

70

adjacent property to the Defendants by those two General Warranty Deeds described in Plaintiffs' Original Petition and attached thereto as Exhibits was subject to certain rights of the public as created by dedication by subdivision plat, certain rights of Waterwood Improvement Association, Inc. as reserved by a certain General Warranty Deed and Declaration of Covenants, and certain rights existing in favor of the County of San Jacinto by virtue of an easement conveyance and that the title to be declared vested in the Defendants is subject to these prior rights and should be set forth in this judgment.

It further appearing to the Court that upon motion by the Plaintiff that the issues contained in the Third Count of Plaintiffs' Original Petition have been severed from this cause and docketed under Cause No. 6768-A, and the Summary Judgment to be hereby granted will dispose of all matters left pending in issue in this cause.

It appearing to the Court that upon severance of Plaintiffs' Third Count the Motions herein presented are motions for final judgment.

It is, therefore, ORDERED, ADJUDGED, and DECREED that the Plaintiffs' Motion be and the same is hereby denied.

It is, further ORDERED, ADJUDGED, and DECREED that the Defendants' Motion for Summary Judgment be and it is hereby granted and that Defendants, Alfred Lehtonen and wife, Lucille F. Lehtonen, are hereby declared to be vested with the fee simple title in and to the Disputed Tract being that certain 18.104 acres of land out of and a part of the Jesse Hardy Survey, A-156, San Jacinto County, Texas, occupied by Waterwood Parkway and other public facilities, lying immediately adjacent to and between those two certain tracts of land conveyed by Plaintiffs to Defendants by two General Warranty Deeds, the first dated March 5, 1979, recorded in Volume 185, Page 634, Deed Records of San Jacinto County, Texas, conveying 82.871 acres of land, and the second dated April 30, 1982, recorded in Volume 193, Page 151, Deed Records of San Jacinto County, Texas, conveying 21.99 acres of land, to which instruments reference is hereby expressly made for descriptive purposes.

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71

It is, further, ORDERED, ADJUDGED, and DECREED that the fee simple title hereby declared to be vested in the Defendants, Alfred Lehtonen and wife, Lucille F. Lehtonen, is subject to the existence of the public highway facility thereon commonly known as Waterwood Parkway and other related public facilities and the existing rights of the following parties:

1. The rights of THE PUBLIC therein under the dedication of said 18.104 acres for public road purposes under and by virtue of the subdivision plat of FAIRWAY ONE - Block 1, as shown by the plat approved by the Commissioner's Court of San Jacinto County, Texas on February 13, 1978, and filed for record on said date in Volume 5, Page 32, Plat Records of San Jacinto County, Texas.
2. The rights of WATERWOOD IMPROVEMENT ASSOCIATION, Inc. under and by virtue of the provisions, covenants, easements, reservations and restrictions contained in the General Warranty Deed and Declaration of Covenants from Waterwood Improvement Association, Inc. to Horizon Development Corporation dated February 13, 1978, recorded in Volume 171, Page 779, Deed Records of San Jacinto County, Texas.
3. The easement in favor of the COUNTY OF SAN JACINTO for public road right of way purposes and the rights thereunder created by instrument from Horizon Properties Corporation and Horizon Development Corporation to the County of San Jacinto dated May 30, 1979, recorded in Volume 185, Page 161, Deed Records of San Jacinto County, Texas.

It is further ORDERED, ADJUDGED, and DECREED that Plaintiffs remove their lettering on the pylon situated on the Disputed Tract within ten (10) days from the date of entry hereof.

It is further ORDERED that all relief not herein expressly granted is denied.

All costs of Court are hereby taxed against the Plaintiffs, for which let execution issue.

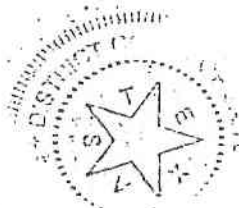
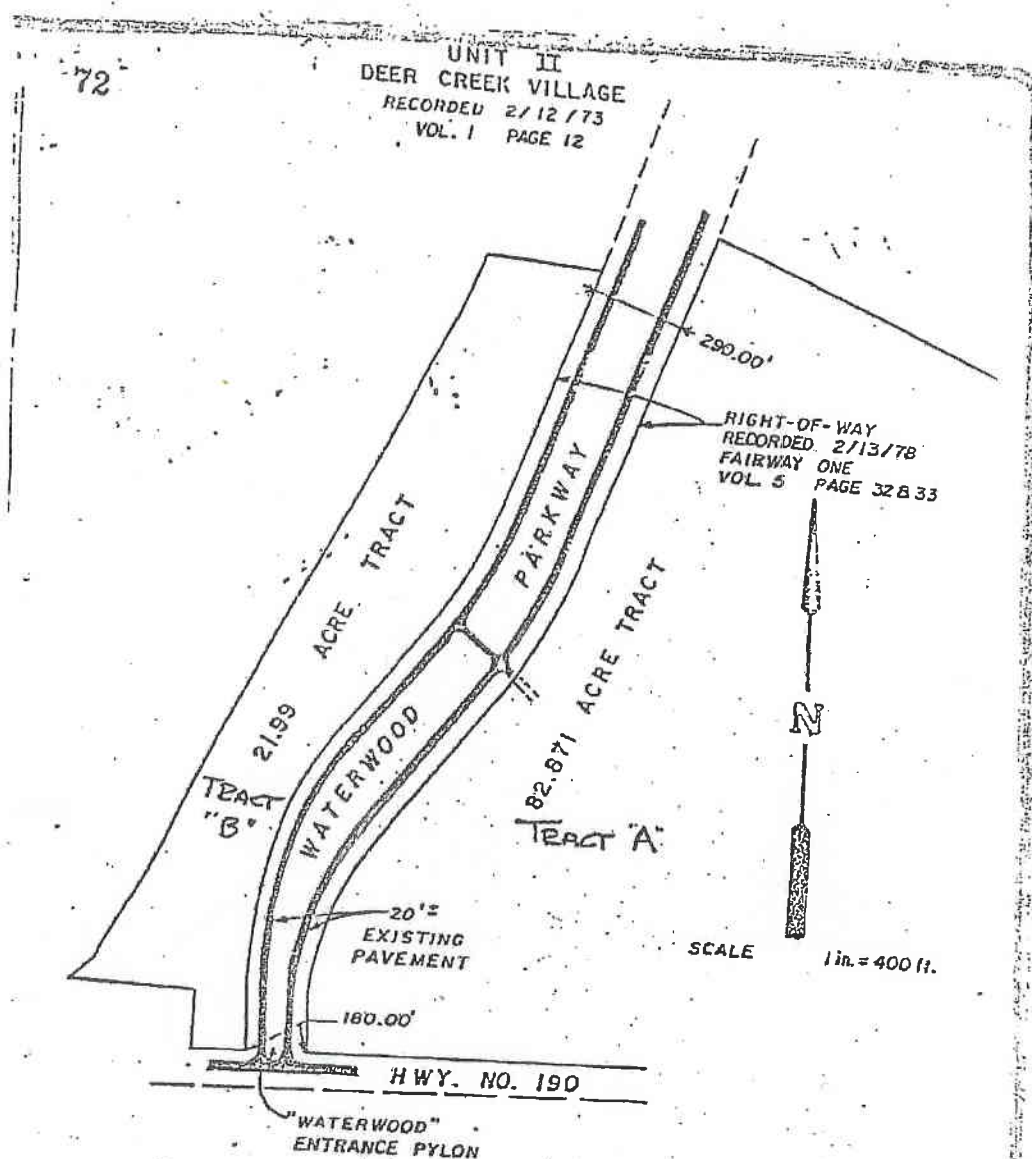
SIGNED this 28 day of January, 1983.

John Martin  
JUDGE PRESIDING



CivTT-S10/2/17/LLL/ps

-4-



THE STATE OF TEXAS           §  
COUNTY OF SAN JACINTO       §

I, REBECCA CAPERS, CLERK OF THE DISTRICT COURT  
OF SAN JACINTO COUNTY, TEXAS, DO HEREBY CERTIFY  
THAT THE ABOVE INSTRUMENT IS A TRUE COPY OF THE  
SUMMARY JUDGMENT

IN CAUSE NO. 6768           AS THE SAME APPEARS OF  
RECORD IN MY OFFICE IN VOL. W PAGE(s) 68-72  
IN THE MINUTES OF THE DISTRICT COURT OF SAN  
JACINTO COUNTY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS  
14TH DAY OF JUNE, A.D. 2011.



REBECCA CAPERS, DISTRICT CLERK  
SAN JACINTO COUNTY, TEXAS

BY Robert King DEPUTY

**CERTIFIED COPY**



WALKER COUNTY TITLE CO.  
1109 University Avenue  
Huntsville, Texas 77340  
260 8525

00- 5582

CERTIFIED COPY  
18791

DEED WITHOUT WARRANTY

STATE OF TEXAS

COUNTY OF SAN JACINTO

That Horizon Properties Corporation, a Delaware corporation ("Grantor") for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and a note of even date herewith in the principal amount of \$2,000,000.00, by the Grantee (as defined below) payable to the order of Grantor (the "Note"), and other consideration to Grantor paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, has CONVEYED, and by these presents does CONVEY, without warranty, express, implied or statutory, unto George H. Russell and Suzanne B. Russell, husband and wife ("Grantee"), all of Grantor's right, title and interest to the real property in San Jacinto County, Texas described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property").

EXCEPT all oil, gases and other hydrocarbon substances and minerals associated with the extraction of hydrocarbon substances.

This conveyance is made and accepted subject to all taxes and other assessments, reservations, patents, easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, obligations and liabilities that may appear of record and all Federal, State, County, District and local laws, ordinances, regulations, zoning codes and the like as the same now exist and as may hereafter be established or amended.

The Note is secured by a vendor's lien retained in this Deed and by a deed of trust and security agreement of even date from Grantee to Lloyd Martin, Trustee. The vendor's lien against and superior title to the Property shall be retained until the Note described herein is fully paid.

Ad valorem taxes on the Property for the calendar year 2000, which have been prorated, are hereby assumed by Grantee.

EXECUTED this 31<sup>st</sup> day of August, 2000.

GRANTEE'S ADDRESS:

1401-19th Street  
Huntsville, TX 77340

HORIZON PROPERTIES CORPORATION

By: [Signature]

Name: Jay Lerner

As its: Vice President

Auto warranty docu-vr1.wpd  
4/2/99 11:23 AM



A TRUE COPY  
I hereby certify  
correctly  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
Date: 10-14-2001  
By: [Signature]  
DEED #

CERTIFIED COPY

(ACKNOWLEDGMENT)

18792

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 3<sup>rd</sup> day of August, 2000, by Jay Lerner, Vice President of Horizon Properties Corporation on behalf of that corporation.

(NOTARY SEAL)

*Hurleene Savage*

Notary Public in and for  
the State of Texas

My Commission expires \_\_\_\_\_

ACKNOWLEDGED AND ACCEPTED:

*Sign RA mm.*  
*Sign B mm by*  
*Sign RA mm*  
*att in fact*



A:\too warranty deed.v11 wpd  
4/21/99 11:23 AM

-2-



A TRUE COPY  
I hereby certify  
this is a true and  
correct copy of the  
ORIGINAL INSTRUMENT  
FILED IN THE  
SAN JACINTO COUNTY, TEXAS  
CLERK'S OFFICE  
DATE 10-14-2011  
BY *[Signature]*  
CLERK

EXHIBIT "A"

CERTIFIED COPY  
18793

A strip of land 180 feet in width situated in the RICHARD BANKHEAD SURVEY, A-70, San Jacinto County, Texas, commencing at the East right-of-way of FM 980 and extending in an easterly direction for a distance of approximately 3,644.95 feet, and being the same property upon which Waterwood Parkway is situated, as shown upon and dedicated to the public on Sheet 2 of the Plat of FAIRWAY ONE-BLOCK 1, a subdivision in San Jacinto County, Texas, as shown by the Plat of record in Volume 5, Page 32 of the Plat Records of San Jacinto County, Texas.

CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED FOR  
RECORD  
00 SEP -1 PM 2:16  
*Charlene Vann*  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF SAN JACINTO  
I, Charlene Vann, hereby certify that this instrument was FILED in the number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the official public records of San Jacinto County, Texas as stamped hereon by me on

SEP - 1 2000



CHARLENE VANN  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS



A TRUE COPY  
I hereby certify  
Angela Sosa  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
Date: 6-14-2014  
By: *Angela Sosa*  
DEPT

Return to  
WALKER COUNTY TITLE COMPANY  
1109 UNIVERSITY AVENUE  
HUNTSVILLE, TEXAS 77340

CERTIFIED COPY

GF# 2402747

04- 1305

5908

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

GENERAL WARRANTY DEED  
(With Vendor's Lien Retained)

THE STATE OF TEXAS  
COUNTY OF SAN JACINTO

KNOW ALL MEN BY THESE PRESENTS:

That LEHTONEN INVESTMENTS II, LTD., a Texas Limited Partnership (hereinafter called "Grantor"), whose mailing address is 700 Dominic Drive, College Station, Brazos County, Texas 77840, in consideration of the sum of Ten & No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by GEORGE H. RUSSELL and wife, SUZANNE B. RUSSELL (hereinafter called "Grantee"), whose mailing address is 1401 19<sup>th</sup> Street, Huntsville, Walker County, Texas 77340, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of one certain promissory note of even date herewith in the principal amount of FIVE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$525,000.00), payable to the order of Grantor, which note bears interest and is payable as therein provided, which note contains accelerated maturity, attorney's fees and default provisions, and in addition to the vendor's lien retained herein securing its payment, Grantee has executed a Deed of Trust of even date herewith to Lloyd C. Martin, Trustee, has GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto the Grantee, all that certain property situated in San Jacinto County, Texas, and described as follows:

PARCEL 1:

BEING 82.871 acres of land, more or less, out of and a part of the JESSE HARDY SURVEY, A-156, San Jacinto County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made part hereof.

SAVE AND EXCEPT:

- (1) 0.0584 of an acre of land, more or less, described in deed dated April 27, 1981 from Alfred Lehtonen and wife, Lucille Lehtonen to Texas Department of Highways, recorded in Volume 203, Page 288 of the Deed Records, San Jacinto County, Texas.
- (2) 0.0690 of an acre of land, more or less, described in deed dated April 27, 1981 from Alfred Lehtonen and wife, Lucille Lehtonen to Texas Department of Highways, recorded in Volume 203, Page 290 of the Deed Records, San Jacinto County, Texas.

PARCEL 2:

BEING 29.928 acres of land, more or less, out of and a part of the W. S. VANCE SURVEY, A-299, San Jacinto County, Texas and being more particularly described by metes and bounds on Exhibit "B" attached hereto and made part hereof.



A TRUE COPY, I HEREBY CERTIFY  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
6-14-2011  
[Signature]  
DEPUTY CLERK



**CERTIFIED COPY**

5909

**PARCEL 3:**

BEING 11.578 acres of land, more or less, situated in the A. A. FOSTER SURVEY, A-124, San Jacinto County, Texas, being also out of and a part of DEER CREEK VILLAGE OF WATERWOOD, according to the map or plat thereof recorded in Volume 2, Page 17 of the Plat Records, San Jacinto County, Texas, said 11.578 acres being more particularly described by metes and bounds on Exhibit "C" attached hereto and made part hereof.

**PARCEL 4:**

All of GREEN BELT RESERVE NO. 1, UNIT V, DEER CREEK VILLAGE OF WATERWOOD, a subdivision in San Jacinto County, Texas, as shown by the Plat in Volume 2, Page 17 of the Plat Records, San Jacinto County, Texas.

**PARCEL 5:**

BEING 2.603 acres of land, more or less, situated in the A. A. FOSTER SURVEY, A-124, San Jacinto County, Texas, being all of Green Belt Reserve No. One of UNIT II, DEER CREEK VILLAGE OF WATERWOOD, a subdivision in San Jacinto County, Texas, according to the map or plat thereof recorded in Volume 1, Page 12 of the Plat Records, San Jacinto County, Texas, said 2.603 acres being more particularly described by metes and bounds on Exhibit "D" attached hereto and made part hereof.

**PARCEL 6:**

BEING 21.99 acres of land, more or less, out of and a part of the W. S. VANCE SURVEY, A-299, San Jacinto County, Texas and being more particularly described by metes and bounds on Exhibit "E" attached hereto and made part hereof.

**PARCEL 7:**

BEING 60.919 acres of land, more or less, out of and a part of the JESSE HARDY SURVEY, A-156, San Jacinto County, Texas and being more particularly described by metes and bounds on Exhibit "F" attached hereto and made part hereof.

**PARCEL 8:**

BEING 2.165 acres of land, more or less, being comprised two tracts of land Tract 1 containing 1.340 acres of land, more less, and Tract 2 containing 0.823 of an acre of land, more or less, out of and a part of the JESSE HARDY SURVEY, A-156, San Jacinto County, Texas and both tracts being more particularly described by metes and bounds on Exhibit "G" attached hereto and made part hereof.



A TRUE COPY, I HEREBY CERTIFY  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

Subscribed and sworn to before me this 14th day of June, 2011.  
By *[Signature]*  
Notary Public

CERTIFIED COPY

5910

PARCEL 9:

BEING 1.48 acres of land, more or less, out of and a part of the JESSE HARDY SURVEY, A-156, San Jacinto County, Texas and being more particularly described by metes and bounds on Exhibit "H" attached hereto and made part hereof.

PARCEL 10:

BEING 1.41 acres of land, more or less, out of and a part of the JESSE HARDY SURVEY, A-156, San Jacinto County, Texas and being more particularly described by metes and bounds on Exhibit "I" attached hereto and made part hereof.

PARCEL 11:

BEING 18.104 acres of land, more or less, part of the JESSE HARDY SURVEY, A-156, San Jacinto County, Texas, occupied by Waterwood Parkway and other public facilities, lying immediately adjacent to and between those certain two tracts of land conveyed by Horizon Development Corporation to Alfred Lehtonen an wife, Lucille P. Lehtonen by two General Warranty Deeds, the first dated March 5, 1979, recorded in Volume 185, Page 634 of the Deed Records, San Jacinto County, Texas, conveying 82.871 acres of land, and the second dated April 30, 1982, recorded in Volume 193, Page 151 of the Deed Records, San Jacinto County, Texas, conveying 21.99 acres of land, to which instruments reference is hereby expressly made for descriptive purposes.

together with all buildings, structures or other improvements located thereon or affixed thereto (the "Improvements"), and all of Grantor's right, title and interest in and to all easements, tenements, hereditaments, privileges and appurtenances in any way belonging to the land above described (the "Land") or Improvements, including, without limitation, (i) any land to the midpoint of the bed of any highway, street, road or avenue, open or proposed, in front of, abutting or adjoining the Land, (ii) any land lying in or under the bed of any creek, stream, bayou or river running through, abutting or adjacent to the Land, (iii) any riparian, appropriative, or other rights of Grantor appurtenant to the Land and relating to surface or subsurface waters, (iv) any strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to the Land, and (v) all easements, rights-of-way, rights of ingress or egress and reversionary interests benefiting the Land.

This Conveyance is made by Grantor and accepted by Grantee subject to the following matters:

1. This conveyance is an arms-length agreement between the parties. The purchase price was bargained on the basis of an "as is, where is" transaction and reflects the agreement of the parties that there are no representations, disclosures, or express or implied warranties. Grantor disclaims all warranties, except the warranty of title.
2. The risk of liability or expense for environmental problems, even if arising from events before closing, will be the sole responsibility of Grantee, regardless of whether the environmental problems were known or unknown. Grantee indemnifies, holds harmless, and releases Grantor from liability for any latent defects and from any liability for environmental problems affecting the property including liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Texas Solid Waste Disposal Act, or the Texas Water Code. Grantee indemnifies, holds harmless, and releases Grantor from any liability for environmental problems affecting the Property arising as the result of Grantor's own negligence or arising as the result of theories of products liability.



ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

6-24-2011  
J. L. Brown  
COUNTY CLERK



CERTIFIED COPY

5911

and strict liability, or under new laws or changes to existing laws enacted after the Effective Date that would otherwise impose on Grantor in this type of transaction new liabilities for environmental problems affecting the Property.

3. If all or any part of the Property is sold, transferred, or conveyed without the prior written consent of Grantor, Grantor may, at Grantor's option, declare the outstanding principal balance of the Note plus accrued interest immediately due and payable. Grantor has no obligation to consent to any such sale or conveyance of the Property, and Grantor is entitled to condition any consent on a change in the interest rate that will thereafter apply to the note and any other change in the terms of the Note or Deed of Trust that Grantor in Grantor's sole discretion deems appropriate. A lease for a period longer than three years (Parcel 11 is excluded from this limitation), a lease with an option to purchase, or a contract for deed will be deemed to be a sale, transfer, or conveyance of the Property for purposes of this provision. Any deed under threat or order of condemnation and the passage of title by reason of death of Grantee or by operation of law will not be construed as a sale or conveyance of the Property. The creation of a subordinate lien without the consent of Grantor will be construed as a sale or conveyance of the Property, but any subsequent sale under a subordinate lien to which Grantor has consented will not be construed as a sale or conveyance of the Property.

4. In connection with the foregoing conveyance, Grantee waives Grantee's rights under the Deceptive Trade Practices-Consumer Protection Act, section 17.41 et seq., Texas Business & Commerce Code, a law that gives consumers special rights and protections. After consultation with an attorney of Grantee's own selection, Grantee voluntarily consents to this waiver by accepting this conveyance.

5. The two (2) underground storage tanks, which are included in this conveyance, are of unknown capacity or material and have been void of product for at least fifteen (15) years. Such tanks are presumed to be regulated by the Texas Natural Resource Conservation Commission and may be subject to certain registration, compliance, self-certification, and construction notification requirements found in Title 30 Texas Administrative Code, Chapter 334.

6. The real property described in this conveyance is subject to a special assessment or exemption for agricultural use (T Tax C sec. 23.41-.58, Tex. Const. Art. VIII, 1-d, 1-d-1) and timber production (T Tax C sec. 23.59, 23.71-.79, T Const. Art. VIII, sec. 1-d-1). The taxable value of the property is determined by a special appraisal method that allows for appraisal of the property at less than its market value. The Grantee may not be allowed to qualify the property for that special appraisal in a subsequent tax year and the property may then be appraised at its full market value. This conveyance or a subsequent change in the use of the property may result in the imposition of an additional tax plus interest as a penalty for the transfer or the change in the use of the property. If this conveyance or Grantee's use of the property results in the assessment of additional taxes, penalties or interest for periods prior to this conveyance, the assessments shall be the obligation of Grantee. The taxable value of the property and the applicable method of appraisal for the current tax year may be obtained from the San Jacinto County Appraisal District, Coldspring, Texas.

This conveyance is further made and accepted subject to (i) any and all restrictions, reservations, covenants, conditions, ordinances, easements, maintenance charges and the liens securing said charges, all mineral leases and outstanding mineral and royalty interests and all other matters, if any, affecting the property, premises or improvements conveyed herein and now of record in the Office of the County Clerk of said County, to the extent, but only to the extent, the same are now in force and effect and relate to said property, premises or improvements, (ii) all taxes, assessments for the year 2004 and all subsequent years and subsequent assessments for prior years due to change in land usage or ownership, which Grantee hereby assumes and agrees



ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

DATE: 10-14-08

BY: [Signature]

CLERK

## CERTIFIED COPY

5912

to pay, (iii) any and all laws, ordinances and governmental regulations now applicable to and enforceable against said property, premises or improvements, and (iv) all visible or apparent easements, encroachments and overlapping of improvements, if any.

**TO HAVE AND TO HOLD** the said premises, together with all and singular the rights, hereditaments and appurtenances there unto belonging unto the Grantee, Grantee's heirs, personal representatives, successors and assigns, forever, subject to the exceptions, easements, reservations, conveyances, conditions and limitations, if any, above set forth; and Grantor does hereby bind itself, its successors and assigns to **WARRANT** and **FOREVER DEFEND** the title to said property unto the Grantee, Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the exceptions, easements, conveyances, reservations, conditions and limitations, if any, above set forth.

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this deed shall become absolute.

EXECUTED this 27<sup>th</sup> day of February, 2004.

LEHTONEN INVESTMENTS II, LTD.

By *Alfred Lehtonen*  
ALFRED LEHTONEN  
General Partner

ACCEPTED AND AGREED TO:

*George H. Russell*  
GEORGE H. RUSSELL

*Suzanne B. Russell*  
SUZANNE B. RUSSELL

THE STATE OF TEXAS       §  
  §  
COUNTY OF WALKER       §

This instrument was acknowledged before me on the 27 day of February, 2004, by ALFRED LEHTONEN, General Partner of LEHTONEN INVESTMENTS II, LTD., a Texas Limited Partnership



*Hester Savage*  
NOTARY PUBLIC in and for  
The State of Texas.



A TRUE COPY, I HEREBY CERTIFY  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

DATE 6-14-2011  
BY *Angelia Steele*  
COUNTY CLERK



CERTIFIED COPY

5913

THE STATE OF TEXAS

§  
§  
§

COUNTY OF WALKER

This instrument was acknowledged before me on the 27 day of February, 2004, by  
GEORGE H. RUSSELL and wife, SUZANNE B. RUSSELL.



*[Signature]*  
NOTARY PUBLIC in and for  
The State of Texas.



TRUE COPY, I HEREBY CERTIFY  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
Date 6-11-2011  
*[Signature]*

CERTIFIED COPY

5914

A tract of land out of the Jesse Hardy Survey A-156 San Jacinto County, Texas, and being more fully described as follows:

Beginning at the Southwest corner of the W.S. Vance Survey A-299, same being a point on the North line of the Jesse Hardy Survey A-156;

THENCE along the common line between Jesse Hardy Survey and W.S. Vance Survey  $S63^{\circ}55'37''E$  697.60 feet to a point;

THENCE  $S63^{\circ}12'01''E$  1,092.82 feet to a point;

THENCE departing said common line at the Jesse Hardy and W.S. Vance  $S27^{\circ}08'29''W$  1,510.87 feet to a point;

THENCE following the meanders of the Blackland Branch  $S52^{\circ}33'29''W$  126.71 feet to a point;

THENCE  $N51^{\circ}03'31''W$  148.51 feet to a point;

THENCE  $N49^{\circ}06'31''W$  219.63 feet to a point;

THENCE  $S94^{\circ}23'29''W$  165.68 feet to a point;

THENCE  $N68^{\circ}36'31''W$  161.55 feet to a point;

THENCE  $N77^{\circ}41'31''W$  158.90 feet to a point;

THENCE  $S53^{\circ}20'29''W$  93.00 feet to a point;

THENCE  $S02^{\circ}11'29''W$  110.11 feet to a point;

THENCE  $S79^{\circ}51'29''W$  106.53 feet to a point;

THENCE  $N48^{\circ}25'31''W$  26.91 feet to a point;

THENCE  $S44^{\circ}19'29''W$  298.43 feet to a point;

THENCE  $N63^{\circ}38'31''W$  128.80 feet to a point;

THENCE  $S75^{\circ}38'29''W$  149.41 feet to a point;

THENCE  $S08^{\circ}12'29''W$  133.51 feet to a point;

THENCE  $S16^{\circ}43'31''E$  144.77 feet to a point on the North R.O.W. of U.S. Highway 190;

THENCE Departing said Blackland Branch and along the North R.O.W. of U.S. Highway 190  $S85^{\circ}24'48''W$  599.63 feet to a point;

THENCE  $S88^{\circ}00'00''W$  14.56 feet to a point on the North R.O.W. of U.S. Highway 190 same being a point on the East R.O.W. of Waterwood Parkway;

THENCE along the East R.O.W. of Waterwood Parkway  $N01^{\circ}58'07''W$  165.19 feet to a point;

THENCE 571.52 feet along the arc of a curve to the right having a radius of 793.00 feet and a central angle of  $41^{\circ}17'36''$  to a point;

THENCE  $N39^{\circ}19'29''E$  564.49 feet to a point;

THENCE 545.03 feet along the arc of a curve to the left having a radius of 1,650.02 feet and a central angle of  $18^{\circ}55'33''$  to a point;

THENCE  $N20^{\circ}23'56''E$  1,062.12 feet to a point;

THENCE departing said East R.O.W. of Waterwood Parkway  $S69^{\circ}35'06''E$  32.59 feet to the place of beginning and containing within these bounds

82.871 acres of land more or less.

EXHIBIT "A"



CLERK'S NOTE: ILLEGIBLE  
A TRUE COPY, I HEREBY CERTIFY  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
JAN 14 2011  
J. L. STEELE, CLERK



CERTIFIED COPY 5915



FOX

SURVEYING &amp; MAPPING CORPORATION

P. O. BOX 44

PH: 271-4774

LIVINGSTON, TEXAS 77351

FIELD NOTE DESCRIPTION

STATE: TEXAS  
 COUNTY: SAN JACINTO  
 SURVEY: U. S. VANCE, A-299  
 AREA: 25.928 ACRES

BEING 29.928 ACRES OF LAND SITUATED IN THE ESTATE OF TEXAS, COUNTY OF SAN JACINTO, A PART OF THE U. S. VANCE SURVEY, A-299, AND BEING THE SAME LAND CALLED 30,000 ACRES DESCRIBED IN DEED TO SUSIE H. HANNAH BY DEED RECORDED IN VOLUME 48, PAGE 609, OF THE SAN JACINTO COUNTY DEED RECORDS, AND THIS 29.928 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY MEAS AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTH COMMON CORNER BETWEEN SAID VANCE SURVEY AND THE A. A. FOSTER SURVEY, A-124, LOCATED ON THE NORTH LINE OF THE JESSIE HARDY SURVEY, A-136, SAID POINT BEING THE MOST WESTERN CORNER OF SAID HANNAH TRACT, SAID POINT BEING LOCATED ON THE SOUTHWEST RIGHT OF WAY LINE OF A 60-FT. WIDE DEDICATED ROADWAY OVER AND THROUGH THE HEREIN DESCRIBED 29.928 ACRE TRACT;

THENCE N 27° 03' 58" E ALONG THE COMMON SURVEY LINE BETWEEN SAID VANCE AND FOSTER SURVEYS, SAME BEING THE NORTHWEST LINE OF SAID HANNAH TRACT, AT 60.00 FT. PASS THE NORTHEAST RIGHT OF WAY LINE OF SAID ROADWAY, IN ALL A TOTAL DISTANCE OF 1907.04 FT. TO THE NORTH COMMON CORNER BETWEEN SAID VANCE AND FOSTER SURVEYS LOCATED ON THE NORTH LINE OF THE ISAAC DELANY SURVEY, A-97, SAID POINT BEING THE MOST NORTHERN CORNER OF SAID HANNAH TRACT;

THENCE S 62° 38' 24" E 666.05 FT. ALONG THE COMMON SURVEY LINE BETWEEN SAID VANCE AND DELANY SURVEYS, SAME BEING THE NORTHEAST LINE OF SAID HANNAH TRACT, TO A CONCRETE MONUMENT LOCATED ON THE NORTHWEST RIGHT OF WAY LINE OF A 60-FT. WIDE ROADWAY, SAID POINT BEING THE MOST EASTERN CORNER OF SAID HANNAH TRACT;

THENCE S 27° 21' 37" W 644.37 FT. ALONG THE NORTHWEST RIGHT OF WAY LINE OF SAID 60-FT. WIDE ROADWAY, SAME BEING THE SOUTHEAST LINE OF SAID HANNAH TRACT, TO A CONCRETE MONUMENT MARKING AN ANGLE POINT IN SAID LINE;

THENCE S 26° 23' 17" W ALONG THE NORTHWEST RIGHT OF WAY LINE OF SAID 60-FT. WIDE ROADWAY, SAME BEING THE SOUTHEAST LINE OF SAID HANNAH TRACT, AT 1181.96 FT. PASS THE NORTHEAST RIGHT OF WAY LINE OF SAID 60-FT. WIDE DEDICATED ROADWAY OVER AND THROUGH THE HEREIN DESCRIBED 29.928 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 1241.96 FT. TO A CONCRETE MONUMENT MARKING THE MOST SOUTHERN CORNER OF SAID HANNAH TRACT, SAID POINT BEING LOCATED ON THE COMMON LINE BETWEEN SAID VANCE AND HARDY SURVEYS, SAID POINT BEING LOCATED ON THE SOUTHWEST RIGHT OF WAY LINE OF SAID 60-FT. WIDE DEDICATED ROADWAY OVER AND THROUGH THE HEREIN DESCRIBED 29.928 ACRE TRACT;

THENCE N 63° 35' 37" W 697.60 FT. ALONG THE COMMON SURVEY LINE BETWEEN SAID VANCE AND HARDY SURVEYS AND THE SOUTHWEST LINE OF SAID HANNAH TRACT, SAME BEING THE SOUTHWEST RIGHT OF WAY LINE OF SAID 60-FT. WIDE DEDICATED ROADWAY OVER AND THROUGH THE HEREIN DESCRIBED 29.928 ACRE TRACT TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE BOUNDS 29.928 ACRES OF LAND;

THERE IS RESERVED OVER THE ABOVE DESCRIBED 29.928 ACRE TRACT A ROADWAY EASEMENT CONTAINING 0.961 ACRE OF LAND AND BEING A STRIP OF LAND 60-FT. IN WIDTH AND 697.60 FT. IN LENGTH AND LYING NORTHEAST OF AND ADJACENT TO THE SOUTHWEST LINE OF THE ABOVE DESCRIBED 29.928 ACRE TRACT, SAID ROADWAY EASEMENT BEING THE SAME EASEMENT DESCRIBED IN A RIGHT-OF-WAY AGREEMENT FROM SUSIE HANNAH TO THE PUBLIC DESCRIBED IN VOLUME 138, PAGE 892 OF THE SAN JACINTO COUNTY DEED RECORDS.

SURVEYOR'S CERTIFICATE  
 TO THE LIENHOLDERS AND/OR THE OWNER OF THE PREMISES SURVEYED AND TO THE STEWART TITLE GUARANTEE COMPANY:  
 THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE THE 26TH DAY OF APRIL, 1983, ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREIN AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS OR SHORTAGES IN AREA AND BOUNDARY LINES, OR ANY VISIBLE ENCROACHMENTS, OR ANY OVERLAPPING OR IMPROVEMENTS, OR ANY APPARENT EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS DESCRIBED HEREIN, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY AS DESCRIBED HEREIN.

DEDICATED THIS THE 27TH DAY OF APRIL, 1983  
 FOX SURVEYING AND MAPPING CORPORATION

DALLAS, TEXAS, P. O. BOX 44, 1459, TEXAS



A TRUE COPY OF THESE RECORDS  
 ANGELIA STEELE, COUNTY CLERK  
 SAN JACINTO COUNTY, TEXAS

Date: April 28, 1983  
 Page: 13



EXHIBIT 1

CLERK'S NOTE: ILLEGIBLE



FOX

CERTIFIED COPY

SURVEYING &amp; MAPPING CORPORATION

5916

P. O. BOX 44

PH: 527-4294

LIVINGSTON, TEXAS 77361

FIELD NOTE DESCRIPTION

STATE: TEXAS  
 COUNTY: SAN JACINTO  
 SURVEY: A. A. FOSTER, A-124  
 AREA: 11.578 ACRES

BEING 11.578 ACRES OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF SAN JACINTO, A PART OF THE A. A. FOSTER SURVEY, A-24, AND BEING OUT OF UNIT 5, DEER CREEK VILLAGE OF WATERWOOD, AS SHOWN ON THE PLAT RECORDED IN BOOK 2, PAGE 17 OF THE SAN JACINTO COUNTY PLAT RECORDS, AND THIS 11.578 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTH COMMON CORNER BETWEEN SAID FOSTER SURVEY AND THE W. S. VANCE SURVEY, A-299, LOCATED ON THE SOUTH LINE OF THE ISAAC DELANY SURVEY, A-97, SAID POINT BEING THE MOST EASTERN CORNER OF THE HEREIN DESCRIBED 11.578 ACRE TRACT, SAID POINT ALSO BEING THE SOUTH COMMON CORNER BETWEEN LOTS NO. 7 AND NO. 8 OF BLOCK NO. 3 OF SAID UNIT 5, DEER CREEK VILLAGE OF WATERWOOD;

THENCE S 27° 03' 58" W 1902.04 FT. ALONG THE COMMON LINE BETWEEN SAID FOSTER AND VANCE SURVEYS, SAME BEING THE EAST LINE OF SAID UNIT 5, DEER CREEK VILLAGE OF WATERWOOD, TO THE SOUTH COMMON CORNER BETWEEN SAID FOSTER AND VANCE SURVEYS LOCATED ON THE NORTH LINE OF THE JESSIE HARDY SURVEY, A-156;

THENCE N 69° 35' 04" W 32.59 FT. ALONG THE SOUTH LINE OF SAID UNIT 5, DEER CREEK VILLAGE OF WATERWOOD, SAME BEING THE COMMON SURVEY LINE BETWEEN SAID FOSTER AND HARDY SURVEYS, TO THE INTERSECTION OF SAID COMMON SURVEY LINE WITH THE EAST RIGHT OF WAY LINE OF WATERWOOD PARKWAY;

THENCE N 20° 23' 56" E 89.93 FT. ALONG THE EAST RIGHT OF WAY LINE OF SAID WATERWOOD PARKWAY TO THE P. C. OF A CURVE IN SAID RIGHT OF WAY LINE;

THENCE 480.92 FT. IN A NORTHERLY DIRECTION ALONG THE EAST RIGHT OF WAY LINE OF SAID WATERWOOD PARKWAY IN A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10° 17' 55", THE RADIUS BEING 2675.00 FT., AND THE CHORD BEARS N 15° 14' 58" E 480.17 FT. TO THE P. T. OF SAID CURVE;

THENCE N 10° 06' 01" E 1056.83 FT. ALONG THE EAST RIGHT OF WAY LINE OF SAID WATERWOOD PARKWAY TO THE P. C. OF A CURVE IN SAID RIGHT OF WAY LINE;

THENCE 343.13 FT. IN A NORTHERLY DIRECTION ALONG THE EAST RIGHT OF WAY LINE OF SAID WATERWOOD PARKWAY IN A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17° 14' 40", THE RADIUS BEING 1140.07 FT., AND THE CHORD BEARS N 18° 43' 21" E 341.84 FT. TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF SAID WATERWOOD PARKWAY WITH THE COMMON SURVEY LINE BETWEEN SAID FOSTER AND DELANY SURVEYS;

THENCE S 52° 18' 24" E 499.14 FT. ALONG THE COMMON SURVEY LINE BETWEEN SAID FOSTER AND DELANY SURVEYS, ACROSS AND SEVERING SAID UNIT 5, DEER CREEK VILLAGE OF WATERWOOD TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE BOUNDS 11.578 ACRES OF LAND.

o SURVEYOR'S CERTIFICATE o

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE LAND LEGALLY DESCRIBED HEREIN AND THAT SAME IS TRUE AND CORRECT. (JULY, 1983)

FOX SURVEYING AND MAPPING CORPORATION  
 LIVINGSTON, TEXAS

CLERK'S NOTE: ILEGIBLE


BY:   
 DALE FOX  
 REGISTERED PUBLIC SURVEYOR  
 TEXAS, NO. 1459

EXHIBIT "C"





CERTIFIED COPY

5917



FOX

SURVEYING &amp; MAPPING CORPORATION

P. O. BOX 44

PHI 227-4200

LIVINGSTON, TEXAS 77351

FIELD NOTE DESCRIPTION

STATE: TEXAS  
 COUNTY: SAN JACINTO  
 SURVEY: JESSIE HARDY, A-156 and A. A. FOSTER, A-124  
 AREA: 2.603 ACRES

BEING 2.603 ACRES OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF SAN JACINTO, A PART OF THE JESSIE HARDY SURVEY, A-156, AND THE A. A. FOSTER SURVEY, A-124, AND BEING THE AREA DESIGNATED AS GREEN BELT RESERVE NO. 1 ON THE PLAT OF UNIT 2, DEER CREEK VILLAGE OF WATERWOOD AS RECORDED IN BOOK 1, PAGE 12 OF THE SAN JACINTO COUNTY PLAT RECORDS, AND THIS 2.603 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE EAST COMMON CORNER BETWEEN LOT NO. 1 OF BLOCK NO. 1 AND SAID GREEN BELT RESERVE IN SAID UNIT 2, DEER CREEK VILLAGE OF WATERWOOD, SAID POINT BEING LOCATED ON THE WEST RIGHT OF WAY LINE OF WATERWOOD PARKWAY;

THENCE S 20° 23' 56" W 190.51 FT. ALONG THE COMMON LINE BETWEEN SAID WATERWOOD PARKWAY AND SAID GREEN BELT RESERVE NO. 1 TO A POINT FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED 2.603 ACRE TRACT;

THENCE N 88° 05' 05" W 362.39 FT. ALONG THE SOUTH LINE OF SAID GREEN BELT RESERVE NO. 1 TO AN ANGLE POINT IN SAID LINE;

THENCE N 59° 45' 28" W 139.30 FT. ALONG THE SOUTH LINE OF SAID GREEN BELT RESERVE NO. 1 TO A POINT FOR THE SOUTHWEST CORNER OF SAME, SAID POINT BEING LOCATED ON THE EAST LINE OF BLOCK NO. 3 OF SAID UNIT 2, DEER CREEK VILLAGE OF WATERWOOD;

THENCE N 54° 37' 25" E 390.03 FT. ALONG THE COMMON LINE BETWEEN SAID GREEN BELT RESERVE NO. 1 AND SAID BLOCK NO. 3 TO A POINT FOR A COMMON CORNER;

THENCE N 54° 09' 58" W 164.50 FT. ALONG THE COMMON LINE BETWEEN SAID GREEN BELT RESERVE NO. 1 AND SAID BLOCK NO. 3 TO A COMMON CORNER LOCATED ON THE EAST RIGHT OF WAY LINE OF EAST BRAZAR STREET (A 50-FT. WIDE ROADWAY OVER AND THROUGH SAID UNIT 2, DEER CREEK VILLAGE OF WATERWOOD);

THENCE 9.80 FT. IN A NORTHEASTLY DIRECTION ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST BRAZAR STREET IN A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04° 13' 32", THE RADIUS BEING 132.78 FT., AND THE CHORD BEARS N 23° 42' 12" E 9.80 FT. TO A POINT FOR THE WEST COMMON CORNER BETWEEN SAID GREEN BELT RESERVE NO. 1 AND LOT NO. 19 OF BLOCK NO. 3 OF SAID UNIT 2, DEER CREEK VILLAGE OF WATERWOOD;

THENCE N 69° 11' 26" E 160.28 FT. ALONG THE COMMON LINE BETWEEN SAID GREEN BELT RESERVE NO. 1 AND SAID LOT NO. 19 TO THE SOUTH COMMON CORNER BETWEEN SAID LOT NO. 19 AND LOT NO. 18 OF SAID SUBDIVISION;

THENCE N 54° 37' 25" E 111.20 FT. TO THE NORTH COMMON CORNER BETWEEN SAID GREEN BELT RESERVE NO. 1 AND SAID LOT NO. 18, SAID POINT BEING LOCATED ON THE SOUTH RIGHT OF WAY LINE OF ALTOONA PLACE (A 50-FT. WIDE ROADWAY OVER AND THROUGH SAID SUBDIVISION);

THENCE 20.21 FT. IN A SOUTHEASTLY DIRECTION ALONG THE SOUTH RIGHT OF WAY LINE OF SAID ALTOONA PLACE IN A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 28° 57' 18", THE RADIUS BEING 40.00 FT., AND THE CHORD BEARS S 40° 50' 07" E 20.00 FT. TO THE NORTH COMMON CORNER BETWEEN SAID GREEN BELT RESERVE NO. 1 AND SAID LOT NO. 1 OF BLOCK NO. 1 OF SAID SUBDIVISION;

THENCE S 17° 27' 45" W 148.57 FT. ALONG THE COMMON LINE BETWEEN SAID GREEN BELT RESERVE NO. 1 AND SAID LOT NO. 1 OF BLOCK NO. 1 TO A COMMON CORNER BETWEEN SAID TRACTS;

THENCE S 69° 36' 03" E 157.00 FT. ALONG THE COMMON LINE BETWEEN SAID GREEN BELT RESERVE NO. 1 AND SAID LOT NO. 1 OF BLOCK NO. 1 TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE BOUNDS 2.603 ACRES OF LAND.

• SURVEYOR'S CERTIFICATE •

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE LAND LEGALLY DESCRIBED HEREIN AND THAT SAME IS TRUE AND CORRECT: (JULY, 1983)

FOX SURVEYING AND MAPPING CORPORATION  
 LIVINGSTON, TEXAS

BY:   
 DALE FOX  
 REGISTERED PUBLIC SURVEYOR  
 TEXAS, NO. 1459



CLERK'S NOTE: ILLEGIBLE

TRUE COPY: I HEREBY CERTIFY  
 ANGELIA STEELE, COUNTY CLERK  
 SAN JACINTO COUNTY, TEXAS  
 DATE: 10-16-2017

EXHIBIT

## CERTIFIED COPY

5918

Metes and bounds description of 21.99 acres of land located in the Jesse Hardy Survey A-156, and being a part of the 61.09 acre tract described in deed from W. D. Cook to Horizon Properties Corporation dated July 31, 1972, as recorded in Volume 129, page 374 of the Deed Records of San Jacinto County, Texas; said 21.99 acres being more particularly described as follows:

Beginning at a 5/8" iron rod S59°04'59"E 1,732.31 feet from the Northwest corner of the Jesse Hardy Survey A-156, same point being a south corner of Greenbelt Reserve 1 of Unit II of Deer Creek Village of Waterwood, a recorded subdivision; said point being the northwest corner of this tract;

THENCE S87°59'30"E a distance of 360.04 feet along the south line of said Greenbelt Reserve and the north line of this tract to a 5/8" iron rod set in the west right-of-way of Waterwood Parkway;

THENCE S20°23'56"W with the west line of said right-of-way a distance of 811.70 feet to a point;

THENCE continue along said right-of-way 473.40 feet with the arc of a curve to the right having a central angle of 17°42'17" and a radius of 1,532.0 feet to a point;

THENCE E38°06'14"W along said right-of-way a distance of 379.97 feet to a point;

THENCE continuing along said right-of-way 898.03 feet with the arc of a curve to the left, having a central angle of 40°04'22" and a radius of 1284.0 feet to a point;

THENCE S01°58'07"E along said right-of-way a distance of 218.74 feet to a point on the north right-of-way of U.S. Highway 190;

THENCE S88°01'54"W along said north right-of-way a distance of 55.0 feet to a point;

THENCE N89°21'02"W continuing along said right-of-way 111.50 feet to a concrete monument, marking the southeast corner of a 0.823 acre tract conveyed by Horizon Properties Corporation to Howard T. Harstad by deed recorded in Volume 160, page 255, et seq., deed records of San Jacinto County, Texas;

THENCE N00°38'58"E along the east line of said 0.823 acre tract, 196.88 feet to an aluminum stake at a fence corner;

THENCE N89°20'52"W along the north line of said 0.823 acre tract, 364.33 feet to an aluminum stake at a fence corner marking the southeast corner of a 60.919 acre tract and the southwest corner of this tract;

THENCE Northeasterly along an old fenced line, being the east line of said 60.919 acre tract as follows:

N42°24'52"E, 93.50 feet to a 3/8" iron rod; N24°09'55"E, 79.24 feet to a 3/8" iron rod; N27°08'10"E, 230.56 feet to a 3/8" iron rod; N25°39'22"E, 554.33 feet to a 3/8" iron rod; N26°55'07"E, 342.28 feet to a 3/8" iron rod; N26°51'56"E, 188.48 feet to a 3/8" iron rod; N27°22'08"E, 224.45 feet to a 3/8" iron rod; N26°36'27"E 398.50 feet to a 3/8" iron rod; N27°10'19"E, 300.31 feet to a 3/8" iron rod; N22°45'15"E, 212.72 feet to the PLACE OF BEGINNING, and containing 21.99 acres of land, more or less.

EXHIBIT "E"

CLERK'S NOTE: ILLEGIBLE



TRUE COPY, I HEREBY CERTIFY  
ANGELIA STEELE COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS



CERTIFIED COPY

5919

## FIELD NOTES

FIELD NOTES ON A TRACT OF LAND CONTAINING 60.919 ACRES, BEING ALL THE TRACTS DESCRIBED IN VOLUME 61 PAGE 319, VOLUME 105 PAGE 263 (EXCEPT THE SECOND TRACT CONTAINING 1.41 ACRES) AND VOLUME 62 PAGE 521 OF THE DEED RECORDS OF SAN JACINTO COUNTY, SITUATED IN THE JESSIE HANLEY SURVEY ABSTRACT 156, SAN JACINTO CO., TEXAS, SAID 60.919 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY JONES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found at an old fence corner for the South corner of the most Southerly tract described in Volume 106 Page 263 and most Easterly-South corner of this 60.919 acre tract also being the most Southerly-Southwest corner of Horizon Properties Corporation 61.09 acre tract and being in the North line of Howard T. Hargett's 2.163 acre tract;

THENCE N 58°00'56" W, along the Northerly line of said 2.163 acre tract and a Southwest line of said tract in Volume 106 Page 263, a distance of 57.06 feet to a 5/8" iron rod set for an ell corner of this 60.919 acre tract, the North-west corner of said Hargett tract and the Northeast corner of Elmer H. Ward 1.525 acre tract described in said Volume 138 Page 223;

THENCE S 25°25' W, along the Easterly line of last said 1.525 acre tract and the West line of said Hargett tract a distance of 251.78 feet to a 5/8" iron rod set for the most Southerly-Southeast corner of this tract in the North-Right-of-Way line of U.S. Highway No. 190;

THENCE N 89°21' W, along said Right-of-Way line and the South line of said 1.525 acre tract, a distance of 235.50 feet to a 5/8" iron rod set for the most South-erly-Southwest corner of this tract, the Southwest corner of said 1.525 acre tract and the Southeast corner of Block 2 of the division of the Jean Richardson 69 acre tract as described in Volume 60 Page 252 of said deed records;

THENCE N 25°25' E, along the Southeast line of said Block 2 and an old fence, a distance of 374.83 feet to a 5/8" iron rod set for the East corner of said Block 2 at an old fence corner, the North corner of said 1.525 acre tract, and an ell corner of this 60.919 acre tract;

THENCE N 67°38'44" W, along an old fence and the Northeast line of said Block 2, a distance of 110.20 feet to an old 2" pipe found for a division corner of said Block 2;

THENCE N 61°51'06" W, continue along the Northeast line of said Block 2 and an old fence a distance of 107.71 feet to a 5/8" iron rod set for the North corner of said Block 2 and the East corner of Block 3 of said Jean Richardson 69 acre tract division;

THENCE N 40°23'11" W, continue along said old fence and the Northeast line of said Block 3, a distance of 461.01 feet to a 5/8" iron rod set for the West corner of this tract, also being the South corner of Block 4 of said 69 acre division;

THENCE ALONG AN OLD FENCE AND THE SOUTHEAST LINE OF BLOCK 4, 5 AND 6 AS FOLLOWS: N 26°51'04" E 241.22 feet, N 27°03'06" E 579.02 feet, N 26°30'09" E 225.88 feet, N 26°31'11" E 383.84 feet to an old truck axle found for the East corner of said Block 6 and the South corner of Block 7 of said 69 acre division;

THENCE CONTINUE ALONG SAID OLD FENCE AND THE LINES OF SAID BLOCK 7 AS FOLLOWS: N 26°15'40" E 226.09 feet, N 26°13'50" E 169.47 feet to an ell fence corner, N 52°38'00" W 163.60 feet to the most Northerly-West corner of this 60.919 acre tract, N 27°52'30" E 162.60 feet to a fence corner for the most Northerly-East corner of said Block 7 and the South corner of Block 8 of said 69 acre division;

THENCE N 27°00'56" E, continue along said old fence and the Southeast line of said Block 8, a distance of 321.76 feet to a 5/8" iron rod set at an angle in said fence and the South line of an old road;

CLERK'S NOTE (ILLEGIBLE)

EXHIBIT "F"  
PAGE 1 OF 2

A TRUE COPY: JEREMY C. GARY  
ANGELA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS



## CERTIFIED COPY

THENCE N 24°13'51" E, leaving said fence and continue along the Southwesterly line of said Block 8, a distance of 70.15 feet to an old sandstone marker for the southeast corner of said Block 8 and the North corner of this 60.919 acre tract;

THENCE S 63°19'15" E, along the most Northerly-Southwest line of said Block 8 a distance of 114.25 feet to a concrete marker found at a fence corner for the most Easterly-South corner of said Block 8 and the most Northerly-East corner of before said Horizon Properties Corporation 61.09 acre tract;

THENCE S 82°02'11" E, continue along said fence and the most Northerly-South line of said 61.09 acre tract, a distance of 432.76 feet to a concrete marker found for an angle corner of said 61.09 acre tract;

THENCE S 67°28'31" E, continue along said fence and the most Northerly-South line of said 61.09 acre tract, a distance of 422.27 feet to a 5/8" iron rod set by a fence corner for the East corner of this 60.919 acre tract and an all corner of said 61.09 acre tract, a concrete monument bears N 70°28'59" E a distance of 1.90 feet;

THENCE ALONG AN OLD FENCE LINE FOR THE SOUTHEAST LINE OF SAID 60.919 ACRES TRACT AND THE MOST EASTERLY-NORTHWEST LINE OF SAID 61.09 ACRE TRACT AS FOLLOWS: S 27°45'15" W 212.72 feet a 5/8" iron rod, S 27°10'19" W 300.37 feet a 5/8" iron rod, S 26°36'27" W 388.50 feet a 5/8" iron rod, S 27°22' W 220.45 feet a 5/8" iron rod, S 26°51'56" W 188.48 feet a 5/8" iron rod, S 26°55'07" W 342.98 feet a 5/8" iron rod, S 25°39'22" W 554.33 feet a 5/8" iron rod, S 27°08'10" W 230.56 feet a 5/8" iron rod, S 24°09'55" W 79.24 feet a 5/8" iron rod and S 42°24'52" W 93.55 feet to the PLACE OF BEGINNING and containing 60.919 acres of land.

STATE OF TEXAS  
COUNTY OF SAN JACINTO

CLERK'S NOTE: ILLEGIBLE

I, JAMES F. BENTON, JR. TEXAS REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THAT THESE FIELD NOTES ARE CORRECT AND TRULY REPRESENT AN ACTUAL SURVEY OF THE GROUND, BY ME, THE 25TH THROUGH THE 29TH DAYS OF SEPTEMBER, 1973.

ATTEST

*James F. Benton, Jr.*  
JAMES F. BENTON, JR.  
BENTON SURVEYING & MAPPING  
609 NORTH WASHINGTON  
LIVINGSTON, TEXAS 77351



EXHIBIT "F"

Page 2 OF 2



TRUE COPY, I HEREBY CERTIFY  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
DATE: 6-14-2011  
*Angelia Steele*



CERTIFIED COPY

TRACT 11:

5921

Being 1.34 acres of land out of and a part of the JESSE HARDY SURVEY, Abstract No. 136, in San Jacinto County, Texas, said tract of land being more particularly described by metes and bounds as follows, to wit:

BEGINNING at a concrete monument for the east corner of this tract and being on the North Right of way line of U.S. Highway 190; said point being a corner of the Horizon Properties Corporation land acquired from W. D. Cook;

THENCE North 60° 38' West with said Horizon Properties line, at 414.13 feet pass a concrete monument for Horizon corner, in all a total distance of 470.90 feet to a point for corner at the intersection of this line and an old fence line projection;

THENCE South 26° 33' West 248.56 feet to a point for corner on the north right of way line of U.S. Highway 190;

THENCE South 89° 21' East 322.33 feet with said highway right of way line to the Place of Beginning, containing within these bounds 1.34 acres of land;

AND Being the same property described in deed from Jerald M. Jackson and wife, Mildred Jackson, to Fox Surveying and Mapping Corporation, dated August 2, 1973, and recorded in Volume 136, Page 545, et seq, of the Deed Records, of San Jacinto County, Texas, to which deed and its recordation reference is heremade for all pertinent purposes.

TRACT 12:

Being 0.823 acres of land, more or less, out of and a part of the JESSE HARDY SURVEY, Abstract No. 136, San Jacinto County, Texas, and also out of a 61.09 acre tract therein conveyed by W. D. Cook, et ux to Horizon Properties Corporation by deed dated July 31, 1972, recorded in Volume 119, Page 377, Deed Records of San Jacinto County, Texas, and being described by metes and bounds as follows:

BEGINNING at the most easterly point of a called one acre tract conveyed by deed from R. M. Delaney to Jerald M. Jackson, dated November 17, 1953, recorded in Volume 70, Page 318, Deed Records of San Jacinto County, Texas, said point being on the northerly right-of-way line of U.S. Highway 190 and also being a corner of the above mentioned 61.09 acre tract;

THENCE N 60° 57' 43" W. along a southwest line of the said 61.09 acre tract a distance of 414.13 feet to a concrete monument for corner;

THENCE S 89° 21' 02" E parallel with the right-of-way line of U.S. Highway a distance of 364.33 feet to a point for corner;

THENCE S 00° 38' 58" W a distance of 196.88 feet to the Place of BEGINNING and containing 0.823 acres of land.

CLERK'S NOTE: ILLEGIBLE

EXHIBIT "G"



A TRUE COPY, I HEREBY CERTIFY  
ANGELISA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
Date: 10-14-2011  
By: [Signature]

**CERTIFIED COPY**  
5922

BEING 1.48 acres of land, more or less, same being out of and a part of that certain 1.5 acre tract of land out of the JESSE HARDY SURVEY, Abstract No. 156 in San Jacinto County, Texas, which 1.5 acre tract was conveyed to BARRY LEE CONRAD, et ux PATRICIA M. CONRAD from PAULINE J. TYSON by deed dated January 11, 1980, of record in Volume 190, Page 556, Deed Records of San Jacinto County, Texas; which 1.48 acres of land, more or less, is more particularly described as follows:

BEGINNING at a point on the proposed North right of way line of U. S. 190, said point bears S 26° 31' W, 355.0 feet from the Northeast corner of said 1.5 acre tract, same being 84.76 feet to the left of and at right angles to proposed new centerline, station 822 + 25.67 of U.S. 190;

THENCE N 26° 31' E, 355.0 feet to the Northeast corner of said 1.5 acre tract;

THENCE N 60° 38' 44" W 140.20 feet to a 2" iron pipe at the Northwest corner of said 1.5 acre tract;

THENCE S 26° 31' W, 430.0 feet to a corner on the existing North right of way line of U. S. 190;

THENCE S 86° 48' E, 31.55 feet with said existing North right of way line to a point on same, being a point of beginning for the proposed North right of way of U. S. 190;

THENCE S 85° 37' E, 126.78 feet with said proposed North right of way line to the Place of Beginning, containing 1.48 acres of land, more or less, together with all improvements thereon situated.

EXHIBIT "H"



A TRUE COPY, HEREBY CERTIFIED  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

Date  
By

*Angelia Steele*  
Deputy Clerk

## CERTIFIED COPY

5923

BEING 1.41 acres, more or less, out of the JESSIE HARDY SURVEY, San Jacinto County, Texas, and being out of a 2.91 acre tract set aside to Annie Bell Richardson Johnson, in that partition deed dated September 20, 1951, recorded in Volume 60, Page 252,

of the Deed Records of San Jacinto County, Texas, and 2.91 acre tract described by metes and bounds as follows:

BEGINNING at the Southeast corner of Block No. 3, a stake for corner set in the Northeast line of the Richardson 19 acre tract from which a sweet gum brs N 77 W 19.5 feet, a 6" post oak brs S 36 E 22.5 feet;

THENCE South 59 East 242 feet to a stake for corner, an 8" sweet gum brs S 16 W 22.5 feet;

THENCE South 30 West 365 feet to a stake set in the North margin of Highway No. 190, from which a 16" ash brs N 85 W 32.7 feet;

THENCE North 87 West with said Highway North margin and keeping 50 feet distance from the center line of same 307 feet to a stake for corner, an 8" post oak brs N 85 E 19 feet;

THENCE North 30 East 454 feet to the place of beginning, containing 2.91 acres of land;

SAVE AND EXCEPT 1.5 acres described in deed from Annie Bell Johnson to Douglas D. Richardson, dated January 15, 1959, recorded in Volume 78, Page 134, of the Deed Records of San Jacinto County, Texas, and further described by metes and bounds as follows:

BEGINNING at the Southeast corner at Highway 190, running NE 365 feet to a stake for a corner at the A. L. Johnson line;

THENCE Northwest with the A. L. Johnson line 135 feet to a corner;

THENCE South 430 feet to a corner 50 feet from center of Highway 190;

THENCE East 150 feet to a place of beginning, containing 1.50 acres, more or less.



CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

STATE OF TEXAS  
COUNTY OF SAN JACINTO  
I, Charlene Vann, County Clerk, do hereby certify that this instrument was FILED in the number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the official public records of San Jacinto County, Texas on the date and time stamped hereon.

CHARLENE VANN  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

EXHIBIT " I "

MAR - 2 2004



CHARLENE VANN  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

09- 4818 CERTIFIED COPY 18604

## AGREEMENT TO MAINTAIN WATERWOOD PARKWAY

THE STATE OF TEXAS §

COUNTY OF SAN JACINTO §

KNOW ALL MEN BY THESE PRESENTS:

A. Preamble

This document evidences an agreement between the County of San Jacinto, State of Texas, by and through its Commissioner's Court duly elected and existing, represented by the Honorable Fritz Faulkner, County Judge and the Honorable Mark Nettuno, Commissioner, Precinct No. 4, and the Waterwood Improvement Association, Inc., ("WIA"), a Texas non-profit corporation and the duly chartered and existing property owners association for property owners in the Waterwood Subdivision, in San Jacinto County, Texas.

B. Intent of the Parties

Whereas, San Jacinto County owns an easement on the Waterwood Parkway, extending from US Highway 190 to the Waterwood National Resort and Golf Club, with a width of 180 feet as set out below, it is the intent of San Jacinto County and WIA that San Jacinto County confer authority to WIA to maintain that easement and its right of way by planting vegetation, mowing grass, cleaning the right of way, and illuminating some or all the street lights, all at WIA's expense.

C. Recitals

WHEREAS, there currently exists a public roadway established by plats filed by Horizon Properties Corporation and Horizon Development Corporation ("Developer"), the Developer of the Waterwood Subdivision in San Jacinto County, Texas, known generally as the "Waterwood Parkway"; and

WHEREAS, that specific plat for Fairway One-Block 1, filed February 13, 1978 at Vol. 5, pages 32 and 33 ("Plat"), established, at page 33, two roadway easements, one beginning at US Highway 190 ("US 190 Parkway") and one beginning at Farm-to market Road 980 ("FM 980

Page 1 of 9



48.





CERTIFIED COPY

18605

Parkway") were specifically established by the Developer. The Plat dedicated "to the public use the roads and to utility companies, both public and private, the utilities easements, provided that all utilities shall be underground utilities, and the right of the utility company shall be limited to ingress, egress and regress for maintenance, repair and construction and the right to trim interfering trees and shrubs;" and

WHEREAS, on May 30, 1979 the Developer conveyed to San Jacinto County ("the County") an "Easement" of certain roads in the Waterwood community, including the two portions of the Waterwood Parkway described above. The Easement "GRANTED, SOLD and CONVEYED" to the County "an Easement for public Road right-of-way purposes, including the right to construct, reconstruct, maintain, and use public road and street facilities thereon, upon, over and across all of those streets and roads shown and described upon the subdivision plats of those portions of Waterwood, situated in San Jacinto County, Texas". Among the streets and roads were the portions of the Waterwood Parkway from US 190 and FM 980 described above; and

WHEREAS, by that certain document dated June 26, 1995 and filed at Vol. 214, page 610, Official Public Records for San Jacinto County, Texas, and entitled "Dedication of Waterwood Parkway to the Public", Developer dedicated to the public the Waterwood Parkway; and

WHEREAS, WIA purchased all of the Waterwood Parkway, save and except those portions described above as US 190 Parkway and FM 980 Parkway, from Developer by that certain Deed Without Warranty dated June 3, 1999, and recorded at Vol. 310, pages 310, et seq., Official Public Records, San Jacinto County, Texas; and

WHEREAS, street lights on the Waterwood Parkway were installed in 1978-1979, or thereabouts, and the Waterwood National Resort and Golf Club has, until January 2009, paid the electric bill for said street lights on the Waterwood Parkway; and

WHEREAS, on January 28, 1983, the Honorable John Martin, then Judge of the 2<sup>nd</sup> 9<sup>th</sup> Judicial District Court, signed a "Summary Judgment" in No. 6768. This summary judgment provided, in relevant part as follows:

...the Court having considered the pleadings on file, together with such affidavits and argument of counsel, makes the following findings of fact and conclusions of law:

1. Plaintiffs have developed a subdivision in San Jacinto

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CERTIFIED COPY

18606

County, Texas known as Waterwood;

## 2. The tract of land in dispute (the "Disputed Tract")

Consists of 18.104 acres, being the land upon which Plaintiffs have constructed the beginning segment of a thoroughfare and entrance way to the Waterwood subdivision known as Waterwood Parkway, granting entrance into said subdivision commencing at point on US Highway 190, and the same has been dedicated to the public;

## 3. Plaintiffs executed and delivered a General Warranty

Deed on March 5, 1979 to Defendants, conveying 82.871 acres of land more or less, situated in the Jesse Hardy Survey, A-156, San Jacinto County, Texas, which Deed is recorded in Volume 185, Page 634, Deed Records, San Jacinto County, Texas;

## 4. Plaintiffs executed and delivered a General Warranty

Deed on April 30, 1980 to Defendants, conveying 21.99 acres of land more or less situated in the Jesse Hardy Survey, A-156, San Jacinto County, Texas, which deed is recorded in Volume 193, Page 151, Deed Records, San Jacinto County, Texas;

## 5. Upon execution and delivery of said deeds Plaintiffs

conveyed all of the abutting contiguous lands to the east and west boundaries of the Disputed Tract to Defendants. Attached hereto is a plat of the above described property on which the property conveyed on March 5, 1979 is designated Tract "A" and the property conveyed on April 30, 1980 is designated Tract "B", the Disputed Tract being the tract lying between tracts A and B;

## 6. Said deeds are plain, clear and unambiguous on their face;

\*\*\*

## 9. A conveyance of land bounded by a public highway

carries with it the fee to the center of the road, unless the inference that it was so intended is rebutted by the express terms of the grant.

Page 3 of 9



A TRUE COPY  
 of the original  
 County Clerk  
 San Jacinto County, Texas  
 Date 10-14-2011  
 By [Signature]  
 Deputy

CERTIFIED COPY

18607

The deeds in question here, although executed some thirteen (13) months apart and by two different Presidents of Plaintiff corporations, each states in plain and clear language "This conveyance is further made subject to any and all valid easements insofar as the same affect the said property but including all of Grantor's rights and interests with respect thereto and in the lands covered thereby." Further, each of said deeds provide "TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances therein anywise belonging unto the said Grantees, their heirs and assigns forever..." The deeds in question do not have an express reservation of the underlying fee in the Disputed Tract, but to the contrary have an express grant of all Plaintiffs' rights and interests with respect to the land covered thereby;

\*\*\*

It further appearing to the Court upon consideration of the Plaintiffs' Motion for Judgment filed herein that the fee simple ownership in the subject property prior to the conveyance of the adjacent property to the Defendants by those two General Warranty Deeds described in Plaintiffs' Original Petition and attached thereto as Exhibits was subject to certain rights of the public as created by dedication by subdivision plat, certain rights of Waterwood Improvement Association, Inc. as reserved by a certain General Warranty Deed and Declaration of Covenants, and certain rights existing in favor of the County of San Jacinto by virtue of an easement conveyance and that the title to be declared vested in the Defendants is subject to these prior rights and should be set forth in this judgment.

\*\*\*

It is, further ORDERED, ADJUDGED, and DECREED that the Defendants' Motion for Summary Judgment be and it is hereby granted and that Defendants, Alfred Lehtonen and wife, Lucille F. Lehtonen, are hereby declared to be vested

Page 4 of 9





CERTIFIED COPY 18608

with the fee simple title in and to the Disputed Tract being that certain 18.104 acres of land out of and a part of the Jesse Hardy Survey, A-156, San Jacinto County, Texas, occupied by Waterwood Parkway and other public facilities, lying

immediately adjacent to and between those two certain tracts of land conveyed by Plaintiffs to Defendants by two General Warranty Deeds, the first dated March 5, 1979, recorded in Volume 185, Page 634, Deed Records of San Jacinto County, Texas, conveying 82.871 acres of land, and the second dated April 30, 1982, recorded in Volume 193, Page 151, Deed Records of San Jacinto County, Texas, conveying 21.99 acres of land, to which instruments reference is hereby expressly made for descriptive purposes.

It is, further, ORDERED, ADJUDGED, and DECREED that the fee simple title hereby declared to be vested in the Defendants, Alfred Lehtonen and wife, Lucille F. Lehtonen, is subject to the existence of the public highway facility thereon commonly known as Waterwood Parkway and other related public facilities and the existing rights of the following parties:

1. The rights of THE PUBLIC therein under the dedication of said 18.104 acres for public road purposes under and by virtue of the subdivision plat of FAIRWAY ONE - Block 1, as shown by the plat approved by the Commissioner's Court of San Jacinto County, Texas on February 13, 1978, and filed for record on said date in Volume 5, Page 32, Plat Records of San Jacinto County, Texas.

2. The rights of WATERWOOD IMPROVEMENT ASSOCIATION, Inc. under and by virtue of the provisions, covenants, easements, reservations and restrictions contained in the General Warranty Deed and Declaration of Covenants from Waterwood Improvement Association, Inc. to Horizon Development Corporation dated February 13, 1978, recorded in Volume 171, Page

Page 5 of 9



CERTIFIED COPY 18609

779, Deed Records of San Jacinto County, Texas.

3. The easement in favor of the COUNTY OF SAN JACINTO for public road right of way purposes and the rights thereunder created by instrument from Horizon Properties Corporation and Horizon Development Corporation to the County of San Jacinto dated May 30, 1979, recorded in Volume 185, Page 161, Deed Records of San Jacinto County, Texas.\*\*\*

WHEREAS, on or about 1997 WIA purchased cement poles and had the electric company, SHECO, use the cement poles to replace, at WIA's expense all rotted wooden poles that had been installed in the 1970's and the Waterwood National Resort and Golf Club continued to pay the monthly illumination cost to SHECO; and

WHEREAS, subsequent to the above actions regarding the Waterwood Parkway easements, on August 31, 2000, the Developer sold the underlying fee simple easement of the Parkway identified on the Plat. The "Deed Without Warranty", concerning the FM 980 Parkway, contained the standard language regarding being subject to existing easements of record, and further identified the land "as shown upon and dedicated to the public on Sheet 2 of the Plat of Fairway One-Block 1"; this Deed Without Warranty from Horizon Properties Corporation to George H. Russell and Suzanne B. Russell was dated August 31, 2000 and was filed at Vol. 2000-5582, pages 18791 et seq., Official Public Records, San Jacinto County, Texas.

WHEREAS, pursuant to that certain General Warranty Deed (With Vendor's Lien Retained) from Lehtonen Investments II, Ltd., to George H. Russell and Suzanne B. Russell, dated February 24, 2004, filed at Vol. 2004-1305, pages 5908 et seq., Official Public Records, San Jacinto County, Texas, concerning, in part, the conveyance of the US 190 Parkway; and

WHEREAS, during the middle of January 2009, the Waterwood national Resort and Golf Club had SHECO turn off all the street lights that the Waterwood National Resort and Golf Club was paying for on the Parkway, Marina Road, and some on Latrobe, with the total number of lights being approximately 126; and

WHEREAS, WIA and San Jacinto County believe that it is beneficial to its members and to

Page 6 of 9



CERTIFIED COPY

18610

the traveling public as a whole, that the street lights be maintained and turned on for public safety and other legitimate reason; and

WHEREAS, it is clear from the foregoing that the easement associated with Waterwood Parkway running from US Highway 190 to the Waterwood National Resort and Golf Club is in favor of San Jacinto County for public road right of way purposes and San Jacinto County is hereby entering into this agreement with WIA.

D. Agreement

The County of San Jacinto and the Waterwood Improvement Association hereby agree as follows:

1. This Agreement is effective immediately and shall continue until such time as either party gives the other party thirty (30) days written notice of its intent to terminate this Agreement;
2. WIA agrees to maintain the Waterwood Parkway easement, from US Highway 190 through to the end of the Waterwood Parkway at the Waterwood National Resort and Golf Club, by planting vegetation, mowing grass, cleaning the right of way, and illuminating some or all the street lights, all at WIA's expense;
3. Any mowing of the Parkway shall be at the sole discretion of WIA;
4. The planting of vegetation and cleaning the right of way of the Parkway shall be in the sole discretion of WIA;
5. The parties agree to indemnify and hold harmless the other party from any liability that may arise from their actions in furtherance of their rights and obligations under this agreement; and
6. This agreement is effective upon the date of the approval and execution by the Waterwood Improvement Association, Inc. And the County of San Jacinto.

WATERWOOD IMPROVEMENT ASSOCIATION, INC.

By: Jack B. Zimmermann

JACK B. ZIMMERMANN, President

Page 7 of 9





CERTIFIED COPY

THE COUNTY OF SAN JACINTO, TEXAS

18611

By: *Fritz Faulkner*

FRITZ FAULKNER, County Judge

By: *Mark Nettuno*

MARK NETTUNO, Commissioner, Precinct No. 4

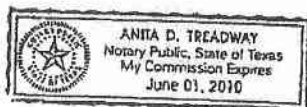
THE STATE OF TEXAS

§

San Jacinto  
COUNTY OF HARRIS

§

This instrument was acknowledged before me on the 28th day of July, 2009,  
by JACK B. ZIMMERMANN, President, Waterwood Improvement Association, a Texas non-profit  
corporation, on behalf of said corporation.



*Anita D. Treadway*  
Notary Public, State of Texas

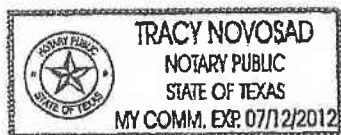
THE STATE OF TEXAS

§

COUNTY OF SAN JACINTO

§

This instrument was acknowledged before me on the 28th day of July,  
2009, by FRITZ FAULKNER, County Judge, San Jacinto County, on behalf of San Jacinto  
County, Texas.



*Tracy Novosad*  
Notary Public, State of Texas

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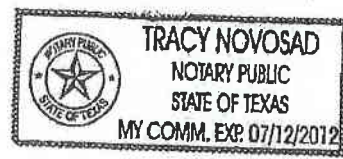


A TRUE COPY  
I hereby certify  
this is a true and correct  
copy of the original  
SAN JACINTO COUNTY, TEXAS  
Date 10-14-2011  
By *[Signature]*  
DEPUTY CLERK

CERTIFIED COPY 18612

THE STATE OF TEXAS §  
COUNTY OF SAN JACINTO §

This instrument was acknowledged before me on the 30th day of July, 2009, by MARK NETTUNO, Commissioner, Precinct No. 4, San Jacinto County, on behalf of San Jacinto County, Texas.



*Tracy Novosad*  
Notary Public, State of Texas

After Recording return to:

Fritz Faulkner, County Judge  
San Jacinto County  
1 State Hwy 150 Rm# 5  
Coldspring, Texas 77331

Evans and Kiuchens  
Lawyers  
P.O. Drawer 310  
Groveton, Texas 75845

STATE OF TEXAS  
COUNTY OF SAN JACINTO  
I, Angela Steele, hereby certify that this instrument was FILED in  
subject register on the date and time stamped herein by me, and was  
duly RECORDED, in the OFFICIAL PUBLIC RECORDS of San  
Jacinto County, Texas as stamped herein by me on

JUL 28 2009



ANGELA STEELE  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

FILED FOR  
RECORD

2009 JUL 28 PM 1 30

*Angela Steele*  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

RECORDERS MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts additions and changes were present at the time the instrument was filed and recorded.



**SAN JACINTO COUNTY**

**JULY 22, 2009  
2:00 PM.**

**CERTIFIED COPY  
COMMISSIONERS COURT  
SAN JACINTO COUNTY COURTHOUSE  
2009 Coldspring, Texas . 7484**

**Notice** is hereby given that a **SPECIAL MEETING** of the San Jacinto County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed,

**Agenda topics**

1. DETERMINE QUORUM
2. CALL TO ORDER.
3. PLEDGE OF ALLEGIANCE
4. PUBLIC COMMENTS.

*This time is provided for citizens who are not on the agenda to address the Commissioners Court. Citizens should complete a witness form located on the side table. Pursuant to State Open Meetings Law, the Commissioners Court is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can be taken only at a future meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, the Commissioners Court has imposed a three-minute limitation on persons addressing the Court.*

**ALL ITEMS LISTED BELOW ARE DISCUSSION AND / OR ACTION ITEMS:**  
*Items may be taken out of the listed order to be discussed.*

**NEW BUSINESS:**

5. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO APPROVE AGREEMENT TO MAINTAIN WATERWOOD PARKWAY.....MARK NETTUNO
6. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO APPROVE RESOLUTION AUTHORIZING COUNTY GRANT FOR THE TEXAS DEPARTMENT OF AGRICULTURE HOME DELIVERED MEAL GRANT PROGRAM FOR THE CLEVELAND SENIOR CITIZENS.....FRITZ FAULKNER
7. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO APPROVE RESOLUTION AUTHORIZING COUNTY GRANT FOR THE TEXAS DEPARTMENT OF AGRICULTURE HOME DELIVERED MEAL GRANT PROGRAM FOR THE SAN JACINTO COUNTY SENIOR CITIZENS.....FRITZ FAULKNER
8. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE ON THE APPOINTMENT OF ADDITIONAL HISTORICAL COMMISSION MEMBERS PURSUANT TO SECTION 318.003 LOCAL GOVERNMENT CODE.....FRITZ FAULKNER
9. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO EXTEND BURN BAN.....FRITZ FAULKNER
10. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO RECOGNIZE JULY 16 "GLADYS DABNEY" DAY IN SAN JACINTO COUNTY.....FRITZ FAULKNER
11. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO DISCONTINUE A REQUESTED TRAFFIC STUDY ON LEE TURNER ROAD.....JAMES A. MOODY
12. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO ADVERTISE FOR BIDS FOR THE 2009-2010 ANNUAL MATERIAL REQUIREMENTS FOR THE FOLLOWING.....CAROLE MARTIN

Aggregate rock  
Road repair mix  
Premix  
Road materials (asphalt)  
Gasoline  
Diesel  
Lubricants  
Culverts  
Ungraded post oak or iron ore  
Mined or un-mined taliche

13. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO DECLARE THE FOLLOWING ITEMS SALVAGE.....CAROLE MARTIN



- 1 Micron Client Pro Computer  
1 Dell Dimension 5100 Computer  
1 Computer desk on Rollers  
1 wooden Desk



A TRUE COPY, I HEREBY CERTIFY  
ANGELLA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
DATE: 7-24-2010  
DEPUTY CLERK



CERTIFIED COPY

CLOSED EXECUTIVE SESSION

7485

14. DISCUSSION ITEM - EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTIONS 551.071, 551.072, 551.074 AND 551.076 TO DISCUSS ANY OF THE FOLLOWING:

SECTION 551.071 - CONSULTATION WITH ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION OR ABOUT SETTLEMENT OFFERS

SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY

SECTION 551.074 - PERSONNEL MATTERS; TO DELIBERATE THE APPOINTMENT, EMPLOYMENT EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE

SECTION 551.076 - DELIBERATIONS REGARDING SECURITY DEVICES

15. ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION

16. CONSIDERATION, DISCUSSION AND POSSIBLE VOTE ON ITEMS DISCUSSED IN EXECUTIVE SESSION.....FRITZ FAULKNER

17. CONSIDER APPROVAL OF BUDGET AMENDMENTS.....CAROLE MARTIN

18. CONSIDER APPROVAL OF CLAIMS.....CAROLE MARTIN

ADJOURN

If during the course of the meeting, any discussion of any item on the agenda should be held in Executive or Closed Session, the Court will convene in such Executive or Closed Session in accordance with the Open Meetings Law, Texas Government Code Section 551.001 et seq. The Court may elect to hold two or more executive sessions in the same meeting. Before any closed meeting is convened, the presiding judge will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

POSTED: JULY 17, 2009

By: FRITZ FAULKNER, County Judge

I, the undersigned, County Clerk of the San Jacinto County Commissioners Court, do hereby certify that the above Notice of Meeting of the San Jacinto County Commissioners Court is a true and correct copy of said Notice and that I received and posted said Notice on the Courthouse Doors and/or the Bulletin board(s) at the Courthouse of San Jacinto County, Texas at a place readily accessible to the general public at all times on the 17th day of July, 2009 at 2:16 P. M., and said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

DATED THIS THE 17TH DAY OF JULY 2009

FILED FOR  
RECORD

2009 JUL 17 PM 2 16

Angelia Steele  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

BY: Deputy Clerk  
DEPUTY CLERK



CERTIFIED COPY

7486

THE STATE OF TEXAS  
COUNTY OF SAN JACINTO

IN THE COMMISSIONERS COURT  
OF SAN JACINTO COUNTY, TEXAS

Be it remembered that Commissioners Court met in a Regular Meeting on the 22<sup>nd</sup> day of July 2009 at 2:00 P.M. in the Commissioners Courtroom.

Those present to wit:

Honorable Judge Fritz Faulkner, presiding

Honorable Commissioners:

Laddie McAnally	Precinct 1
Royce Wells	Precinct 2
James A. Moody	Precinct 3
Mark Nettuno	Precinct 4

PLEDGE OF ALLEGIANCE

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO APPROVE AGREEMENT TO MAINTAIN WATERWOOD PARKWAY.....MARK NETTUNO  
Commissioner Nettuno made the motion to approve Agreement between San Jacinto County and Waterwood Improvement Association Inc. to allow Waterwood Improvement Association Inc. to maintain Waterwood Parkway. The motion was seconded by Commissioner McAnally. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO APPROVE RESOLUTION AUTHORIZING COUNTY GRANT FOR THE TEXAS DEPARTMENT OF AGRICULTURE HOME DELIVERED MEAL GRANT PROGRAM FOR THE CLEVELAND SENIOR CITIZENS...FRITZ FAULKNER  
Commissioner Wells made the motion to approve Resolution authorizing County Grant for the Texas Department of Agriculture Home Delivered Meal Grant Program for the Cleveland Senior Citizens. The motion was seconded by Commissioner Moody. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO APPROVE RESOLUTION AUTHORIZING COUNTY GRANT FOR THE TEXAS DEPARTMENT OF AGRICULTURE HOME DELIVERED MEAL GRANT PROGRAM FOR THE SAN JACINTO COUNTY SENIOR CITIZENS.....FRITZ FAULKNER  
Commissioner Nettuno made the motion to approve the Resolution authorizing County Grant for the Texas Department of Agriculture Home Delivered Meal Grant Program for the San Jacinto County Senior Citizens. The motion was seconded by Commissioner



CERTIFIED COPY

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Wells. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE ON THE APPOINTMENT OF ADDITIONAL HISTORICAL COMMISSION MEMBERS PURSUANT TO SECTION 318.003 LOCAL GOVERNMENT CODE.....FRITZ FAULKNER

Commissioner Moody made the motion to appoint Crystal Laramore and Dale Everitt, as additional members of the Historical Commission. Pursuant to Section 318.003 of the Local Government Code. The motion was seconded by Commissioner Wells. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO EXTEND BURN BAN.....FRITZ FAULKNER

The motion was made by Commissioner Nettuno to extend the Burn Ban. The motion was seconded by Commissioner McAnally. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO RECOGNIZE JULY 16, "GLADYS DABNEY" DAY IN SAN JACINTO COUNTY.....FRITZ FAULKNER

Commissioner Moody made the motion to recognize July 16 as "Gladys Dabney" Day in San Jacinto County. The motion was seconded by Commissioner Nettuno. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO DISCONTINUE A REQUESTED TRAFFIC STUDY ON LEE TURNER ROAD.....JAMES A. MOODY

Commissioner Moody made the motion to discontinue a requested traffic study on Lee Turner Road. The motion was seconded by Commissioner Wells. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO ADVERTISE FOR BIDS FOR THE 2009-2010 ANNUAL MATERIAL REQUIREMENTS FOR THE FOLLOWING.....CAROLE MARTIN

AGGREGATE ROCK  
ROAD REPAIR MIX  
PREMIX  
ROAD MATERIAL ( ASPHALT )  
GASOLINE





CERTIFIED COPY

7488

DIESEL  
LUBRICANTS  
CULVERTS  
UNGRADED POST OAK OR IRON ORE  
MINED OR UN-MINED CALICHE

Commissioner Wells made the motion to advertise for Bids for the 2009-2010 Annual Material. The motion was seconded by Commissioner Nettuno. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

CONSIDERATION, DISCUSSION AND POSSIBLE VOTE TO DECLARE THE FOLLOWING ITEMS SALVAGE.....CAROLE MARTIN

- 1 MICRON CLIENT PRO COMPUTER
- 1 DELL DIMENSION 5100 COMPUTER
- 1 COMPUTER DESK ON ROLLERS
- 1 WOODEN DESK

Commissioner McAnally made the motion to declare the above list of computer equipment as salvage. The motion was seconded by Commissioner Wells. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.

NO EXECUTIVE SESSION WAS HELD

CONSIDER APPROVAL OF BUDGET AMENDMENTS.....CAROLE MARTIN

Commissioner Nettuno made the motion to approve the Budget Amendments. The motion was seconded by Commissioner Wells. Voting in favor was Commissioner McAnally, Commissioner Wells, Commissioner Moody, Commissioner Nettuno and Judge Faulkner. The motion carried.



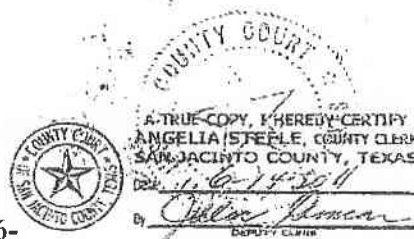
CERTIFIED COPY

7489

San Jacinto County  
Revenue Certification  
Cover Sheet

To certify FEMA Funds received for  
Project Worksheet #581 for Pct. 1

21-300-405 \$39,726.42



CERTIFIED COPY

**SAN JACINTO COUNTY**  
**COUNTY AUDITOR**  
 1 State Hwy 160, Room B1  
 Caldespring, Texas 77331

7490

Revenue Certification

Date: July 22, 2009

Honorable Commissioners Court of San Jacinto County

From: Auditor's Office

In compliance with Sec. 111.010 of the Local Government Code, I submit to you for your consideration the following revenue for certification:

From/To	Department	Account Name	Account Number	Amount From	Amount To
REVENUE	R&B Pct 1	Rebates, Refunds, Reimbursements	21-300-405		39,726.42
To:	R&B Pct 1				
To:	R&B Pct 1				
To:	R&B Pct 1				
To:	R&B Pct 1				
To:	R&B Pct 1				

*Carol Martin*  
 County Auditor

Requested by \_\_\_\_\_

*[Signature]*  
 Approved: County Judge for  
 Commissioners Court

*[Signature]*  
 Attest: County Clerk



A TRUE COPY, I HEREBY CERTIFY.  
 ANGELIA STEELE, COUNTY CLERK  
 SAN JACINTO COUNTY, TEXAS

Date: *7/22/09*By: *[Signature]*



CERTIFIED COPY

7491

San Jacinto County  
Revenue Certification  
Cover Sheet

To certify FEMA Funds received for  
Project Worksheet #580 for Pct. 3

23-300-405 \$ 39,007.36



A TRUE COPY, HEREBY CERTIFY  
ANGELIA STEELE, COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS  
Date: 10-14-2016  
By: *Cynthia Williams*  
DEPUTY CLERK