



TEXAS ASSOCIATION OF REALTORS® SELLER'S DISCLOSURE NOTICE

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Section 5.008, Property Code requires a seller of residential property of not more than one dwelling unit to deliver a Seller's Disclosure Notice to a buyer on or before the effective date of a contract. **This form complies with and contains additional disclosures which exceed the minimum disclosures required by the Code.**

135 Timberlake Dr.
La Grange, Tex 78945

CONCERNING THE PROPERTY AT _____

THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE BUYER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER, SELLER'S AGENTS, OR ANY OTHER AGENT.

Seller is is not occupying the Property. If unoccupied (by Seller), how long since Seller has occupied the Property?
 moved out 8/14/10 or never occupied the Property

Section 1. The Property has the items marked below: (Mark Yes (Y), No (N), or Unknown (U).)

This notice does not establish the items to be conveyed. The contract will determine which items will & will not convey.

Item	Y	N	U
Cable TV Wiring	✓		
Carbon Monoxide Det.	✓		
Ceiling Fans	✓		
Cooktop	✓		
Dishwasher	✓		
Disposal	✓		
Emergency Escape Ladder(s)			✓
Exhaust Fans	✓		
Fences	✓		
Fire Detection Equip.	✓		
French Drain			
Gas Fixtures	✓		

Item	Y	N	U
Gas Lines (Nat/LP)	✓		
Hot Tub			✓
Intercom System			✓
Microwave	✓		
Outdoor Grill			✓
Patio/Decking	✓		
Plumbing System	✓		
Pool			✓
Pool Equipment			✓
Pool Maint. Accessories			✓
Pool Heater			✓
Public Sewer System			✓

Item	Y	N	U
Pump: <input type="checkbox"/> sump <input type="checkbox"/> grinder			✓
Rain Gutters	✓		
Range/Stove	✓		
Roof/Attic Vents	✓		
Sauna			✓
Smoke Detector	✓		
Smoke Detector – Hearing Impaired			✓
Spa			✓
Trash Compactor	✓		
TV Antenna			✓
Washer/Dryer Hookup	✓		
Window Screens	✓		

Item	Y	N	U	Additional Information
Central A/C	✓			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>1</u>
Evaporative Coolers		✓		number of units: _____
Wall/Window AC Units		✓		number of units: _____
Attic Fan(s)		✓		if yes, describe: _____
Central Heat	✓			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>1</u>
Other Heat		✓		if yes, describe: _____
Oven	✓			number of ovens: <u>1</u> <input checked="" type="checkbox"/> electric <input type="checkbox"/> gas <input type="checkbox"/> other: _____
Fireplace & Chimney	✓			<input checked="" type="checkbox"/> wood <input type="checkbox"/> gas logs <input type="checkbox"/> mock <input type="checkbox"/> other: _____
Carport		✓		<input type="checkbox"/> attached <input type="checkbox"/> not attached
Garage	✓			<input checked="" type="checkbox"/> attached <input type="checkbox"/> not attached
Garage Door Openers	✓			number of units: <u>2</u> number of remotes: _____
Satellite Dish & Controls	✓			<input type="checkbox"/> owned <input type="checkbox"/> leased from _____
Security System		✓		<input type="checkbox"/> owned <input type="checkbox"/> leased from _____
Water Heater	✓			<input type="checkbox"/> electric <input checked="" type="checkbox"/> gas <input type="checkbox"/> other: _____ number of units: <u>1</u>
Water Softener		✓		<input type="checkbox"/> owned <input type="checkbox"/> leased from _____
Underground Lawn Sprinkler		✓		<input type="checkbox"/> automatic <input type="checkbox"/> manual areas covered: _____
Septic / On-Site Sewer Facility	✓			if yes, attach Information About On-Site Sewer Facility (TAR-1407)

(TAR-1406) 1-01-10 Initialed by: Seller: [Signature] and Buyer: _____ Page 1 of 5
 Fayette Realty, Inc. 820 N. Jefferson La Grange, TX 78945 Phone: (979)966-7645 Fax: _____ Holmes

Concerning the Property at _____

Water supply provided by: city well MUD co-op unknown other: _____

Was the Property built before 1978? yes no unknown

(If yes, complete, sign, and attach TAR-1906 concerning lead-based paint hazards).

Roof Type: Comp. Shingles Age: 10 years (approximate)

Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)?
 yes no unknown

Are you (Seller) aware of any of the items listed in this Section 1 that are not in working condition, that have defects, or are need of repair? yes no If yes, describe (attach additional sheets if necessary): garage door

functioning properly, garage door opener don't work, outside
shower leak.

Section 2. Are you (Seller) aware of any defects or malfunctions in any of the following?: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Item	Y	N
Basement		<input checked="" type="checkbox"/>
Ceilings		<input checked="" type="checkbox"/>
Doors		<input checked="" type="checkbox"/>
Driveways		<input checked="" type="checkbox"/>
Electrical Systems		<input checked="" type="checkbox"/>
Exterior Walls		<input checked="" type="checkbox"/>

Item	Y	N
Floors		<input checked="" type="checkbox"/>
Foundation / Slab(s)		<input checked="" type="checkbox"/>
Interior Walls		<input checked="" type="checkbox"/>
Lighting Fixtures		<input checked="" type="checkbox"/>
Plumbing Systems		<input checked="" type="checkbox"/>
Roof		<input checked="" type="checkbox"/>

Item	Y	N
Sidewalks		<input checked="" type="checkbox"/>
Walls / Fences		<input checked="" type="checkbox"/>
Windows		<input checked="" type="checkbox"/>
Other Structural Components		<input checked="" type="checkbox"/>

If the answer to any of the items in Section 2 is yes, explain (attach additional sheets if necessary): _____

Section 3. Are you (Seller) aware of any of the following conditions: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Condition	Y	N
Aluminum Wiring		<input checked="" type="checkbox"/>
Asbestos Components		<input checked="" type="checkbox"/>
Diseased Trees: <input type="checkbox"/> oak wilt <input type="checkbox"/> _____		<input checked="" type="checkbox"/>
Endangered Species/Habitat on Property		<input checked="" type="checkbox"/>
Fault Lines		<input checked="" type="checkbox"/>
Hazardous or Toxic Waste		<input checked="" type="checkbox"/>
Improper Drainage		<input checked="" type="checkbox"/>
Intermittent or Weather Springs		<input checked="" type="checkbox"/>
Landfill		<input checked="" type="checkbox"/>
Lead-Based Paint or Lead-Based Pt. Hazards		<input checked="" type="checkbox"/>
Encroachments onto the Property		<input checked="" type="checkbox"/>
Improvements encroaching on others' property		<input checked="" type="checkbox"/>
Located in 100-year Floodplain		<input checked="" type="checkbox"/>
Located in Floodway		<input checked="" type="checkbox"/>
Present Flood Ins. Coverage (If yes, attach TAR-1414)		<input checked="" type="checkbox"/>
Previous Flooding into the Structures		<input checked="" type="checkbox"/>
Previous Flooding onto the Property		<input checked="" type="checkbox"/>
Previous Fires		<input checked="" type="checkbox"/>
Previous Use of Premises for Manufacture of Methamphetamine		<input checked="" type="checkbox"/>

Condition	Y	N
Previous Foundation Repairs		<input checked="" type="checkbox"/>
Previous Roof Repairs		<input checked="" type="checkbox"/>
Other Structural Repairs		<input checked="" type="checkbox"/>
Radon Gas		<input checked="" type="checkbox"/>
Settling		<input checked="" type="checkbox"/>
Soil Movement		<input checked="" type="checkbox"/>
Subsurface Structure or Pits		<input checked="" type="checkbox"/>
Underground Storage Tanks		<input checked="" type="checkbox"/>
Unplatted Easements		<input checked="" type="checkbox"/>
Unrecorded Easements		<input checked="" type="checkbox"/>
Urea-formaldehyde Insulation		<input checked="" type="checkbox"/>
Water Penetration		<input checked="" type="checkbox"/>
Wetlands on Property		<input checked="" type="checkbox"/>
Wood Rot		<input checked="" type="checkbox"/>
Active infestation of termites or other wood-destroying insects (WDI)		<input checked="" type="checkbox"/>
Previous treatment for termites or WDI		<input checked="" type="checkbox"/>
Previous termite or WDI damage repaired		<input checked="" type="checkbox"/>
Termite or WDI damage needing repair		<input checked="" type="checkbox"/>

Concerning the Property at _____

If the answer to any of the items in Section 3 is yes, explain (attach additional sheets if necessary): NA

Section 4. Are you (Seller) aware of any item, equipment, or system in or on the Property that is in need of repair, which has not been previously disclosed in this notice? yes no If yes, explain (attach additional sheets if necessary): No

Section 5. Are you (Seller) aware of any of the following (Mark Yes (Y) if you are aware. Mark No (N) if you are not aware.)

- Y N**
- Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at the time.
 - Homeowners' associations or maintenance fees or assessments. If yes, complete the following:
 Name of association: Harrison Hill Road Tracts
 Manager's name: Rusty Freedman Phone: _____
 Fees or assessments are: \$ 100 per year and are: mandatory voluntary
 Any unpaid fees or assessment for the Property? yes (\$ _____) no
 If the Property is in more than one association, provide information about the other associations below or attach information to this notice.
 - Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following:
 Any optional user fees for common facilities charged? yes no If yes, describe: _____
 - Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
 - Any lawsuits or other legal proceedings directly or indirectly affecting the Property. (Includes, but is not limited to: divorce, foreclosure, heirship, bankruptcy, and taxes.)
 - Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property.
 - Any condition on the Property which materially affects the health or safety of an individual.
 - Any repairs or treatments, other than routine maintenance, made to the Property to remediate environmental hazards such as asbestos, radon, lead-based paint, urea-formaldehyde, or mold.
 If yes, attach any certificates or other documentation identifying the extent of the remediation (for example, certificate of mold remediation or other remediation).

If the answer to any of the items in Section 5 is yes, explain (attach additional sheets if necessary): _____

Concerning the Property at _____

Section 6. Seller has has not attached a survey of the Property.

Section 7. Within the last 4 years, have you (Seller) received any written inspection reports from persons who regularly provide inspections and who are either licensed as inspectors or otherwise permitted by law to perform inspections? yes no If yes, attach copies and complete the following:

Inspection Date	Type	Name of Inspector	No. of Pages

Note: A buyer should not rely on the above-cited reports as a reflection of the current condition of the Property. A buyer should obtain inspections from inspectors chosen by the buyer.

Section 8. Check any tax exemption(s) which you (Seller) currently claim for the Property:

- Homestead
- Senior Citizen
- Disabled
- Wildlife Management
- Agricultural
- Disabled Veteran
- Other: _____
- Unknown

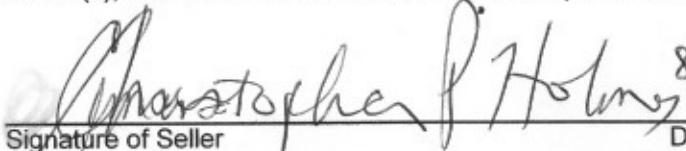

Section 9. Have you (Seller) ever received proceeds for a claim for damage to the Property (for example, an insurance claim or a settlement or award in a legal proceeding) and not used the proceeds to make the repairs for which the claim was made? yes no If yes, explain: _____

Section 10. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code? unknown no yes. If no or unknown, explain. (Attach additional sheets if necessary): battery operated smoke detectors

*Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors installed in accordance with the requirements of the building code in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for more information.

A buyer may require a seller to install smoke detectors for the hearing impaired if: (1) the buyer or a member of the buyer's family who will reside in the dwelling is hearing-impaired; (2) the buyer gives the seller written evidence of the hearing impairment from a licensed physician; and (3) within 10 days after the effective date, the buyer makes a written request for the seller to install smoke detectors for the hearing-impaired and specifies the locations for installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install.

Seller acknowledges that the statements in this notice are true to the best of Seller's belief and that no person, including the broker(s), has instructed or influenced Seller to provide inaccurate information or to omit any material information.

 8/14/10  8/14/10
 Signature of Seller Date Signature of Seller Date
 Printed Name: Christopher P. Holmes Printed Name: Amanda Holmes

(TAR-1406) 1-01-10 Initialed by: Seller: [Initials] and Buyer: _____ Page 4 of 5

Concerning the Property at _____

ADDITIONAL NOTICES TO BUYER:

- (1) The Texas Department of Public Safety maintains a database that the public may search, at no cost, to determine if registered sex offenders are located in certain zip code areas. To search the database, visit www.txdps.state.tx.us. For information concerning past criminal activity in certain areas or neighborhoods, contact the local police department.
- (2) If the property is located in a coastal area that is seaward of the Gulf Intracoastal Waterway or within 1,000 feet of the mean high tide bordering the Gulf of Mexico, the property may be subject to the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63, Natural Resources Code, respectively) and a beachfront construction certificate or dune protection permit may be required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.
- (3) If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.

(4) The following providers currently provide service to the property:

Electric: <u>Fayette Electric</u>	phone #: _____
Sewer: <u>Septic</u>	phone #: _____
Water: <u>Fayette Water</u>	phone #: _____
Cable: <u>Direkt TV</u>	phone #: _____
Trash: <u>NA</u>	phone #: _____
Natural Gas: <u>NA</u>	phone #: _____
Phone Company: <u>Colorado Valley</u>	phone #: _____
Propane: <u>Sharp</u>	phone #: _____

(5) This Seller's Disclosure Notice was completed by Seller as of the date signed. The brokers have relied on this notice as true and correct and have no reason to believe it to be false or inaccurate. YOU ARE ENCOURAGED TO HAVE AN INSPECTOR OF YOUR CHOICE INSPECT THE PROPERTY.

The undersigned Buyer acknowledges receipt of the foregoing notice.

Signature of Buyer	Date	Signature of Buyer	Date
Printed Name: _____		Printed Name: _____	



TEXAS ASSOCIATION OF REALTORS®

INFORMATION ABOUT ON-SITE SEWER FACILITY

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED. ©Texas Association of REALTORS®, Inc., 2004

CONCERNING THE PROPERTY AT 135 Timberlake Dr. La Grange, Tex 78945

A. DESCRIPTION OF ON-SITE SEWER FACILITY ON PROPERTY:

- (1) Type of Treatment System: [] Septic Tank [x] Aerobic Treatment [] Unknown
(2) Type of Distribution System: Spray heads [] Unknown
(3) Approximate Location of Drain Field or Distribution System: NE side of house [] Unknown
(4) Installer: [] Unknown
(5) Approximate Age: 10 years [] Unknown

B. MAINTENANCE INFORMATION:

- (1) Is Seller aware of any maintenance contract in effect for the on-site sewer facility? [x] Yes [] No
If yes, name of maintenance contractor: Gerald Brown
Phone: contract expiration date: Nov. 2010
Maintenance contracts must be in effect to operate aerobic treatment and certain non-standard on-site sewer facilities.)
(2) Approximate date any tanks were last pumped? Unknown
(3) Is Seller aware of any defect or malfunction in the on-site sewer facility? [] Yes [x] No
If yes, explain:
(4) Does Seller have manufacturer or warranty information available for review? [x] Yes [] No

C. PLANNING MATERIALS, PERMITS, AND CONTRACTS:

- (1) The following items concerning the on-site sewer facility are attached:
[] planning materials [] permit for original installation [] final inspection when OSSF was installed
[x] maintenance contract [] manufacturer information [] warranty information
2009 contract w/ Brian Aerobic
(2) "Planning materials" are the supporting materials that describe the on-site sewer facility that are submitted to the permitting authority in order to obtain a permit to install the on-site sewer facility.
(3) It may be necessary for a buyer to have the permit to operate an on-site sewer facility transferred to the buyer.

(TAR-1407) 1-7-04

Initialed for Identification by Buyer and Seller [Signature] CPA Page 1 of 2

Fayette Realty, Inc. 820 N. Jefferson La Grange, TX 78945
Phone: (979)966-7645

Fax: Rob Talbot

Holmes

D. INFORMATION FROM GOVERNMENTAL AGENCIES: Pamphlets describing on-site sewer facilities are available from the Texas Agricultural Extension Service. Information in the following table was obtained from Texas Commission on Environmental Quality (TCEQ) on 10/24/2002. The table estimates daily wastewater usage rates. Actual water usage data or other methods for calculating may be used if accurate and acceptable to TCEQ.

<u>Facility</u>	<u>Usage (gal/day) without water- saving devices</u>	<u>Usage (gal/day) with water- saving devices</u>
Single family dwelling (1-2 bedrooms; less than 1,500 sf)	225	180
Single family dwelling (3 bedrooms; less than 2,500 sf)	300	240
Single family dwelling (4 bedrooms; less than 3,500 sf)	375	300
Single family dwelling (5 bedrooms; less than 4,500 sf)	450	360
Single family dwelling (6 bedrooms; less than 5,500 sf)	525	420
Mobile home, condo, or townhouse (1-2 bedroom)	225	180
Mobile home, condo, or townhouse (each add'l bedroom)	75	60

This document is not a substitute for any inspections or warranties. This document was completed to the best of Seller's knowledge and belief on the date signed. Seller and real estate agents are not experts about on-site sewer facilities. Buyer is encouraged to have the on-site sewer facility inspected by an inspector of Buyer's choice.

Christopher P. Holmes 8/14/10
 Signature of Seller Date
 Christopher P. Holmes

Amanda Holmes 8/14/10
 Signature of Seller Date
 Amanda Holmes

Receipt acknowledged by:

 Signature of Buyer Date

 Signature of Buyer Date

Timberlake Subdiv
Vol 1056 p 479
1
483

RESTRICTIONS

THE STATE OF TEXAS
COUNTY OF FAYETTE

KNOW ALL PERSONS BY THESE PRESENTS that Robert Ruckert, Trustee, of Fayette County, Texas, hereinafter referred to as the "Owner" of that certain tract of land containing 42.5 acres of land, more or less, part of the Silas Jones League A-60, in Fayette County, Texas, hereinafter referred to as the "Hausmann Gin Road Tracts", said 42.5 acre Tract borders the Hausmann Gin Road a distance of 2,386 feet on the Northern most portion of the Hausmann Gin Road that borders any portion of the 127.49 acre Tract described below and being the Northeastern most portion of that 127.49 acre Tract of land described in that Deed from Lee Munke, et al, to Robert Ruckert, Trustee, dated November 16, 1998, and recorded in Volume 1045, Page 139, Official Records of Fayette County, Texas, has or in the near future will have caused the same to be surveyed into certain tracts or parcels of land, for the purpose of establishing and maintaining a general plan uniform over the entire 42.5 acres described above and benefit of all owners of any tracts of land in said 42.5 acres, does fix and establish the following restrictive covenant and provisions upon the use and occupancy of any such tracts of land:

1. All tracts shall be exclusively for residential purposes, and no commercial purposes.
2. No mobile home shall be permitted on any tracts.
3. No tract may be re-subdivided.
4. The houses, or any other improvements to said tracts, are to be completed within one year from the start of construction.
5. Each tract shall be kept neat in appearance. No dumping, garbage, or other refuse shall be permitted thereon, and no storage of vehicles are permitted. Abandoned vehicles, or inoperative vehicles, must not remain on any tract for a period of more than ten (10) days. No campers or recreational vehicles including motor homes will be permitted on the tracts unless they are enclosed in an approved building or not visible from the Hausmann Gin Road Tracts (42.5 acres).
6. There shall not be, or cause to be, any burning or igniting causing flame of any trash, rubbish, grass or brush without the express consent of the La Grange Volunteer Fire Department.
7. Poultry for family use may be kept on each tract, but there shall be no commercial raising of poultry on any tract; horses and cattle may be kept on any tract, but the tract on which such animals are kept must be securely fenced so that the animals are restricted to their owner's tract; no more than four (4) horses or four (4) head of cattle or four (4) head of a combination of each may be kept on any tract. No swine may be kept on any tract.
8. All plans for building and building sites must be submitted to Robert Ruckert, Trustee and must be approved in writing by Robert Ruckert, Trustee before any construction can commence. Buildings must be neat in appearance and no building or structure shall be constructed or erected on any tract that shall be considered detrimental to adjacent tracts.

9. All buildings and structures on each tract shall be of new construction and architecturally in harmony with the residential buildings. No unpainted sheet metal or fiberglass structures shall be placed on any said tracts for use as an accessory building. No tent, house trailer, mobile home, or temporary structure of any character may be placed, constructed, or maintained on any of said tracts.
10. No residential structure shall be erected on any tract nearer than seventy-five feet (75') from any street, or closer than seventy-five feet (75') from any property line. Accessory structures shall not be erected on any tract without prior approval of Robert Ruckert, Trustee, and said accessory structures shall not be nearer than one hundred fifty feet (150') from any street or seventy-five feet (75') from any property line.
11. No signs or advertising device may be displayed on any tract, except in the event of sale. There may be one (1) for-sale sign per tract, said sign being no more than six (6) square feet in size.
12. No outside toilets will be permitted. The owner of each tract of land desiring to construct septic tanks or other means of sanitary sewage disposal, shall comply with all state and county laws and regulations in existence at the time of the proposed construction. By the purchase of a tract in the Hausmann Gin Road Tracts (42.5 acres), the purchaser or owner of each tract agrees to the future installation of the public water service or public utilities (electricity and telephone) and agrees to the establishment of an easement upon, under, over and across his property for the installation of said water service or public utility. The purchaser of each tract further agrees to pay his proportionate part of the costs for the installation of such public water service or public utility and a cost of same shall be enforced in the same manner as provided by law for the enforcement of Mechanic's Liens.
13. If any one or more of the terms or provisions of these restrictions, covenant and easements shall be held invalid or for any reason is non-enforceable, none of the others shall be affected or impaired thereby, but shall remain in full force in effect.
14. All liens provided for in these restrictions shall be subject to, inferior, and subordinate to any liens for purchase money on any tract in the Hausmann Gin Road Tracts (42.5 acres) and to any Mechanic's & Materialmen's Lien for the construction of any improvement on said Hausmann Gin Road Tracts (42.5 acres) by the owner thereof.

15. All the functions of Robert Ruckert, Trustee, herein provided for, shall be taken over by the Property Owners at any time after the sale of, or contract-for-sale, of two-thirds (2/3) of the tracts or at the discretion of Robert Ruckert, Trustee, but must be turned over to the Property Owners, when the last tract is sold by Robert Ruckert, Trustee on Hausmann Gin Road Tracts (42.5 acres).
16. These restrictions shall be effective until twenty-five (25) years from the date of recording in Fayette County, Texas, and shall automatically be extended thereafter for successive periods of ten (10) years each; provided, however, that the owners of a majority of the square foot area of tracts Hausmann Gin Road Tracts (42.5 acres) may release all of the tracts hereby restricted from any one or more of said restrictions, or may release any tract from any restriction imposed hereby or created by any deed from Robert Ruckert, Trustee, or his assigns, on either twenty-five (25) years from the date of recording or at the end of any successive ten (10) year period thereafter, by executing and acknowledging an appropriate agreement or agreements in writing for such purpose and filing the same for record in the office of the County Clerk of Fayette County, Texas, at any time prior to the twenty-five (25) years from the date of recording or at any time prior to ten (10) years preceding the expiration of any successive ten (10) year period thereafter; provided, however, that the owners of a two-third (2/3) majority of the square foot area of tracts may release any tract from any restriction or restrictions at any time.
17. Enforcement of the restrictions and provisions herein provided shall be by proceedings in law or in equity, against any person or persons violating or attempting to violate any covenant, either to restrain or abate any violations or to recover damages by any owner or owners within the Hausmann Gin Road Tracts (42.5 acres). In the event a suit is brought by Robert Ruckert, Trustee, a tract owner, or a group of tract owners against a tract owner, or a group of tract owners for violations of any restriction, then, if the plaintiff prevails, the violating tract owner or tract owners will be additionally liable for costs of court, as well as reasonable attorney's fees determined by the court.
18. Robert Ruckert, Trustee, other Landowners, or other persons having any right, title, or interest in any tract, or parcel of land in the Hausmann Gin Road Tracts (42.5 acres), shall have the right to prevent the violation of any said restrictions by injunction or other lawful procedure, and recover any damages resulting from such violations.

19. Violations of any restrictions, or conditions, or breach of any covenant herein contained shall give Robert Ruckert, Trustee, other Landowners, or their agents, in addition to all other remedies, the right to enter upon the land, and to abate and remove the violation at the expense of the owner. Robert Ruckert, Trustee, other Landowners, or their agent shall not thereby be guilty of any matter of trespass for such entry, abatement or removal.

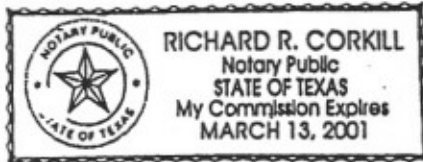
WITNESS MY HAND this the 16th day of MARCH, 1999.

Robert Ruckert
Robert Ruckert, Trustee

THE STATE OF TEXAS
COUNTY OF FAYETTE

This instrument was acknowledged before me on the 16th day of MARCH, 1999, by ROBERT RUCKERT, TRUSTEE.

Richard R. Corkill
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



Printed Name of Notary Public
My Commission Expires: _____

Fayette County, Texas

Silas Jones Survey Abstract 60

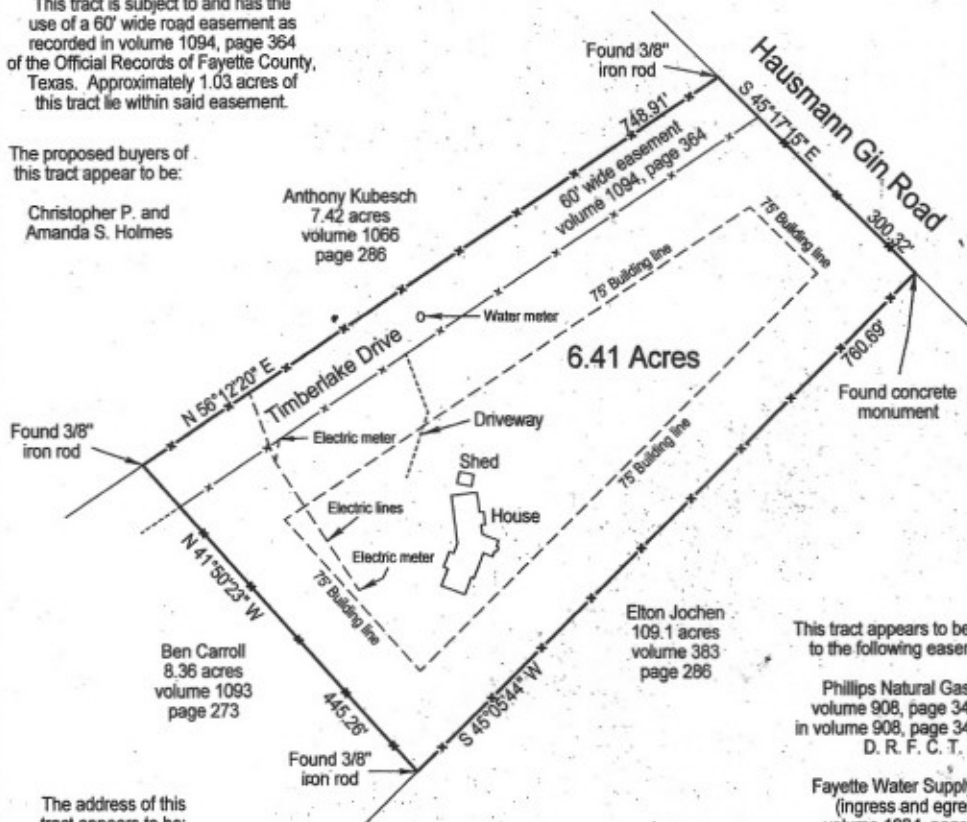
Survey plat showing a 6.41 acre tract of land, being a part of the Silas Jones Survey Abstract 60 of Fayette County, Texas, and being all of that called 6.41 acre tract as conveyed to David McDermott and wife, Jana McDermott as recorded in volume 1094, page 364 of the Official Records of Fayette County, Texas.

This tract is subject to and has the use of a 60' wide road easement as recorded in volume 1094, page 364 of the Official Records of Fayette County, Texas. Approximately 1.03 acres of this tract lie within said easement.

The proposed buyers of this tract appear to be:

Christopher P. and
Amanda S. Holmes

Anthony Kubesch
7.42 acres
volume 1066
page 286



6.41 Acres

Found 3/8" iron rod

Ben Carroll
8.36 acres
volume 1093
page 273

Elton Jochen
109.1 acres
volume 383
page 286

This tract appears to be subject to the following easements:

Phillips Natural Gas Co.
volume 908, page 344 and
in volume 908, page 346 of the
D. R. F. C. T.

Fayette Water Supply, Inc.
(Ingress and egress)
volume 1024, page 565
O. R. F. C. T.

Fayette Electric Cooperative, Inc.
(Ingress and egress)
volume 217, page 477
D. R. F. C. T.

The address of this tract appears to be:

135 Timberlake Drive
La Grange, Texas 78945



This tract is subject to the covenants, conditions, reservations, easements, building lines and restrictions as recorded in volume 1056, page 479 of the Official Records of Fayette County, Texas.

I hereby certify that this plat represents the facts as found during an on the ground survey made under my direct supervision on July 23, 2002, and that it is true and correct to the best of my knowledge.

Rocky Von Roesler

Rocky Von Roesler
Registered Professional Land Surveyor
Number 4702

Reference is hereby made to a land description attached hereto and made a part hereof.

Bearings based on deed call as applied to found monuments on the Northwest line of this tract.

According to the FEMA Flood Insurance Rate Map Community Panel No. 480815 0010 B effective Date June 1, 1987, it appears that this tract does not lie within a Special Flood Hazard Zone "A".

Scale: 1" = 150' Date: July 23, 2002

Prepared by: **Rocky Von Roesler**

RPLS # 4702
6339 Skillet Road La Grange, Texas 78945
(979) 247-4321

Drawn by: CSM

Revision:

WO # 22313

EXHIBIT "A"

STATE OF TEXAS)
)
COUNTY OF FAYETTE)

Land Description

BEING a 6.41 acre tract of land, being a part of the Silas Jones Survey, Abstract 60 of Fayette County, Texas, and being all of that called 6.41 acre tract as conveyed to David McDermott and wife, Jana McDermott as recorded in volume 1094, page 364 of the Official Records of Fayette County, Texas, and being more particularly described as follows;

BEGINNING at a 3/8" iron rod found in the Southwest line of Hausmann Gin Road for the East corner of an Anthony Kubesch tract (volume 1066, page 286), the North corner of a 60' wide easement (volume 1094, page 364) and for the North corner hereof;

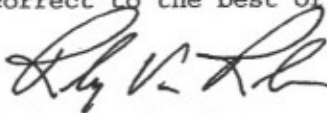
THENCE with the Southwest line of Hausmann Gin Road South 45 deg. 17 min. 15 sec. East 300.32 feet to a concrete marker found for the North corner of a Elton Jochen tract (volume 383, page 286) and for the East corner hereof;

THENCE with the Northwest line of the Jochen tract South 45 deg. 05 min. 44 sec. West 760.69 feet to a 3/8" iron rod found for the East corner of a Ben Carroll tract (volume 1093, page 273) and for the South corner hereof;

THENCE with the Northeast line of the Carroll tract North 41 deg. 50 min. 23 sec. West 445.26 feet to a 3/8" iron rod found in the Southeast line of the Kubesch tract for the North corner of the Carroll tract and for the West corner hereof;

THENCE with the Southeast line of the Kubesch tract North 56 deg. 12 min. 20 sec. East 748.91 feet to the PLACE OF BEGINNING, containing 6.41 acres of land.

I hereby certify that this land description represents the facts as found during an on the ground survey made under my direct supervision on July 23, 2002 and that it is true and correct to the best of my knowledge.



Rocky Von Roesler
Registered Professional Land Surveyor
Number 4702



EXHIBIT "B"

NON-EXCLUSIVE EASEMENT

All that certain tract or parcel of land situated in Fayette County, Texas, a part of the Silas Jones League, A-60, same being a part of that certain 127.49 acre tract of land described in a deed from Lee Munke, a single man, individually and as Co-Independent Executor for the Estate of Hilda Munke, deceased, et al to Robert Ruckert, Trustee, dated November 16, 1998 and recorded in Volume 1045, Page 139 of the Deed Records of Fayette County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron rod set for the most North corner, same lying in the Northeast boundary of the said Robert Ruckert, Trustee 127.49 acre tract, same lying in the Southwest margin of a county road named Hausmann Gin Road, same being the East corner of a 7.42 acre tract of land this day surveyed, same being N 45° 10' 50" W 300.0 feet from the most East corner of the said Robert Ruckert, Trustee 127.49 acre tract of land;

THENCE, along the Northeast boundary of the said Robert Ruckert, Trustee 127.49 acre tract and the Southwest margin of said Hausmann Gin Road, S 45° 10' 50" E 61.2 feet to an iron rod set for the most East corner;

THENCE, S 56° 12' 20" W 1105.0 feet to an iron rod set for an angle corner and S 44° 57' 10" W 203.16 feet to an iron rod set for the most South corner, same lying in the West boundary of the said Robert Ruckert, Trustee 127.49 acre tract, same lying in the East boundary of a 109.1 acre tract of land described in a deed to Elton Jochen in Volume 383, Page 286;

THENCE, along the West boundary of the said Robert Ruckert, Trustee 127.49 acre tract and the East boundary of the said Elton Jochen 109.1 acre tract, N 00° 29' 30" W 84.2 feet to an iron rod found for the most West Northwest corner, same being an interior corner of the said Robert Ruckert, Trustee 127.49 acre tract, same lying in the Southeast boundary of an 8.22 acre tract of land this day surveyed;

THENCE, along the Southeast boundary of said 8.22 acre tract, N 44° 57' 10" E 150.0 feet to an iron rod set for an angle corner, same being the East corner of said 8.22 acre tract, same being the South corner of said 7.42 acre tract of land;

THENCE, along the Southeast boundary of said 7.42 acre tract, N 56° 12' 20" E 1098.8 feet to the PLACE OF BEGINNING, containing 1.76 acres of land.