

Property Acquisition Services, Inc.

October 20, 2010

Count Date
9/28/10

AGENDA ITEM

#42

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

Re: Falcon Landing Road Project

Parcel 001 – Bonner Ball, William Russell Brown, III and Ben S. Brown

Dear Ms. Batts:

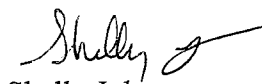
Please find enclosed the following referenced documents for signature and your review:

- Original Check Request
- Original Deed & Non Homestead Affidavit for County Attorney Review
- Original Title Company Documents/Disclosures:
 - Settlement Statement
 - Waiver of Inspection & Disclosure to Owner
 - Tax Agreement
 - Buyer Correspondence Information Form

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

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

Sincerely,


Shelly Johnson
Project Coordinator

Enclosures

10-26-10 copy
received

*Approved for
form to go with
FBC AHP
w/ the
office 10/22/10*

**Right of Way
Invoice Transmittal**

Date	October 20, 2010		
Requested By	Property Acquisition Services		
Project Number	703		
Road Name	Falcon Landing	Parcel # 001	
Type of Expense	<input checked="" type="checkbox"/> Acquisition <input type="checkbox"/> Condemnation <input type="checkbox"/> Litigation Expense <input type="checkbox"/> Pipeline		
Reimbursable Expense	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Agency
Payee Vendor #	13290	W-9 Required prior to closing for payment***	
Payee	Stewart Title Company		
Payee's Address	14100 Southwest Frwy, ste 200		
Tax ID #	Sugar Land, TX 77478		
Amount of Check	\$184,484.95		
Date Check is Needed By	November 1, 2010	Closing Date	November 3, 2010
Return Check To	Paulette @ Engineering		
Description	Parcel 001 - Bonner Ball, William R. Brown, III and Ben S. Brown - 1.799 acres out of Stephen Habermacher Survey, A-189, Ft Bend County, Texas		
Comments			
Accounting Unit	100685888	Account 64500	
Activity	P685-06ROWPURCH	Account Category 32000	
Purchase Order Number			
Requires CCT Approval?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Commissioner's Court Approval			
Date	September 28, 2010		
	<u>Name</u>	<u>Date</u>	
Reviewed by Requestor	Mark Davis	October 20, 2010	
Reviewed by Co. Attorney	<i>W H Vioon</i>	<i>10/22/10</i>	
Reviewed by Engineering	<i>Paulette Ball</i>	<i>10-22-10</i>	
Reviewed by Co. Auditor			

***W-9 required to setup vendor for payment, copy of W-9 sufficient prior to closing with original submitted with closing documents

FORT BEND COUNTY
REQUEST FOR CHECK

Date Requested: October 20, 2010

Check Needed By: November 1, 2010

Fort Bend County P.O. No.: _____

Vendor: **Property Acquisition Services, Inc.**

Address: 19855 Southwest Freeways, Suite 200
Sugar Land, TX 77479
Office (281) 343-7171

Project Location: Falcon Landing

Payee: Stewart Title Company

Payee's Address: 14100 Southwest Freeway, ste 200
Sugar Land, TX 77478

Payee's Tax ID/SS #: On File

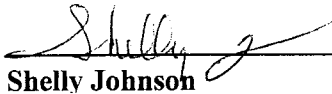
Amount of Check: **\$184,484.95**

Description: Parcel 001 - Bonner Ball, William R. Brown, III and Ben S.
Brown - 1.799 acres out of Stephen Habermacher Survey, A-
189, Ft Bend County, Texas

Comments:

PLEASE RETURN CHECK TO PAULETTE BATTS

Requested By:



Shelly Johnson

WARRANTY DEED

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§ KNOW ALL MEN BY THESE PRESENTS
§

THAT THE UNDERSIGNED, **BONNER S. BALL, WILLIAM RUSSELL BROWN III, and BEN SEWELL BROWN**, hereinafter called "Grantor", whether one or more, for an in consideration of the sum of ONE HUNDRED EIGHTY THREE THOUSAND ONE HUNDRED TWENTY EIGHT DOLLARS (\$183,128.00) cash, and other good and valuable consideration paid to Grantor by the County of Fort Bend, hereinafter called Grantee, whether one or more, whose mailing address is 301 Jackson St., Richmond, TX 77469 and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby GRANT, SELL and CONVEY unto Grantee, the real property described on attached Exhibit "A", incorporated herein and made a part hereof for all purposes, together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said real property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from said real property and any of Grantor's rights to use same; (v) any and all mineral rights and interests of Grantor relating to said real property (present or reversionary); (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit said real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantor in and to any leases covering all or any portion of said real property; and (viii) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of widening or of changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to said real property and (d) any and all reversionary interests in and to said real property (said real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

This conveyance, however, is made and accepted subject to the following matters, to the extent same are in effect at this time;: any and all restrictions, covenants, assessments, reservations, outstanding mineral interests held by third parties, conditions, and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State or to the extent that they are apparent upon reasonable inspection of the property; and all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any but only to the extent they are still in effect and relating to the hereinabove described property.

TO HAVE AND TO HOLD the Property together with all singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever, subject to the matters herein stated: and Grantor does hereby bind itself and its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Grantor hereby specifically disclaims any warranty, guaranty or representation, oral or written, past, present or future, of as to or concerning (a) the nature and condition of the Property or other items conveyed hereunder, including, without limitation, the water, soil and geology, the suitability thereof and of the Property or other items conveyed here under for any and all activities and uses which Grantee may elect to conduct thereon, the existence of any environmental hazards or conditions thereon (including, but not limited to, the presence of asbestos or other hazardous materials) or compliance with applicable

environmental laws, rules, or regulations; (b) the nature and extent of any right-of-way, lease, possession, lien encumbrance, license, reservation, condition or otherwise; and (c) the compliance of the Property or its operation with any laws, ordinances or regulations of any governmental entity or body. Grantee acknowledges that Grantee has inspected the Property and that Grantee is relying solely on Grantee's own investigation of the same and not any information provided or to be provided by or on behalf of Grantor. Grantee further acknowledges that any information provided with respect to the Property or other items conveyed hereunder was obtained from a variety of sources, and Grantor (1) has not made any independent investigation or verification of such information; and (2) does not make any representations as to the accuracy or completeness of such information. This conveyance is made on an "AS IS", "WHERE IS", and "WITH ALL FAULTS" basis and Grantee expressly acknowledges that, except as otherwise specified herein, Grantor has made no warranty or representation, express or implied, or arising by operation of law, including, but not limited to, any warranty of condition, title (except as specifically set forth and limited in this Deed), habitability, merchantability or fitness for a particular purpose with respect to the Property, all such representations and warranties, as well as any implied warranties being hereby expressly disclaimed.

By Grantee's acceptance of this Deed, Grantee agrees that Grantor shall not be responsible or liable to Grantee for any conditions affecting the Property, as Grantee is purchasing the same 'AS IS', "WHERE IS", and "WITH ALL FAULTS". Grantee or anyone claiming by, through or under Grantee, hereby fully releases Grantor, Grantor's employees officers, directors, representatives, attorneys and agents from any and all claims that Grantee may now have or hereafter acquire against Grantor, and Grantor's employees, officers, directors, representatives, attorneys, and agents for any cost, loss, liability, damage, expense, demand, action or cause of action arising from or related to any conditions affecting the Property. Grantee further acknowledges and agrees that this release shall be given full force and effect according to each of its expressed terms and provisions, including, but not limited to, those relating to unknown and unsuspected claims, damages and causes of action. This covenant releasing Grantor shall be a covenant running with the Property and shall be binding upon Grantee. Grantor hereby assigns without recourse or representation of any nature to Grantee, effective upon the execution and delivery hereof, any and all claims the Grantor may have for any such errors, omissions or defects in the Property. As a material covenant and condition of this conveyance, Grantee agrees that in the event of any defects, or other conditions affecting the Property, Grantee shall look solely to Grantor's predecessors or to such contractors and consultants as may have contracted for work in connection with the Property for any redress or relief. Upon the assignment by Grantor of Grantor's claims, Grantee releases Grantor of all rights, express or implied, Grantee may have against Grantor arising out of or resulting from any defects in the Property. Grantee further understands that some of Grantor's predecessors in interest may be or become insolvent, bankrupt, judgment proof or otherwise incapable of responding in damages, and Grantee may have no remedy against such predecessor, contractors, or consultants.

It is understood and agreed that the purchase price has been adjusted by prior negotiation to reflect that all of the subject Property is sold by Grantor and purchased by Grantee subject to the foregoing.

EXECUTED this _____ day of _____, 2010.

Bonner S. Ball

Acknowledgement

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me in the _____ day of
_____, 2010, by Bonner S. Ball

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

William Russell Brown, III

Acknowledgement

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me in the _____ day of
_____, 2010, by William Russel Brown, III.

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

Ben Sewell Brown

Acknowledgement

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me in the _____ day of _____, 2010, by Ben Sewell Brown.

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

After recording please return to:
Property Acquisition Services, Inc.
19855 Southwest Freeway., Suite 200
Sugar Land, TX 77479

County: Fort Bend
Project: Proposed Falcon Landing Boulevard
Project Limits: From Westheimer Parkway
to Willow Fork Branch of Buffalo Bayou

PARCEL 1
METES AND BOUNDS DESCRIPTION

BEING a 1.799 acre tract of land situated in the Stephen Habermacher Survey, Abstract No. 189 in Fort Bend County, Texas; being a part of that certain 23.3421 acre tract of land described in the deed from Black Diamond Development, L.L.P. to Bonner S. Ball, recorded in Fort Bend County Clerk's File No. 2008114846, Official Public Records of Fort Bend County, Texas, also described in the deed from Bonner S. Ball to William Russell Brown, III and Ben Sewell Brown (an undivided 1/3 interest to each) recorded in Fort Bend County Clerk's File No. 2008125911, Official Public Records of Fort Bend County, Texas, said 1.799 acre tract is described by metes and bounds as follows;

BEGINNING at a 5/8 inch Huitt-Zollars plastic capped iron rod on a Northwesterly line of said 23.3421 acre tract, whose coordinates are N=13,832,787.59, E=2,986,215.41, being the East corner of Katy Creek Ranch, Sec. 4, recorded in Plat No. 20080205, Plat Records, Fort Bend County, Texas, said rod also lying on the Southeast line of that certain 132.9189 acre tract of land described in the deed to Katy Creek Ranch, L.P., recorded in Fort Bend County Clerk's File No. 2003148937, Official Public Records of Fort Bend County, Texas, from said rod, a 3/4 inch Windrose plastic capped iron rod for the East corner of Lot 14, Block 3 of said Katy Creek Ranch, Sec. 4 bears North 47 degrees 11 minutes 33 seconds West, 4.66 feet;

THENCE, North 39 degrees 11 minutes 45 seconds East along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, 13.06 feet to a 5/8 inch Windrose plastic capped iron rod at the beginning of a tangent curve to the right whose radius is 2,100.00 feet;

THENCE, in a Northeasterly direction along said curve, along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract through a central angle of 03 degrees 21 minutes 28 seconds, 123.07 feet to a 5/8 inch Windrose Plastic capped iron rod;

THENCE, North 42 degrees 33 minutes 12 seconds East, along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, 460.08 feet to a 3/4 inch Windrose plastic capped iron rod for the North corner of said 23.3421 acre tract and the West corner of that certain 0.140 acre tract of land described in the deed to Fort Bend County recorded in Fort Bend County Clerk's File No. 2004113607, Official Public Records of Fort Bend County, Texas;

THENCE, South 47 degrees 26 minutes 48 seconds East along the Northeast line of said 23.3421 acre tract, the Southwest line of said 0.140 acre tract and then the Southwest line of that certain 0.549 acre tract of land described said deed to Fort Bend County, in all 62.72 feet to a 3/4 inch Windrose plastic capped iron rod for the South corner of said 0.549 acre tract and the East corner of said 23.3421 acre tract, said rod lying on the Northwest line of Katy I.S.D. Elementary No. 23- & Support Facility recorded in Plat No. 20040205, Plat Records, Fort Bend County, Texas;

THENCE, South 42 degrees 33 minutes 12 seconds West along the Southeasterly line of said 23.3421 acre tract and the Northwesterly line of said Katy I.S.D. Elementary No. 23 & Support Facility, 1,707.97 feet to a 3/4 inch West Belt Surveying plastic capped iron rod on the proposed Northwesterly right-of-way line of Falcon Landing Boulevard, said rod being the beginning of a curve to the left whose radius is 1,950.00 feet and whose radius point bears North 47 degrees 26 minutes 48 seconds West;

THENCE, in a Northeasterly direction along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard and along said curve through a central angle of 08 degrees 51 minutes 01 seconds, 301.21 feet to a 5/8 inch Huitt-Zollars plastic capped iron rod;

THENCE, North 33 degrees 42 minutes 11 seconds East, along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard, 100.00 feet to a 5/8 inch Huitt-Zollars plastic capped iron rod at the beginning of a tangent curve to the right whose radius is 2,050.00 feet;

THENCE, in a Northeasterly direction along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard and along said curve through a central angle of 02 degrees 23 minutes 40 seconds, 85.67 feet to a 5/8 inch Windrose plastic capped iron rod on the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, which is the Southeasterly line of said Katy Creek Ranch, Sec. 4, from said rod, a 5/8 inch Windrose plastic capped iron for the South corner of said Katy Creek Ranch, Sec 4 bears South 42 degrees 33 minutes 12 seconds West, 277.07 feet;

THENCE, North 42 degrees 33 minutes 12 seconds East along the Northwesterly line of said 23.3421 acre tract, the Southeasterly line of said 132.9189 acre tract and the Southeasterly line of said Katy Creek Ranch, Sec 4, 430.06 feet to the beginning of a tangent curve to the left whose radius is 1,900.00;

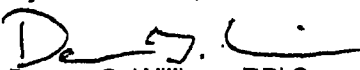
THENCE, in a Northeasterly direction along said curve, along the Southeasterly line of said 132.9189 acre tract, the Southeasterly line of said Katy Creek Ranch, Sec. 4 and the Northwesterly line of said 23.3421 acre tract, through a central angle of 03 degrees 21 minutes 28 seconds, 111.35 feet;

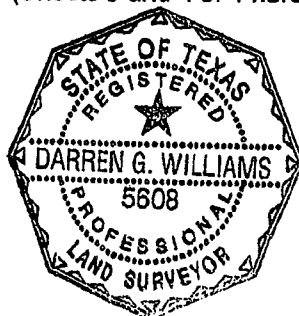
THENCE, North 39 degrees 11 minutes 45 seconds East, along the Southeasterly line of said 132.9189 acre tract, the Southeasterly line of said Katy Creek Ranch, Sec. 4 and the Northwesterly line of said 23.3421 acre tract, 86.94 feet to the POINT OF BEGINNING and containing 1.799 acres or of land.

Bearings and coordinates hereon are based on the Texas Coordinate System, South Central Zone (4204). The coordinates and distances are surface datum and may be converted to grid by multiplying by a combined project scale factor of 0.99988674. The horizontal datum hereon was derived from Fort Bend County 2005 LIDAR control points No. 14, 16 & 19 and verified using NGS CORS pid No's DH3608, DH3618 and DE5999.

This description was prepared in conjunction with survey made on the ground in April, 2009 and February 2010 and survey drawing dated February 10, 2010 (Sheets 3 and 4 of 4 herein).

February 10, 2010
By Huitt-Zollars, Inc.

 02/10/10
Darren G. Williams RPLS
Texas Registration No. 5608



NOTES

F.B.C.C.F. No. = FORT BEND COUNTY CLERK'S FILE NUMBER
 O.P.R.F.B.C.T. = OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS
 P.R.F.B.C.T. = PLAT RECORDS FORT BEND COUNTY, TEXAS
 D.R.F.B.C.T. = DEED RECORDS FORT BEND COUNTY, TEXAS
 FIELD SURVEYS PERFORMED IN APRIL, 2009 AND FEBRUARY, 2010.
 * - FOUND OR SET CORNER AS DESCRIBED
 * - UNMARKED CORNER
 POINT OF BEGINNING COORDINATES
 N = 13,832,787.59
 E = 2,986,215.41

THIS PARCEL PLAT WAS PREPARED IN CONJUNCTION WITH THE PROPERTY DESCRIPTION OF PARCEL NO. OF THE SAME DATE. (SHEETS 1 & 2 OF 4)
 THE BEARINGS AND COORDINATES HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE (42041). THE COORDINATES AND DISTANCES (GRAPHICS) ARE SURFACE DATUM AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED PROJECT SCALE FACTOR OF 0.9998674. THE HORIZONTAL DATUM HEREON WAS DERIVED FROM FORT BEND COUNTY 2007 NAD 83 CONTROL POINTS NO. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 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2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 217

**NON-HOMESTEAD DESIGNATION
AND COMMUNITY PROPERTY DISCLAIMER**

State of Texas
County of Fort Bend

BEFORE ME, the undersigned authority, on this day personally appeared George Lester Ball, who, after being duly sworn, upon his/her oath did depose and say:

"My name is George Lester Ball, and I am the spouse of Bonner S. Ball. I did not reside upon, use in any manner, claim as either a business or residence homestead, nor do I have any intention of ever in the future residing upon, using or claiming as either a business or residence homestead, the following described property. I hereby renounce and disclaim any homestead right, interest or exemption in such property, to-wit:

BEING a 1.799 acre tract of land situated in the Stephen Habermacher Survey, Abstract No. 189 in Fort Bend County, TX; being a part of that certain 23.3421 acre tract of land described in the deed from Black Diamond Development, L.L.P. to Bonner S. Ball recorded in Fort Bend County Clerk's File No. 2008114846, official public records of Fort Bend County, TX. Also described in the attached Exhibit A.

In addition to the foregoing, the above described property constitutes the separate property and estate of my spouse, Bonner S. Ball, and furthermore, the above described property is not a part of the community property of myself and my spouse. Additionally, I disclaim any right of contribution for any improvements which may have been placed upon the above described property."

Affiant knows that Stewart Title Company is relying upon the statements contained in this affidavit to be true and correct, and without the true information contained herein, said Stewart Title Company would not issue Title Policy.

George Lester Ball

SWORN AND SUBSCRIBED BEFORE ME, on this ____ day of _____, 2010.

Notary Public's Signature

State of Texas
County of _____

BEFORE ME, the undersigned authority, on this ____ day of _____, 2010, personally appeared George Lester Ball known to me to be the person whose name is subscribed to the foregoing instrument. This Document was acknowledged to me and he/she executed same as a free act and deed, for the purposes and consideration therein expressed.

Notary Public's Signature

EXHIBIT "A"

County: Fort Bend
Project: Proposed Falcon Landing Boulevard
Project Limits: From Westheimer Parkway
to Willow Fork Branch of Buffalo Bayou

PARCEL 1 METES AND BOUNDS DESCRIPTION

BEING a 1.799 acre tract of land situated in the Stephen Habermacher Survey, Abstract No. 189 in Fort Bend County, Texas; being a part of that certain 23.3421 acre tract of land described in the deed from Black Diamond Development, L.L.P. to Bonner S. Ball, recorded in Fort Bend County Clerk's File No. 2008114846, Official Public Records of Fort Bend County, Texas, also described in the deed from Bonner S. Ball to William Russell Brown, III and Ben Sewell Brown (an undivided 1/3 interest to each) recorded in Fort Bend County Clerk's File No. 2008125911, Official Public Records of Fort Bend County, Texas, said 1.799 acre tract is described by metes and bounds as follows;

BEGINNING at a 5/8 inch Hultt-Zollars plastic capped iron rod on a Northwesterly line of said 23.3421 acre tract, whose coordinates are N=13,832,787.59, E=2,986,215.41, being the East corner of Katy Creek Ranch, Sec. 4, recorded in Plat No. 20080205, Plat Records, Fort Bend County, Texas; said rod also lying on the Southeast line of that certain 132.9189 acre tract of land described in the deed to Katy Creek Ranch, L.P., recorded in Fort Bend County Clerk's File No. 2003148937, Official Public Records of Fort Bend County, Texas, from said rod, a 3/4 inch Windrose plastic capped iron rod for the East corner of Lot 14, Block 3 of said Katy Creek Ranch, Sec. 4 bears North 47 degrees 11 minutes 33 seconds West, 4.66 feet;

THENCE, North 39 degrees 11 minutes 45 seconds East along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, 13.06 feet to a 5/8 inch Windrose plastic capped iron rod at the beginning of a tangent curve to the right whose radius is 2,100.00 feet;

THENCE, in a Northeasterly direction along said curve, along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract through a central angle of 03 degrees 21 minutes 28 seconds, 123.07 feet to a 5/8 inch Windrose Plastic capped iron rod;

THENCE, North 42 degrees 33 minutes 12 seconds East, along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, 460.08 feet to a 3/4 inch Windrose plastic capped iron rod for the North corner of said 23.3421 acre tract and the West corner of that certain 0.140 acre tract of land described in the deed to Fort Bend County recorded in Fort Bend County Clerk's File No. 2004113607, Official Public Records of Fort Bend County, Texas;

THENCE, South 47 degrees 26 minutes 48 seconds East along the Northeast line of said 23.3421 acre tract, the Southwest line of said 0.140 acre tract and then the Southwest line of that certain 0.549 acre tract of land described said deed to Fort Bend County, in all 62.72 feet to a 3/4 inch Windrose plastic capped iron rod for the South corner of said 0.549 acre tract and the East corner of said 23.3421 acre tract, said rod lying on the Northwest line of Katy I.S.D. Elementary No. 23 & Support Facility recorded in Plat No. 20040205, Plat Records, Fort Bend County, Texas;

THENCE, South 42 degrees 33 minutes 12 seconds West along the Southeasterly line of said 23.3421 acre tract and the Northwesterly line of said Katy I.S.D. Elementary No. 23 & Support Facility, 1,707.97 feet to a 3/4 inch West Belt Surveying plastic capped iron rod on the proposed Northwesterly right-of-way line of Falcon Landing Boulevard, said rod being the beginning of a curve to the left whose radius is 1,950.00 feet and whose radius point bears North 47 degrees 26 minutes 48 seconds West;

THENCE, in a Northeasterly direction along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard and along said curve through a central angle of 08 degrees 51 minutes 01 seconds, 301.21 feet to a 5/8 inch Huitt-Zollars plastic capped iron rod;

THENCE, North 33 degrees 42 minutes 11 seconds East, along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard, 100.00 feet to a 5/8 inch Huitt-Zollars plastic capped iron rod at the beginning of a tangent curve to the right whose radius is 2,050.00 feet;

THENCE, in a Northeasterly direction along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard and along said curve through a central angle of 02 degrees 23 minutes 40 seconds, 85.67 feet to a 5/8 inch Windrose plastic capped iron rod on the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, which is the Southeasterly line of said Katy Creek Ranch, Sec. 4, from said rod, a 5/8 inch Windrose plastic capped iron for the South corner of said Katy Creek Ranch, Sec 4 bears South 42 degrees 33 minutes 12 seconds West, 277.07 feet;

THENCE, North 42 degrees 33 minutes 12 seconds East along the Northwesterly line of said 23.3421 acre tract, the Southeasterly line of said 132.9189 acre tract and the Southeasterly line of said Katy Creek Ranch, Sec 4, 430.06 feet to the beginning of a tangent curve to the left whose radius is 1,900.00;

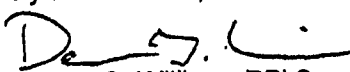
THENCE, in a Northeasterly direction along said curve, along the Southeasterly line of said 132.9189 acre tract, the Southeasterly line of said Katy Creek Ranch, Sec. 4 and the Northwesterly line of said 23.3421 acre tract, through a central angle of 03 degrees 21 minutes 28 seconds, 111.35 feet;

THENCE, North 39 degrees 11 minutes 45 seconds East, along the Southeasterly line of said 132.9189 acre tract, the Southeasterly line of said Katy Creek Ranch, Sec. 4 and the Northwesterly line of said 23.3421 acre tract, 86.94 feet to the POINT OF BEGINNING and containing 1.799 acres or of land.

Bearings and coordinates hereon are based on the Texas Coordinate System, South Central Zone (4204). The coordinates and distances are surface datum and may be converted to grid by multiplying by a combined project scale factor of 0.99988674. The horizontal datum hereon was derived from Fort Bend County 2005 LIDAR control points No. 14, 16 & 19 and verified using NGS CORS pid No's DH3608, DH3618 and DE5999.

This description was prepared in conjunction with survey made on the ground in April, 2009 and February 2010 and survey drawing dated February 10, 2010 (Sheets 3 and 4 of 4 herein).

February 10, 2010
By Huitt-Zollars, Inc.

 02/10/10
Darren G. Williams RPLS
Texas Registration No. 5608



CURVE NO.	RADIUS	LENGTH	DELTA	BEARING	DISTANCE
C1	2,100.00'	123.07'	03°21'28"	N40°52'28"E	123.05'
C2	1,900.00'	111.35'	03°21'28"	N40°52'28"E	111.34'

LINE NO.	DIRECTION	DISTANCE
L1	N39°11'45"E	13.06'
L2	S47°26'48"E	62.72'
L3	N39°11'45"E	86.94'
L4	N47°11'33"W	4.66'

THIS PARCEL PLAT WAS PREPARED IN CONJUNCTION WITH THE PROPERTY DESCRIPTION OF PARCEL NO. OF THE SAME DATE. (SHEETS 1 & 2 OF 4)

THE BEARINGS AND COORDINATES HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204). THE COORDINATES AND DISTANCES (GRAPHICS) ARE SURFACE DATUM AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED PROJECT SCALE FACTOR OF 0.99988674. THE HORIZONTAL DATUM HEREON WAS DERIVED FROM FORT BEND COUNTY 2005 LIDAR CONTROL POINTS NO. 14, 16, 19 AND VERIFIED USING NGS CORP PTD NO'S DH3608, DH3618 AND DE5999.

F.B.C.F. No. - FORT BEND COUNTY CLERK'S FILE NUMBER

O.P.R.F.B.C.T. - OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS

P.R.F.B.C.T. - PLAT RECORDS FORT BEND COUNTY, TEXAS

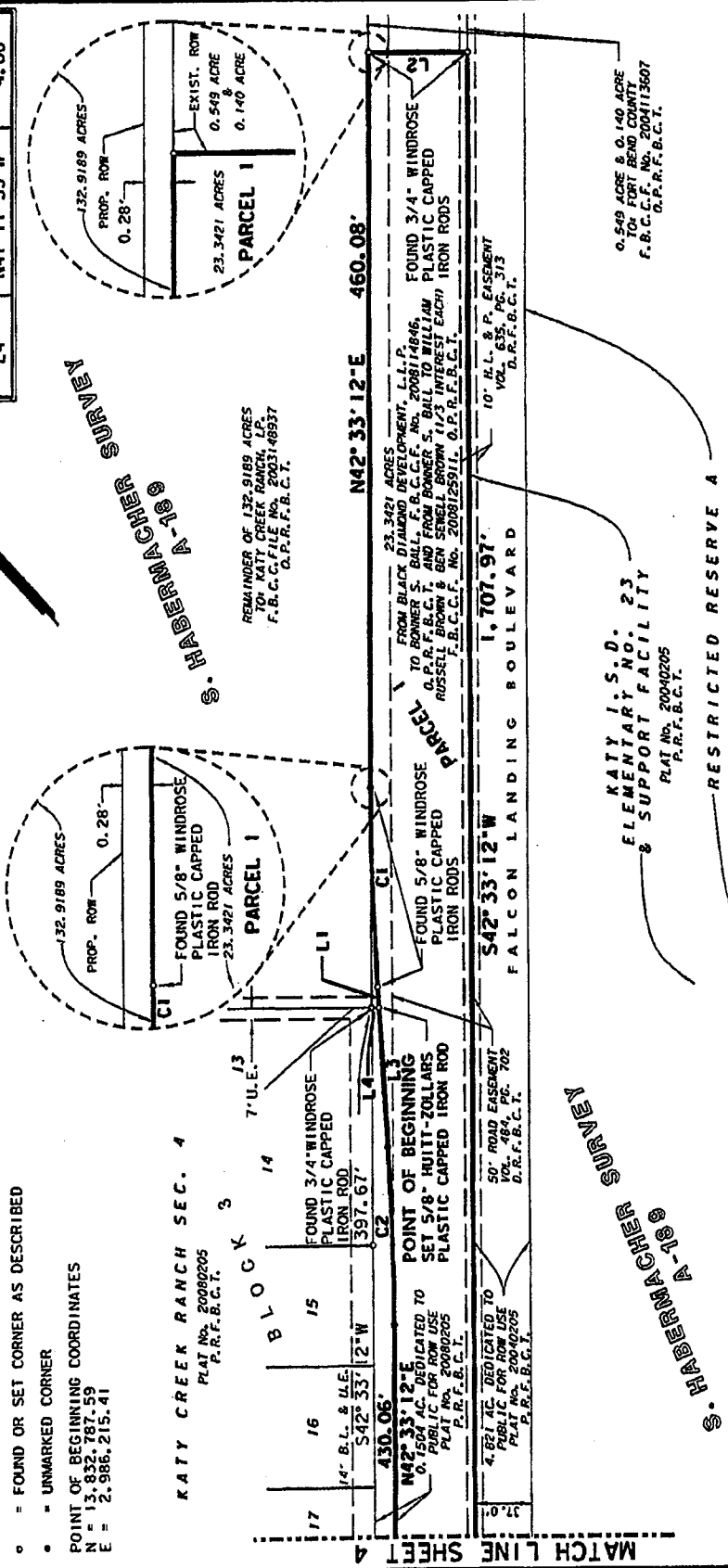
D.R.F.B.C.T. - DEED RECORDS FORT BEND COUNTY, TEXAS

FIELD SURVEYS PERFORMED IN APRIL, 2009 AND FEBRUARY, 2010.

o = FOUND OR SET CORNER AS DESCRIBED

• = UNMARKED CORNER

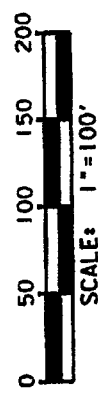
POINT OF BEGINNING COORDINATES
N = 13,832,787.59
E = 2,986,215.41



HUIT-ZOLLARS
HUIT-ZOLLARS, INC.
1500 S. DAIRY ASHFORD, STE 200
HOUSTON, TEXAS 77077
(281) 496-0066

PARCEL 1
PROPOSED FALCON LANDING BLVD.
1.799 ACRE TRACT OF LAND IN
THE S. HABERMACHER SURVEY,
ABSTRACT NO. 189,
FORT BEND COUNTY, TEXAS

DRAWN BY: D. WILLIAMS
DATE: FEBRUARY 10, 2010
JOB NO.: 02-1156.01
SHEET 3 OF 4



NOTES

F.B.C.C.F. No. = FORT BEND COUNTY CLERK'S
FILE NUMBER

O.P.R.F.B.C.T. = OFFICIAL PUBLIC RECORDS OF
FORT BEND COUNTY, TEXAS

P.R.F.B.C.T. = PLAT RECORDS FORT BEND COUNTY,
TEXAS

D.R.F.B.C.T. = DEED RECORDS FORT BEND COUNTY,
TEXAS

FIELD SURVEYS PERFORMED IN APRIL, 2009 AND
FEBRUARY, 2010.

• = FOUND OR SET CORNER AS DESCRIBED

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POINT OF BEGINNING COORDINATES

N = 13,832,787.59

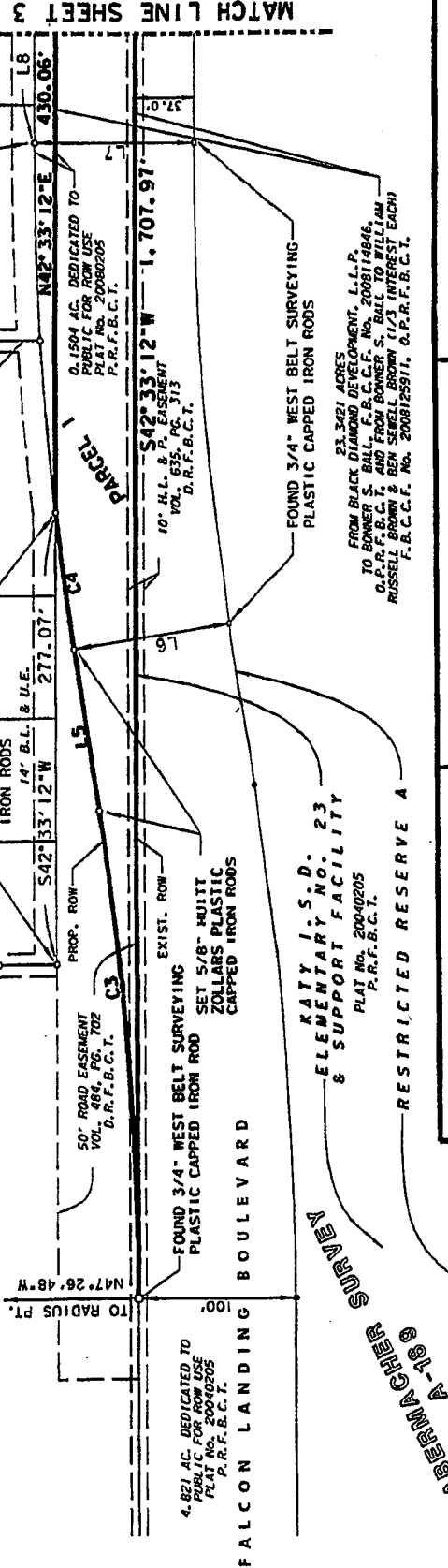
E = 2,986,215.41

THIS PARCEL PLAT WAS PREPARED IN CONJUNCTION
WITH THE PROPERTY DESCRIPTION OF PARCEL NO.
OF THE SAME DATE. (SHEETS 1 & 2 OF 4)

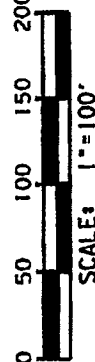
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ZONE (4204). THE COORDINATES AND DISTANCES
(GRAPHICS) ARE SURFACE DATUM AND MAY BE
CONVERTED TO GRID BY MULTIPLYING BY A COMBINED
PROJECT SCALE FACTOR OF 0.9988674. THE
HORIZONTAL DATUM HEREON WAS DERIVED FROM FORT
BEND COUNTY 2005 LIDAR CONTROL POINTS NO. 14,
16, 19 AND VERIFIED USING NGS CORRS PID NO.'S
DH3608, DH3618 AND DE5999.

HABERMACHER SURVEY
A-108

23.3421 ACRES
FROM BLACK DIAMOND DEVELOPMENT, L.L.P.
TO BONNER S. BALL, F.B.C.C.F. No. 2008114846,
O.P.R.F.B.C.T. AND FROM BONNER S. BALL TO WILLIAM
RUSSELL BROWN & BEN SEWELL BROWN (1/3 INTEREST EACH)
F.B.C.C.F. No. 2008125911, O.P.R.F.B.C.T.



HABERMACHER SURVEY
A-108



DRAWN BY: D. WILLIAMS

DATE: FEBRUARY 10, 2010

JOB NO.: 02-1156.01

SHEET 4 OF 4

PARCEL 1

PROPOSED FALCON LANDING BLVD.

1.799 ACRE TRACT OF LAND IN

THE S. HABERMACHER SURVEY,

ABSTRACT NO. 189.

FORT BEND COUNTY, TEXAS

HUIT-ZOLLARS

HUITT-ZOLLARS, INC.

1500 S. DAIRY ASHFORD, STE 200

HOUSTON, TEXAS 77077

(281) 496-0066

LINE NO.	DIRECTION	DISTANCE
L5	N33°42'11"E	100.00'
L6	S56°17'49"E	100.00'
L7	S47°26'48"E	100.00'
L8	S42°33'12"W	397.67'

CURVE NO.	RADIUS	LENGTH	DELTA	CHORD
C3	1,950.00'	301.21'	08°51'01"	N38°07'41"E 300.91'
C4	2,050.00'	85.67'	02°23'40"	N34°54'01"E 85.67'

MATCH LINE SHEET 3

**NON-HOMESTEAD DESIGNATION
AND COMMUNITY PROPERTY DISCLAIMER**

State of _____

County of _____

BEFORE ME, the undersigned authority, on this day personally appeared Caroline Stouffer Brown, who, after being duly sworn, upon his/her oath did depose and say:

"My name is Caroline Stouffer Brown, and I am the spouse of William Russell Brown. I did not reside upon, use in any manner, claim as either a business or residence homestead, nor do I have any intention of ever in the future residing upon, using or claiming as either a business or residence homestead, the following described property. I hereby renounce and disclaim any homestead right, interest or exemption in such property, to-wit:

BEING a 1.799 acre tract of land situated in the Stephen Habermacher Survey, Abstract No. 189 in Fort Bend County, TX; being a part of that certain 23.3421 acre tract of land described in the deed from Black Diamond Development, L.L.P. to Bonner S. Ball recorded in Fort Bend County Clerk's File No. 2008114846, official public records of Fort Bend County, TX. Also described in the attached Exhibit A.

In addition to the foregoing, the above described property constitutes the separate property and estate of my spouse, William Russell Brown, and furthermore, the above described property is not a part of the community property of myself and my spouse. Additionally, I disclaim any right of contribution for any improvements which may have been placed upon the above described property."

Affiant knows that Stewart Title Company is relying upon the statements contained in this affidavit to be true and correct, and without the true information contained herein, said Stewart Title Company would not issue Title Policy.

Caroline Stouffer Brown

SWORN AND SUBSCRIBED BEFORE ME, on this ____ day of _____, 2010.

Notary Public's Signature

State of _____

County of _____

BEFORE ME, the undersigned authority, on this ____ day of _____, 2010, personally appeared Caroline Stouffer Brown known to me to be the person whose name is subscribed to the foregoing instrument. This Document was acknowledged to me and he/she executed same as a free act and deed, for the purposes and consideration therein expressed.

Notary Public's Signature

EXHIBIT "A"

County: Fort Bend
Project: Proposed Falcon Landing Boulevard
Project Limits: From Westheimer Parkway
to Willow Fork Branch of Buffalo Bayou

PARCEL 1 METES AND BOUNDS DESCRIPTION

BEING a 1.799 acre tract of land situated in the Stephen Habermacher Survey, Abstract No. 189 in Fort Bend County, Texas; being a part of that certain 23.3421 acre tract of land described in the deed from Black Diamond Development, L.L.P. to Bonner S. Ball, recorded in Fort Bend County Clerk's File No. 2008114846, Official Public Records of Fort Bend County, Texas, also described in the deed from Bonner S. Ball to William Russell Brown, III and Ben Sewell Brown (an undivided 1/3 interest to each) recorded in Fort Bend County Clerk's File No. 2008125911, Official Public Records of Fort Bend County, Texas, said 1.799 acre tract is described by metes and bounds as follows;

BEGINNING at a 5/8 inch Huitt-Zollars plastic capped iron rod on a Northwesterly line of said 23.3421 acre tract, whose coordinates are N=13,832,787.59, E=2,986,215.41, being the East corner of Katy Creek Ranch, Sec. 4, recorded in Plat No. 20080205, Plat Records, Fort Bend County, Texas, said rod also lying on the Southeast line of that certain 132.9189 acre tract of land described in the deed to Katy Creek Ranch, L.P., recorded in Fort Bend County Clerk's File No. 2003148937, Official Public Records of Fort Bend County, Texas, from said rod, a 3/4 inch Windrose plastic capped iron rod for the East corner of Lot 14, Block 3 of said Katy Creek Ranch, Sec. 4 bears North 47 degrees 11 minutes 33 seconds West, 4.66 feet;

THENCE, North 39 degrees 11 minutes 45 seconds East along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, 13.06 feet to a 5/8 inch Windrose plastic capped iron rod at the beginning of a tangent curve to the right whose radius is 2,100.00 feet;

THENCE, in a Northeasterly direction along said curve, along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract through a central angle of 03 degrees 21 minutes 28 seconds, 123.07 feet to a 5/8 inch Windrose Plastic capped iron rod;

THENCE, North 42 degrees 33 minutes 12 seconds East, along the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, 460.08 feet to a 3/4 inch Windrose plastic capped iron rod for the North corner of said 23.3421 acre tract and the West corner of that certain 0.140 acre tract of land described in the deed to Fort Bend County recorded in Fort Bend County Clerk's File No. 2004113607, Official Public Records of Fort Bend County, Texas;

THENCE, South 47 degrees 26 minutes 48 seconds East along the Northeast line of said 23.3421 acre tract, the Southwest line of said 0.140 acre tract and then the Southwest line of that certain 0.549 acre tract of land described said deed to Fort Bend County, in all 62.72 feet to a 3/4 inch Windrose plastic capped iron rod for the South corner of said 0.549 acre tract and the East corner of said 23.3421 acre tract, said rod lying on the Northwest line of Katy I.S.D. Elementary No. 23 & Support Facility recorded in Plat No. 20040205, Plat Records, Fort Bend County, Texas;

THENCE, South 42 degrees 33 minutes 12 seconds West along the Southeasterly line of said 23.3421 acre tract and the Northwesterly line of said Katy I.S.D. Elementary No. 23 & Support Facility, 1,707.97 feet to a 3/4 inch West Belt Surveying plastic capped iron rod on the proposed Northwesterly right-of-way line of Falcon Landing Boulevard, said rod being the beginning of a curve to the left whose radius is 1,950.00 feet and whose radius point bears North 47 degrees 26 minutes 48 seconds West;

THENCE, in a Northeasterly direction along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard and along said curve through a central angle of 08 degrees 51 minutes 01 seconds, 301.21 feet to a 5/8 inch Huitt-Zollars plastic capped iron rod;

THENCE, North 33 degrees 42 minutes 11 seconds East, along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard, 100.00 feet to a 5/8 inch Huitt-Zollars plastic capped iron rod at the beginning of a tangent curve to the right whose radius is 2,050.00 feet;

THENCE, in a Northeasterly direction along the proposed Northwesterly right-of-way line of Falcon Landing Boulevard and along said curve through a central angle of 02 degrees 23 minutes 40 seconds, 85.67 feet to a 5/8 inch Windrose plastic capped iron rod on the Northwesterly line of said 23.3421 acre tract and the Southeasterly line of said 132.9189 acre tract, which is the Southeasterly line of said Katy Creek Ranch, Sec. 4, from said rod, a 5/8 inch Windrose plastic capped iron for the South corner of said Katy Creek Ranch, Sec 4 bears South 42 degrees 33 minutes 12 seconds West, 277.07 feet;

THENCE, North 42 degrees 33 minutes 12 seconds East along the Northwesterly line of said 23.3421 acre tract, the Southeasterly line of said 132.9189 acre tract and the Southeasterly line of said Katy Creek Ranch, Sec 4, 430.06 feet to the beginning of a tangent curve to the left whose radius is 1,900.00;

THENCE, in a Northeasterly direction along said curve, along the Southeasterly line of said 132.9189 acre tract, the Southeasterly line of said Katy Creek Ranch, Sec. 4 and the Northwesterly line of said 23.3421 acre tract, through a central angle of 03 degrees 21 minutes 28 seconds, 111.35 feet;

THENCE, North 39 degrees 11 minutes 45 seconds East, along the Southeasterly line of said 132.9189 acre tract, the Southeasterly line of said Katy Creek Ranch, Sec. 4 and the Northwesterly line of said 23.3421 acre tract, 86.94 feet to the POINT OF BEGINNING and containing 1.799 acres or of land.

Bearings and coordinates hereon are based on the Texas Coordinate System, South Central Zone (4204). The coordinates and distances are surface datum and may be converted to grid by multiplying by a combined project scale factor of 0.99988674. The horizontal datum hereon was derived from Fort Bend County 2005 LiDAR control points No. 14, 16 & 19 and verified using NGS CORS pid No's DH3608, DH3618 and DE5999.

This description was prepared in conjunction with survey made on the ground in April, 2009 and February 2010 and survey drawing dated February 10, 2010 (Sheets 3 and 4 of 4 herein).

February 10, 2010
By Huitt-Zollars, Inc.


Darren G. Williams RPLS
Texas Registration No. 5608

02/10/10



NOTES

F.B.C.C.F. No. = FORT BEND COUNTY CLERK'S
FILE NUMBER

O.P.R.F.B.C.T. = OFFICIAL PUBLIC RECORDS OF
FORT BEND COUNTY, TEXAS

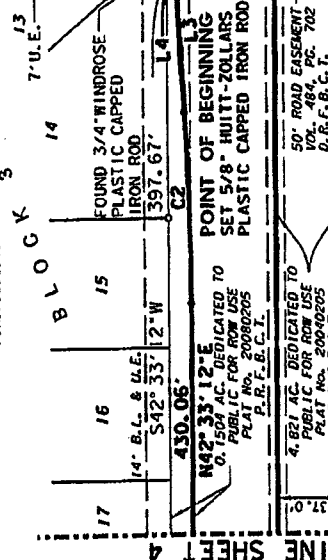
P.R.F.B.C.T. = PLAT RECORDS FORT BEND COUNTY,
TEXAS

D.R.F.B.C.T. = DEED RECORDS FORT BEND COUNTY,
TEXAS

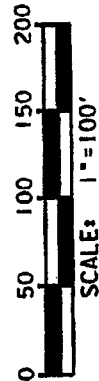
FIELD SURVEYS PERFORMED IN APRIL, 2009 AND
FEBRUARY, 2010.

- = FOUND OR SET CORNER AS DESCRIBED
 - = UNMARKED CORNER
- POINT OF BEGINNING COORDINATES
N = 13,832.767.59
E = 2,986,215.41

KATY CREEK RANCH SEC. 4
PLAT No. 20080205
P.R.F.B.C.T.

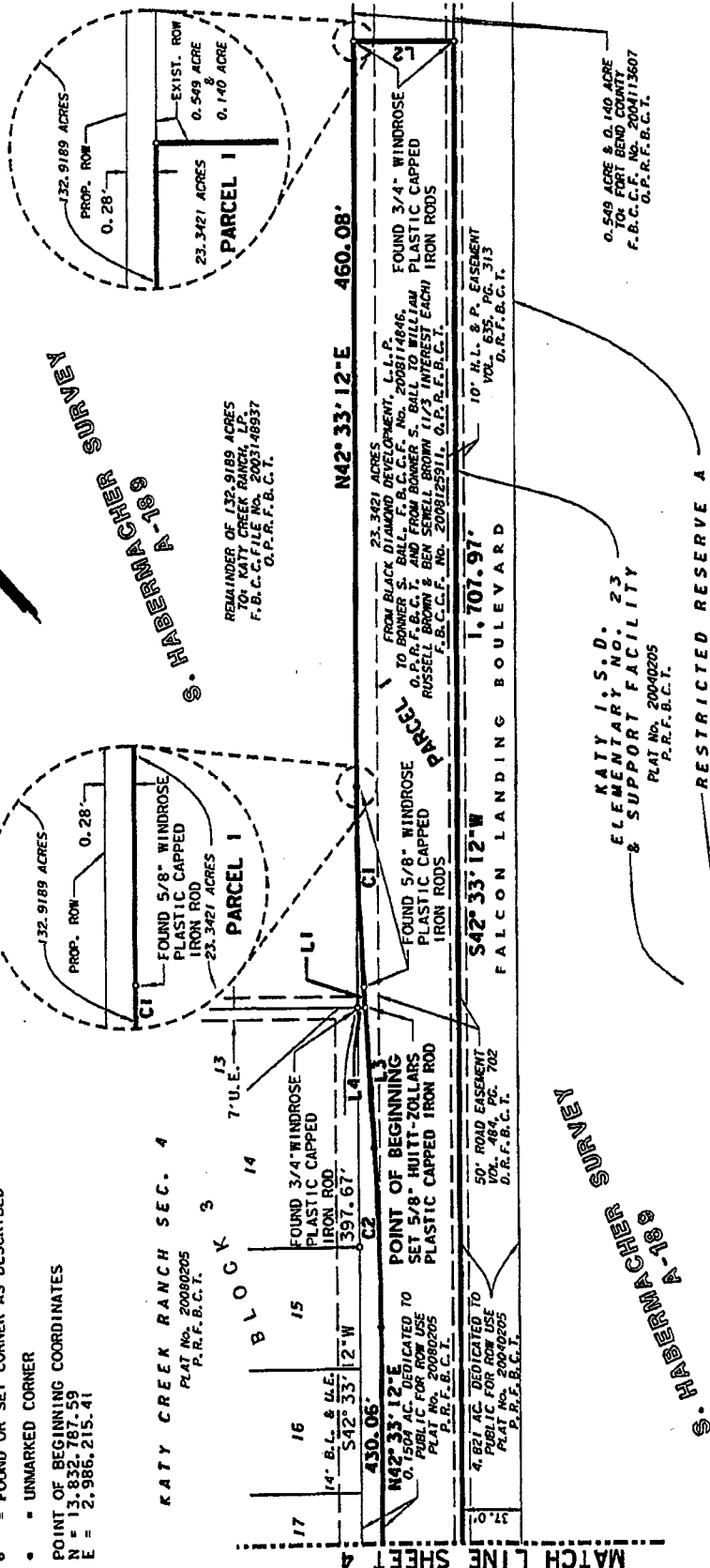


S. HABERMACHER SURVEY
A-188



CURVE NO.	RADIUS	LENGTH	DELTA	CHORD
C1	2,100.00'	123.07'	03°21'28"	123.05'
C2	1,900.00'	111.35'	03°21'28"	111.34'

LINE NO.	DIRECTION	DISTANCE
L1	N39°11'45"E	13.06'
L2	S47°26'48"E	62.72'
L3	N39°11'45"E	86.94'
L4	N47°11'33"W	4.66'



DRAWN BY: D. WILLIAMS
DATE: FEBRUARY 10, 2010
JOB NO.: 02-1156.01
SHEET 3 OF 4

PROPOSED FALCON LANDING BLVD.
1.799 ACRE TRACT OF LAND IN
THE S. HABERMACHER SURVEY,
ABSTRACT NO. 189,
FORT BEND COUNTY, TEXAS

HUETT-ZOLLARS
HUETT-ZOLLARS, INC.
1500 S. DAIRY ASHFORD, STE 200
HOUSTON, TEXAS 77077
(281) 496-0066

NOTES

F.B.C.F. No. = FORT BEND COUNTY CLERK'S
FILE NUMBER

O.P.R.F.B.C.T. = OFFICIAL PUBLIC RECORDS OF
FORT BEND COUNTY, TEXAS

P.R.F.B.C.T. = PLAT RECORDS FORT BEND COUNTY,
TEXAS

D.R.F.B.C.T. = DEED RECORDS FORT BEND COUNTY,
TEXAS

FIELD SURVEYS PERFORMED IN APRIL, 2009 AND
FEBRUARY, 2010.

- = FOUND OR SET CORNER AS DESCRIBED
- = UNMARKED CORNER

POINT OF BEGINNING COORDINATES
N = 13,832,781.59
E = 2,986,215.41

THIS PARCEL PLAT WAS PREPARED IN CONJUNCTION
WITH THE PROPERTY DESCRIPTION OF PARCEL NO.
OF THE SAME DATE. (SHEETS 1 & 2 OF 4)

THE BEARINGS AND COORDINATES HEREON ARE BASED
ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL
ZONE (4204). THE COORDINATES AND DISTANCES
(GRAPHICS) ARE SURFACE DATUM AND MAY BE
CONVERTED TO GRID BY MULTIPLYING BY A COMBINED
PROJECT SCALE FACTOR OF 0.9988674. THE
HORIZONTAL DATUM HEREON WAS DERIVED FROM FORT
BEND COUNTY 2005 LIDAR CONTROL POINTS NO. 14,
16, 19 AND VERIFIED USING NGS CORRS PID NO.'S
DH3608, DH3618 AND DE5999.

LINE NO.	DIRECTION	DISTANCE
L5	N33°42'11"E	100.00'
L6	S56°17'49"E	100.00'
L7	S47°26'48"E	100.00'
L8	S42°33'12"W	397.67'

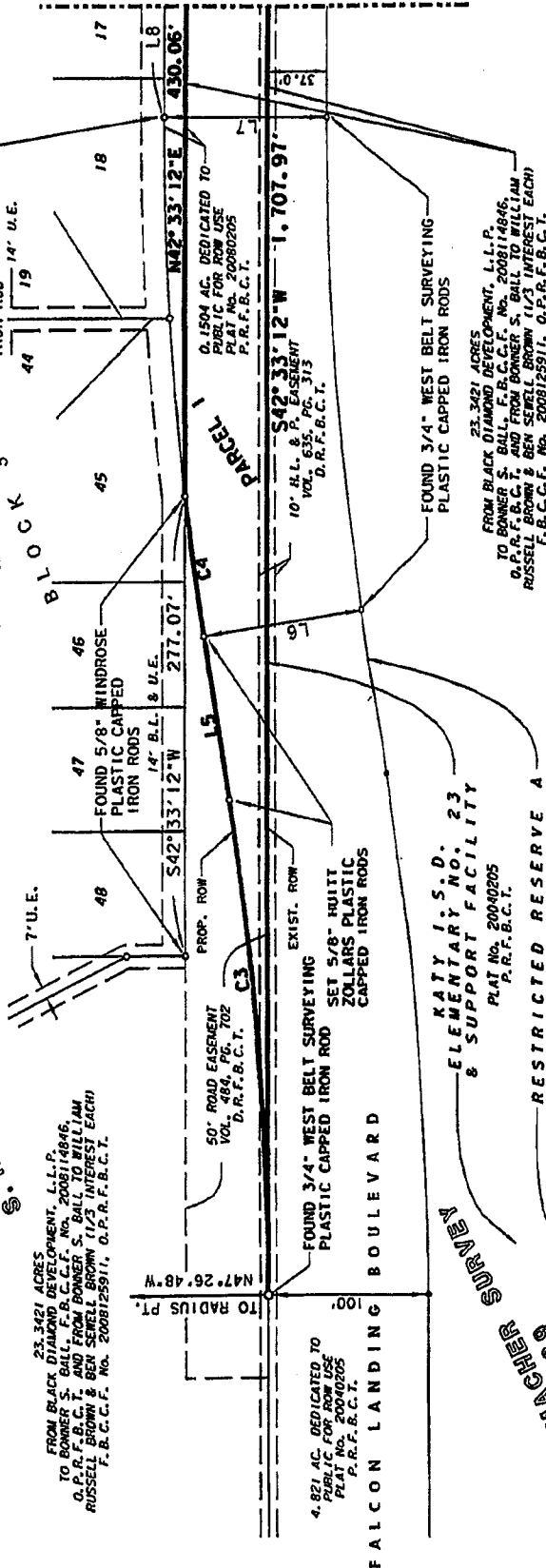
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD
C3	1,950.00'	301.21'	08°51'01"	N38°07'41"E 300.91'
C4	2,050.00'	85.67'	02°23'40"	N34°54'01"E 85.67'

HABERMACHER SURVEY
A-108

KATY CREEK RANCH SEC. 4

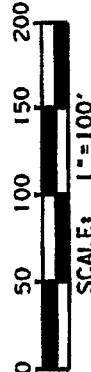
PLAT No. 20080205
P.R.F.B.C.T.

23.3421 ACRES
FROM BLACK DIAMOND DEVELOPMENT, L.L.P.
TO BANNER S. BULL, F.B.C.F. No. 2008114846,
O.P.R.F.B.C.T. AND FROM BANNER S. BULL TO WILLIAM
RUSSELL BROWN & BEN SEWELL BROWN (1/3 INTEREST EACH)
F.B.C.C.F. No. 2008125911, O.P.R.F.B.C.T.



DRAWN BY: D. WILLIAMS

DATE: FEBRUARY 10, 2010
JOB NO.: 02-1156.01
SHEET 4 OF 4



PARCEL 1
PROPOSED FALCON LANDING BLVD.
1.799 ACRE TRACT OF LAND IN
THE S. HABERMACHER SURVEY,
ABSTRACT NO. 189,
FORT BEND COUNTY, TEXAS

HUIT-ZOLLARS

HUIT-ZOLLARS, INC.
1500 S. DAIRY ASHFORD, STE 200
HOUSTON, TEXAS 77077
(281) 496-0066

A. Settlement Statement

U.S. Department of Housing
and Urban Development

OMB Approval No. 2502-0265

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FmHA	3. <input type="checkbox"/> Conv. Unins.	6. File Number: 1015731451	7. Loan Number:	8. Mortgage Insurance Case Number:
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.	<input type="checkbox"/> Other			

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 "(POC)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower: Fort Bend County

E. Name & Address of Seller: Bonner J. Ball
William Russell Brown, III
Ben Sewell Brown

F. Name & Address of Lender:

G. Property Location: Proposed Falcon Landing Boulevard Parcel 1

Being a 1.799 acre tract of land situated in the Stephen Habermacher Survey, A-189 in Fort Bend County, Texas; and being more particularly described by metes and bounds attached hereto.

H. Settlement Agent: Monroe A Ashworth, 170-Stewart Title Company, 14100 Southwest Freeway, Suite 200, Sugar Land, TX 77478. (281)491-7050
Place of Settlement: 14100 Southwest Freeway, Suite 200, Sugar Land, TX 77478

I. Settlement Date: 11/3/2010 Proration Date: 11/3/2010 Disbursement Date: 11/3/2010

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	\$183,128.00	401. Contract sales price	\$183,128.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	\$1,356.95	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance:		Adjustments for items paid by seller in advance:	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower	\$184,484.95	420. Gross Amount Due to Seller	\$183,128.00
200. Amounts Paid by or in Behalf of Borrower		500. Reductions in Amount Due to Seller	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	\$0.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan to Bank of Houston	\$157,128.00
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		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower	\$0.00	520. Total Reduction Amount Due Seller	\$157,128.00
300. Cash at Settlement from/to Borrower		600. Cash at Settlement to/from Seller	
301. Gross amount due from borrower (line 120)	\$184,484.95	601. Gross amount due to seller (line 420)	\$183,128.00
302. Less amounts paid by/for borrower (line 220)	\$0.00	602. Less reductions in amount due seller (line 520)	(\$157,128.00)
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	\$184,484.95	603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	\$26,000.00

L: Settlement Charges			
700. Total Sales/Broker's Commission		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
Division of commission (line 700) as follows:			
701.			
702.			
703.	Commission paid at settlement		
704.			
800. Items Payable in Connection with Loan			
801.	Loan origination fee		
802.	Loan discount		
803.	Appraisal fee		
804.	Credit report		
805.	Lender's inspection fee		
806.	Mortgage insurance application fee		
807.	Assumption fee		
808.			
809.			
810.			
811.			
812.			
813.			
900. Items Required by Lender to Be Paid in Advance			
901.	Interest from		
902.	Mortgage insurance premium for		
903.	Hazard insurance premium for		
904.			
905.			
1000. Reserves Deposited with Lender			
1001.	Hazard insurance		
1002.	Mortgage insurance		
1003.	City property taxes		
1004.	County property taxes		
1005.	Annual assessments		
1006.			
1007.			
1008.			
1009.			
1100. Title Charges			
1101.	Settlement or closing fee		
1102.	Abstract or title search		
1103.	Title examination		
1104.	Title insurance binder		
1105.	Document preparation		
1106.	Notary fees		
1107.	Attorney's fees to		
	Includes above item numbers:		
1108.	Title Insurance to Stewart Title Company	\$1,287.00	
	Includes above item numbers:		
1109.	Lender's coverage		
1110.	Owner's coverage	\$183,128.00	\$1,287.00
1111.			
1112.	State if Texas Policy Fee to Stewart Title Policy Guaranty Fee		\$5.00
1113.	Tax Certificate to Stewart Title Company		\$64.95
1200. Government Recording and Transfer Charges			
1201.	Recording fees:		
1202.	City/county tax/stamps:		
1203.	State tax/stamps:		
1204.			
1205.			
1206.			
1300. Additional Settlement Charges			
1301.	Survey		
1302.	Pest inspection		
1303.			
1304.			
1305.			
1306.			
1307.			
1400.	Total Settlement Charges (enter on lines 103, Section J and 502, Section K)	\$1,356.95	\$0.00

Items marked "POC" were paid outside the closing by: Borrower (POCB), Lender (POCL), Mortgage Broker (POCM), Other (POCO), Real Estate Agent (POCR), or Seller (POCS).

Amended

10/20/2010 8:58:11 AM

File Number: 1015731451

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. The Settlement Agent does not warrant or represent the accuracy of information provided by any party, including information concerning POC items and information supplied by the lender in this transaction appearing on this HUD-1 Settlement Statement pertaining to "Comparison of Good Faith Estimate (GFE) and HUD-1 Charges" and "Loan Terms", and the parties hold harmless the Settlement Agent as to any inaccuracies in such matters.

FORT BEND COUNTY

Judge Robert E. Hebert
Fort Bend County Judge

Bonner S. Ball

William Russell Brown III

Ben Sewell Brown

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.

Monroe A Ashworth

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.

CERTIFICATION

Seller's and Purchaser's signature hereon acknowledges his/their approval of tax prorations and signifies their understanding that prorations 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):


Bonner S. Ball

William Russell Brown III

Ben Sewell Brown

PURCHASER (S):

FORT BEND COUNTY

By 
Judge Robert E. Hebert
Fort Bend County Judge 10-25-2010

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

STEWART TITLE

By: _____
Monroe Ashworth, Commercial Escrow Officer
Settlement Agent

Date

WARNING:

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

WAIVER OF INSPECTION AND DISCLOSURE NOTICE

RE: Stewart Title of Fort Bend GF No. 1015731451

Brief Description of Property:

1.799 acre tract, more or less, out of the Stephen Habermacher Survey, Abstract No. 189, Fort Bend County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto.

THE UNDERSIGNED BUYER/BORROWER HEREBY ACKNOWLEDGES RECEIPT OF THE FOLLOWING NOTICE FROM STEWART TITLE COMPANY PRIOR TO CLOSING:

1. Waiver of Inspection.

You may refuse to accept an exception to "Rights of Parties in Possession." "Rights of Parties in Possession" means one or more persons who are themselves actually physically occupying the land or a portion thereof under a claim of right which may be adverse to the record owner of the land as shown in Schedule A of the Commitment. The Company may require an inspection and additional charge for reasonable and actual costs to inspect, and may make additional exceptions for matters the inspection reveals. If you do not delete this paragraph, you consent to this exception and waive inspection of the land.

YOU MAY REFUSE TO ACCEPT THIS EXCEPTION BY MARKING OUT THIS PARAGRAPH 1 AND
PAYING THE ADDITIONAL COSTS INVOLVED.

2. Receipt of Commitment.

You acknowledge having received and reviewed a copy of the Title Commitment issued in connection with this transaction. You understand that your Owner Policy will contain the exceptions set forth in Schedule B, and any unresolved items set forth in Schedule C of the Commitment, and any additional exceptions to title resulting from the documents involved in this transaction, and any additional exceptions reflected by an exhibit attached hereto.

3. Survey.

If we have been furnished with a current survey of the subject property acceptable to us, you may request amendment of the "Area and Boundary Exception" to read "Shortages in Area." The Area and Boundary Exceptions is as follows: "Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or protrusions, or any overlapping of improvements." You must furnish a current survey. The survey must be acceptable to the Company. You also must pay an additional premium equal to 15% of the basic premium charge. The Company may make additional exceptions for items shown on the survey.

YOU MAY REQUIRE AMENDMENT OF THE AREA AND BOUNDARY EXCEPTION BY MARKING
OUT THIS PARAGRAPH 3 AND BY COMPLYING WITH ITS PROVISIONS BEFORE COMPLETION
OF THIS CLOSING.

4. Arbitration.

This Paragraph 4 does not apply to the Residential Owner Policy (T-1R), and if applicable the parties must later agree to arbitrate under such policy if the land covers a one to four family residential property or condominium unit.

If this is not residential, as stated above, you may require deletion of the arbitration provision of the Owner Policy. If you do not delete this provision, either you or the Company may require arbitration, if the law allows. There is no charge to delete this provision.

IF YOUR POLICY IS NOT A TEXAS RESIDENTIAL OWNER POLICY (T-1R), YOU MAY REQUIRE DELETION OF THE ARBITRATION PROVISION BY MARKING OUT THIS PARAGRAPH 4.

5. Notice.

You may wish to consult an attorney to discuss matters shown in Schedule B and C of the Commitment. These matters will affect your title and use of your land. Your Title Insurance Policy will be a legal contract between you and the Company. The Commitment and Policy are not abstracts of title, title reports or representations of title. They are contracts of indemnity. We do not represent that your intended use of the property is allowed under the law or in the restrictions on your land.

ACKNOWLEDGED as of OCTOBER, 25, 2010

FORT BEND COUNTY

By: 

Judge Robert E. Hebert
Fort Bend County Judge

TAX AGREEMENT

GF No.: 1015731451

Falcon Landing Parcel 1

Brief Description of Property:

1.799 acre tract, more or less, out of the Stephen Habermacher Survey, Abstract No. 189, Fort Bend County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto.

We, the undersigned, hereby acknowledge that the taxes WERE NOT prorated in the above captioned file at the time of closing.

The Seller(s) acknowledge that they are responsible for all taxes prior to the date of closing. Should it develop at a later date that taxes, other than those collected, are due for prior years, Seller(s) agree to make full settlement to Stewart Title Company, upon notification.

SELLER recognizes their responsibility for current year taxes. Further, SELLER agrees to contact all taxing authorities to notify them of the change in ownership of subject property to assure proper receipt of future tax notice.

By the execution hereof, Buyer(s) and Seller(s) acknowledge that: (1) the tax information obtained by Stewart Title Company was procured only for the benefit of Stewart Title Company and only for the purpose of determining the insurability of the property, (ii) that no party other than Stewart Title Company is entitled to rely on such information, and (iii) that the tax information and prorations have been provided to the Buyer(s), Seller(s), and Lender(s) as a courtesy only. Buyer and Seller hereby release Stewart Title Company from all liability and claims for damages resulting from proration of taxes in this transaction.

We agree that Stewart Title Company shall not be held responsible for such tax prorations in any event.

SELLER(S):

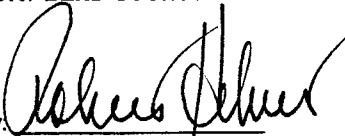
Bonner S. Ball

William Russell Brown III

Ben Sewell Brown

PURCHASER (S):

FORT BEND COUNTY

By: 

Judge Robert E. Hebert
Fort Bend County Judge

10/25/10

STEWART TITLE
BUYER CORRESPONDENCE INFORMATION FORM

All correspondence in connection with this transaction should be addressed to:

Property Acquisition Services, Inc.
19855 Southwest Freeway, Suite 200
Sugar Land, Texas 77479
Attention: Shelly Johnson

Is this a temporary address? _____ YES X
NO

If YES, please indicate until what date: NA

PHONE NUMBER: 281-343-7171

E-MAIL ADDRESS: sjohnson@pascorp.com

FORT BEND COUNTY

By: _____

Judge Robert E. Hebert
Fort Bend County Judge

Date: _____

10/25/10