

**THIRD AMENDMENT TO  
DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF WHITEWATER SPRINGS SUBDIVISION**

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF BURNET    §

This Third Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision (this "**Amendment**") is made by White Water Springs, LLC ("**WWS**"), as Declarant, and the Whitewater Springs Property Owners Association, Inc. (the "**Association**"), to be effective as of the date set forth below.

**RECITALS**

A. Suntex Fuller Corporation ("**Suntex**") or Wollaston Properties, LLC ("**Wollaston**"), successor-in-interest to Suntex, previously executed those certain declarations of covenants, conditions and restrictions and/or amendments thereto relating to WHITEWATER SPRINGS SUBDIVISION (the "**Subdivision**"), a subdivision located in Burnet County, Texas, according to the map(s) or plat(s) thereof recorded in the Plat Records of Burnet County, Texas, which declaration of covenants and amendments are more particularly described on **Exhibit "A"** attached hereto (collectively referred to herein as the "**Declarations**").

B. WWS acquired all portions of the Subdivision then owned by Wollaston and, in connection therewith, WWS became and currently is the successor-in-interest to Suntex's and Wollaston's rights as Declarant under the Declarations. The Declarations encumber the Project (as defined therein)

C. All terms not otherwise defined herein shall have the same meaning as in the Declarations.

D. The Declarations provides for amendment thereof by an instrument executed and acknowledged by an authorized representative of the Board of the Association setting forth the amendment and certifying that such amendment is approved by Owners entitled to cast at least 75% of the total number of votes, as prescribed in the Declarations.

E. WWS, as Declarant and an Owner, is entitled to cast at least 75% of the total number of votes, as prescribed in the Declarations and does hereby adopt and approve the following amendments to the Declarations.

F. A duly authorized officer of the Association, by its joinder below, has certified that this Amendment to the Declarations has been duly approved by Owners entitled to cast at least 75% of the total number of vote, as prescribed in the Declarations.

NOW, THEREFORE, in consideration of the premises, Declarant and the Association hereby amend the Declarations and each instrument comprising the Declarations as follows:

1. **Project.** Article I, Section 13 of the Declarations is hereby deleted in its entirety and replaced with the following:

“**Section 13.** “Project” means the real property described herein and such additions thereto as may be brought within the jurisdiction of the Association, including without limitation, all property within Whitewater Springs Subdivision, Sections I through VI, all as more particularly described on **Exhibit B** attached hereto, which Project is made subject to this Declaration. The Project does not hereafter include the real property described on **Exhibit C**, attached hereto, and such real property is hereby released from all terms and provisions of the Declarations.”

2. **Successor Declarant; Subdivision.** Article I of the Declarations is amended to add the following Sections:

“**Section 2.A.** “Successor Declarant”, as such term is used in the Bylaws of the Association, means and refers to any Developer/Declarant that is a successor to all or any of WWS’s rights as Declarant under this Declaration.

**Section 16.** “Subdivision” means and refers to the Project.”

3. **Easements.** Article II, Section 1 of the Declarations is hereby amended to add the following provision:

“In furtherance of the easement rights granted in the recorded plats for the Project, each Owner of any property within the Project is hereby granted and conveyed permanent non-exclusive easements for (a) vehicular and pedestrian ingress and egress over and across the paved roads and parking areas within the Commons of the Project (excluding any Specific Commons), as they may exist from time to time, (b) installation, operation, maintenance, repair, replacement, removal and relocation of underground storm sewer lines, sanitary sewer pipes, water and gas mains, electric power lines, telephone, data and other communication lines, and other utility lines (collectively, the “Utility Lines”) within the Commons of the Project to serve the improvements located or to be located thereon. Any such easement for the Utility Lines may also be assigned to a utility service provider in connection with the subject Utility Line. The easements provided above are subject to the rights of Developer/Declarant to relocate such roads, parking areas and Utility Lines from time to time, provided such relocation does not eliminate needed utilities or access to the Lots.

4. **Entire Agreement.** Except as expressly amended by this Amendment, the terms, provisions, covenants, conditions and restrictions of the Declarations shall remain in full force and effect.

5. **Counterparts; Multiple Originals and Separate Signature Pages.** This Amendment and any and all future amendments may be executed simultaneously in two or more counterparts

and/or with separate signature pages, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

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EXECUTED AS OF the dates of the acknowledgements set forth below, TO BE EFFECTIVE June 26, 2007.

DECLARANT:

White Water Springs, LLC  
(a Texas limited liability company)  
By: [Signature]  
Name: Gary D Levine  
Title: Manager

State of COLORADO §  
§  
County of ARAPAHO §

This instrument was acknowledged before me, the undersigned authority, this 26<sup>th</sup> day of June, 2007, by Gary D Levine as Manager of White Water Springs, LLC, a Texas limited liability company, on behalf of said limited liability company.

[Signature]  
Notary Public State of COLORADO  
(Commission Expires 10-20-09)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



The undersigned, being a duly authorized officer for the Association, joins in the execution of this Amendment in order to acknowledge and evidence the terms of such Amendment and, in connection therewith, does hereby certify that this Amendment has been approved by Owners entitled to cast at least 75% of the number of votes, as prescribed by Article VI of the Declarations.

ASSOCIATION:

**Whitewater Springs Property Owners Association, Inc.**  
(a Texas non-profit corporation)

By: [Signature]  
Name: Mary D Levine  
Title: President

State of ~~Texas~~ COLORADO §  
§  
County of ARAPAHOE §

This instrument was acknowledged before me, the undersigned authority, this 26<sup>th</sup> day of June, 2007, by Mary D Levine, President of Whitewater Springs Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

[Signature]  
Notary Public State of Texas

After Recording, Please Return To:

*Commission expires 10-20-09*

Jerry Webberman, Esq.  
Jackson Walker L.L.P.  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701-4042



## EXHIBIT A

1. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section I, dated December 18, 1997, recorded in Volume 774, Page 200 of the Official Public Records of Burnet County, Texas ("**OPRBC**"), as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section I dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 395 of the OPRBC, as further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section I dated January 19, 2006 (to be effective as of December 9, 2004), recorded in Volume 1399, Page 245 of the OPRBC (collectively, the "**Section I CCRs**").

2. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section II, dated July 22, 1998, recorded in Volume 808, Page 159 of the OPRBC, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section II dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 414 of the OPRBC, as further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section II, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 253 of the OPRBC (collectively, the "**Section II CCRs**").

3. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section III, dated September 14, 1998 recorded in Volume 817, Page 910 of the OPRBC, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section III dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 433 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section III, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 261 of the OPRBC (collectively, the "**Section III CCRs**").

4. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section IV, dated November 19, 1999, recorded in Volume 887, Page 336 of the OPRBC, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section IV dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 452 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section IV, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 269 of the OPRBC (collectively, the "**Section IV CCRs**").

5. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section 1, dated December 7, 1999, recorded in Volume 892, Page 117 of the OPRBC, as amended by Amended and Restated Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section V, dated April 1, 2002, recorded in Volume 1093, Page 3 of the OPRBC, and First Amendment to Declaration of Covenants,

Conditions and Restrictions of Whitewater Springs Subdivision Section 1 dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 471 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section V, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 277 of the OPRBC (collectively, the "**Section V CCRs**").

6. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section VI, dated April 12, 2000, recorded in Volume 918, Page 25 of the OPRBC, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section VI dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 490 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section VI, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 286 of the OPRBC (collectively, "**Section VI CCRs**").

## EXHIBIT B

### Tract 1:

Being a 0.90 acre tract of land, more or less, out of the Joseph Kealy Survey No. 561, Abstract No. 513, Burnet County, Texas, and being more particularly described by metes and bounds in Exhibit "A-1" attached hereto and made a part hereof for all pertinent purposes.

### Tract 2:

Being a 11.29 acre tract of land, more or less, out of the Joseph Kealy Survey No. 561, Abstract No. 513, and the B.O. Stavely, Sr. Survey No. 509, Abstract No. 853, Burnet County, Texas, and being more particularly described by metes and bounds in Exhibit "A-2" attached hereto and made a part hereof for all pertinent purposes.

### Tract 3:

Being a 1151.05 acre tract of land, more or less, out of the G.W. Harris Survey No. 826, Abstract No. 421, the H.W. Heine Survey No. 532, Abstract No. 428, the T.C.R.R. Company Survey No. 109, Abstract No. 1401, and the E. Schnell Survey No. 98, Abstract No. 1799, in Burnet County, Texas, and being more particularly described by metes and bounds in Exhibit "A-3" attached hereto and made a part hereof for all pertinent purposes.

### Tract 4:

Being a 409.32 acre tract of land, more or less, out of the G.W. Harris Survey No. 826, Abstract No. 421, the B.O. Stavely Sr. Survey No. 559, Abstract No. 853, the Texas C. Ry Co. Survey No. 109, Abstract No. 1401, and the Joseph Kealy Survey No. 561, Abstract No. 512, in Burnet County, Texas, and being more particularly described by metes and bounds in Exhibit "A-4", attached hereto and made a part hereof for all pertinent purposes.

### Tract 5:

Being a 127.84 acre tract of land, more or less, out of the G.W. Harris Survey No. 826, Abstract No. 421, the B.O. Stavely Sr. Survey No. 559, Abstract No. 853, and the Tex. C. Ry Co. Survey No. 109, Abstract No. 1401, in Burnet County, Texas, and being more particularly described by metes and bounds in Exhibit "A-5" attached hereto and made a part hereof for all pertinent purposes; and out of which five (5) tracts the following subdivisions have been platted:

1. WHITEWATER SPRINGS, SECTION ONE; as recorded in Plat Cabinet 2, Slide 108B-111A, Plat Records of Burnet County Texas and as replatted and recorded in Cabinet 2, Slide 126D, Plat Records of Burnet County, Texas; consisting of a 332.40 acre tract of land, consisting of approximately 3.38 acres out of the Hugh Brown & A.C. Hillman Survey No. 10, Abstract No. 1876, 7.25 acres out of the E. Schnell Survey No. 98, Abstract No. 1799, 36.68 acres out of the G.W. Harris Survey No. 826, Abstract No. 421, 83.17 acres out of the H.W. Heine Survey No. 532, Abstract No. 428, and 198.92 acres out of the T.C.R.R. Co. Survey No. 109, Abstract No. 1401, and being a portion of the certain 60 foot wide strip of land conveyed to the 1902 Land Owners Association, Inc. recorded in Volume 764, Page 31, Official Public Records of Burnet County, Texas and a portion of that certain 1151.05 acres of land known as Tract C, conveyed to said Suntex Fuller Corporation recorded in Volume 763, Page 995, Official Public Records of Burnet County, Texas;



2. WHITEWATER SPRINGS, SECTION TWO; as recorded in Plat Cabinet 2, Slide 120D-124A, Plat Records of Burnet County, Texas and as replatted and recorded in Plat Cabinet 2, Slide 133C-134B; Cabinet 2, Slide 126C, Cabinet 2, Slide 127A, and Cabinet 2, Slide 133A&B, Plat Records of Burnet County, Texas; being a portion of a 475.16 acre tract of land, consisting of approximately 129.37 acres out of the T.C. Railroad Co. Survey No. 109, Abstract No. 1401, approximately 13.63 acres out of the H.W. Heine Survey NO. 532, Abstract No. 428, approximately 25.71 acres out of the Hugh Brown and A.C. Hillman Survey No. 10, Abstract No. 1876, and approximately 306.45 acres out of the E. Schnell Survey No. 98, Abstract No. 1799, and being a portion of that certain 60 foot wide strip of land conveyed to the 1902 Land Owners Association, Inc., recorded in Volume 764, Page 31, Official Public Records of Burnet County, Texas, and a portion of that certain 1151.05 acre tract of land known as Tract C, conveyed to Suntex Fuller Corporation, recorded in Volume 763, Page 995, Official Public Records of Burnet County, Texas;

3. WHITEWATER SPRINGS, SECTION THREE; as recorded in Plat Cabinet 2, Slide 148A-149C, Plat Records of Burnet County, Texas, being a portion of 191.42 acres of land consisting of approximately 141.69 acres out of the Joseph Kealy Survey No. 561, Abstract No. 513, 40.59 acres out of the E.H. Caldwell Survey No. 8, Abstract No. 200, 5.24 acres out of the B.O. Stavely, Sr. Survey No. 509, Abstract No. 853, and 3.90 acres out of the G.W. Harris Survey No. 826, Abstract No. 421, and being portions of that certain 60 foot wide strip conveyed to Suntex Fuller Corporation, recorded in Volume 885, Page 151, Official Public Records of Burnet County, Texas, and all of that certain Tract A, 0/90 acre tract conveyed to Suntex Fuller Corporation, recorded in Volume 763, Page 995, Official Public Records of Burnet County, Texas;

4. Whitewater SPRINGS, SECTION FOUR, as recorded in Plat Cabinet 2, Slides 149D-150D, Plat Records of Burnet County, Texas, which consists of 137.04 acres of land, consisting of approximately 7.47 acres out of the Joseph Kealy Survey No. 561, Abstract No. 513, 0.38 acre out of the E.H. Caldwell Survey No. 8, Abstract No. 200, 123.40 acres out of the B.O. Stavely, Sr. Survey No. 509, Abstract No. 853, and 5.79 acres out of the G.W. Survey No. 826, Abstract No. 421, and being portions of that certain 60 foot wide strip conveyed to Suntex Fuller Corporation recorded in Volume 805, Page 218, Official Public Records of Burnet County, Texas, that certain Tract B, 11.29 acres conveyed to Suntex Fuller Corporation recorded in Volume 763, Page 995 and Volume 763, Page 1009, Official Public Records of Burnet County, Texas, and that certain Tract No. 2, 127.84 acres conveyed to Suntex Fuller Corporation recorded in Volume 805, Page 218, Official Public Records of Burnet County, Texas;

5. Whitewater SPRINGS, SECTION FIVE, as recorded in Plat Cabinet 2, Slide 154C-155A, Plat Records of Burnet County, Texas, which consists of 320.07 acres of land, out of the E. Schnell Survey No. 98, Abstract No. 1799, and being a portion of that certain Tract C, 1151.05 acres of land conveyed to Suntex Fuller Corporation, recorded in Volume 763, Page 995, Official Public Records of Burnet County, Texas; and

6. WHITEWATER SPRINGS, SECTION SIX, a subdivision in Burnet County Texas, according to the plat recorded in Cabinet 2, Slide 174A-175C, Plat Records of Burnet County, Texas and the replat recorded in Cabinet 3, Section 52B, Plat Records of Burnet County, Texas.

**SAVE AND EXCEPT the real property described in Exhibit C, attached hereto and incorporated herein by reference.**

## EXHIBIT A-1

**A DESCRIPTION OF A 0.90 OF AN ACRE TRACT OF LAND OUT OF THE JOSEPH KEALY SURVEY NO. 681, ABSTRACT NO. 513, SITUATED IN BURNET COUNTY, TEXAS; BEING PART OF THAT CERTAIN 1902.84 ACRE TRACT OF LAND (GROSS ACREAGE) CONVEYED FROM SUN MLP LIMITED PARTNERSHIP TO JABAT INVESTMENTS, LTD. BY A SPECIAL WARRANTY DEED RECORDED IN VOLUME 678, PAGE 585 ET SEQ. OF THE DEED RECORDS OF SAID COUNTY; SAID 0.90 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at a 1/2 inch iron rod found on the west R.O.W. (right-of-way) line of RM 1174 at the northeasterly corner of the said 1902.84 acre tract, being at the southeast corner of that certain 147.69 acre tract described in Volume 535, Page 435 et seq. of the said Deed Records, for the northeast corner hereof;

**THENCE** with the said west R.O.W. line of RM 1174 and east line of the said 1902.84 acre tract, S 31° 47' 40" W, at a distance of 250.00 feet a 1/2 inch iron rod set, continuing for a total distance of 311.60 feet to an unmarked point on the north line of a 60 foot wide easement described in Volume 735, Page 458 of the said Deed Records, for the southeast corner hereof;

**THENCE** departing from said southeast line and passing over and across the said 1902.84 acre tract with the following four (4) courses:

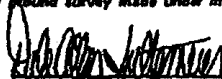
1. N 60° 40' 14" W, a distance of 38.62 feet to a 1/2 inch iron rod set,
2. N 02° 33' 53" E, a distance of 321.03 feet to a 1/2 inch iron rod set,
3. N 28° 21' 11" W, a distance of 9.47 feet to a 1/2 inch iron rod set, and
4. N 31° 38' 39" E, a distance of 27.42 feet to a 1/2 inch iron rod set on the north line of the said 1902.84 acre tract, for the northwest corner hereof;

**THENCE** with said north line, S 58° 21' 21" E, a distance of 303.27 feet along a fence line to the POINT OF BEGINNING, containing 0.90 of an acre of land, more or less.

I, Dale Allen Sultemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat was prepared from an on the ground survey made under my direction and supervision.

SULTEMEIER SURVEYING  
304 East Main  
Johnson City, TX 76836  
(214) 868-7308



  
Dale Allen Sultemeier  
Registered Professional Land  
Surveyor  
No. 4542 - State of Texas

Page 1 of 1

## EXHIBIT A-2

A DESCRIPTION OF AN 11.29 ACRE TRACT OF LAND WHICH COMPRISES . . . . . OF THE JOSEPH KEALY SURVEY NO. 641, ABSTRACT NO. 613 AND PART OF THE E. O. STAVELY SURVEY NO. 608, ABSTRACT NO. 883, BOTH SITUATED IN SUMMIT COUNTY, TEXAS; BEING PART OF THAT CERTAIN 1902.84 ACRE TRACT OF LAND (GROSS ACREAGE) CONVEYED FROM SUN MLP LIMITED PARTNERSHIP TO JAAT INVESTMENTS, LTD. BY A SPECIAL WARRANTY DEED RECORDED IN VOLUME 67E, PAGE 628 ET SEQ. OF THE DEED RECORDS OF SAID COUNTY AND ALL OF THAT CERTAIN 6.06 ACRE TRACT DESCRIBED IN A QUITCLAIM DEED RECORDED IN VOLUME 67E, PAGE 631 ET SEQ. OF THE SAID DEED RECORDS; SAID 11.29 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGUNNING** at a 1/2 inch iron rod found at a reentrant corner on the northerly line of the said 1902.84 acre tract, being at the southeast corner of that certain 60.74 acre tract described in Volume 73E, Page 383 et seq. of the said Deed Records and at the west corner of the said 6.06 acre tract, for the west corner hereof;

**THENCE** departing from said northerly line and passing over and across the said 1902.84 acre tract with the following fourteen (14) courses:

1. S 57° 48' 50" E, a distance of 1836.24 feet to a 1/2 inch iron rod set,
2. S 40° 49' 08" E, a distance of 301.25 feet to a 1/2 inch iron rod set,
3. S 73° 58' 48" E, a distance of 33.91 feet to a 1/2 inch iron rod set,
4. N 61° 44' 00" E, a distance of 65.18 feet to a 1/2 inch iron rod set,
5. N 38° 38' 42" E, a distance of 585.79 feet to a 1/2 inch iron rod set,
6. N 60° 64' 00" E, a distance of 278.73 feet to a 1/2 inch iron rod set,
7. N 72° 27' 18" E, a distance of 80.77 feet to a 1/2 inch iron rod set,
8. S 84° 12' 38" E, a distance of 72.25 feet to a 1/2 inch iron rod set,
9. S 48° 58' 53" E, a distance of 98.18 feet to a 1/2 inch iron rod set,
10. S 80° 22' 52" E, a distance of 304.47 feet to a 1/2 inch iron rod set,
11. S 77° 56' 31" E, a distance of 121.24 feet to a 1/2 inch iron rod set,
12. N 42° 58' 18" E, a distance of 226.76 feet to a 1/2 inch iron rod set,
13. S 70° 50' 22" E, a distance of 83.08 feet to a 1/2 inch iron rod set, and
14. S 64° 34' 48" E, a distance of 13.08 feet to a 1/2 inch iron rod set on the northerly line of the said 1902.84 acre tract, for the east corner hereof;

**THENCE** with said northerly line, as fenced, N 88° 31' 31" W, a distance of 1045.69 feet to a concrete monument found, being at a reentrant corner of the said 1902.84 acre tract and at the north corner of the said 6.06 acre tract, for a northwesterly corner hereof;

**THENCE** with the northerly line of the said 6.06 acre tract, as fenced, the following three (3) courses:

1. S 43° 49' 10" W, a distance of 1011.01 feet to a 3/8 inch iron rod found,
2. N 57° 31' 07" W, a distance of 739.69 feet to a 60d nail found at the base of a 20 inch diameter Liveoak tree, and
3. N 62° 27' 54" W, a distance of 885.16 feet to the POINT OF BEGINNING, containing 11.29 acres of land, more or less.

I, Dale Allen Sultemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat were prepared by me or on the ground survey made under my direction and supervision.

SULTEMEIER SURVEYING  
304 East Meade  
Johanna City, TX 78838  
(214) 868-7308



*Dale Allen Sultemeier*  
Dale Allen Sultemeier  
Registered Professional Land  
Surveyor  
No. 4843 - State of Texas

## EXHIBIT A-3

A DESCRIPTION OF A 1151.05 ACRE TRACT OF LAND WHICH COMPRISES PORTIONS OF THE FOLLOWING SURVEYS SITUATED IN SUNNET COUNTY, TEXAS:

- G. W. HARRIS SURVEY NO. 426, ABSTRACT NO. 421
- H. W. HERVE SURVEY NO. 632, ABSTRACT NO. 428.
- T. C. RA. COMPANY SURVEY NO. 108, ABSTRACT NO. 1401, AND
- E. SCHNELL SURVEY NO. 98, ABSTRACT NO. 1799;

BEING PART OF THAT CERTAIN 1902.84 ACRE TRACT OF LAND CONVEYED FROM SUN NET LIMITED PARTNERSHIP TO JABAT INVESTMENTS, LTD. BY A SPECIAL WARRANTY DEED RECORDED IN VOLUME 678, PAGE 585 ET SEQ. OF THE DEED RECORDS OF SAID COUNTY AND PART OF THAT CERTAIN 3.04 ACRE TRACT CONVEYED FROM RONALD W. DENNIE TO THE SAID JABAT INVESTMENTS BY A WARRANTY DEED RECORDED IN VOLUME 738, PAGE 395 ET SEQ. OF THE SAID DEED RECORDS; SAID 1151.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a 1/2 inch iron rod found at the base of a Cedar fence post at the southwest corner of the said 1902.84 acre tract, being at a southeast corner of that certain 2084 acre tract described in Volume 125, Page 414 et seq. of the said Deed Records, for the southwest corner hereof;

**THENCE** with the south line of the said 1902.84 acre tract, the following four (4) courses:

1. S 63° 18' 49" E, a distance of 41.82 feet to an 8 inch diameter Cedar post,
2. S 64° 00' 54" E, a distance of 1318.89 feet to an 8 inch diameter Cedar post,
3. S 64° 10' 12" E, a distance of 1209.26 feet to a 3/8 inch iron rod set, and
4. S 64° 11' 47" E, a distance of 2284.98 feet along a fence line to a 3/8 inch iron rod found at the base of a fence post at a southerly corner of the said 1902.84 acre tract, being at the southerly corner of that certain 127.84 acre tract described in Volume 738, Page 462 et seq. of the said Deed Records, for the southeast corner hereof;

**THENCE** departing from said south line and passing over and across the said 1902.84 acre tract with the northwest line of the said 127.84 acre tract, the following two (2) courses:

1. N 67° 20' 31" E, a distance of 1858.49 feet along a fence line to a 3/8 inch iron rod found at a fence post, and
2. N 38° 24' 51" E, a distance of 4338.38 feet to a 1/2 inch iron rod found at the northwest corner of the said 127.84 acre tract, being on the southerly line of a 60 foot wide roadway easement described in Volume 738, Page 468 et seq. of the said Deed Records, for the northeast corner hereof;

**THENCE** continuing over the said 1902.84 acre tract with the southerly line of the said 60 foot wide roadway easement, the following eight (8) courses:

1. N 61° 05' 48" W, a distance of 377.41 feet to a 1/2 inch iron rod set,
2. N 11° 38' 39" W, a distance of 1468.97 feet to a 1/2 inch iron rod set,
3. N 80° 29' 00" W, a distance of 211.10 feet to a 1/2 inch iron rod set,
4. S 86° 48' 29" W, a distance of 648.84 feet to a 1/2 inch iron rod set,
5. N 73° 51' 13" W, a distance of 213.14 feet to a 1/2 inch iron rod set,
6. N 73° 51' 04" W, a distance of 269.66 feet to a 1/2 inch iron rod set,
7. N 83° 18' 41" W, a distance of 663.27 feet to a 1/2 inch iron rod set, and
8. N 80° 22' 11" W, a distance of 1197.47 feet to a 1/2 inch iron rod set for a reentrant corner hereof;

THENCE continuing over the said 1902.84 acre tract, N 13° 29' 13" E, a distance of 30.70 feet to a 1/2 inch iron rod set on the south line of the said 3.04 acre tract, for a corner on the northeasterly line hereof;

THENCE passing over the said 3.04 acre tract, N 03° 17' 55" E, a distance of 23.55 feet to a 3/8 inch iron rod found at a reentrant corner thereof, for a corner on the easterly line hereof;

THENCE with the east line of the said 3.04 acre tract, the following four (4) courses:

1. N 03° 17' 55" E, a distance of 105.91 feet to a 3/8 inch iron rod found,
2. N 18° 29' 20" W, a distance of 168.30 feet to a 3/8 inch iron rod found,
3. N 06° 10' 28" E, a distance of 773.95 feet to a 3/8 inch iron rod found, and
4. N 07° 25' 09" E, a distance of 206.47 feet to a 3/8 inch iron rod found at the northeast corner of the said 3.04 acre tract, being on the north line of that certain 92.82 acre tract described in Volume 631, Page 481 et seq. of the said Deed Records, for a reentrant corner hereof;

THENCE with the said north line of the 92.82 acre tract, N 75° 45' 43" E, a distance of 85.44 feet to a 3/8 inch iron rod found on a northeasterly line of the said 1902.84 acre tract, for a southeasterly corner hereof;

THENCE with the said northeasterly line of the 1902.84 acre tract, the following two (2) courses:

1. N 10° 30' 33" W, a distance of 180.03 feet along a fence line to a 3/8 inch iron rod found, and
2. N 11° 18' 33" W, a distance of 2338.71 feet along a fence line to a 1/2 inch iron rod found at the base of a cedar fence post at a reentrant corner thereof, for a reentrant corner hereof;

THENCE with a southerly line of the said 1902.84 acre tract, N 78° 18' 03" E, a distance of 265.55 feet along a fence line to a 60d nail found at the base of a 12 inch diameter crosscut post at an east corner thereof, for an easterly corner hereof;

THENCE with a northeasterly line of the said 1902.84 acre tract, as fenced, the following four (4) courses:

1. N 34° 44' 31" W, a distance of 984.67 feet to a 3/8 inch iron rod set,
2. N 35° 20' 06" W, a distance of 265.68 feet to a 3/8 inch iron rod set,
3. N 35° 20' 33" W, a distance of 963.73 feet to a 60d nail found at the base of a 10 inch diameter crosscut fence post, and
4. N 34° 45' 43" W, a distance of 585.02 feet to a 1/2 inch iron rod found at the base of a 14 inch diameter Cedar tree at the northerly northeast corner of the said 1902.84 acre tract, for the northerly northeast corner hereof (this course not along a fence);

THENCE with the most northerly line of the said 1902.84 acre tract, as fenced, the following three (3) courses:

1. S 87° 28' 50" W, a distance of 137.16 feet to a 60d nail found at the base of a fence post,
2. S 84° 32' 34" W, a distance of 131.03 feet to a 60d nail found at the base of a fence post, and
3. S 86° 36' 14" W, a distance of 373.56 feet to a 1/2 inch iron found at the base of a fence post at the northwest corner of the said 1902.84 acre tract, for the northwest corner hereof;

THENCE with the upper west line of the said 1902.84 acre tract, as fenced, the following six (6) courses:

1. S 23° 22' 43" W, a distance of 133.84 feet to a 60d nail found at the base of a Cedar fence post,

Page 2 of 3

2. S 29° 04' 12" W, a distance of 1125.21 feet to a 3/8 inch iron rod set,
3. S 19° 04' 45" W, a distance of 1203.43 feet to a 3/8 inch iron rod set,
4. S 28° 05' 13" W, a distance of 536.30 feet to a 60d nail found at the base of a fence post,
5. S 29° 16' 51" W, a distance of 481.62 feet to a 60d nail found at the base of a fence post, and
6. S 28° 41' 37" W, a distance of 729.55 feet to a concrete monument found at a westerly corner of the said 1902.84 acre tract, being at a reentrant corner of the said 2084 acre tract, for a westerly corner heretofore;

THENCE with an upper south line of the said 1902.84 acre tract, as fenced, the following three (3) courses:

1. S 60° 57' 49" E, a distance of 869.66 feet to a 3/8 inch iron rod set,
2. S 60° 58' 01" E, a distance of 983.82 feet to a 3/8 inch iron rod set, and
3. S 61° 00' 18" E, a distance of 794.80 feet to a 2-7/8 inch diameter iron pipe fence post found at a reentrant corner of the said 1902.84 acre tract, being at a northeast corner of the said 2084 acre tract, for a reentrant corner heretofore;

THENCE with the lower west line of the said 1902.84 acre tract, as fenced, the following eight (8) courses:

1. S 29° 14' 37" W, a distance of 772.16 feet to a 60d nail found at the base of a 16 inch diameter Cedar stump,
2. S 29° 07' 34" W, a distance of 937.39 feet to a 3/8 inch iron rod set,
3. S 28° 03' 11" W, a distance of 369.99 feet to a 3/8 inch iron rod set,
4. S 28° 28' 55" W, a distance of 1989.22 feet to a 3/8 inch iron rod set,
5. S 30° 00' 41" W, a distance of 360.28 feet to a 6 inch diameter Cedar post,
6. S 30° 44' 43" W, a distance of 122.17 feet to a 6 inch diameter Cedar post,
7. S 29° 59' 29" W, a distance of 66.52 feet to a 6 inch diameter Cedar post, and
8. S 28° 12' 37" W, a distance of 649.27 feet to the POINT OF BEGINNING, containing 1161.05 acres of land, more or less.

I, Dale Allen Sultemeyer, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat was prepared from an on the ground survey performed under my direction and supervision.

SULTEMEYER SURVEYING  
304 East Main  
Johnson City, TX 78836  
(210) 668-7308



*Dale Allen Sultemeyer*  
Dale Allen Sultemeyer  
Registered Professional Land  
Surveyor  
No. 4542 - State of Texas

Page 3 of 3

## EXHIBIT A-4

A DESCRIPTION OF A 409.32 ACRE TRACT OF LAND WHICH COMPRISES PORTIONS OF THE FOLLOWING PATENT SURVEYS SITUATED IN BURNET COUNTY, TEXAS:

- G. W. HARRIS SURVEY NO. 826, ABSTRACT NO. 421,
- B. O. STAVELY SR. SURVEY NO. 569, ABSTRACT NO. 053,
- TEX. C. RY CO. SURVEY NO. 109, AND
- JOSEPH KEALY SURVEY NO. 661, ABSTRACT NO. 513;

BEING PART OF THAT CERTAIN 1902.84 ACRE TRACT OF LAND THAT WAS CONVEYED FROM SUN MUF LIMITED PARTNERSHIP TO JABAT INVESTMENTS, LTD. BY A SPECIAL WARRANTY DEED RECORDED IN VOLUME 576, PAGE 585 ET SEQ. OF THE DEED RECORDS OF SAID COUNTY; SAID 409.32 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a 3/8 inch iron rod set on the northwest R.O.W. (right-of-way) line of R. M. Highway 1174 and southeast line of the said 1902.84 acre tract, for the most easterly corner hereof;

**THENCE** departing from said southeast line and passing over and across the said 1902.84 acre tract with the following thirty three (33) courses:

1. N 80° 40' 14" W, a distance of 72.90 feet to a 3/8 inch iron rod set,
2. N 02° 33' 53" E, a distance of 343.06 feet to a 3/8 inch iron rod set,
3. N 26° 21' 09" W, a distance of 27.14 feet to a 3/8 inch iron rod set,
4. N 68° 21' 21" W, a distance of 1189.56 feet to a 3/8 inch iron rod set,
5. N 70° 50' 22" W, a distance of 69.11 feet to a 3/8 inch iron rod set,
6. S 82° 59' 19" W, a distance of 222.89 feet to a 3/8 inch iron rod set,
7. N 77° 56' 31" W, a distance of 148.03 feet to a 3/8 inch iron rod set,
8. N 50° 22' 52" W, a distance of 321.52 feet to a 3/8 inch iron rod set,
9. N 45° 55' 53" W, a distance of 63.63 feet to a 3/8 inch iron rod set,
10. N 84° 12' 38" W, a distance of 39.04 feet to a 3/8 inch iron rod set,
11. S 72° 27' 16" W, a distance of 68.96 feet to a 3/8 inch iron rod set,
12. S 50° 54' 00" W, a distance of 283.80 feet to a 3/8 inch iron rod set,
13. S 36° 38' 43" W, a distance of 661.63 feet to a 3/8 inch iron rod set,
14. S 81° 44' 00" W, a distance of 106.95 feet to a 3/8 inch iron rod set,
15. N 73° 55' 43" W, a distance of 82.20 feet to a 3/8 inch iron rod set,
16. N 40° 49' 09" W, a distance of 310.15 feet to a 3/8 inch iron rod set,
17. N 87° 45' 46" W, a distance of 1682.10 feet to a 3/8 inch iron rod set,
18. N 58° 03' 50" W, a distance of 332.55 feet to a 3/8 inch iron rod set,
19. N 75° 48' 01" W, a distance of 111.58 feet to a 3/8 inch iron rod set,
20. S 84° 58' 42" W, a distance of 80.18 feet to a 3/8 inch iron rod set,
21. S 62° 20' 15" W, a distance of 119.69 feet to a 3/8 inch iron rod set,
22. S 79° 25' 56" W, a distance of 78.21 feet to a 3/8 inch iron rod set,
23. N 44° 15' 00" W, a distance of 80.33 feet to a 3/8 inch iron rod set,



24. N 18° 05' 43" W, a distance of 306.50 feet to a 3/8 inch iron rod set,
25. N 63° 39' 10" W, a distance of 79.32 feet to a 3/8 inch iron rod set,
26. S 34° 49' 14" W, a distance of 148.33 feet to a 3/8 inch iron rod set,
27. S 18° 17' 32" W, a distance of 103.17 feet to a 3/8 inch iron rod set,
28. S 26° 13' 10" W, a distance of 173.06 feet to a 3/8 inch iron rod set,
29. S 16° 17' 20" W, a distance of 363.45 feet to a 3/8 inch iron rod set,
30. S 11° 36' 34" W, a distance of 711.45 feet to a 3/8 inch iron rod set,
31. S 08° 47' 21" W, a distance of 315.06 feet to a 3/8 inch iron rod set,
32. S 28° 22' 01" W, a distance of 104.32 feet to a 3/8 inch iron rod set, and
33. a distance of 6.47 feet along the arc of a curve to the right having a central angle of 05° 13' 17", a radius of 80.00 feet and a chord bearing of S 41° 00' 02" E, a distance of 6.47 feet to a 3/8 inch iron set on the north line of that certain 31.03 acre tract described in Volume 631, Page 418 et seq. of the said Deed Records, for a southwesterly corner hereof;

THENCE with the north and east line of the said 31.03 acre tract, the following eight (8) courses:

1. S 34° 19' 16" E, a distance of 247.67 feet to a 1/2 inch iron rod found,
2. S 48° 29' 40" E, a distance of 210.50 feet to a 1/2 inch iron rod found,
3. S 41° 16' 21" E, a distance of 280.00 feet to a 1/2 inch iron rod found,
4. N 60° 11' 04" E, a distance of 283.86 feet to a 2-7/8 inch diameter iron pipe found,
5. S 35° 08' 17" E, a distance of 464.76 feet to a 1/2 inch iron rod found,
6. S 42° 11' 10" E, a distance of 355.26 feet to a 1/2 inch iron rod found,
7. S 49° 17' 34" E, a distance of 147.94 feet to a 2-7/8 inch diameter iron pipe found at the easterly northeast corner of the said 31.03 acre tract, and
8. S 39° 30' 16" W, a distance of 248.34 feet to a 2-7/8 inch diameter iron pipe found on a southerly line of the said 1902.84 acre tract, being at the southeast corner of the said 31.03 acre tract, for a westerly corner hereof;

THENCE with the said south line of the 1902.84 acre tract, as fenced, the following six (6) courses:

1. S 77° 24' 17" E, a distance of 244.36 feet to a 14 inch diameter Cedar tree,
2. N 83° 49' 03" E, a distance of 262.99 feet to a 12 inch diameter Cedar tree,
3. S 82° 38' 47" E, a distance of 160.26 feet to a 16 inch diameter Cedar tree,
4. S 64° 37' 08" E, a distance of 173.10 feet to a 16 inch diameter Cedar tree,
5. S 76° 43' 34" E, a distance of 94.90 feet to a 1/2 inch iron rod found at a Cedar fence post, and
6. S 84° 04' 48" E, a distance of 362.61 feet to a 3/8 inch iron rod found at a Cedar fence post at a reentrant corner of the said 1902.84 acre tract, for a reentrant corner hereof;

THENCE with a lower westerly line of the said 1902.84 acre tract, as fenced, the following four (4) courses:

1. S 32° 22' 11" W, a distance of 718.99 feet to a Cedar fence post,

2.  $S 32^{\circ} 07' 22'' W$ , a distance of 944.38 feet to a  $3/8$  inch iron rod set at a Cedar fence post,
3.  $S 00^{\circ} 50' 23'' E$ , a distance of 252.12 feet to a 16p nail found at the base of a Cedar fence post at a southwest corner of the said 1902.84 acre tract, and
4.  $S 28^{\circ} 31' 11'' E$ , a distance of 96.56 feet to a 16p nail found at the base of a Cedar fence post at a southwestern corner of the said 1902.84 acre tract, for the southwestern corner hereof;

THENCE with a south line of the said 1902.84 acre tract, as fenced, the following three (3) courses:

1.  $S 57^{\circ} 14' 23'' E$ , a distance of 368.34 feet to a 2-7/8 inch diameter iron pipe,
2.  $S 56^{\circ} 51' 21'' E$ , a distance of 418.04 feet to a 40p nail found at a 14 inch diameter Elm tree, and
3.  $S 57^{\circ} 16' 04'' E$ , a distance of 884.05 feet to a  $3/8$  inch iron rod found at a fence post on the said northwest R.O.W. Street R. M. 1174, being at the most southerly corner of the said 1902.84 acre tract, for the most southerly corner hereof;

THENCE with said R.O.W. line, the following ten (10) courses:

1.  $N 71^{\circ} 32' 27'' E$ , a distance of 162.36 feet to a concrete R.O.W. monument found,
2.  $N 63^{\circ} 08' 56'' E$ , a distance of 178.63 feet to a concrete R.O.W. monument found,
3.  $N 63^{\circ} 27' 41'' E$ , a distance of 18.58 feet to a concrete R.O.W. monument found,
4.  $N 62^{\circ} 40' 13'' E$ , a distance of 392.46 feet to a concrete R.O.W. monument found,
5.  $N 57^{\circ} 29' 38'' E$ , a distance of 216.27 feet to a concrete R.O.W. monument found at the beginning of a curve,
6. a distance of 412.80 feet along the arc of a curve to the left having a central angle of  $21^{\circ} 34' 53''$ , a radius of 1055.32 feet and a chord bearing of  $N 27^{\circ} 34' 20'' E$ , a distance of 410.36 feet to a brass R.O.W. disc found at the end of said curve,
7.  $N 16^{\circ} 47' 18'' E$ , a distance of 1068.54 feet to a concrete R.O.W. monument found at the beginning of a curve,
8. a distance of 616.01 feet along the arc of a curve to the right having a central angle of  $16^{\circ} 43' 22''$ , a radius of 1863.86 feet and a chord bearing of  $N 24^{\circ} 14' 28'' E$ , a distance of 613.83 feet to a concrete R.O.W. monument found at the end of said curve,
9.  $N 31^{\circ} 47' 44'' E$ , a distance of 1459.07 feet to a concrete R.O.W. monument found, and
10.  $N 31^{\circ} 46' 01'' E$ , a distance of 623.16 feet to the POINT OF BEGINNING, containing 409.32 acres of land, more or less.

I, Dale Allen Sultameter, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat was prepared from an on the ground survey performed under my direction and supervision.

SULTEMBER SURVEYING  
374 East Main  
Johnson City, TX 78638  
(210) 868-7308



*[Handwritten Signature]*

Dale Allen Sultameter  
Registered Professional Land  
Surveyor  
No. 4542 - State of Texas

2-7-97

## EXHIBIT A-5

A DESCRIPTION OF A 127.84 ACRE TRACT OF LAND WHICH COMPRISES PORTIONS OF THE FOLLOWING PATENT SURVEYS SITUATED IN BURNET COUNTY, TEXAS:

- O. W. HARRIS SURVEY NO. 826, ABSTRACT NO. 421,
- H. O. STAVELY SR. SURVEY NO. 659, ABSTRACT NO. 863, AND
- TEX. C. RY CO. SURVEY NO. 109;

BEING PART OF THAT CERTAIN 1902.84 ACRE TRACT OF LAND THAT WAS CONVEYED FROM SUN MILF LIMITED PARTNERSHIP TO JABAT INVESTMENTS, LTD. BY A SPECIAL WARRANTY DEED RECORDED IN VOLUME 678, PAGE 886 ET SEQ. OF THE DEED RECORDS OF SAID COUNTY; SAID 127.84 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a 3/8 inch iron rod set on a southerly line of the said 1902.84 acre tract at the southwest corner of a 31.03 acre tract described in Volume 691, Page 418 et seq. of the said Deed Records, for the southeasterly corner hereof;

**THENCE** with said southerly line, as fenced, the following five (5) courses:

1. S 78° 21' 21" W, a distance of 1697.99 feet to a 6 inch diameter Cedar fence post,
2. S 77° 01' 47" W, a distance of 50.35 feet to an 18 inch diameter Cedar tree,
3. S 78° 53' 18" W, a distance of 728.90 feet to a 1/2 inch iron rod found at the base of a Cedar post,
4. S 78° 34' 29" W, a distance of 1069.48 feet to a 12 inch diameter Cedar tree, and
5. S 87° 12' 01" W, a distance of 33.27 feet to a 3/8 inch iron rod found at the base of a 14 inch diameter Cedar tree, for the westerly corner hereof;

**THENCE** departing from said southerly line and passing over the said 1902.84 acre tract with the following two (2) courses:

1. N 87° 21' 06" E, a distance of 1856.49 feet to a 3/8 inch iron rod set, and
2. N 39° 28' 26" E, a distance of 4330.23 feet to a 3/8 inch iron rod set for the northwest corner hereof;

**THENCE** continuing over and across the said 1902.84 acre tract, S 64° 06' 48" E, a distance of 363.85 feet to a 3/8 inch iron rod set on the west line of a 60 foot wide roadway easement described in said Volume 691, Page 418, for the northeast corner hereof;

**THENCE** continuing over the said 1902.84 acre tract with the said west line of the 60 foot roadway easement, the following nine (9) courses:

1. S 34° 49' 14" W, a distance of 147.89 feet to a 3/8 inch iron rod set,
2. S 18° 17' 32" W, a distance of 188.25 feet to a 3/8 inch iron rod set,
3. S 28° 13' 10" W, a distance of 174.84 feet to a 3/8 inch iron rod set,
4. S 18° 17' 20" W, a distance of 370.69 feet to a 3/8 inch iron rod set,
5. S 11° 38' 34" W, a distance of 714.86 feet to a 3/8 inch iron rod set,
6. S 08° 47' 21" W, a distance of 307.80 feet to a 3/8 inch iron rod set,
7. S 28° 22' 01" W, a distance of 136.24 feet to a 3/8 inch iron rod set,
8. S 28° 20' 28" W, a distance of 12.62 feet to a 3/8 inch iron rod set at the beginning of the arc of a curve of a cut-de-sec, and
9. a distance of 144.87 feet along the arc of a curve to the left having a central angle of 138° 09' 07", a radius of 60.00 feet and a chord bearing of S 30° 21' 52" W, a distance of 112.69 feet to a 3/8 inch iron rod set on the northerly line of the said 31.03 acre tract;

THENCE with the northerly and southwesterly line of the said 31.03 acre tract, the following four (4) courses:

1. S 41° 17' 16" W, a distance of 266.67 feet to a 60d nail found,
2. S 72° 44' 10" W, a distance of 130.93 feet to a 60d nail found,
3. S 60° 58' 41" W, a distance of 233.23 feet to a 3/8 inch iron rod set at the westerly corner of the said 31.03 acre tract, and
4. S 30° 39' 13" E, a distance of 1111.13 feet to the POINT OF BEGINNING, containing 127.84 acres of land, more or less.

I, Dale Allen Sulzemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat was prepared from an on the ground survey performed under my direction and supervision.

SULZEMEIER SURVEYING  
304 East Main  
Johnson City, TX 78638  
(214) 868-7308



*[Handwritten Signature]*  
Dale Allen Sulzemeier  
Registered Professional Land  
Surveyor  
No. 4542 - State of Texas

2-7-97

## EXHIBIT C

### Tract 1

Field notes to accompany an ALTA/ACSM Land Title Survey plat of 96.35 acres consisting of approximately 0.27 acre out of the B. O. Stavelly Survey No. 509, Abstract No. 853; approximately 3.06 acres out of the Joseph Kealy Survey No. 561, Abstract No. 513 and approximately 93.02 acres out of the E. H. Caldwell Survey No. 3, Abstract No. 200 and being a portion of that certain 409.22 acres conveyed to Suntex Fuller Corporation in Volume 805, Page 218 of the Official Public Records of Burnet County. The basis of bearing of this survey is the Texas Lambert Grid, Central Zone, NAD 83.

Beginning at a 1/2" steel stake found in the Northerly right-of-way of R. M. Highway No. 1174 for the most Southerly corner hereof, being the most Easterly corner of that certain 1195.771 acres conveyed to Hickory Pass, L.P. in Volume 912, Page 545 of the Official Public Records of Burnet County, from which a 3/8" steel stake found at the most Southerly Southeast corner of said 409.22 acres bears S 70°00'09" W 21.10 feet to a 1/4" steel stake set at the beginning of a curve to the right, the radius of which is 1095.89, and with said curve a chord bearing and distance of S 71°14'24" W 4.29 feet to said 3/8" steel stake found, and from which a concrete highway monument found at the end of said curve at centerline Highway Engineers Station 609+32.97 bears a chord bearing and distance of S 77°55'09" W 250.66 feet;

Thence leaving the Northerly right-of-way of said R. M. Highway No. 1174 with the Southwest line hereof and the most Southerly Northeast line of said 1195.771 acres N 59°08'03" W 899.77 feet (record = N 57°54'08" W 899.09 feet) to a 1/2" steel stake found with plastic cap stamped 4452 for an ell corner of said 1195.771 acres, from which a 1/2" steel stake found for the most Easterly corner of that certain 4.00 acres conveyed to Lois E. Everett, et ux in Volume 351, Page 776 of the Real Property Records of Burnet County bears S 32°11'05" W 8.64 feet (record = S 33°00'40" W 8.62 feet);

Thence continuing with the Southwest line hereof N 59°02'47" W 417.54 feet to a 1/2" steel stake found for the most Northerly corner of said 4.00 acres, also being an ell corner in the most Southerly Northeast line of said 1195.771 acres;

Thence continuing with the Southwest line hereof and the most Southerly Northeast line of said 1195.771 acres N 59°02'35" W (record = N 57°54'08" W) 160.32 feet to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 at the intersection of a wire fence being the Southwest line of said 409.22 acres;

Thence with fence and the Southwest line of said 409.22 acres N 58°19'26" W (record = N 57°14'33" W) 205.98 feet to a 40-D nail found in a 14" cedar tree for an angle point; N 29°40'01" W 96.64 feet (record = N 28°31'11" W 96.99 feet) to a 40-D nail found in a 9" twin cedar tree and N 02°01'02" W 252.15 feet (record = N 00°50'23" W 252.17 feet) to a 3/8" steel stake found for the most Southwest corner of said 409.22 acres;

Thence with fence and the most Northwest line of said 409.22 acres N 30°56'50" E 944.62 feet (record = N 32°07'22" W 944.38 feet) to a metal tee-post for an angle point and N 31°11'39" E (record = N 32°22'00" E) 718.99 feet to a 3/8" steel stake found for an interior angle point of said 409.22 acres;

Thence with the most Northerly Southwest line of said 409.22 acres N 55°17'52" W 362.40 feet (record = N 54°04'49" W 362.51 feet) to a 1/2" steel stake found for an angle point; N 78°00'42" W 94.33 feet (record = N 76°43'34" W 94.98 feet) to a 40-D nail found in a 14" cedar tree and N 65°31'04" W 173.78 feet to a spike nail found in a 14" cedar tree, being in the South line of that certain Common Reserve as shown on the plat of Whitewater Springs, Section Four, recorded in Cabinet 2, Slides 149D-150D of the Burnet County Plat Records, being the Northwest corner hereof;

Thence with the Southerly line of said Common Reserve and the Northerly line hereof with 1/2" steel stakes found with plastic caps stamped RPLS 1877 as follows: N 77°53'05" E 198.53 feet; N 85°48'25" E 194.36 feet; N 75°26'22" E 268.79 feet; S 79°18'07" E 198.78 feet to the Southeast corner of said Common Reserve, also being the most Westerly corner of that certain Common Reserve as shown on the plat of Whitewater Springs, Section Three recorded in Cabinet 2, Slides 148A-149C of the Burnet County Plat Records;

Thence continuing with the Northerly line hereof and the Southerly line of said Common Reserve with 1/2" steel stakes found with plastic caps stamped RPLS 1877 as follows: S 66°36'32" E 234.99 feet; S 61°47'26" E 299.28 feet; S 62°39'55" E 216.39 feet; S 55°05'43" E 135.77 feet; S 34°16'09" E 135.54 feet; S 27°47'27" E 147.42 feet; S 02°59'58" W 154.78 feet; S 35°07'44" W 259.63 feet; S 25°34'27" W 134.98 feet; S 21°49'30" W 136.24 feet; S 09°52'07" W 231.45 feet; S 04°35'21" W 131.93 feet; S 24°19'07" E 144.00 feet; S 19°13'40" E 71.27 feet; S 16°11'40" E 280.42 feet; S 44°00'36" E 266.59 feet and S 45°29'39" E 310.51 feet (record = 310.48 feet) to a 1/2" steel stake found with plastic cap stamped RPLS 1877 in the Southeast line of said 409.22 acres, also being in the Northwesterly right-of-way of said R. M. Highway No. 1174, being in a curve to the right, the radius of which 1095.92 feet, and from which point a computed point for the end of said curve at centerline Highway Engineer's Station 592+28.97 bears a chord bearing and distance of N 25°19'36" E 369.26 feet, and from which computed point a broken concrete highway monument bears S 57°27'54" W 0.80 feet;

Thence with the Northerly right-of-way of said R. M. Highway No. 1174 and the Southeast line of said 409.22 acres with said curve to the right, the radius of which is 1095.92 feet, having an arc distance of 41.85 feet, a delta angle of 02°11'16" and a chord bearing and distance of S 36°07'11" W 41.84 feet to a computed point at centerline Highway Engineers Station 596+60.68 for an angle point, from which a broken concrete highway monument found bears S 31°17'34" W 0.50 feet;

Thence continuing the Northerly right-of-way of said R. M. Highway No. 1174 and the Southeast line of said 409.22 acres S 56°45'38" W 216.23 feet (record = S 57°29'38" W 216.27 feet) to a 1/2" steel stake found for an angle point at centerline Highway Engineers Station 598+85.86 feet;

Thence continuing with the Northerly right-of-way of said R. M. Highway No. 1174 and the Southeast line of said 409.22 acres S 61°20'24" W 391.23 feet (record = S 62°40'13" W 392.46 feet) to a computed point for an angle point at centerline Highway Engineers Station 603+20.64, from which a concrete highway monument found bears S 32°16'23" W 1.67 feet;

Thence continuing the Northerly right-of-way of said R. M. Highway No. 1174 and the Southeast line of said 409.22 acres S 52°13'40" W 17.41 feet (record = S 53°27'41" W 15.58 feet) to a computed point for an angle point at centerline Highway Engineers Station 603+38.97, from which a concrete highway monument found bears S 54°08'08" E 0.60 feet;

Thence continuing the Northerly right-of-way of said R. M. Highway No. 1174 and the Southeast line of said 409.22 acres S 52°13'40" W 177.58 feet (record = S 53°06'56" W 178.63 feet) to a computed point for an angle point at centerline Highway Engineers Station 605+06.98, from which a concrete highway monument bears S 11°38'21" E 1.38 feet;

Thence continuing the Northerly right-of-way of said R. M. Highway No. 1174 and the Southeast line of said 409.22 acres S 70°00'09" W 137.76 feet (record = S 71°32'27" W) to the place of beginning.

Tract 2:

Field notes to accompany an ALTA/ACSM Land Title Survey plat of 5.07 acres consisting of approximately 3.44 acres out of the B. O. Stavely Survey No. 509, Abstract No. 853; approximately 1.06 acre out of the Joseph Kealy Survey No. 561, Abstract No. 513 and approximately 0.57 acres out of the Southeast 2/3 T.C.R.R. Co. Survey No. 110, Abstract No. 1898, being appurtenant to that certain 409.22 acres conveyed to Suntex Fuller Corporation in Volume 805, Page 218 of the Official Public Records of Burnet County and lying under fence by Hickory Pass, L.P.. The basis of bearing of this survey is the Texas Lambert Grid, Central Zone, NAD 83.

Beginning at 3/8" steel stake found at a fence corner post for the Northwest corner of said remnant of said 3534.45 acres, being an angle point in the North line of that certain 1195.771 acres conveyed to said Hickory Pass, L.P. in Volume 912, Page 545 of the Official Public Records of Burnet County, also being an angle point in the South line of that certain 31.03 acres conveyed to Wayne Alan Conrad in Volume 691, Page 418 of the Real Property Records of Burnet County;

Thence with fence and the South line of said 31.03 acres S 65°36'26" E 347.44 feet (record = S 64°21'36" E 347.52 feet) to a 4" metal pipe post for the Southeast corner of said 31.03 acres, also being the most Westerly corner of that certain Common Reserve as shown on the plat of Whitewater Springs, Section Four, recorded in Cabinet 2, Slides 149D-150D of the Burnet County Plat Records and an exterior ell corner in the Westerly line of that certain 409.22 acres conveyed to Suntex Fuller Corporation in Volume 805, Page 218 of the Official Public Records of Burnet County;

Thence continuing with fence and the Southerly line of said Common Reserve and the most Northerly South line of said 409.22 acres S 78°38'09" E 244.17 feet to a 10" cedar tree for an angle point; N 82°48'44" E 252.44 feet to a 6" and 8" twin cedar tree for an angle point and S 84°08'55" E 151.06 feet to a spike nail found in a 14" cedar tree for an angle point;

Thence continuing with fence and the most Northerly South line of said 409.22 acres S 65°31'04" E 173.78 feet (record = S 64°37'08" E 173.10 feet) to a 40-D nail found in a Cedar tree for an angle point; S 78°00'42" E 94.33 feet (record = S 76°43'34" E 94.98 feet) to a 1/2" steel stake found for an angle point and S 53°17'52" E 362.40 feet (record = S 54°04'49" E 362.51 feet) to a 3/8" steel stake found for an interior ell corner of said 409.22 acres;

Thence continuing with fence and the Westerly line of said 409.22 acres S 31°11'39" W (record = S 32°22'11" W) 718.99 feet to a metal tee post found for an angle point; S 30°56'50" W 944.62 feet (record = S 32°07'22" W 944.38 feet) to a 3/8" steel stake found for an angle point; S 02°01'02" E 252.15 feet (record = S 00°30'50" E 252.17 feet) to a 40-D nail found in a 9" twin Cedar tree and S 29°40'01" E 96.64 feet (record = S 28°31'11" E 95.99 feet) to a 40-D nail found in a 14" cedar tree for an angle point at the Southwest corner of said 409.22 acres;

Thence continuing with fence and the Southwest line of said 409.22 acres S 58°19'26" E (record = S 57°14'33" E) 205.98 feet to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 at the intersection of said fence and South line of said 409.22 acres with the Northerly line of said 1195.771 acres, from which a 1/2" steel stake found at the most Northerly corner of that certain 4.00 acres conveyed to Lois E. Everett in Volume 351, Page 776 of the Burnet County Deed Records bears with the Northerly line of said 1195.771 acres S 59°02'36" E (record = S 57°54'08" E) 160.32 feet;

Thence with the Northerly line of said 1195.771 acres N 59°02'35" W (record = N 57°54'08" W) 427.57 feet to a 1/2" steel stake found for an interior ell corner;

Thence with the most Easterly West line of said 1195.771 acres N 30°57'22" E 1835.44 feet (record = N 32°05'04" E 1835.12 feet) to a 1/2" steel stake found with plastic cap stamped R.P.L.S. 4452 for an exterior ell corner;

Thence with the most Northerly Northeast line of said 1195.771 acres N 59°37'50" W 447.01 feet (record = N 54°17'52" W 362.51 feet) to a 1/2" steel stake found with plastic cap stamped R.P.L.S. 4452 for an exterior ell corner; S 30°24'14" W 238.88 feet (record = S 31°30'08" W 238.89 feet) to a 1/2" steel stake found with plastic cap stamped R.P.L.S. 4452 and N 60°53'29" W 1086.91 feet (record = N 59°44'52" W 1088.94 feet) to the place of beginning.

STATE OF TEXAS  
COUNTY OF BURNET

I hereby certify that this instrument was FILED on this date  
and at the time stamped hereon by me and was duly  
RECORDED in the OFFICIAL PUBLIC RECORDS  
OF BURNET COUNTY, TEXAS:



Janet Parker  
County Clerk  
Burnet County, Texas  
By *[Signature]*  
DEPUTY

0708299  
FILED

2007 JUN 29 PM 3:29

JANET PARKER  
COUNTY CLERK  
BURNET COUNTY, TEXAS

SCANNED