

OPTION AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY

THIS OPTION AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY (this "Agreement"), is made and entered into as of the 9th day of August, 2011, and between FORT BEND COUNTY, TEXAS, a political subdivision of the State of Texas (the "County") and FORT BEND GRAND PARKWAY TOLL ROAD AUTHORITY (the "FBGPTRA"), a local government corporation created and operating under Subchapter D of the Texas Transportation Corporation Act, TEX. TRANSP. CODE ANN. §431 et seq., the Texas Non-Profit Corporation Act, TEX CIV. STATE. Art 1396-1.01 et seq., and Chapter 284, Texas Transportation Code, as amended (collectively, the "Parties").

RECITALS:

A. The County is acquiring certain real property along the proposed route of the Grand Parkway in Fort Bend County near the interchange at US 59 (the "Property") as described in Exhibit 1, attached hereto.

B. The FBGPTRA is a duly constituted authority of the County and is authorized to act on behalf of the County in the performance of its essential governmental purposes to develop the Grand Parkway.

C. The FBGPTRA was created as a local government corporation pursuant to state law and is a governmental unit within the meaning of Section 101.001 Texas Civil Practice and Remedies Code.

D. The FBGPTRA desires to develop the Grand Parkway within Fort Bend County (the "Project") and perform all useful or necessary activities in connection therewith.

E. In order to develop the Project, the FBGPTRA may find it necessary to acquire the Property.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

1. Incorporation of Recitals. The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby

incorporated into and made a part of this Agreement as though they were fully set forth in this Section 1.

2. Option to Purchase Property. The County grants FBGPTRA the option to purchase the Property for the purchase price, including closing costs, paid by the County to acquire the Property, plus interest calculated at a rate of 2% per annum from the date of the County's acquisition of the Property (collectively, the "Purchase Price"), within 30 days of the exercise of the option. In the event that the County determines to dispose of all or a portion of the Property, or construct or allow the construction of any improvements on the Property, before FBGPTRA exercises its option, the County must provide FBGPTRA with notice of its intent to do so and FBGPTRA shall have a right of first refusal. After receiving such notice, FBGPTRA shall have 60 days from the date that notice was received to exercise its option.

3. Conveyance of Property. Upon FBGPTRA's exercise of its option and full payment of the Purchase Price, the County agrees to convey the Property to FBGPTRA within 30 days.

4. Amendment. This Agreement may be amended only by the mutual agreement of the Parties evidenced by a written amendment.

5. Severability. If any provision, covenant, agreement or portion of this Agreement, or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Agreement and, to that end, all provisions, covenants, agreements or portions of this Agreement are declared to be severable.

6. Texas Law. This Agreement shall be construed in accordance with the laws of the State of Texas, and any actions concerning this Agreement shall be brought in either the Texas State District Courts of Fort Bend County, Texas or the United States District Court for the Southern District of Texas.

7. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.

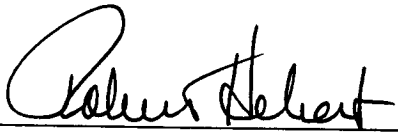
8. Term of Agreement. The term of this Agreement shall commence on the date first above written and shall continue until the earlier of the date on which the FBGPTRA (i) has been conveyed the Property pursuant to the exercise of its option, or (ii) has failed to exercise its right of first refusal after receiving notice of the County's intent to dispose of the Property or construct or allow the construction of any improvements on the Property, whichever comes first.

9. Interpretation. This Agreement has been jointly negotiated by the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.


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IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

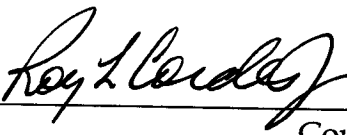
FORT BEND COUNTY, TEXAS

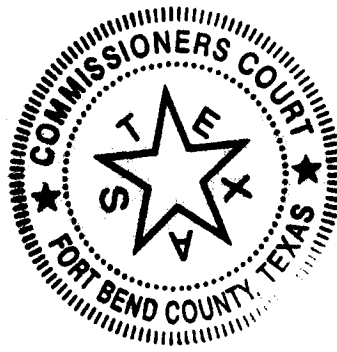
By: 
Robert Hebert
County Judge

ATTEST:

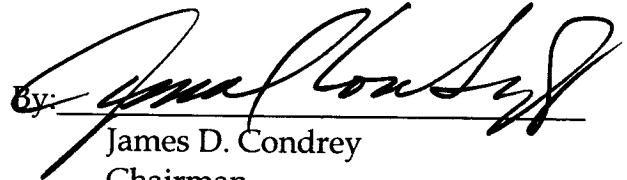
By: 
Dianne Wilson
County Clerk

APPROVED AS TO FORM:



County Attorney



FORT BEND GRAND PARKWAY
TOLL ROAD AUTHORITY

By: 
James D. Condrey
Chairman

ATTEST:

By: 

Name: Charles Rencher

Title: Secretary

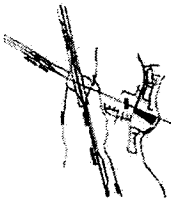
EXHIBIT 1

Property to be purchased as described in Letter of Intent:

- (1) 8.095 acres of land located south of Sansbury Blvd. on Crabb River Road, Fort Bend County, Texas: Owner – Sansbury 8, LLC; and
- (2) 9.0456 acres of land located north of Sansbury Blvd. on the west side of Crabb River Road, Fort Bend County, Texas: Owner Land Tejas Sansbury, LLC

The 8.095 acre-tract is described in a Special Warranty Deed from Land Tejas Sansbury, L.L.C. to Sansbury 8, L.L.C. recorded under instrument no. 2009059108 and; also described as Tract I in a Special Warranty Deed from Devtex Land, L.P. to Land Tejas Sansbury, L.L.C. recorded under instrument no. 2009059103.

The 9.0456 acre-tract is composite of three tracts described as Tracts II, III and IV in the Special Warranty Deed from Devtex Land, L.P. to Land Tejas Sansbury, L.L.C. recorded under instrument no. 2009059103.

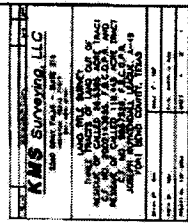


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Mr. J. Edgar Hoover, Director, Federal Bureau of Investigation, Washington, D. C.

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Return to:
Sari LaGrone
CHARTER TITLE COMPANY
4205 San Felipe, Suite 350
Houston, TX 77027 1038001250 B



DEED
9 PGS

2009059108

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

SPECIAL WARRANTY DEED

STATE OF TEXAS

§
§
§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF FORT BEND

THAT, LAND TEXAS SANSBURY, L.L.C., a Texas limited liability company ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, paid to Grantor by SANSBURY 8, L.L.C., a Texas limited liability company ("Grantee"), has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain land (the "Land") situated in Fort Bend County, Texas, being 8.0946 acres and consisting of that certain 11.2187 acre tract of land described on Exhibit "A-1" but excluding that 3.1241 acre tract described on Exhibit "A-2", both attached hereto and incorporated herein by reference for all purposes, together with Grantor's interest (if any) in the following whether known or unknown, currently existing or arising in the future: (a) any buildings or other improvements situated on the Land (the "Improvements"); (b) any easements, rights of way, reservations, privileges and other appurtenances in and to the Land including, without limitation, all utilities, utility rights, utility district receivables and capacity applicable to the Land; (c) all oil, gas and mineral rights of Grantor in and to the Land; (d) all strips and gores, and all alleys adjoining the Land, and the land lying in the bed of any street, road or avenue, opened or proposed, in front of or adjoining the Land to the center line thereof; and (e) all remainder interests applicable to the Land and all right, title and interest of Grantor, if any, in any taking by condemnation or any damages to the Land by reason of a change of grade of any street, road or avenue or otherwise (the Land, together with any and all of the Improvements, appurtenances, rights and interests referenced in items (a) through (e) above, being herein collectively referred to as the "Property").

This conveyance and the warranties of title contained herein are expressly made subject to all encumbrances, easements and other matters set forth on Exhibit B attached hereto and incorporated herein by reference (the "Permitted Exceptions"), but only to the extent that such Permitted Exceptions are valid, subsisting and, in fact, affect the Property.

TO HAVE AND TO HOLD the Property (subject to the foregoing) unto Grantee and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT and FOREVER DEFEND, all and singular, the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

GRANTEE ACKNOWLEDGES THAT, EXCEPT FOR THE SPECIAL WARRANTY

OF TITLE SET FORTH IN THIS DEED, GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY COVENANT OR WARRANTY OF ANY KIND, EXPRESS, IMPLIED OR STATUTORY, AND THE PROPERTY IS CONVEYED AND TRANSFERRED TO GRANTEE "AS IS, WHERE IS AND WITH ALL FAULTS". EXCEPT FOR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THIS DEED, GRANTOR DOES NOT WARRANT OR MAKE ANY REPRESENTATION, EXPRESS OR IMPLIED, AS TO FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY, DESIGN, QUANTITY, QUALITY, LAYOUT, FOOTAGE, PHYSICAL CONDITION, VALUE, OPERATION, COMPLIANCE WITH SPECIFICATIONS, ABSENCE OF LATENT DEFECTS, OR COMPLIANCE WITH LAWS AND REGULATIONS (INCLUDING, WITHOUT LIMITATION, THOSE RELATING TO HEALTH, SAFETY AND THE ENVIRONMENT) OR ANY OTHER MATTER AFFECTING THE PROPERTY, AND GRANTOR SHALL BE UNDER NO OBLIGATION WHATSOEVER TO UNDERTAKE ANY REPAIRS, ALTERATIONS OR OTHER WORK OF ANY KIND WITH RESPECT TO ANY PORTION OF THE PROPERTY. GRANTEE HEREBY ASSUMES ALL RISK AND LIABILITY RESULTING FROM THE OWNERSHIP, USE, CONDITION, LOCATION, MAINTENANCE, REPAIR OR OPERATION OF THE PROPERTY, WHICH GRANTEE HAS INSPECTED AND ACCEPTS "AS IS".

Unpaid ad valorem taxes for the year 2009 and all prior years are hereby assumed by Grantee. Furthermore, if the conveyance provided herein or Grantee's use of the Property results in the assessment of additional taxes for periods before or after the date hereof, Grantee will pay such additional taxes.

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EXECUTED to be effective as of the 10TH day of June, 2009.

GRANTOR:

LAND TEJAS SANSBURY, L.L.C.
a Texas limited liability company

By: _____

Courtney P. Grover, Manager

STATE OF TEXAS

COUNTY OF Harris

Before me on this day personally appeared Courtney P. Grover, Manager of LAND TEJAS SANSBURY, L.L.C., a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10TH day of June, 2009.

SEAL



Janice Gordo
Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:

Stephen L. Brochstein
DeLange, Hudspeth, McConnell & Tibbets, LLP
1177 West Loop South, Suite 1700
Houston, Texas 77027

SEND TAX NOTICES TO:

Sansbury 8, L.L.C.
5851 San Felipe, Suite 800
Houston, Texas 77057
Attention: Bert Rosenbaum

EXHIBIT A-1

LEGAL DESCRIPTION OF THE LAND

Exhibit A-1

METES AND BOUNDS DESCRIPTION 11.2187 ACRES IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49 FORT BEND COUNTY, TEXAS

BEING A 11.2187-ACRE TRACT OF LAND SITUATED IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49, FORT BEND COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CALLED 118.445-ACRE TRACT DESCRIBED IN DEED TO DEVTEXLAND, L.P. RECORDED UNDER CLERK'S FILE NUMBER 9857528 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS, SAID 11.2187-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON A CALL OF SOUTH 24°55'48" WEST ALONG THE NORTH-WESTERLY RIGHT-OF-WAY LINE OF F.M. 2759 (A.K.A. CRABB-RIVER ROAD, BASED ON A VARIABLE WIDTH) AS CALLED OUT IN THE DEED FOR SAID RESIDUE OF THAT CALLED 118.445-ACRE TRACT):

BEGINNING at a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the northeast corner of Restricted Reserve "A" of Canyon Gate at the Brazos Section Two Partial Replat No. 1 as recorded in Plat Number 20070228 of the Fort Bend County Plat Records, said point being in the south right-of-way line of Samsbury Boulevard (based on a variable width right-of-way), and being the northwest corner of said residue of a called 118.445-acre tract and of the herein described tract;

THENCE along the south right-of-way line of said Samsbury Boulevard as follows:

- (1) South 85°57'21" East 128.86 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the point of curvature of a curve to the right;
- (2) In a southeasterly direction, 39.04 feet along the arc of said curve to the right, having a radius of 1,000.00 feet, a central angle of 02°14'13" and a chord which bears South 84°50'18" East 38.04 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the point of tangency;
- (3) South 63°43'09" East 90.18 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set in the northwesterly right-of-way line of said F.M. 2759, being the northeast corner of said residue of a called 118.445-acre tract and of the herein described tract, also being in the arc of a curve to the left;

THENCE along the northwesterly right-of-way line of said F.M. 2759 as follows:

- (4) In a southwesterly direction, 120.06 feet along the arc of said curve to the left, having a radius of 5,789.58 feet, a central angle of 01°11'17" and a chord which bears South 23°54'48" West 120.06 feet, to the point of tangency, from which a found concrete monument bears South 83°50'23" East, 0.38 feet;
- (5) South 24°55'48" West 1,085.95 feet, to the point of curvature of a curve to the right, from which a found concrete monument bears South 47°18'30" East, 0.43 feet;
- (6) In a southwesterly direction, 80.34 feet along the arc of said curve to the right, having a radius of 22,858.31 feet, a central angle of 00°12'05" and a chord which bears South 24°41'00" West, 80.34 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set in the north line of a 50-foot wide easement described as Tract One - 2.4891 acres in a deed to Fort Bend County Levee Improvement District No. 11 as recorded in Volume 2146, Page 1434 of the Fort Bend County Deed Records, being the southeast corner of the herein described tract;

Exhibit A-1

11.2187 Acres,
Joseph Kuykendall League, A-49

THENCE along the north line of said 50-ft wide easement as follows:

- (7) North 76°43'21" West 211.68 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (8) North 72°54'14" West 22.86 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (9) North 67°10'25" West 57.28 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (10) North 50°25'41" West 63.96 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (11) North 47°41'03" West 29.75 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (12) North 45°07'17" West 38.78 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (13) North 41°45'43" West 124.04 feet, a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the southeast corner of said Canyon Gate at the Brazos Section Two Partial Replat No. 1, also being the most southerly southeast corner of Restricted Reserve "C" of said Partial Replat No. 1, and being the southwest corner of the herein described tract in the arc of a curve to the left;
- (14) THENCE in a northeasterly direction along the east line of said Partial Replat No. 1, at 408.06 feet along the arc of said curve to left passing a "X" set in concrete found marking the common line between said Restricted Reserve "C" and Restricted Reserve "B" of said Partial Replat No. 1, and continuing for a total distance of 483.67 feet along the arc of said curve to the left, having a radius of 2,081.00 feet, a central angle of 19°19'01" and a chord which bears North 41°51'39" East, 482.58 feet, to a 5/8-inch iron rod with cap stamped "Miller Survey Group" found marking the point of compound curvature of a curve to the left;
- (15) THENCE in a northeasterly direction continuing along the east line of said Partial Replat No. 1, 794.70 feet along the arc of said curve to the left, having a radius of 22,710.00 feet, a central angle of 02°00'18" and a chord which bears North 34°11'59" East, 794.88 feet, to the POINT OF BEGINNING and containing 11.2187 acres of land. This description accompanies a Land Title Survey, prepared by KMS Surveying, LLC and dated March 19, 2009.

KMS SURVEYING, LLC

Kevin Drew McRae, R.P.L.S.
Texas Registration No. 5485
2550 Gray Falls Drive, Suite 215
Houston, Texas 77077
281-598-0000

Date: 3/19/2009 gw
Job No: 51201-0906
File No: X:\1200\1201-0906\documents\Technical\12010906-PBLTD1.doc



EXHIBIT A-2

LEGAL DESCRIPTION OF THE 3.1241 ACRE TRACT

METES AND BOUNDS DESCRIPTION
3.1241 ACRES IN THE
JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49
FORT BEND COUNTY, TEXAS

BEING A 3.1241-ACRE TRACT OF LAND SITUATED IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49, FORT BEND COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CALLED 118.445-ACRE TRACT DESCRIBED IN DEED TO DEVTEXLAND, L.P. RECORDED UNDER CLERK'S FILE NUMBER 9857528 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS, SAME BEING OUT OF A CALLED 11.2271-ACRE TRACT PARCEL IT DESCRIBED IN AN EASEMENT AND OPERATING AGREEMENT AS RECORDED UNDER CLERK'S FILE NUMBER 98104925, OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 3.1241-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON A CALL OF SOUTH 24°55'48" WEST ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF F.M. 2759 (A.K.A. CRABB RIVER ROAD, BASED ON A VARIABLE WIDTH) AS CALLED OUT IN THE DEED FOR SAID RESIDUE OF THAT CALLED 118.445-ACRE TRACT):

BEGINNING at a found 5/8-inch iron rod with cap stamped "KMS Surveying" for the northeast corner of Restricted Reserve "A" of Canyon Gate at the Brazos Section Two Partial Replat No. 1 as recorded in Plat Number 20070228 of the Fort Bend County Plat Records, same being the northeast corner of that certain tract as described in deed to BUC-EE'S, LTD recorded under Clerk's File Number 2007145847, of the Fort Bend County Official Public Records of Real Property, said point being in the south right-of-way line of Sansbury Boulevard (based on a variable width right-of-way), and being the northwest corner of said residue of a called 118.445-acre tract and said called 11.2271-acre tract, and of the herein described tract;

THENCE along the south right-of-way line of said Sansbury Boulevard as follows:

- (1) South 65°57'21" East 126.86 feet, to a found 5/8-inch iron rod with cap stamped "KMS Surveying" for the point of curvature of a curve to the right;
- (2) In a southeasterly direction, 39.04 feet along the arc of said curve to the right, having a radius of 1,000.00 feet, a central angle of 02°14'13" and a chord which bears South 64°50'16" East, 39.04 feet, to a found 5/8-inch iron rod with cap stamped "KMS Surveying" for the point of tangency;
- (3) South 63°43'09" East 90.18 feet, to a found 5/8-inch iron rod with cap stamped "KMS Surveying" in the northwesterly right-of-way line of said F.M. 2759, being the northeast corner of said residue of a called 118.445-acre tract and said called 11.2271-acre tract, and of the herein described tract, also being in the arc of a curve to the left, whose center bears South 66°29'32" West;

THENCE along the northwesterly right-of-way line of said F.M. 2759 as follows:

- (4) In a southwesterly direction, 120.06 feet along the arc of said curve to the left, having a radius of 5,789.58 feet, a central angle of 01°11'17" and a chord which bears South 23°54'49" West, 120.06 feet, to the point of tangency, from which a found concrete monument bears South 63°50'23" East, 0.38 feet;
- (5) South 24°55'48" West 354.57 feet, to the an "X" cut in concrete set at the southeast corner of the herein described tract;

THENCE over and across said residue of a called 118.445-acre tract and said 11.2271-acre tract as follows:

3.1241 Acres,
Joseph Kuykendall League, A-49

- (6) North 65°04'24" West 95.78 feet, departing the northwesterly right-of-way line of said F.M. 2759 to an "X" cut in concrete set for the point of curvature of a curve to the right;
- (7) In a northwesterly direction, 21.49 feet along the arc of said curve to the right, having a radius of 149.00 feet, a central angle of 08°47'45" and a chord which bears North 60°40'17" West, 21.47 feet, to an "X" cut in concrete set at the point of tangency;
- (8) North 56°16'30" West 211.97 feet, to a found "X" cut in concrete marking the southeast corner of said Restricted Reserve "A" same being the southeast corner of said BUCKEYS, LTD tract and the northeast corner of Restricted Reserve "B" of said Canyon Gate at the Brazos Section Two Partial Replat No. 1, same being the northeast corner of that certain tract as described in deed to Sansbury Retail, LTD recorded under Clerk's File Number 2007445823, of the Fort Bend County Official Public Records of Real Property, and being the southwest corner of the herein described tract in the arc of a curve to the left, whose center bears North 55°40'37" West;
- (9) **THENCE** in a northeasterly direction along the east line of said Partial Replat No. 1 and the west line of said residue of a called 112.445-acre tract and said 11.2271-acre tract, 446.17 feet along the arc of said curve to the left, having a radius of 22,710.00 feet, a central angle of 01°07'32" and a chord which bears North 33°45'37" East, 446.17 feet, to the **POINT OF BEGINNING** and containing 3.1241 acres of land. This description accompanies a Land Title Survey, prepared by KMS Surveying, LLC and dated June 4, 2008.

KMS SURVEYING, LLC

Kevin Drew McRae, R.P.L.S.
Texas Registration No. 5485
2550 Gray Falls Drive, Suite 215
Houston, Texas 77077
281-598-0000

Date: 6/1/2008 km
Job No: 61201-0806-110
File No: X:\1200\1201-0806\documents\technical\12010806-PBLT02.doc



Return to:
Sari LaGrone 1038001250
CHARTER TITLE COMPANY
4265 San Felipe, Suite 350
Houston, TX 77027



DEED

2009059103

31 PGS

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

SPECIAL WARRANTY DEED

STATE OF TEXAS

§
§
§
§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTIES OF HARRIS
AND FORT BEND

THAT, DEVTEX LAND, L.P., a Texas limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid to Grantor by LAND TEJAS SANSBURY, L.L.C., a Texas limited liability company ("Grantee"), has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain land (the "Land") situated in Harris and Fort Bend Counties, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes, together with Grantor's interest (if any) in the following whether known or unknown, currently existing or arising in the future: (a) any buildings or other improvements situated on the Land (the "Improvements"); (b) any easements, rights of way, reservations, privileges and other appurtenances in and to the Land including, without limitation, all utilities, utility rights, utility district receivables and capacity applicable to the Land; (c) all oil, gas and mineral rights of Grantor in and to the Land; (d) all strips and gores, and all alleys adjoining the Land, and the land lying in the bed of any street, road or avenue, opened or proposed, in front of or adjoining the Land to the center line thereof; and (e) all remainder interests applicable to the Land and all right, title and interest of Grantor, if any, in any taking by condemnation or any damages to the Land by reason of a change of grade of any street, road or avenue or otherwise (the Land, together with any and all of the Improvements, appurtenances, rights and interests referenced in items (a) through (e) above, being herein collectively referred to as the "Property").

This conveyance and the warranties of title contained herein are expressly made subject to all encumbrances, easements and other matters set forth on Exhibit B attached hereto and incorporated herein by reference (the "Permitted Exceptions"), (but only to the extent that such Permitted Exceptions are valid, subsisting and, in fact, affect the Property).

TO HAVE AND TO HOLD the Property (subject to the foregoing) unto Grantee and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT and FOREVER DEFEND, all and singular, the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

GRANTEE ACKNOWLEDGES THAT, EXCEPT FOR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THIS DEED, GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY COVENANT OR WARRANTY OF ANY KIND, EXPRESS, IMPLIED OR STATUTORY, AND THE PROPERTY IS CONVEYED AND TRANSFERRED TO GRANTEE "AS IS, WHERE IS AND WITH ALL FAULTS". EXCEPT FOR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THIS DEED, GRANTOR DOES NOT WARRANT OR MAKE ANY REPRESENTATION, EXPRESS OR IMPLIED, AS TO FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY, DESIGN, QUANTITY, QUALITY, LAYOUT, FOOTAGE, PHYSICAL CONDITION, VALUE, OPERATION, COMPLIANCE WITH SPECIFICATIONS, ABSENCE OF LATENT DEFECTS, OR COMPLIANCE WITH LAWS AND REGULATIONS (INCLUDING, WITHOUT LIMITATION, THOSE RELATING TO HEALTH, SAFETY AND THE ENVIRONMENT) OR ANY OTHER MATTER AFFECTING THE PROPERTY, AND GRANTOR SHALL BE UNDER NO OBLIGATION WHATSOEVER TO UNDERTAKE ANY REPAIRS, ALTERATIONS OR OTHER WORK OF ANY KIND WITH RESPECT TO ANY PORTION OF THE PROPERTY. GRANTEE HEREBY ASSUMES ALL RISK AND LIABILITY RESULTING FROM THE OWNERSHIP, USE, CONDITION, LOCATION, MAINTENANCE, REPAIR OR OPERATION OF THE PROPERTY, WHICH GRANTEE HAS INSPECTED AND ACCEPTS "AS IS".

Unpaid ad valorem taxes for the year 2009 and all prior years are hereby assumed by Grantee. Furthermore, if the conveyance provided herein or Grantee's use of the Property results in the assessment of additional taxes for periods before or after the date hereof, Grantee will pay such additional taxes.

[THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]


EXECUTED to be effective as of the 17th day of June, 2009.

GRANTOR:

DEVTEX LAND, L.P.,
a Texas limited partnership

By: Pulte Nevada I LLC,
a Delaware limited liability company,
its sole general partner

By:


John C. Conley,
Vice President of Finance

STATE OF TEXAS

COUNTY OF _____

COUNTIES OF FORT BEND AND HARRIS

Before me on this day personally appeared John C. Conley, Vice President of Finance of Pulte Nevada I LLC, a Delaware limited liability company, as sole general partner of DEVTEX LAND, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of June, 2009.

SEAL



Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:

Land Tejas Sansbury, L.L.C.
2450 Fondren, Suite 210
Houston, Texas 77063
Attention: Courtney Grover

SEND TAX NOTICES TO:

Land Tejas Sansbury, L.L.C.
2450 Fondren, Suite 210
Houston, Texas 77063
Attention: Courtney Grover

EXHIBIT A

LEGAL DESCRIPTION OF THE LAND

TRACT I

Being a 11.2187-acre tract of land situated in the Joseph Kuykendall League, Abstract 49, Fort Bend County, Texas, being out of the residue of that called 118.445-acre tract described in deed to Devtexland, L.P. recorded under Clerk's File Number 9857528 of the Fort Bend county Official Public Records, said 11.2187-acre tract being more particularly described by metes and bounds on Exhibit "A-1" attached hereto.

SAVE AND EXCEPT THE FOLLOWING 3.1241 ACRE TRACT:

BEING A 3.1241-ACRE TRACT OF LAND SITUATED IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49, FORT BEND COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CALLED 118.445-ACRE TRACT DESCRIBED IN DEED TO DEVTEXLAND, L.P. RECORDED UNDER CLERK'S FILE NUMBER 9857528 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS, SAME BEING OUT OF A CALLED 11.2271-ACRE TRACT "PARCEL II" DESCRIBED IN AN EASEMENT AND OPERATING AGREEMENT AS RECORDED UNDER CLERK'S FILE NUMBER 98104925, OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 3.1241-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON A CALL OF SOUTH 24°58'46" WEST ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF F.M. 2759 (A.K.A. CRABB RIVER ROAD, BASED ON A VARIABLE WIDTH) AS CALLED OUT IN THE DEED FOR SAID RESIDUE OF THAT CALLED 118.445-ACRE TRACT):

BEGINNING at a found 5/8-inch iron rod with cap stamped "KMS Surveying" for the northeast corner of Restricted Reserve "A" of Canyon Gate at the Brazos Section Two Partial Replat No. 1 as recorded in Plat Number 20070228 of the Fort Bend County Plat Records, same being the northeast corner of that certain tract as described in deed to BUC-EE'S, LTD. recorded under Clerk's File Number 2007145847, of the Fort Bend County Official Public Records of Real Property, said point being in the south right-of-way line of Sansbury Boulevard (based on a variable width right-of-way), and being the northwest corner of said residue of a called 118.445-acre tract and said called 11.2271-acre tract, and of the herein described tract;

THENCE along the south right-of-way line of said Sansbury Boulevard as follows:

- (1) South 65°57'21" East 126.86 feet, to a found 5/8-inch iron rod with cap stamped "KMS Surveying" for the point of curvature of a curve to the right;
- (2) In a southeasterly direction, 39.04 feet along the arc of said curve to the right, having a radius of 1,000.00 feet, a central angle of 02°14'13" and a chord which bears South 64°50'15" East, 39.04 feet, to a found 5/8-inch iron rod with cap stamped "KMS Surveying" for the point of tangency;
- (3) South 63°43'09" East 90.18 feet, to a found 5/8-inch iron rod with cap stamped "KMS Surveying" in the northwesterly right-of-way line of said F.M. 2759, being the northeast corner of said residue of a called 118.445-acre tract and said called 11.2271-acre tract, and of the herein described tract, also being in the arc of a curve to the left, whose center bears South 65°29'32" West;

THENCE along the northwesterly right-of-way line of said F.M. 2759 as follows:

- (4) In a southwesterly direction, 120.06 feet along the arc of said curve to the left, having a radius of 5,789.58 feet, a central angle of 01°11'17" and a chord which bears South 23°54'49" West,

120.06 feet, to the point of tangency, from which a found concrete monument bears South 63°50'23" East, 0.38 feet;

- (5) South 24°55'46" West 354.57 feet, to the an "X" cut in concrete set at the southeast corner of the herein described tract;

THENCE over and across said residue of a called 118.445-acre tract and said 11.2271-acre tract as follows:

- (6) North 65°04'24" West 95.78 feet, departing the northwesterly right-of-way line of said F.M. 2759 to an "X" cut in concrete set for the point of curvature of a curve to the right;;
- (7) In a northwesterly direction, 21.49 feet along the arc of said curve to the right, having a radius of 140.00 feet, a central angle of 08°47'45" and a chord which bears North 60°40'17" West, 21.47 feet, to an "X" cut in concrete set at the point of tangency;
- (8) North 56°16'30" West 241.97 feet, to a found "X" cut in concrete marking the southeast corner of said Restricted Reserve "A" same being the southeast corner of said BUC-EE'S, LTD tract and the northeast corner of Restricted Reserve "B" of said Canyon Gate at the Brazos Section Two Partial Replat No. 1, same being the northeast corner of that certain tract as described in deed to Sansbury Retail, LTD recorded under Clerk's File Number 2007145823, of the Fort Bend County Official Public Records of Real Property, and being the southwest corner of the herein described tract in the arc of a curve to the left, whose center bears North 55°40'37" West;
- (9) **THENCE** in a northeasterly direction along the east line of said Partial Replat No. 1 and the west line of said residue of a called 118.445-acre tract and said 11.2271-acre tract, 446.17 feet along the arc of said curve to the left, having a radius of 22,710.00 feet, a central angle of 01°07'32" and a chord which bears North 33°45'37" East, 446.17 feet, to the **POINT OF BEGINNING** and containing 3.1241 acres of land. This description accompanies a Land Title Survey, prepared by KMS Surveying, LLC and dated June 4, 2009.

TRACT II:

Being a 6.6347-acre tract of land situated in the Joseph Kuykendall League, Abstract No. 49, Fort Bend County, Texas, being out of the residue of that called 118.445-acre tract described in deed to Devtex Land, L.P. recorded under Clerk's File Number 9857528 of the Fort Bend County Official Public Records, said 6.6347-acre tract being more particularly described by metes and bounds on Exhibit "A-2" attached hereto.

TRACT III:

Being 0.3440 of an acre of land situated in the Joseph Kuykendall League, Abstract No. 49, Fort Bend County, Texas, being out of the residue of that called 28.5395-acre tract described in deed to Devtex Land, L.P. recorded under Clerk's File Number 2002143955 of the Fort Bend County Official Public Records, said 0.3440 of an acre tract being more particularly described by metes and bounds on Exhibit "A-3" attached hereto.

TRACT IV:

Being a 2.0669-acre tract of land situated in the Joseph Kuykendall League, Abstract No. 49, Fort Bend County, Texas, being out of the residue of that called 28.5395-acre tract described in deed to Devtex Land, L.P. recorded under Clerk's File Number 2002143955 of the Fort Bend County Official Public Records, said 2.0669-acre tract being more particularly described by metes and bounds on Exhibit "A-4" attached hereto.

TRACT V:

Being a 2.5234-acre tract of land situated in the Joseph Kuykendall League, Abstract 49, in Fort Bend County, Texas, being out of the residue of that called 28.5395-acre tract described in deed to Devtex Land, L.P. recorded under Clerk's File Number 2002143955 of the Fort Bend County Official Public Records, and out of the residue of that called 108.949-acre tract described in a deed to Land Tejas Development at the Brazos North, L.L.C. as recorded under Clerk's File Number 9857523 of the Fort Bend County Official Public Records., said 2.5234-acre tract being more particularly described by metes and bounds on Exhibit "A-5" attached hereto.

Tract VI:

Being a tract of land containing 0.4562 acre (19,870 square feet) of land situated in the William Francis Survey, Abstract No. 260, Harris County, Texas; being out of and a part of that certain called 0.5782 acre tract described as Tract Two in the deed to Edgar W. Monteith, Trustee and Adolph A. Pfeffer, Jr., Trustee, recorded under Harris County Clerk's File No. P656868, said 0.4562 acre tract being more particularly described by metes and bounds on Exhibit "A-6" attached hereto.

TRACT VII:

Being a 6.3057-acre tract of land situated in the Charles Bowman Survey, Abstract 142, Harris County, Texas, being out of the residue of that called 41.5106-acre tract described in a deed to Devtex Land, L.P. recorded under Clerk's File Number V846162 of the Harris County Official Public Records of Real Property, said 6.3057-acre tract being more particularly described by metes and bounds on Exhibit "A-7" attached hereto.

TRACT VIII:

Being all of Restricted Reserve "E" (Water Plant Site) of CANYON GATE AT THE BRAZOS SEC. ONE (1), a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded in Slide No. 1848/B of the Plat Records of Fort Bend County, Texas.

TRACT IX:

Being a 1.7686 acre tract of land situated in the Joseph Kuykendall League, Abstract 49, in Fort Bend County, Texas, being out of the residue of that called 118.445 acre tract described in deed to Devtexland, L.P., as recorded under Clerk's File No. 9857528 of the Fort Bend County Official Public Records, said 1.7686 acre tract being more particularly described by metes and bounds on Exhibit "A-8" attached hereto.

TRACT X:

Private Streets located in CANYON LAKES AT STONE GATE SECTION 8, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Film Code No. 856032 of the Map Records of Harris County, Texas.

Exhibit A-1

METES AND BOUNDS DESCRIPTION
11.2187 ACRES IN THE
JOSEPH KUYKENDALL LEAGUE, ABSTRACT 48
FORT BEND COUNTY, TEXAS

BEING A 11.2187-ACRE TRACT OF LAND SITUATED IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 48, FORT BEND COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CALLED 118.445-ACRE TRACT DESCRIBED IN DEED TO DEVTEXLAND, L.P. RECORDED UNDER CLERK'S FILE NUMBER 9857528 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS, SAID 11.2187-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON A CALL OF SOUTH 24°55'46" WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF F.M. 2759 (A.K.A. GRASS RIVER ROAD, BASED ON A VARIABLE WIDTH) AS CALLED OUT IN THE DEED FOR SAID RESIDUE OF THAT CALLED 118.445-ACRE TRACT):

BEGINNING at a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the northeast corner of Restricted Reserve "A" of Canyon Gate at the Brazos Section Two Partial Replat No. 1 as recorded in Plat Number 20070228 of the Fort Bend County Plat Records, said point being in the south right-of-way line of Samsbury Boulevard (based on a variable width right-of-way), and being the northeast corner of said residue of a called 118.445-acre tract and of the herein described tract;

THENCE along the south right-of-way line of said Samsbury Boulevard as follows:

- (1) South 85°57'21" East 126.85 feet to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the point of curvature of a curve to the right;
- (2) In a southeasterly direction, 39.04 feet along the arc of said curve to the right, having a radius of 1,000.00 feet, a central angle of 02°14'13" and a chord which bears South 84°50'15" East, 39.04 feet to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the point of tangency;
- (3) South 63°43'09" East 90.18 feet to a 5/8-inch iron rod with cap stamped "KMS Surveying" set in the northwesterly right-of-way line of said F.M. 2759, being the northeast corner of said residue of a called 118.445-acre tract and of the herein described tract, also being in the arc of a curve to the left;

THENCE along the northwesterly right-of-way line of said F.M. 2759 as follows:

- (4) In a southwesterly direction, 120.06 feet along the arc of said curve to the left, having a radius of 5,789.58 feet, a central angle of 01°11'11" and a chord which bears South 23°54'49" West, 120.06 feet, to the point of tangency, from which a found concrete monument bears South 63°50'23" East, 0.38 feet;
- (5) South 24°55'46" West 1,085.95 feet, to the point of curvature of a curve to the right, from which a found concrete monument bears South 47°18'30" East, 0.43 feet;
- (6) In a southwesterly direction, 80.34 feet along the arc of said curve to the right, having a radius of 22,858.31 feet, a central angle of 00°12'05" and a chord which bears South 24°41'00" West, 80.34 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set in the north line of a 50-foot wide easement described as Tract One - 2.4881 acres in a deed to Fort Bend County Levee Improvement District No. 11 as recorded in Volume 2146, Page 1434 of the Fort Bend County Deed Records, being the southeast corner of the herein described tract;

Exhibit A-1

11.2187 Acres,
Joseph Kuykendall League, A-49

THENCE along the north line of said 50-ft wide easement as follows:

- (7) North 78°43'21" West 211.68 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (8) North 72°54'14" West 22.58 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (9) North 67°10'25" West 57.29 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (10) North 80°25'41" West 83.96 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (11) North 47°41'03" West 29.75 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (12) North 43°07'17" West 38.78 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for corner;
- (13) North 41°45'43" West 124.04 feet, to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the southeast corner of said Canyon Gate at the Brazos Section Two Partial Replat No. 1, also being the most southerly southeast corner of Restricted Reserve "C" of said Partial Replat No. 1, and being the southwest corner of the herein described tract in the arc of a curve to the left;
- (14) THENCE in a northeasterly direction along the east line of said Partial Replat No. 1, at 408.08 feet along the arc of said curve to left passing a "X"-cut in concrete found marking the common line between said Restricted Reserve "C" and Restricted Reserve "B" of said Partial Replat No. 1, and continuing for a total distance of 493.87 feet along the arc of said curve to the left, having a radius of 2,081.00 feet, a central angle of 13°19'01" and a chord which bears North 41°51'39" East 482.58 feet, to a 5/8-inch iron rod with cap stamped "Miller Survey Group" found marking the point of compound curvature of a curve to the left;
- (15) THENCE in a northeasterly direction continuing along the east line of said Partial Replat No. 1, 794.70 feet along the arc of said curve to the left, having a radius of 22,710.00 feet, a central angle of 02°00'18" and a chord which bears North 34°11'59" East 794.88 feet, to the POINT OF BEGINNING and containing 11.2187 acres of land. This description accompanies a Land Title Survey, prepared by KMS Surveying, LLC and dated March 18, 2009.

KMS SURVEYING, LLC

Kevin Drew McRae, R.P.L.S.
Texas Registration No. 5485
2550 Gray Falls Drive, Suite 215
Houston, Texas 77077
281-588-0000

Date: 3/19/2009 gw
Job No: 51201-0906
File No: X:\1200\1201-0906\documents\technical\12010906-PBLT01.doc



Exhibit A-2

**METES AND BOUNDS DESCRIPTION
TRACT III - 6.6347 ACRES IN THE
JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49
FORT BEND COUNTY, TEXAS**

BEING A 6.6347-ACRE TRACT OF LAND SITUATED IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49, FORT BEND COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CALLED 118.445-ACRE TRACT DESCRIBED IN DEED TO DEVTEXLAND, L.P. RECORDED UNDER CLERK'S FILE NUMBER 9857528 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS, SAID 6.6347-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON A CALL OF SOUTH 28°16'15" WEST ALONG THE EAST LINE OF THE PLAT OF CANYON LAKES RESERVES AS RECORDED IN SLIDE NUMBER 2563A OF THE FORT BEND COUNTY PLAT RECORDS):

BEGINNING at a found TXDOT disc marking the south corner of Reserve "D" of said Canyon Gate Reserves and the northeast corner of Restricted Reserve "C" of Canyon Gates at the Brazos Section One as recorded in Slide Number 1849A of the Fort Bend County Plat Records, said point being in the common line between said residue of a called 118.445-acre tract and the residue of a called 28.5395-acre tract described in a deed to Devtex Land, L.P. as recorded under Clerk's File Number 2002143855 of the Fort Bend County Official Public Records, and being the northwest corner of the herein described tract;

- (1) THENCE South 16°58'01" East 20.93 feet, along said common line to a 5/8-inch iron rod found for corner;
- (2) THENCE South 60°50'23" East 139.57 feet, continuing along said common line to a 5/8-inch iron rod with cap stamped "KMS Surveying" set in the northwesterly right-of-way line of F.M. 2759 (a.k.a. Crabb River Road, based on a variable width), being the southeast corner of said residue of a called 28.5395-acre tract and being the northeast corner of the herein described tract, from which a found 5/8-inch iron rod bears South 68°22'38" East, 0.44 feet;

THENCE along the northwesterly right-of-way line of said F.M. 2759 as follows:

- (3) South 29°08'37" West 895.37 feet, to the point of curvature of a curve to the left, from which a found concrete monument bears South 12°48'55" East, 0.28 feet;
- (4) In a southwesterly direction, 264.80 feet, along the arc of said curve to the left, having a radius of 5,789.58 feet, a central angle of 02°37'14" and a chord which bears South 27°51'00" West, 264.78 feet, to the point of tangency, from which a found concrete monument bears North 24°34'53" East, 0.48 feet;
- (5) South 26°32'23" West 580.38 feet, to a found concrete monument at the point of curvature of a curve to the right;
- (6) In a southwesterly direction, 79.66 feet, along the arc of said curve to the right, having a radius of 5,789.58 feet, a central angle of 00°47'18" and a chord which bears South 26°08'44" West 79.66 feet, to a 5/8-inch iron rod with cap stamped

Exhibit A-3

METES AND BOUNDS DESCRIPTION
TRACT IV - 0.3440 ACRES IN THE
JOSEPH KUYKENDALL LEAGUE, ABSTRACT 48
FORT BEND COUNTY, TEXAS

BEING 0.3440 OF AN ACRE OF LAND SITUATED IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 48, FORT BEND COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CALLED 28.5395-ACRE TRACT DESCRIBED IN DEED TO DEVTEX LAND, L.P. RECORDED UNDER CLERK'S FILE NUMBER 2002143965 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS, SAID 0.3440 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS BASED ON A CALL OF SOUTH 28°18'15" WEST ALONG THE EAST LINE OF THE PLAT OF CANYON LAKES RESERVES AS RECORDED IN SLIDE NUMBER 2563A OF THE FORT BEND COUNTY PLAT RECORDS):

BEGINNING at a found 5/8-inch iron rod marking the most easterly northeast corner of Reserve "C" of said Canyon Gate Reserves and the northwest corner of the herein described tract, said point being in the south right-of-way line of U.S. Highway 59 (a.k.a. Southwest Freeway, based on a variable width);

- (1) THENCE South 28°31'40" East 138.95 feet, along the south right-of-way line of said U.S. Highway 59 to a 5/8-inch iron rod with cap stamped "KMS Surveying" set in the northwesterly right-of-way line of F.M. 2769 (a.k.a. Crabb River Road, based on a variable width), and being the northeast corner of the herein described tract, also being the point of curvature of a curve to the right, whose center bears North 74°57'28" West;
- (2) THENCE in a southwesterly direction, 81.48 feet, along the arc of said curve to the right and west right-of-way line of said F.M. 2769, having a radius of 1,848.85 feet, a central angle of 02°31'23" and a chord which bears South 18°18'13" West, 81.45 feet to a 5/8-inch iron rod found marking the point of tangency, also being the northeast corner of a called 0.9865 of an acre tract described in a deed to Niranjan S. Patel as recorded under Clerk's File Number 1999008371 of the Fort Bend County Official Public Records and being the southeast corner of the herein described tract;
- (3) THENCE North 67°24'48" West 132.13 feet, along the north line of said 0.9865 of an acre tract to a found 5/8-inch iron rod marking the most easterly southeast corner of said Reserve "C" and being the southwest corner of the herein described tract;
- (4) THENCE North 28°18'15" East 167.76 feet, along the east line of said Reserve "C" to the POINT OF BEGINNING and containing 0.3440 of an acre of land. This description accompanies a Land Title Survey, prepared by KMS Surveying, LLC and dated March 18, 2009.

KMS SURVEYING, LLC

Kevin Drew McRae, R.P.L.S.
Texas Registration No. 5485
2550 Gray Falls Drive, Suite 215
Houston, Texas 77077
281-598-0000
Date: 3/10/2009 gw
Job No: job number
File No: X:\1200\1201-0903\documents\technical\1203901-PBLT01-IV.doc



Exhibit A-4

METES AND BOUNDS DESCRIPTION
TRACT V - 2.0869 ACRES IN THE
JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49
FORT BEND COUNTY, TEXAS

BEING A 2.0869-ACRE TRACT OF LAND SITUATED IN THE JOSEPH KUYKENDALL LEAGUE, ABSTRACT 49, FORT BEND COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF THAT CALLED 28.5395-ACRE TRACT DESCRIBED IN DEED TO DEVTEX LAND L.P. RECORDED UNDER CLERK'S FILE NUMBER 2002143955 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS, SAID 2.0869-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS BASED ON A CALL OF SOUTH 28°16'15" WEST ALONG THE EAST LINE OF THE PLAT OF CANYON LAKES RESERVES AS RECORDED IN SLIDE NUMBER 2563A OF THE FORT BEND COUNTY PLAT RECORDS):

BEGINNING at a found TXDOT disc marking the south corner of Reserve "D" of said Canyon Gate Reserves and the northeast corner of Restricted Reserve "C" of Canyon Gates at the Brazos Section One as recorded in Slide Number 1849A of the Fort Bend County Plat Records, and being the southwest corner of the herein described tract;

- (1) THENCE North 28°16'15" East 702.08 feet, along the east line of said Reserve "D" to a 5/8-inch with cap stamped "KMS Surveying" set in the south line of the residue of a called 0.9885 of an acre of land as recorded under Clerk's File Number 1999008371 of the Fort Bend County Official Public Records, for the southeast corner of a called 0.078 of an acre of land described in a deed to Car Gro TX L.P. as recorded under Clerk's File Number 2004047828 of the Fort Bend County Official Public Records, also being the northwest corner of the herein described tract, from which a found 5/8-inch iron rod with cap stamped "RENO 4408" bears South 34°34'20" West, 0.72 feet;
- (2) THENCE South 65°57'25" East 40.01 feet, along the south line of said residue of a called 0.9885 of an acre tract to a found 5/8-inch iron rod marking the northwest corner of a tract described in a deed to Mount Maria Baptist Church as recorded in Volume 74, Page 59 of the Fort Bend County Deed Records, also being the most northerly northeast corner of the herein described tract;
- (3) THENCE South 23°56'53" West 210.09 feet, along the west line of said Mount Maria Baptist Church tract to a found 5/8-inch iron rod marking the southwest corner of said Mount Maria Baptist Church tract and being an interior corner of the herein described tract;
- (4) THENCE South 53°44'33" East 107.44 feet, along the south line of said Mount Maria Baptist Church tract to a 5/8-inch iron rod with cap stamped "KMS Surveying" set in the northwesterly right-of-way line of F.M. 2759 (a.k.a. Crabbe River Road, based on a variable width), said point being the southeast corner of said Mount Maria Baptist Church tract and the most easterly northeast corner of the herein described tract, from which a found 5/8-inch iron rod bears South 35°32'50" East, 0.38 feet;
- (5) THENCE South 29°09'37" West 497.57 feet, along the northwesterly right-of-way line of said F.M. 2759 to a 5/8-inch iron rod with cap stamped "KMS Surveying" set for the northeast corner of the residue of a called 118.445-acre tract described in a deed to

Exhibit A-4

2.0669 Acres,
Joseph Kuykendall League, A-49

Devexland, L.P. as recorded under Clerk's File Number 9857528 of the Fort Bend County Official Public Records, and being the southeast corner of said residue of a called 28.5399-acre tract and of the herein described tract, from which a found 5/8-inch iron rod bears South 68°22'38" East, 0.44 feet;

- (6) THENCE North 60°50'23" West 139.57 feet, along the common line of said residue tract to a found 5/8-inch iron rod for corner;
- (7) THENCE North 16°56'01" West 20.93 feet, continuing along said common line to the POINT OF BEGINNING and containing 2.0669 acres of land. This description accompanies a Land Title Survey, prepared by KMS Surveying, LLC and dated March 10, 2009.

KMS SURVEYING, LLC

Kevin Drew McRae, R.P.L.S.
Texas Registration No. 5485
2550 Gray Falls Drive, Suite 215
Houston, Texas 77077
281-598-0000



Date: 3/10/2009 gw
Job No: job number
File No: X:\1200\1201-0903\documents\technical\1203901-PBLT91-V.doc