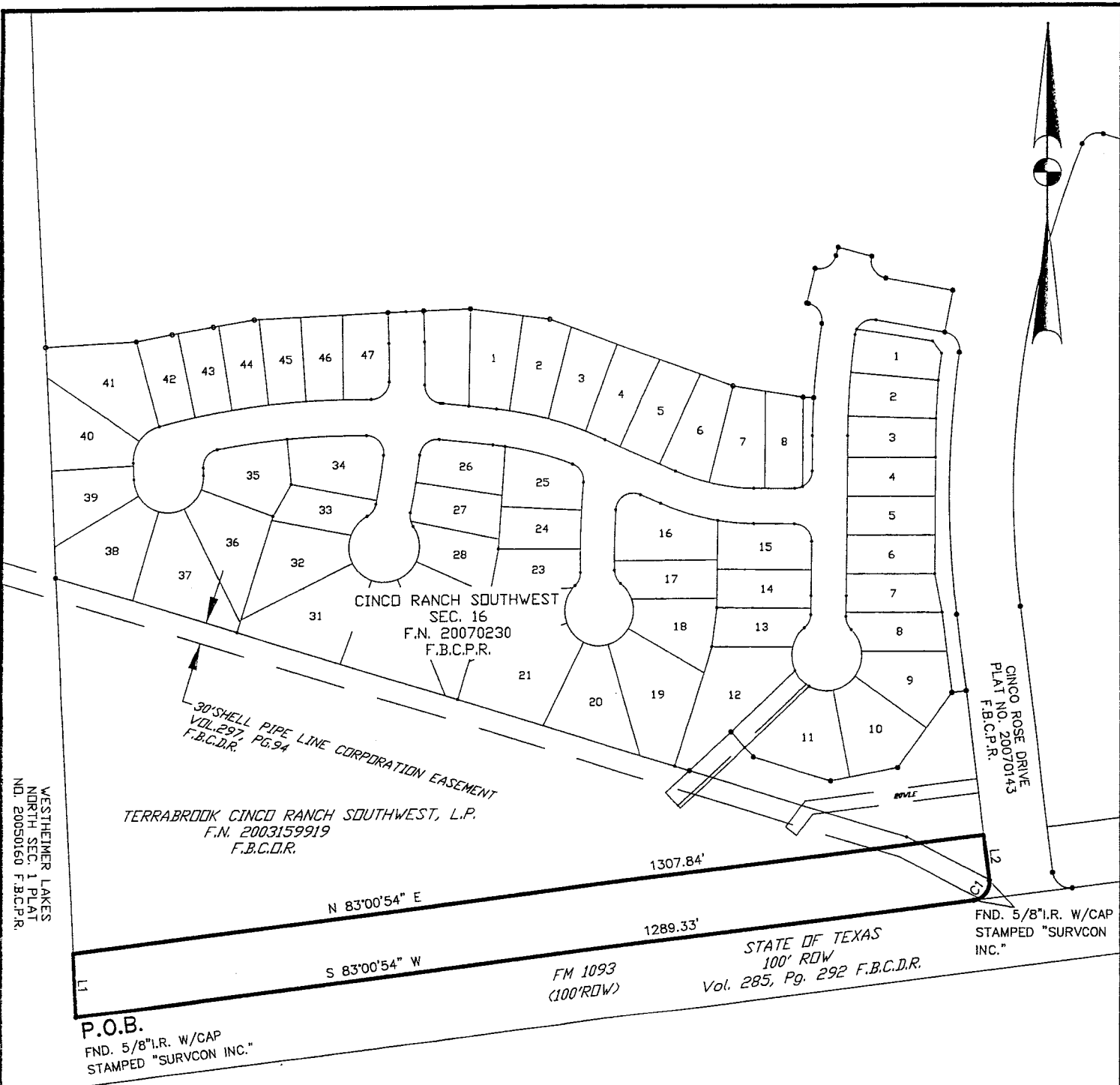
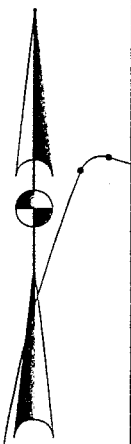
THENCE, South 83°00'54" West, along said northerly right-of-way line, a distance of 1,289.33 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 2.706 acres (117,873 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
*12-11-08*

J:\TCR-SUBDIVISIONS\CINCO\FM 1093 TXDPT WIDENING M-B\4.0 Notes Calc\DRAWING\? 706acFM1093.dwg 12/10/2008 4:00:15 PM CST



N 83°00'54" E 1307.84'

S 83°00'54" W 1289.33'

STATE OF TEXAS  
100' ROW  
Vol. 285, Pg. 292 F.B.C.D.R.

FND. 5/8" I.R. W/CAP  
STAMPED "SURVCON INC."

P.O.B.  
FND. 5/8" I.R. W/CAP  
STAMPED "SURVCON INC."

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°51'43"W	90.23'
L2	S06°59'06"E	65.01'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	S38°00'54"W	35.36'

**General Notes:**

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

**EXHIBIT OF  
2.706 ACRES (117,873 SQ.FT.)  
BROOKS & BURLESON SURVEY, A-144  
FORT BEND COUNTY, TEXAS**

	<b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 <a href="http://www.survcon.com">www.survcon.com</a>	
	<b>SCALE:</b> 1" = 200' <b>DATE:</b> 12-11-08 <b>DWN BY:</b> JBM	<b>JOB NO.</b> 60092414.01 <b>F.B. NO.</b> - <b>CHKD BY:</b> RLM <b>PROJECT:</b> CRSW FM 1093

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY WAY OR FORM (ELECTRONIC, MECHANICAL, PHOTOCOPIING, OR OTHERWISE) WITHOUT THE EXPRESS

**EXHIBIT B**

Cinco Ranch Southwest  
Metes and Bounds Description  
1.021 Acres (44,456 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 1.021 acres (44,456 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 1.021-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of a called 19.873 acre residue of a called 200.092 acre tract of land recorded under F.N. 9324552 of said F.B.C.O.R., being the most easterly southeast corner of the residue of said 180.2 acre tract, and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, South  $83^{\circ}00'54''$  West, along said northerly right-of-way line, a distance of 470.39 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly radial cut-back corner at the intersection with the easterly right-of-way line of Cinco Rose Drive (90 feet wide) as recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

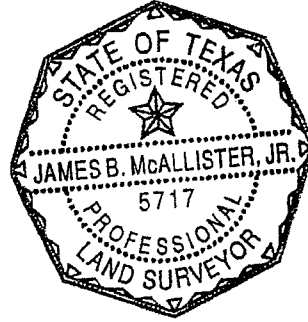
THENCE, northwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = North  $51^{\circ}59'06''$  West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly cut-back corner in the easterly right-of-way line of said Cinco Rose Drive;

THENCE, North  $06^{\circ}59'06''$  West along said easterly right-of-way line, a distance of 65.01 feet to a point for the northwest corner of the herein described tract;

THENCE, North  $83^{\circ}00'54''$  East, a distance of 495.43 feet to a point for the northeast corner of the herein described tract, being in the line common to the aforementioned residue of said 180.2 acre tract and aforementioned 19.873 acre residue tract;

THENCE, South 06°57'23" East, along the line common to the residue of said 180.2 acre tract and said 19.873 acre residue tract, a distance of 90.00 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 1.021 acres (44,456 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
*12-11-08*

TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2003159919  
 F.B.C.O.R.

CINCO ROSE DRIVE  
 PLAT NO. 20070143  
 F.B.C.P.R.

RESIDUE OF  
 A CALLED 200.092 ACRE TRACT  
 F.B.C.C.F. NO. 9324552  
 19.873 ACRES  
 (865,655 SQ.FT.)



N 83°00'54" E 495.43'

S 83°00'54" W 470.39'

FND. 5/8" I.R.  
 W/CAP  
 STAMPED  
 "SURVCON INC."

P.O.B.   
 FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

FM 1093  
 (100' ROW)  
 STATE OF TEXAS  
 100' ROW  
 Vol. 285, Pg. 292 F.B.C.D.R.


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°59'06"W	65.01'
L2	S06°57'23"E	90.00'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	N51°59'06"W	35.36'

EXHIBIT OF  
 1.021 ACRE (44,456 SQ.FT.)  
 BROOKS & BURLESON SURVEY, A-144  
 FORT BEND COUNTY, TEXAS

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
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	<b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com	
	SCALE: 1" = 100'	JOB NO. 60092414.01
DATE: 12-11-08	F.B. NO. -	
DWN BY: JBM CHKD BY: RLM	PROJECT: CRSW FM 1093	

\\survhou nt3\drafting\DD3PR.J Scratch\dwn\acad-borders.dwg 09/20/2001 09:57:11 AM CDT

**EXHIBIT C**

Cinco Ranch Southwest  
Metes and Bounds Description  
3.149 Acres (137,175 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 3.149 acres (137,175 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of a called 59.3355 acre tract of land conveyed to Terrabrook Cinco Ranch Southwest, L.P. in deed recorded under Fort Bend County Clerk's File Number (F.N.) 2002071043 of the Fort Bend County Official Records (F.B.C.O.R.), said 3.149-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 1/4-inch iron pipe found marking the southeast corner of said 59.3355 acre tract, also being the southwest corner of a called 3.00 acre residue of a called 62.2830 acre tract of land conveyed to Jane Harwood McGall and Stephen Harwood in deed recorded in Volume 707, Page 701 of the Fort Bend County Deed Records (F.B.C.D.R.), being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of said F.B.C.D.R. and being the southeast corner of the herein described tract;

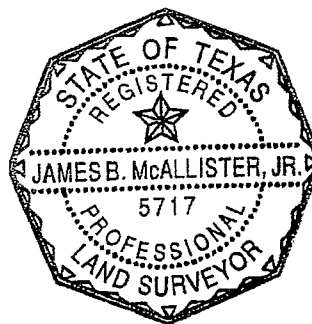
THENCE, South 83°01'49" West, along the northerly right-of-way line of said F.M. 1093, a distance of 1,513.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 59.3355-acre tract, also being the southeast corner of a called 1.754 acre tract of land conveyed to J.P. Morgan Chase Bank, Trustee et al in the deed recorded under File Number 2003159920 of said F.B.C.O.R.;

THENCE, North 16°23'24" West along the line common to said 59.3355-acre tract and said 1.754 acre tract, a distance of 91.28 feet to a point for corner;

THENCE, North 83°01'55" East, a distance of 1,534.32 feet to a point for corner in the line common to said 59.3355 acre tract and said 3.00 acre residue tract;

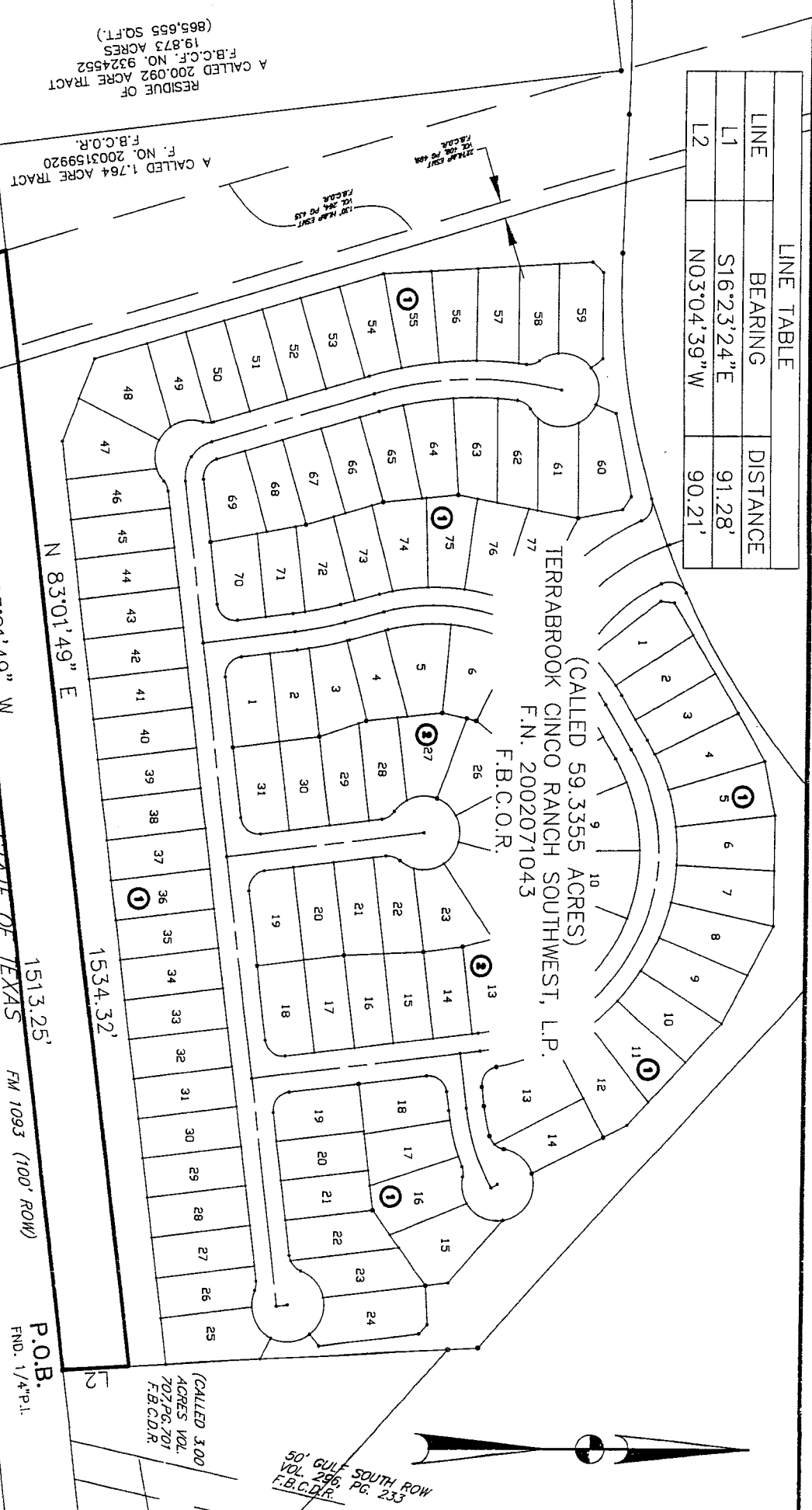
THENCE, South 03°04'39" East, along said common line, a distance of 90.21 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 3.149 acres (137,175 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
12-11-08

LINE	BEARING	DISTANCE
L1	S16°23'24"E	91.28'
L2	N03°04'39"W	90.21'



**General Notes:**

1. All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be convert to grid multiply by a combined Scale Factor of 0.9998869901.
2. The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

**SURVCON INC.**  
 PROFESSIONAL SURVEYORS  
 5257 WOODWAY  
 HOUSTON, TEXAS 77067  
 P.L. (713) 780-4123  
 WWW.SURVCON.COM

SCALE:	1" = 200'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM	CHKD BY:	RLM
PROJECT:	CRSW FM 1093		

NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE WITHOUT THE EXPRESS WRITTEN PERMISSION OF SURVCON INC.

**EXHIBIT D**

Cinco Ranch Southwest  
Metes and Bounds Description  
2.987 Acres (130,133 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Fort Bend County, Texas

Being 2.987 acres (130,133 square feet) of land located in the Walton, Hill & Walton Survey, A-434, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.987-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.) with the westerly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southeast corner of the herein described tract;

THENCE, South 83°01'35" West, along the northerly right-of-way line of said F.M. 1093, a distance of 976.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 178.04-acre tract, also being the southeast corner of a tract of land conveyed to Thor Ranch, LLC in the deed recorded under File Number 2006161518 of said F.B.C.O.R.

THENCE, North 06°58'25" West along the line common to said 178.04 acre tract and said Thor Ranch tract, a distance of 154.00 feet to a point for corner;

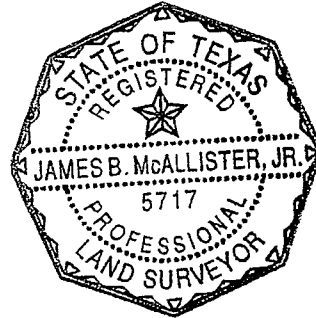
THENCE, North 83°01'35" East, a distance of 26.71 feet to a point for an angle point;

THENCE, North 85°54'39" East, a distance of 975.78 feet to a point for corner in the aforementioned westerly right-of-way line of Cinco Terrace Drive;

THENCE, South 06°58'25" East, along said westerly right-of-way line, a distance of 79.90 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner;

THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = South  $38^{\circ}01'35''$  West, 35.36 feet) to the POINT OF BEGINNING, containing within its bounds a computed area of 2.987 acres (130,135 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B McAllister Jr*  
*12-11-08*

LINE TABLE					
LINE	BEARING		DISTANCE		
L1	N06°58'25"W		154.00'		
L2	N83°01'35"E		26.71'		
L3	S06°58'25"E		79.90'		

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	S38°01'35"W	35.36'



WALTON, HILL & WALTON SURVEY, A-434

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

THOR RANCH, LLC  
 F.N. 2006161518  
 F.B.C.O.R.

DRIVE  
 TERRACE  
 CINCO

N 85°54'39" E 975.78'  
 S 83°01'35" W 976.25'

FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."

P.O.B.  
 FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."


FM 1093 (100' R.O.W.)  
 VOL. 285, PG. 292, F.B.C.D.R.

WESTPARK TOLLROAD

General Notes:

1. All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
2. The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

EXHIBIT OF  
 2.987 ACRES (130,133 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 FORT BEND COUNTY, TEXAS

 <p><b>SURVCON INC.</b>          PROFESSIONAL SURVEYORS          5757 WOODWAY          HOUSTON, TEXAS 77057          PH. (713) 780-4123          WWW.SURVCON.COM</p>	SCALE: 1" = 200'	JOB NO. 60092414.01
	DATE: 12-11-08	F.B. NO. -
DWN BY: JBM CHKD BY: RLM		PROJECT: CRSW FM 1093

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS (ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE) WITHOUT THE EXPRESS WRITTEN PERMISSION OF SURVCON INC.

J:\T-C-B-SUBDIVISIONS\CINCO\FM 1093 TXDPT WIDENING M-RX4.0 Notes Calc's\DRAWING\? 987acFM1093.dwg 12/11/2008 10:47:02 AM CST

**EXHIBIT E**

Cinco Ranch Southwest  
Metes and Bounds Description  
4.776 Acres (208,026 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Walton, Hill & Walton Survey, A-435  
Fort Bend County, Texas

Being 4.776 acres (208,026 square feet) of land located in the Walton, Hill & Walton Survey, A-434, and the Walton, Hill and Walton Survey, A-435, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 4.776-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records with the easterly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southwest corner of the herein described tract;

THENCE, northwesterly 39.27 feet along the arc of a cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = North  $51^{\circ}58'25''$  West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a point of tangency in said easterly right-of-way line of Cinco Terrace Drive;

THENCE, North  $06^{\circ}58'25''$  West along said easterly right-of-way line of Cinco Terrace Drive, a distance of 76.87 feet to a point for the northwest corner of the herein described tract;

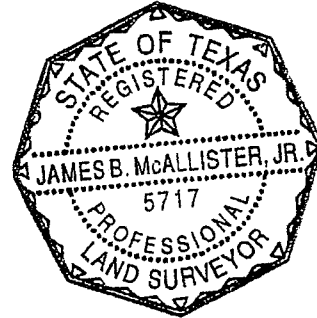
THENCE, North  $85^{\circ}54'39''$  East, a distance of 235.98 feet to a point for an angle point;

THENCE, North  $83^{\circ}01'35''$  East, a distance of 2,068.86 feet to a point for corner in the easterly line of said 178.04 acre tract, also being the westerly line of a called 43.38 acre tract of land described in deed to John H. Beeson, Trustee recorded under File Number 9644828 of said F.B.C.O.R., and being the northeast corner of the herein described tract;

THENCE, South  $02^{\circ}06'33''$  West, along the line common to said 178.04 acre tract and said 43.38 acre tract, a distance of 91.14 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southeast corner of said 178.04 acre tract, being also the southwest corner of said 43.38 acre tract, and being in the aforementioned northerly right-of-way line of F.M.1093;

THENCE, South 83°01'35" West, along said northerly right-of-way line, a distance of 2,265.14 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 4.776 acres (208,026 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008

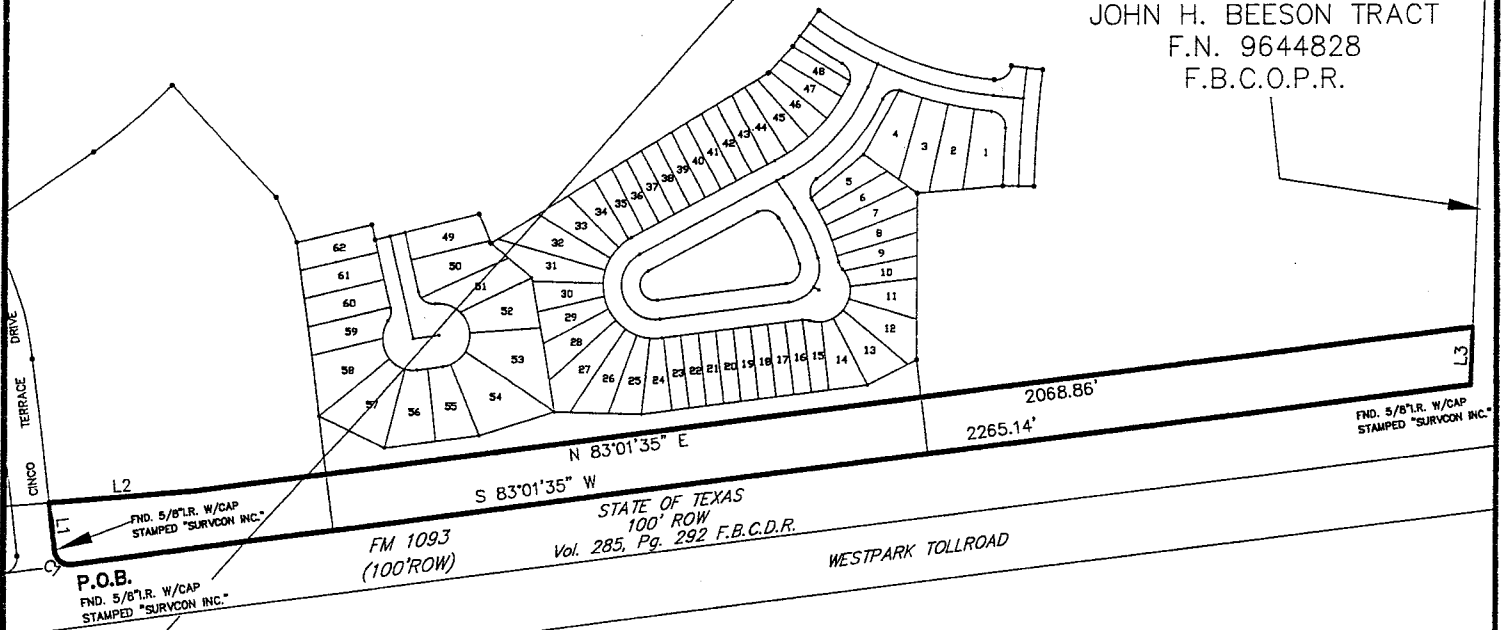


*James B. McAllister, Jr.*  
12-11-08

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH  
 SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

WALTON, HILL & WALTON  
 SURVEY, A-434  
 WALTON, HILL & WALTON  
 SURVEY, A-435

JOHN H. BEESON TRACT  
 F.N. 9644828  
 F.B.C.O.P.R.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°58'25"W	76.87'
L2	N85°54'39"E	235.98'
L3	S02°06'33"W	91.14'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	N51°58'25"W	35.36'

EXHIBIT OF  
 4.776 ACRES (208,026 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 WALTON, HILL & WALTON SURVEY, A-435  
 FORT BEND COUNTY, TEXAS

General Notes:

1. All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be convert to grid multiply by a combined Scale Factor of 0.9998869901.

2. The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.



**SURVCON INC.**  
 PROFESSIONAL SURVEYORS  
 5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 PH. (713) 780-4123  
 www.survcon.com

SCALE:	1" = 300'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM	CHKD BY:	RLM
PROJECT:	CRSW FM 1093		

**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, Exhibit D, and Exhibit E, 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**

Cinco Ranch Southwest  
Metes and Bounds Description  
2.706 Acres (117,873 Square Feet)  
Brooks and Burlison Survey, A-144  
Fort Bend County, Texas

Being 2.706 acres (117,873 square feet) of land located in the Brooks and Burlison Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.706-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of the residue of said 180.2 acre tract, being the southeast corner of a called 225.048 acre tract recorded under F.N. 8752236 of said F.B.C.O.R., and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, North 02°51'43" West, departing said northerly right-of-way line and along the line common to said 180.2 acre tract and said 225.048 acre tract, a distance of 90.23 feet to a point for the northwest corner of the herein described tract;

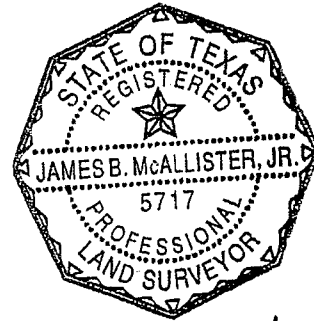
THENCE, North 83°00'52" East, a distance of 1,307.84 feet to a point for corner in the westerly right-of-way line of Cinco Rose Drive (90 feet wide) as shown on the plat recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, South 06°59'06" East, along said westerly right-of-way line, a distance of 65.01 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner at the intersection with the aforementioned northerly right-of-way line of F.M. 1093;

THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle = 90°00'00"; Radius = 25.00 feet; Chord Bearing and Distance = South 38°01'54" West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly cut-back corner in said northerly right-of-way line of F.M. 1093;

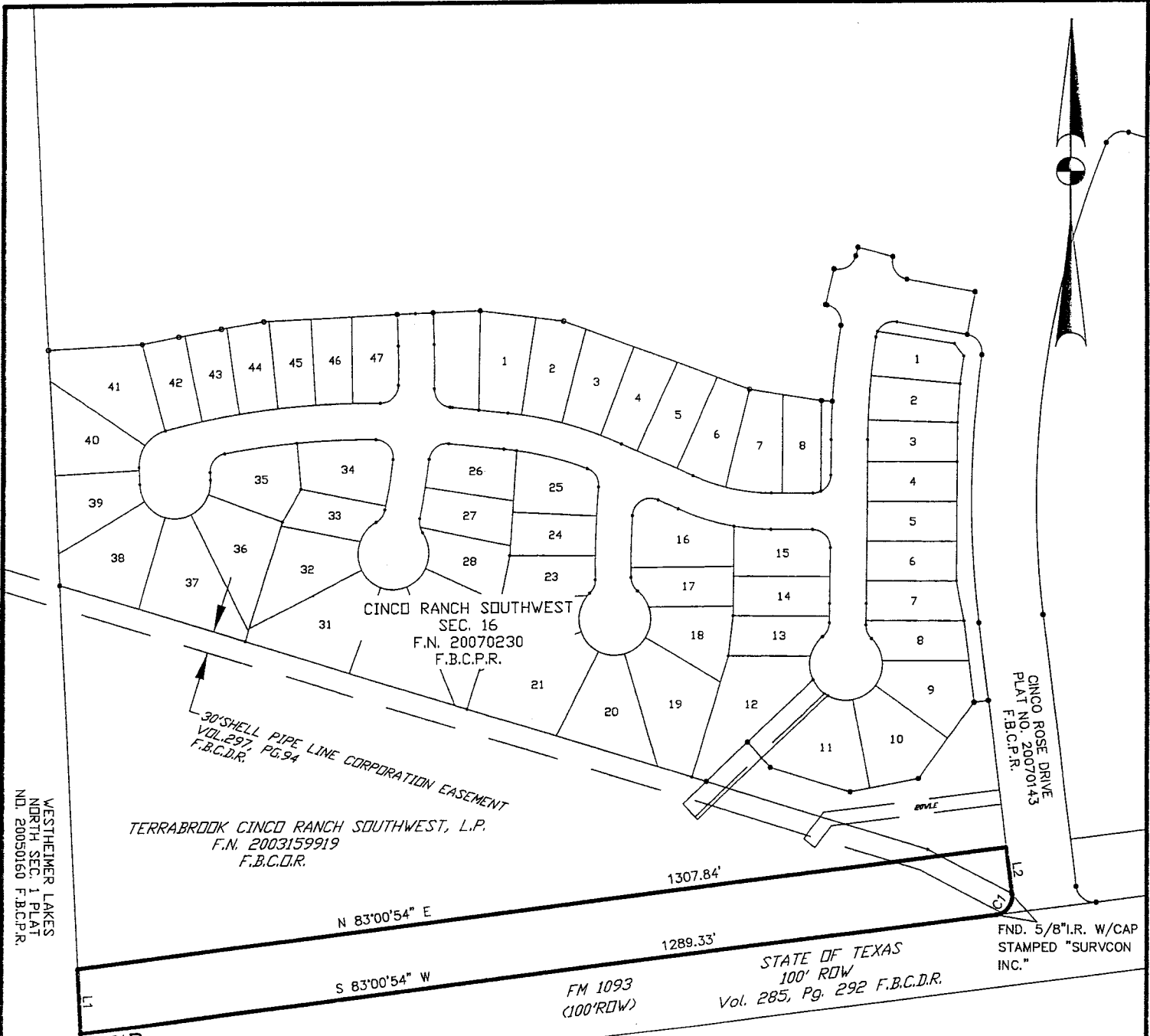
THENCE, South 83°00'54" West, along said northerly right-of-way line, a distance of 1,289.33 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 2.706 acres (117,873 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
*12-11-08*

J:\TCB-SUBDIVISIONS\CTCNC\FM 1093 TXDIT WTDENING M-B\4.0 Notes Calcs\DRAWING\2 706ac-FM1093.dwg 12/10/2008 4:00:15 PM CST




LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°51'43\"W	90.23'
L2	S06°59'06\"E	65.01'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00\"	39.27'	25.00'	S38°00'54\"W	35.36'

**General Notes:**

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

**EXHIBIT OF**  
**2.706 ACRES (117,873 SQ.FT.)**  
**BROOKS & BURLESON SURVEY, A-144**  
**FORT BEND COUNTY, TEXAS**

	<b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com	
	<b>SCALE:</b> 1" = 200' <b>DATE:</b> 12-11-08 <b>DWN BY:</b> JBM	<b>JOB NO.</b> 60092414.01 <b>F.B. NO.</b> - <b>CHKD BY:</b> RLM
<b>PROJECT:</b> CRSW FM 1093		

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS (ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE) WITHOUT THE EXPRESS WRITTEN PERMISSION OF SURVCON INC.

**EXHIBIT B**

Cinco Ranch Southwest  
Metes and Bounds Description  
1.021 Acres (44,456 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 1.021 acres (44,456 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of the residue of a called 180.2 acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2003159919 of the Fort Bend County Official Records (F.B.C.O.R.), said 1.021-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking the southwest corner of a called 19.873acre residue of a called 200.092 acre tract of land recorded under F.N. 9324552 of said F.B.C.O.R., being the most easterly southeast corner of the residue of said 180.2 acre tract, and being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE, South 83°00'54" West, along said northerly right-of-way line, a distance of 470.39 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a southerly radial cut-back corner at the intersection with the easterly right-of-way line of Cinco Rose Drive (90 feet wide) as recorded under Plat Number 20070143 of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, northwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle = 90°00'00"; Radius = 25.00 feet; Chord Bearing and Distance = North 51°59'06" West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly cut-back corner in the easterly right-of-way line of said Cinco Rose Drive;

THENCE, North 06°59'06" West along said easterly right-of-way line, a distance of 65.01 feet to a point for the northwest corner of the herein described tract;

THENCE, North 83°00'54" East, a distance of 495.43 feet to a point for the northeast corner of the herein described tract, being in the line common to the aforementioned residue of said 180.2 acre tract and aforementioned 19.873 acre residue tract;

THENCE, South 06°57'23" East, along the line common to the residue of said 180.2 acre tract and said 19.873 acre residue tract, a distance of 90.00 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 1.021 acres (44,456 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
*12-11-08*

TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2003159919  
 F.B.C.O.R.

CINCO ROSE DRIVE  
 PLAT NO. 20070143  
 F.B.C.P.R.

RESIDUE OF  
 A CALLED 200.092 ACRE TRACT  
 F.B.C.C.F. NO. 9324552  
 19.873 ACRES  
 (865,655 SQ.FT.)



N 83°00'54" E 495.43'

S 83°00'54" W 470.39'

FND. 5/8" I.R.  
 W/CAP  
 STAMPED  
 "SURVCON INC."

P.O.B.  
 FND. 5/8" I.R. W/CAP  
 STAMPED "SURVCON INC."


FM 1093  
 (100' ROW)  
 STATE OF TEXAS  
 100' ROW  
 Vol. 285, Pg. 292 F.B.C.D.R.

LINE TABLE					
LINE	BEARING	DISTANCE			
L1	N06°59'06"W	65.01'			
L2	S06°57'23"E	90.00'			
CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	N51°59'06"W	35.36'

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordances and distances shown are surface and can be convert to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

EXHIBIT OF  
 1.021 ACRE (44,456 SQ.FT.)  
 BROOKS & BURLESON SURVEY, A-144  
 FORT BEND COUNTY, TEXAS

	<b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com	
	SCALE: 1" = 100'	JOB NO. 60092414.01
DATE: 12-11-08	F.B. NO. -	
DWN BY: JBM	CHKD BY: RLM	PROJECT: CRSW FM 1093

\\survhou nt3\drafting\1103PR.J Scratch\dwg\acad-borders.dwg 09/20/2001 09:57:11 AM CDT

**EXHIBIT C**

Cinco Ranch Southwest  
Metes and Bounds Description  
3.149 Acres (137,175 Square Feet)  
Brooks and Burleson Survey, A-144  
Fort Bend County, Texas

Being 3.149 acres (137,175 square feet) of land located in the Brooks and Burleson Survey, A-144, Fort Bend County, Texas, and being a portion of a called 59.3355 acre tract of land conveyed to Terrabrook Cinco Ranch Southwest, L.P. in deed recorded under Fort Bend County Clerk's File Number (F.N.) 2002071043 of the Fort Bend County Official Records (F.B.C.O.R.), said 3.149-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 1/4-inch iron pipe found marking the southeast corner of said 59.3355 acre tract, also being the southwest corner of a called 3.00 acre residue of a called 62.2830 acre tract of land conveyed to Jane Harwood McGall and Stephen Harwood in deed recorded in Volume 707, Page 701 of the Fort Bend County Deed Records (F.B.C.D.R.), being in the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of said F.B.C.D.R. and being the southeast corner of the herein described tract;

THENCE, South 83°01'49" West, along the northerly right-of-way line of said F.M. 1093, a distance of 1,513.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 59.3355-acre tract, also being the southeast corner of a called 1.754 acre tract of land conveyed to J.P. Morgan Chase Bank, Trustee et al in the deed recorded under File Number 2003159920 of said F.B.C.O.R.;

THENCE, North 16°23'24" West along the line common to said 59.3355-acre tract and said 1.754 acre tract, a distance of 91.28 feet to a point for corner;

THENCE, North 83°01'55" East, a distance of 1,534.32 feet to a point for corner in the line common to said 59.3355 acre tract and said 3.00 acre residue tract;

THENCE, South 03°04'39" East, along said common line, a distance of 90.21 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 3.149 acres (137,175 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B. McAllister, Jr.*  
12-11-08



**EXHIBIT D**

Cinco Ranch Southwest  
Metes and Bounds Description  
2.987 Acres (130,133 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Fort Bend County, Texas

Being 2.987 acres (130,133 square feet) of land located in the Walton, Hill & Walton Survey, A-434, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 2.987-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.) with the westerly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southeast corner of the herein described tract;

THENCE, South  $83^{\circ}01'35''$  West, along the northerly right-of-way line of said F.M. 1093, a distance of 976.25 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southwest corner of said 178.04-acre tract, also being the southeast corner of a tract of land conveyed to Thor Ranch, LLC in the deed recorded under File Number 2006161518 of said F.B.C.O.R.

THENCE, North  $06^{\circ}58'25''$  West along the line common to said 178.04 acre tract and said Thor Ranch tract, a distance of 154.00 feet to a point for corner;

THENCE, North  $83^{\circ}01'35''$  East, a distance of 26.71 feet to a point for an angle point;

THENCE, North  $85^{\circ}54'39''$  East, a distance of 975.78 feet to a point for corner in the aforementioned westerly right-of-way line of Cinco Terrace Drive;

THENCE, South  $06^{\circ}58'25''$  East, along said westerly right-of-way line, a distance of 79.90 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for a northerly radial cut-back corner;

THENCE, southwesterly 39.27 feet along the arc of said cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = South  $38^{\circ}01'35''$  West, 35.36 feet) to the POINT OF BEGINNING, containing within its bounds a computed area of 2.987 acres (130,135 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



*James B McAllister Jr*  
*12-11-08*

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°58'25"W	154.00'
L2	N83°01'35"E	26.71'
L3	S06°58'25"E	79.90'

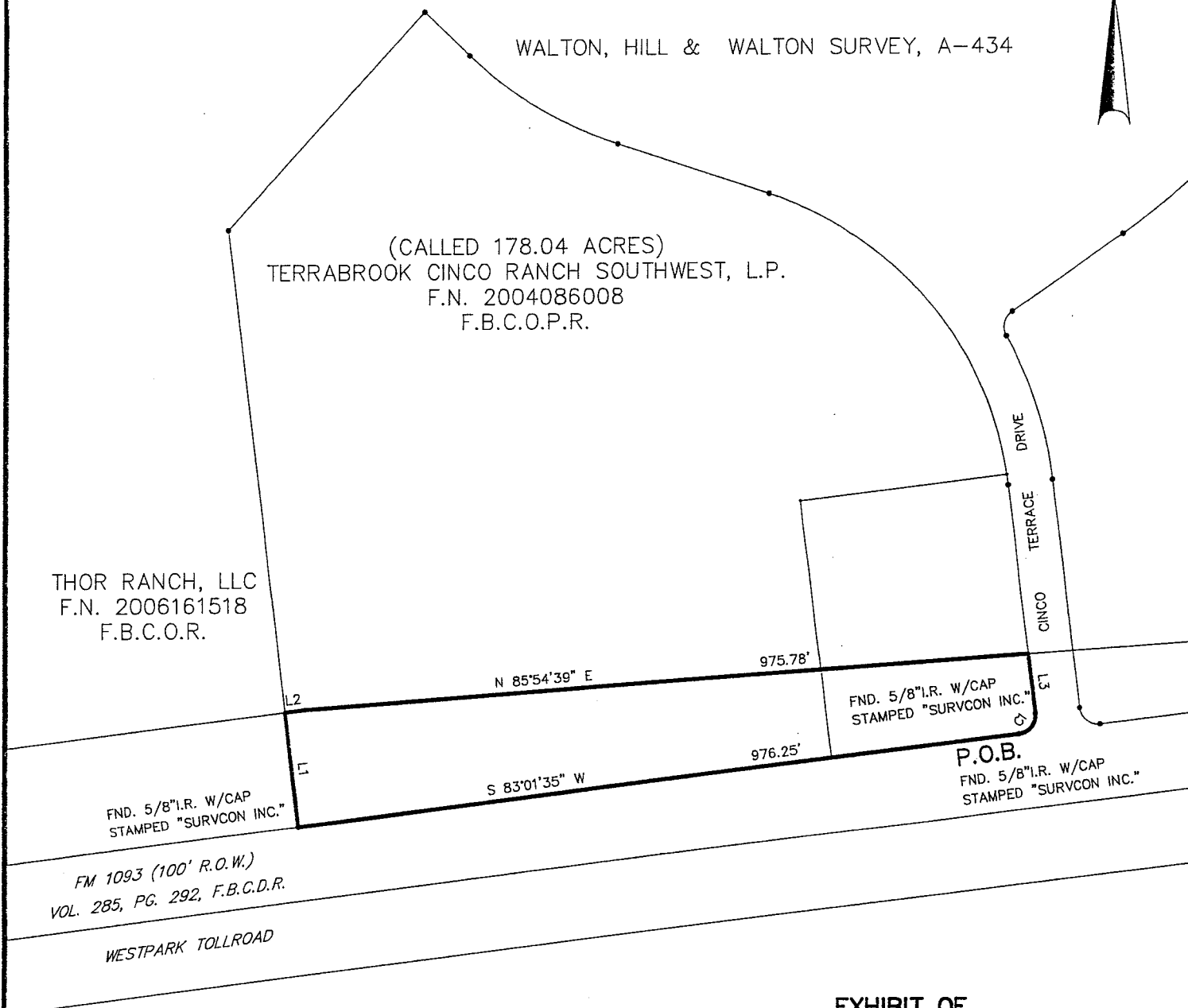
CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	S38°01'35"W	35.36'



WALTON, HILL & WALTON SURVEY, A-434

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

THOR RANCH, LLC  
 F.N. 2006161518  
 F.B.C.O.R.




FM 1093 (100' R.O.W.)  
 VOL. 285, PG. 292, F.B.C.D.R.

WESTPARK TOLLROAD

EXHIBIT OF  
 2.987 ACRES (130,133 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 FORT BEND COUNTY, TEXAS

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

 <b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com		SCALE:	1" = 200'	JOB NO.	60092414.01
		DATE:	12-11-08	F.B. NO.	-
DWN BY: JBM		CHKD BY: RLM	PROJECT: CRSW FM 1093		

J:\JTCB-SUBDIVISIONS\CINCO\FM 1093 TxDOT WIDENING M-BX4.0 Notes Calcs\DRAWING\P 987acFM1093.dwg 12/11/2008 10:47:02 AM CST

**EXHIBIT E**

Cinco Ranch Southwest  
Metes and Bounds Description  
4.776 Acres (208,026 Square Feet)  
Walton, Hill & Walton Survey, A-434  
Walton, Hill & Walton Survey, A-435  
Fort Bend County, Texas

Being 4.776 acres (208,026 square feet) of land located in the Walton, Hill & Walton Survey, A-434, and the Walton, Hill and Walton Survey, A-435, Fort Bend County, Texas, and being a portion of a called 178.04-acre tract described in deed to Terrabrook Cinco Ranch Southwest, L.P. recorded under Fort Bend County Clerk's File Number (F.N.) 2004086008 of the Fort Bend County Official Records (F.B.C.O.R.), said 4.776-acre tract being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System, South Central Zone:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a southerly radial cut-back corner at the intersection of the northerly right-of-way line of F.M.1093 (100 feet wide) as described in the deed recorded in Volume 285, Page 292 of the Fort Bend County Deed Records with the easterly line of Cinco Terrace Drive (100 feet wide) as shown on the plat recorded under Plat Number 20080136 of said Fort Bend County Plat Records (F.B.C.P.R.) and being the southwest corner of the herein described tract;

THENCE, northwesterly 39.27 feet along the arc of a cut-back curve to the right (Central Angle =  $90^{\circ}00'00''$ ; Radius = 25.00 feet; Chord Bearing and Distance = North  $51^{\circ}58'25''$  West, 35.36 feet) to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found marking a point of tangency in said easterly right-of-way line of Cinco Terrace Drive;

THENCE, North  $06^{\circ}58'25''$  West along said easterly right-of-way line of Cinco Terrace Drive, a distance of 76.87 feet to a point for the northwest corner of the herein described tract;

THENCE, North  $85^{\circ}54'39''$  East, a distance of 235.98 feet to a point for an angle point;

THENCE, North  $83^{\circ}01'35''$  East, a distance of 2,068.86 feet to a point for corner in the easterly line of said 178.04 acre tract, also being the westerly line of a called 43.38 acre tract of land described in deed to John H. Beeson, Trustee recorded under File Number 9644828 of said F.B.C.O.R., and being the northeast corner of the herein described tract;

THENCE, South  $02^{\circ}06'33''$  West, along the line common to said 178.04 acre tract and said 43.38 acre tract, a distance of 91.14 feet to a 5/8-inch iron rod with plastic cap stamped "SURVCON INC." found for the southeast corner of said 178.04 acre tract, being also the southwest corner of said 43.38 acre tract, and being in the aforementioned northerly right-of-way line of F.M.1093;

THENCE, South 83°01'35" West, along said northerly right-of-way line, a distance of 2,265.14 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 4.776 acres (208,026 square feet) of land.

Prepared by:  
SURVCON INC.  
5757 Woodway, Suite 101 West  
Houston, Texas 77219  
(713) 780-4123  
Job No. 60092414.01  
December 11, 2008



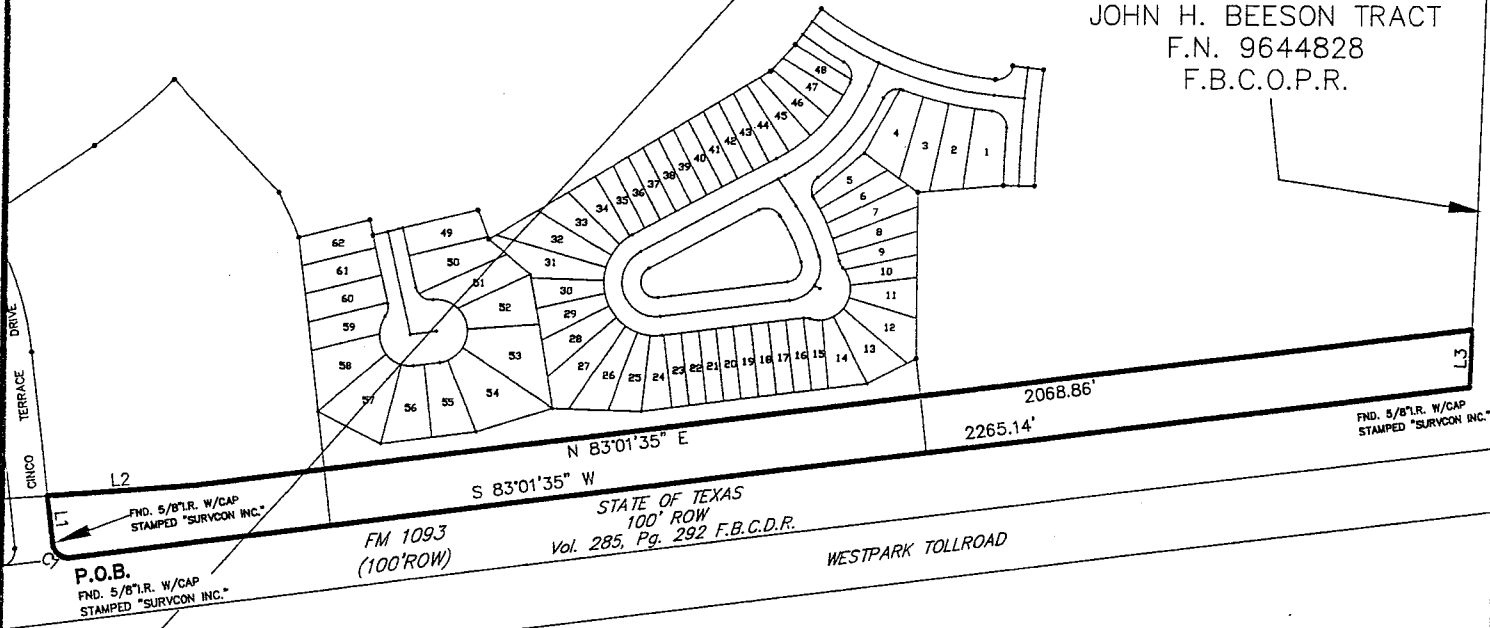
*James B McAllister Jr*  
12-11-08

(CALLED 178.04 ACRES)  
 TERRABROOK CINCO RANCH  
 SOUTHWEST, L.P.  
 F.N. 2004086008  
 F.B.C.O.P.R.

WALTON, HILL & WALTON  
 SURVEY, A-434  
 WALTON, HILL & WALTON  
 SURVEY, A-435



JOHN H. BEESON TRACT  
 F.N. 9644828  
 F.B.C.O.P.R.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°58'25"W	76.87'
L2	N85°54'39"E	235.98'
L3	S02°06'33"W	91.14'

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	90°00'00"	39.27'	25.00'	N51°58'25"W	35.36'

EXHIBIT OF  
 4.776 ACRES (208,026 SQ.FT.)  
 WALTON, HILL & WALTON SURVEY, A-434  
 WALTON, HILL & WALTON SURVEY, A-435  
 FORT BEND COUNTY, TEXAS

General Notes:

- All bearings shown hereon are referenced to the Texas Coordinate System of 1927, South Central Zone. All coordinates and distances shown are surface and can be converted to grid multiply by a combined Scale Factor of 0.9998869901.
- The exteriors of all easements are to intersect with the exteriors of all adjoining easements or with adjoining property lines.

**SURVCON INC.**  
 PROFESSIONAL SURVEYORS  
 5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 PH. (713) 780-4123  
 www.survcon.com

SCALE:	1" = 300'	JOB NO.	60092414.01
DATE:	12-11-08	F.B. NO.	-
DWN BY:	JBM	CHKD BY:	RLM
PROJECT:		CRSW FM 1093	

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY WAY OR FORM (ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE) WITHOUT THE EXPRESS

J:\JTCR-SURDVISTIONS\CINCO\FM 1093 TXDINT WIDENING M-B\4.0 Notes Calc\DRAWING\4 776ac-FM1093.dwg 1P/11/2008 11:16:07 AM CST

**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 OF HOUSTON 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:

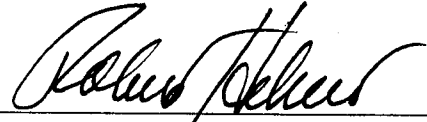
TERRABROOK CINCO RANCH SOUTHWEST, L.P.,  
a Delaware limited partnership

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

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

BUYER:

COUNTY OF FORT BEND



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8-17-09