

THE STATE OF TEXAS §
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 COUNTY OF FORT BEND §

AGREEMENT

This Agreement (the "Agreement") is entered into by and between Fort Bend County, Texas (hereinafter referred to as "the County"), a body politic acting herein by and through its Commissioners' Court and Peek/Beechnut, LLC, a Texas limited company (hereinafter referred to as "Peek/Beechnut") pursuant to terms of a Development Agreement entered into by and between the County and 3535 Wilcrest, Ltd. whereby Peek/Beechnut would tender a Promissory Note payable to County as a contribution for certain roadway improvement costs.

In consideration of the covenants and conditions contained in this Agreement, and for value received, County and Peek/Beechnut agree as follows:

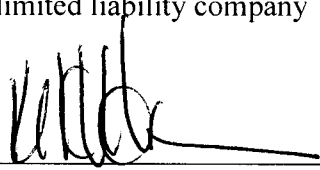
1. Peek/Beechnut promises to pay to the County at such address as may be provided in writing to Peek/Beechnut, the principal sum of \$139,000.00, payable in equal annual installments with interest payable on the unpaid principal at the rate of two percent (2%) annual interest rate, compounded monthly on any amounts owed ("Payment Obligation").
2. The initial payment shall be paid to County within thirty (30) days of the effective date of this Agreement. The principal amount shall be paid in full by September 26, 2021.
3. At any time during the term of this Agreement, Peek/Beechnut may pay the outstanding balance then owing under this Agreement to the County without further bonus or penalty.
4. All costs, expenses and expenditures including, but not limited to, the complete legal costs incurred by the County in enforcing the Payment Obligation under this Agreement as a result of any default by Peek/Beechnut, will be added to the principal then outstanding and will immediately be paid by Peek/Beechnut.
5. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
6. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Fort Bend County, Texas.
7. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns, as allowed. Peek/Beechnut waives presentment for payment, notice of non-payment, protest and notice of protest.

8. Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit or waive such party's right thereafter to enforce and compel strict compliance.

IN WITNESS WHEREOF, Peek/Beechnut as duly affixed their signature and the County has accepted this Agreement and the obligations herein and caused this Agreement to be effective on the date executed by County.

Peek/Beechnut, LLC,
a Texas limited liability company

By: _____


Kevin H. Harris

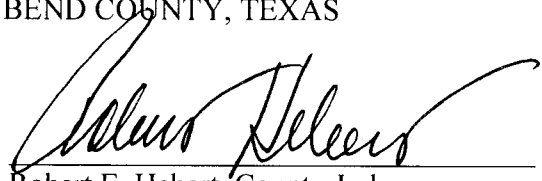
Date: _____

9/21/16


AGREED to and ACCEPTED on this the 27th day of September, 2016.

FORT BEND COUNTY, TEXAS

By: _____


Robert E. Hebert, County Judge

Attest:


Laura Richard, County Clerk



CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Peek/Beechnut, LLC
Richmond, TX United States

Certificate Number:
2016-115173

Date Filed:
09/22/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
Fort Bend County *Municipal Utility District No. 50*

Date Acknowledged:

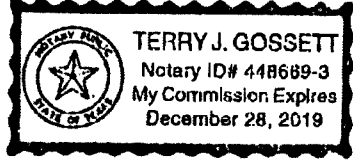
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
Peek-Beechnut
Promissory Agreement *2 AC COMMERCIAL TRACT*

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Peek/Beechnut, LLC	Richmond, TX United States	X	

5 Check only if there is NO interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



[Handwritten Signature]

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Kevin H. Harris, this the 22nd day of September 20 16, to certify which, witness my hand and seal of office.

[Handwritten Signature]
Signature of officer administering oath

Terry J. Gossett
Printed name of officer administering oath

Office Manager
Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Peek/Beechnut, LLC
Richmond, TX United States

Certificate Number:
2016-115173

Date Filed:
09/22/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
Fort Bend County

Date Acknowledged:
09/28/2016

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
Peek-Beechnut
Promissory Agreement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Peek/Beechnut, LLC	Richmond, TX United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath