

Amend T467099

523-10-0397

AFTER RECORDING RETURN TO:
LOUIS B. SULLIVAN, ESQ.
NATHAN WOOD SOMMERS & LIPPMAN
2700 POST OAK BLVD., SUITE 2500
HOUSTON, TEXAS 77056

12/30/98 300258064 T467099 \$59.00

FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
RESTRICTIONS, COVENANTS AND CONDITIONS
FOR
WESTGATE COURT

kel

THIS FIRST AMENDMENT TO DECLARATION OF EASEMENTS, RESTRICTIONS, COVENANTS AND CONDITIONS FOR WESTGATE COURT (this "First Amendment") is made and entered into effective as of the 1st day of December, 1998, by TIERRA VENTURE, LTD., a Texas limited partnership ("Declarant").

WITNESSETH:

59
X

WHEREAS, by virtue of that certain Declaration of Easements, Restrictions, Covenants and Conditions for Westgate Court (the "Restrictive Covenants") dated September 17, 1998, and recorded among the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File No. T272848, Declarant imposed certain easements, obligations and restrictions on the property (the "Property") described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, Declarant owns in excess of two-thirds (2/3) of the Property; and

WHEREAS, Declarant desires to execute and cause to be filed this First Amendment in order to create additional easements upon, over and across the Property, to provide for the maintenance of certain common structures, and to otherwise amend the Restrictive Covenants.

NOW, THEREFORE, for and in consideration of Ten and No/100 (\$10.00) Dollars in hand paid, the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the parties hereto covenant and agree that the Restrictive Covenants shall be modified and amended as follows:

1. A new Section V, entitled PARTY WALLS shall be added to the Restrictive Covenants as follows:

v.

PARTY WALLS; OTHER COMMON STRUCTURES

Each wall which is built as a part of the patio home on each Lot and placed upon the dividing line between Lots shall constitute a party wall, and, to the extent not inconsistent with these provisions, the general rules of law regarding party walls and liability for property damage due to negligence, willful acts or omissions shall be applicable thereto. The Owner of a Lot shall not cut through, nor make any penetration through, a party wall, nor remove, demolish, alter or relocate any party wall without the express written consent of his reciprocal adjoining neighbor.

Inasmuch as a party wall or any other structure (such as a common roof or entrance way) shall be for the common and equal use and benefit of the improvements on each adjoining Lot, each Owner of an adjoining Lot, his heirs and assigns, shall have reciprocal easements upon and against the portion of the adjoining Lot upon which a part of such party wall or other common improvement is situated, for the preservation, upkeep and maintenance of such party wall or improvement.

The cost of reasonable repair and maintenance of a party wall or any other common improvement shall be shared equally by the Owners of the two (2) adjoining Lots, provided however that an Owner, who by his negligence, willful act or omission causes a party wall or other common improvement to be

523-10-0399

destroyed, damaged or exposed to the elements shall bear the entire cost of any necessary replacement or repairs at his sole cost and expense.

2. Section V. Easements shall be deleted in its entirety and replaced with the following:

VI.

EASEMENTS

There are hereby created four (4) private utility easements (the "Utility Easements") upon, across, over, through and under the Property as more particularly described by metes and bounds on Exhibit "B", attached hereto and incorporated herein for all purposes.

The Utility Easements are designated as private utility easements for the installation, operation and maintenance of facilities for the transmission of electricity, telephone, gas, cable television, water, wastewater, and other utility services, which utilities, within the Utility Easements, shall be maintained by the Architectural Control Committee.

Each of Declarant, for itself and its successors and assigns, reserves and retains the right to utilize the Utility Easements in such a manner so as to not unreasonably interfere with the use thereof by owners of the Lots for the purposes permitted hereby, including without limitation, the right of Declarant to cross the same with fences, landscaping, sidewalks, driveways and other paved surfaces, and to grant other easements therein.

523-1C-C400

There is hereby created an express easement upon, across, over, through and under that certain private drive (the "**Private Drive**") as more particularly described by metes and bounds on Exhibit "C", attached hereto and incorporated herein for all purposes.

The Private Drive is designated as a private drive access and drainage easement, as well as a private utility easement for transmission of electricity, telephone, gas, cable television, water, wastewater, and other utility services, and such easement, along with the utilities therein, shall be maintained by the Architectural Control Committee.

Each of Declarant, for itself and its successors and assigns, reserves and retains the right to utilize the Private Drive in such a manner so as to not unreasonably interfere with the use thereof by owners of the Lots for the purposes permitted hereby, including without limitation, the right of Declarant to cross the same with fences, landscaping, sidewalks, driveways and other paved surfaces, and to grant other easements therein.

The Private Drive shall be for the use and benefit of all Owners owning Lots, their families, guests or invitees, and their right to ingress, egress and use shall be had at all times, subject to such restrictions as are imposed hereby.

There is also hereby created an express easement upon, across, over, through and under the Private Drive for the purpose of installing, constructing, maintaining and operating the Private Drive, along with all utilities, fences, gates, landscaping or other improvements thereon.

523-1C-0401

There is also hereby created a blanket easement upon, across, over, through and under all Lots for the purpose of installing, constructing, maintaining and operating the improvements to the Private Drive, including without limitation all mechanical gates and appurtenances thereto, all utilities, fences, landscaping and other improvements located on such Private Drive or Lots.

There is hereby created a blanket easement upon, across, over, through and under all Lots for ingress and egress, installation, replacement, repair and maintenance of utilities, including but not limited to water, sewer, telephone, electricity, cable and natural gas. By virtue hereof, it is expressly permissible for utility companies or private parties to affix and maintain pipes, wires, conduits or other service lines on, above, across, through and under the roofs and walls of the Lots and living units thereon. Notwithstanding anything contained herein to the contrary, following the sale of any Lot to an individual Owner, all utilities intended to service only such Lot shall be maintained by the Owner thereof, and except as to the Private Drive, the Utility Easements, and any Additional Easements created as provided hereinbelow, the blanket easement created herein shall be used in a manner which does not unreasonably interfere with any Owner's use and enjoyment of its Lot and the improvements thereon. The decision of the Declarant and the Architectural Control Committee, original or successor, with respect to the reasonableness of the use of any of the

523-1C-0402

easements created herein, shall be final, binding and conclusive upon all owners of all Lots.

There is hereby created a blanket easement upon, across, over, through and under all Lots for ingress and egress in maintaining building exteriors, fences, gates, walls, landscaping, shrubs and grass.

There is hereby created an express easement for encroachments created by construction, natural movement or settling and over-hang of structures built on the entire premises covered hereby.

The Owners of Lots shall not be deemed to separately own pipes, wires, conduits or other service lines running through their property which are utilized for or serve other Lots, but each Lot Owner shall have an easement in and to the aforesaid facilities as shall be necessary for the use, maintenance and enjoyment of his Lot.

Declarant or the Architectural Control Committee shall have the right to grant, dedicate, reserve or otherwise create, at any time, or from time to time, additional easements (the "Additional Easements") for private utility purposes, including, without limitation, electricity, telephone, gas, cable television, water, wastewater, and other utility services, upon, over, across, through or under the property; provided such additional easements do not interfere with any existing building on any Lot.

The easements described herein are and shall be for the private use only of the owners of the Lots, Declarant and the Architectural Control Committee,

523-10-0403

as well as their respective substitutes, successors and assigns, and no dedication of a public easement, either express or implied, is created or intended to be created hereby. Furthermore, notwithstanding anything to the contrary contained herein, no obligation shall be placed on the City of Houston to maintain the water, wastewater or storm sewer lines upon or under the easements described herein.

NEITHER TIERRA VENTURE, LTD., EISTETTER & MEGARITY BUILDERS, INC., THE ARCHITECTURAL CONTROL COMMITTEE, ANY UTILITY COMPANY, NOR ANY OF THEIR RESPECTIVE SUCCESSORS OR ASSIGNS, USING THE EASEMENTS HERETOFORE DESCRIBED SHALL BE LIABLE FOR ANY DAMAGES DONE BY THEM OR THEIR RESPECTIVE ASSIGNS, AGENTS, EMPLOYEES, OR SERVANTS TO SHRUBBERY, TREES OR FLOWERS OR OTHER PROPERTY SITUATED IN THE AREA OF LAND COVERED BY THE DESCRIBED EASEMENT.

3. Each Section following the Section VI shall be renumbered appropriately.
4. This First Amendment shall amend the Restrictive Covenants to the extent, but only to the extent of the provisions contained herein. Any provisions of the Restrictive Covenants not addressed herein shall remain unaffected by this First Amendment. Except as otherwise provided herein, all terms and provisions of the Restrictive Covenants are hereby ratified and confirmed by the parties hereto.
5. This First Amendment may be execute in multiple counterparts, each of which shall be declared an original.

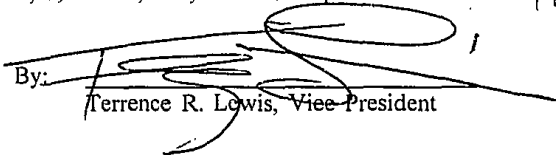
523-1G-C404

IN WITNESS WHEREOF, the parties have executed this First Amendment effective as of the date first stated above.

DECLARANT:

TIERRA VENTURE, LTD., a Texas limited partnership

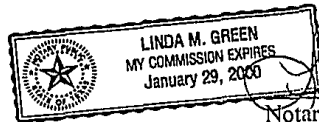
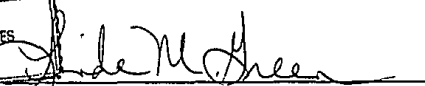
By: R, S, T & L, Inc., a Texas corporation

By: 
Terrence R. Lewis, Vice President

(2)
107
/02

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me the undersigned authority, on this the 28th day of December, 1998, personally appeared Terrence R. Lewis, Vice President of R, S, T & L, Inc., a Texas corporation, as general partner of **TIERRA VENTURE LTD.**, a Texas limited partnership.



Notary Public in and for
the STATE OF TEXAS

523-10-C405

LOT 1

DESCRIPTION OF A 0.0436-ACRE
(1900 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS

Being a 0.0436-acre (1900 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 5, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows; D

COMMENCING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., at 50.00 feet pass a 1/2-inch iron rod marking the southwest corner of said Lot 2, being the southeast corner of Lot 3, Block 5 of said Rochow Addition, at 100.00 feet pass a 5/8-inch iron rod marking the southwest corner of the said Lot 3, being the southeast corner of Lot 4, Block 5 of said Rochow Addition, a total distance of 150.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 4, being the southeast corner of said Lot 5, also being the southeast corner and the Point of Beginning of the herein described tract of land;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 5, being the north right-of-way line of said West Dallas St., a distance of 50.00 feet to a 1/2-inch iron rod marking the southwest corner of the said Lot 5, also being the southeast corner of Lot 6 of the said Rochow Addition, also being the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 5, being the east line of the said Lot 6, a distance of 38.10 feet to a 1/2-inch iron rod marking the southwest corner of Pad 2 and marking the northwest corner of the herein described tract of land;

THENCE North 85 deg. 52 min. 00 sec. East, with the south line of Pad 2, a distance of 50.00 feet to a 1/2-inch iron rod lying in the east line of the said Lot 5, being the west line of the said Lot 4, also being the west line of Pad 5, and marking the northeast corner of the herein described tract of land;

523-1G-C406

THENCE South, with the east line of the said Lot 5, being the west line of the said Lot 4, being the west line of Pad 5, a distance of 38.10 feet to the Point Of Beginning and containing 0.0436 acres (1900 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No.1088-001(DG901)
07/28/98

LOT 2

523-1C-6407

**DESCRIPTION OF A 0.0344-ACRE
(1,500 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS**

Being a 0.0344-acre (1500 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 5, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., at 50.00 feet pass a 1/2-inch iron rod marking the southwest corner of said Lot 2, being the southeast corner of Lot 3, Block 5 of said Rochow Addition, at 100.00 feet pass a 5/8-inch iron rod marking the southwest corner of the said Lot 3, being the southeast corner of Lot 4, Block 5 of said Rochow Addition, a total distance of 150.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 4, being the southeast corner of said Lot 5, also being the southeast corner of Pad 1, also being the southwest corner of Pad 5;

THENCE North, with the west line of the said Lot 4, also being the east line of the Lot 5, also being the east line of Pad 1, also being the west line of Pad 5, a distance of 38.10 feet to a 1/2-inch iron rod marking the northeast corner of Pad 1, also being the southeast corner and the Point Of Beginning of the herein described tract of land;

THENCE South 85 deg. 52 min. 00 sec. West, with the north line of the said Pad 1, a distance of 50.00 feet to a 1/2-inch iron rod lying in the west line of the said Lot 5, being the east line of Lot 6 of the said Rochow Addition, also marking the northwest corner of Pad 1, and marking the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 5, also being the east line of the said Lot 6, a distance of 30.08 feet to a 1/2-inch iron rod marking the southwest corner of Pad 3, and marking the northwest corner of the herein described tract of land;

THENCE North 85 deg. 52 min. 00 sec. East, with the south line of Pad 3, a distance of 50.00 feet to a 1/2-inch iron rod lying in the east line of the said Lot 5, being the west line of the said Lot 4, also being the west line of Pad 4, also marking the southeast corner of Pad 3, and marking the northeast corner of the herein described tract of land;

523-1C-C408

THENCE South, with the east line of the said Lot 5, being the west line of the said Lot 4, also being the west line of Pad 4, at 13.32 feet cross a 1/2-inch iron rod marking the southwest corner of Pad 4, being the northwest corner of Pad 5, and continuing with the west line of Pad 5, a total distance of 30.08 feet to the Point Of Beginning and containing 0.0344 acres (1,500 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No.1088-001(DG901)
07/28/98

523-1C-C409

LOT 3

**DESCRIPTION OF A 0.0367-ACRE
(1,600 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS**

Being a 0.0367-acre (1600 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 5, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., at 50.00 feet pass a 1/2-inch iron rod marking the southwest corner of said Lot 2, being the southeast corner of Lot 3, Block 5 of said Rochow Addition, at 100.00 feet pass a 5/8-inch iron rod marking the southwest corner of the said Lot 3, being the southeast corner of Lot 4, Block 5 of said Rochow Addition, a total distance of 150.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 4, being the southeast corner of said Lot 5, also being the southeast corner of Pad 1, also being the southwest corner of Pad 5;

THENCE North, with the west line of the said Lot 4, also being the east line of the Lot 5, also being the east line of Pad 1, also being the west line of Pad 5, at 38.10 feet cross a 1/2-inch iron rod marking the northeast corner of Pad 1, being the southeast corner of Pad 2, at 54.86 feet cross a 1/2-inch iron rod marking the northwest corner of Pad 5, being the southwest corner of Pad 4, a total distance of 68.18 feet to a 1/2-inch iron rod marking the northeast corner of Pad 2, also being the southeast corner and the Point Of Beginning of the herein described tract of land;

THENCE South 85 deg. 52 min. 00 sec. West, with the north line of Pad 2, a distance of 50.00 feet to a 1/2-inch iron rod lying in the west line of said Lot 5, being the east line of said Lot 6, also marking the northwest corner of Pad 2, and marking the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 5, being the east line of the said Lot 6, a distance of 32.08 feet to a 1/2-inch iron rod marking the northwest corner of the said Lot 5, also marking the northeast corner of the said Lot 6, and marking the northwest corner of the herein described tract of land;

523-1C-0410

THENCE North 85 deg. 52 min. 00 sec. East, with the north line of the said Lot 5, being the south line of Lot 12, Block 5 of the said Rochow Addition, at 25.13 feet cross a found ½-inch iron rod, a total distance of 50.00 feet to a ½-inch iron rod, marking the northeast corner of the said Lot 5, also being the northwest corner of said Lot 4, also being the southeast corner of the said Lot 12, also being the southwest corner of Lot 13, Block 5 of the said Rochow Addition, also being the northwest corner of Pad 4 and being the northeast corner of the herein described tract of land;

THENCE South, with the east line of the said Lot 5, being the west line of said Lot 4, also being the west line of Pad 4, a distance of 32.08 feet to the Point Of Beginning and containing 0.0367 acres (1,600 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No.1088-001(DG901)
07/28/98

523-10-0411

LOT 4

**DESCRIPTION OF A 0.0540-ACRE
(2,354 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS**

Being a 0.0540-acre (2,354 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 4, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a ½-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, also being the southeast corner of Pad 10 and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., also being the south line of Pad 10, at 50.00 feet cross a ½-inch iron rod marking the southwest corner of said Lot 2, being the southeast corner of said Lot 3, also being the southwest corner of Pad 10, also being the southeast corner of Pad 6, and continuing with the south line of said Lot 3, being the north right-of-way line of said West Dallas St., also being the south line of Pad 6, a total distance of 100.00 feet to a ½-inch iron rod marking the southwest corner of said Lot 3, being the southeast corner of said Lot 4, also being the southwest corner of Pad 6, also being the southeast corner of Pad 5;

THENCE North, with the west line of the said Lot 3, being the east line of the said Lot 4, also being the west line of Pad 6, also being the east line of Pad 5, a distance of 51.25 feet to a ½-inch iron rod marking the northeast corner of Pad 5, also being the southeast corner and the Point Of Beginning of the herein described tract of land;

THENCE West, with the north line of Pad 5 a distance of 49.87 feet to ½-inch iron rod lying in the west line of said Lot 4, being the east line of Lot 5, Block 5 of the said Rochow Addition, also being the east line of Pad 2, also marking the northwest corner of Pad 5 and marking the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 4, being the east line of the said Lot 5, also being the east line of Pad 2, at 13.32 feet cross a ½-inch iron rod marking the northeast corner of Pad 2, also being the southeast corner of Pad 3, a total distance of 45.40 feet to a ½-inch iron rod marking the northwest corner of the said Lot 4, also marking the northeast corner of the said Lot 5, also marking the southeast corner of Lot 12, Block 5 of the said Rochow Addition, also marking the southwest corner of Lot 13, Block 5 of the said Rochow Addition, also marking the northeast corner of Pad 3 and marking the northwest corner of the herein described tract of land;

523-1C-0412

THENCE North 85 deg. 52 min. 00 sec. East, with the north line of the said Lot 4, being the south line of the said Lot 13, a distance of 50.00 feet to a ½-inch iron rod marking the northeast corner of the said Lot 4, also marking the northwest corner of the said Lot 3, also marking the southeast corner of the said Lot 13, also marking the southwest corner of Lot 14, Block 5 of the said Rochow Addition, also marking the northwest corner of Pad 7 and marking the northeast corner of the herein described tract of land;

THENCE South, with the east line of the said Lot 4, being the west line of the said Lot 3, also being the west line of Pad 7, at 46.59 feet cross a ½-inch iron rod marking the southwest corner of Pad 7, also marking the northwest corner of Pad 6, a total distance of 49.01 feet to the Point Of Beginning and containing 0.0540 acres (2,354 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No.1088-001(DG901)
07/28/98

523-10-0413

LOT 5

**DESCRIPTION OF A 0.0607-ACRE
(2,645 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS**

Being a 0.0607-acre (2,645 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 4, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., at 50.00 feet pass a 1/2-inch iron rod marking the southwest corner of said Lot 2, being the southeast corner of Lot 3, Block 5 of said Rochow Addition, a total distance of 100.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 3, being the southeast corner of said Lot 4, also marking the southwest corner of Pad 6 and the southeast corner of the herein described tract of land;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 4, being the north right-of-way line of said West Dallas St., a distance of 50.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 4, also marking the southeast corner of Lot 5, Block 5 of the said Rochow Addition, also marking the southeast corner of Pad 1 and marking the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 4, also being the east line of the said Lot 5, also being the east line of Pad 1, at 38.10 feet cross a 1/2-inch iron rod marking the northeast corner of Pad 1, also being the southeast corner of Pad 2, a total distance of 54.86 feet to a 1/2-inch iron rod marking the southwest corner of Pad 4 and marking the northwest corner of the herein described tract of land;

THENCE East, with the south line of Pad 4, a distance of 49.87 feet to a 1/2-inch iron rod lying in the east line of said Lot 4, also being the west line of said Lot 3, also being the west line of Pad 6, and marking the southeast corner of Pad 4 and marking the northeast corner of the herein described tract of land;

523-IC-0414

THENCE South with the east line of said Lot 4, also being the west line of said Lot 3, also being the west line of Pad 6, a distance of 51.25 feet to the Point Of Beginning and containing 0.0607 acres (2,645 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No.1088-001(DG901)
07/28/98

523-1C-0415

LOT 6

**DESCRIPTION OF A 0.0594-ACRE
(2,585 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS**

Being a 0.0594-acre (2,585 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 3, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., also being the south line of Pad 10 a distance of 50.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 2, also being the southeast corner of said Lot 3, also marking the southwest corner of Pad 10, also being the southeast corner and the Point Of Beginning of the herein described tract of land;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 3, being the north right-of-way line of said West Dallas St., a distance of 50.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 3, also marking the southeast corner of Lot 4, Block 5 of the said Rochow Addition, also marking the southeast corner of Pad 5 and marking the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 3, also being the east line of the said Lot 4, also being the east line of Pad 5, at 51.25 feet cross a 1/2-inch iron rod marking the northeast corner of Pad 5, also being the southeast corner of Pad 4, a total distance of 53.67 feet to a 1/2-inch iron rod marking the southwest corner of Pad 7 and marking the northwest corner of the herein described tract of land;

THENCE East, with the south line of Pad 7, a distance of 49.87 feet to a 1/2-inch iron rod lying in the east line of said Lot 3, also being the west line of said Lot 2, also being the west line of Pad 9, and marking the southeast corner of Pad 7 and marking the northeast corner of the herein described tract of land;

523-1C-C416

THENCE South with the east line of said Lot 3, also being the west line of said Lot 2, also being the west line of Pad 9, at 11.97 feet cross a 1/2-inch iron rod marking the southwest corner of Pad 9, being the northwest corner of Pad 10, a total distance of 50.07 feet to the Point Of Beginning and containing 0.0594 acres (2,585 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No.1088-001(DG901)
07/28/98

523-1C-C417

LOT 7

**DESCRIPTION OF A 0.0554-ACRE
(2,413 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS**

Being a 0.0554-acre (2,413 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 3, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a ½-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, also being the southeast corner of Pad 10 and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., also being the south line of Pad 10 a distance of 50.00 feet to a ½-inch iron rod marking the southwest corner of said Lot 2, being the southeast corner of said Lot 3, also being the southwest corner of Pad 10, also being the southeast corner of Pad 6;

THENCE North, with the west line of the said Lot 2, being the east line of the said Lot 3, also being the west line of Pad 10, also being the east line of Pad 6, at 38.10 feet cross a ½-inch iron rod marking the northwest corner of Pad 10, being the southwest corner of Pad 9 a total distance of 50.07 feet to a ½-inch iron rod marking the northeast corner of Pad 6, also being the southeast corner and the Point Of Beginning of the herein described tract of land;

THENCE West, with the north line of Pad 6 a distance of 49.87 feet to ½-inch iron rod lying in the west line of said Lot 3, being the east line of Lot 4, Block 5 of the said Rochow Addition, also being the east line of Pad 4, also marking the northwest corner of Pad 6 and marking the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 3, being the east line of the said Lot 4, also being the east line of Pad 4, a distance of 46.59 feet to a ½-inch iron rod marking the northwest corner of the said Lot 3, also marking the northeast corner of the said Lot 4, also marking the southeast corner of Lot 13, Block 5 of the said Rochow Addition, also marking the southwest corner of Lot 14, Block 5 of the said Rochow Addition, also marking the northeast corner of Pad 4 and marking the northwest corner of the herein described tract of land;

523-10-0418

THENCE North 85 deg. 52 min. 00 sec. East, with the north line of the said Lot 3, being the south line of the said Lot 14, a distance of 50.00 feet to a ½-inch iron rod marking the northeast corner of the said Lot 3, also marking the northwest corner of the said Lot 2, also marking the southeast corner of the said Lot 14, also marking the southwest corner of Lot 15, Block 5 of the said Rochow Addition, also marking the northwest corner of Pad 8 and marking the northeast corner of the herein described tract of land;

THENCE South, with the east line of the said Lot 3, being the west line of the said Lot 2, also being the west line of Pad 8, at 29.12 feet cross a ½-inch iron rod marking the southwest corner of Pad 8, also marking the northwest corner of Pad 9, a total distance of 50.19 feet to the Point Of Beginning and containing 0.0554 acres (2,413 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No.1088-001(DG901)
07/28/98

523-10-0419

LOT 8

**DESCRIPTION OF A 0.0352-ACRE
(1,532 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS.**

Being a 0.0352-acre (1,532 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 2, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE North, with the east line of the said Lot 2, also being the west line of the said Lot 1, also being the east line of Pad 10, at a distance of 38.09 feet cross a 1/2-inch iron rod marking the northeast corner of Pad 10, also being the southeast corner of Pad 9, a total distance of 67.73 feet to a 1/2-inch iron rod marking the northeast corner of Pad 9, and marking the southeast corner and the Point Of Beginning of the herein described tract of land;

THENCE West, with the north line of Pad 9, a distance of 49.87 feet to a 1/2-inch iron rod lying in the west line of said Lot 2, being the east line of Lot 3, Block 5 of the said Rochow Addition, also being the east line of Pad 7, and marking the northwest corner of Pad 9, also marking the southwest corner of the herein described tract of land;

THENCE North, with the west line of said Lot 2, being the east line of said Lot 3, also being the east line of Pad 7, a distance of 29.12 feet to a 1/2-inch iron rod marking the northwest corner of said Lot 2, also marking the northeast corner of said Lot 3, also marking the southeast corner of Lot 14, Block 5 of the said Rochow Addition, also marking the southwest corner of Lot 15, Block 5 of the said Rochow Addition, also marking the northeast corner of Pad 7, and also marking the northwest corner of the herein described tract of land;

THENCE North 85 deg. 52 min. 00 sec. East, with the north line of said Lot 2, being the south line of said Lot 15, a distance of 50.00 feet to a 1/2-inch iron rod marking the northeast corner of said Lot 2, also marking the northwest corner of said Lot 1, also marking the southeast corner of said Lot 15, also marking the southwest corner of Lot 16, Block 5 of the said Rochow Addition, and marking the northeast corner of the herein described tract of land;

523-10-0420

THENCE South, with the east line of the said Lot 2, being the west line of the said Lot 1, a distance of 32.72 feet to the Point Of Beginning and containing 0.0352 acres (1,532 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No. 1088-001(DG901)
07/28/98

523-10-0421

DESCRIPTION OF A 0.0360-ACRE LOT 9
(1,567 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS

Being a 0.0360-acre (1,567 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 2, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

COMMENCING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE North, with the east line of the said Lot 2, also being the west line of the said Lot 1, also being the east line of Pad 10, a distance of 38.10 feet to a 1/2-inch iron rod marking the northeast corner of Pad 10 and marking the southeast corner of the herein described tract of land;

THENCE South 85 deg. 52 min. 00 sec. West, with the north line of Pad 10, a distance of 50.00 feet to a 1/2-inch iron rod lying in the west line of said Lot 2, being the east line of Lot 3, Block 5 of the said Rochow Addition, also being the east line of Pad 6, and marking the northwest corner of Pad 10 and marking the southwest corner of the herein described tract of land;

THENCE North with the west line of said Lot 2, being the east line of said Lot 3, also being the east line of Pad 6, at 11.97 feet cross a 1/2-inch iron rod marking the northeast corner of Pad 6, also being the southeast corner of Pad 7, a total distance of 33.04 feet to a 1/2-inch iron rod marking the southwest corner of Pad 8, also marking the northwest corner of the herein described tract of land;

THENCE East, with the south line of Pad 8 a distance of 49.87 feet to a 1/2-inch iron rod lying in the east line of said Lot 2, being the west line of said Lot 1, also marking the southeast corner of Pad 8, and marking the northeast corner of the herein described tract of land;

THENCE South, with the east line of said Lot 2, being the west line of said Lot 1, a distance of 29.44 feet to the Point Of Beginning and containing 0.0360 acres (1,567 square feet) of land.

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No. 1088-001(DG901)
07/28/98

523-10-0422

LOT 10

DESCRIPTION OF A 0.0436-ACRE
(1,899 SQUARE FEET) TRACT OF LAND
OUT OF THE JOHN AUSTIN 2 LEAGUE
GRANT, A-1, HARRIS COUNTY, TEXAS

Being a 0.0436-acre (1,899 square feet) tract of land out of the John Austin 2 League Grant, A-1, Harris County, Texas, being a tract out of Lot 2, Block 5, of the Rochow Addition as recorded in Volume 6, Page 62 of the Map Records of Harris County, Texas, and herein described by metes and bounds as follows;

BEGINNING at a 1/2-inch iron rod found for the southeast corner of Lot 2, Block 5 of said Rochow Addition, being the southwest corner of Lot 1, Block 5 of said Rochow Addition, and lying in the north right-of-way line of West Dallas St., a 60.00 feet wide public street right-of-way;

THENCE South 85 deg. 52 min. 00 sec. West, with the south line of said Lot 2, being the north right-of-way line of said West Dallas St., a distance of 50.00 feet to a 1/2-inch iron rod marking the southwest corner of said Lot 2, also being the southeast corner of Lot 3, Block 5 of the said Rochow Addition, also marking the southeast corner of Pad 6, also being the southwest corner of the herein described tract of land;

THENCE North, with the west line of the said Lot 2, also being the east line of the said Lot 3, also being the east line of Pad 6, a distance of 38.10 feet to a 1/2-inch iron rod marking the southwest corner of Pad 9 and marking the northwest corner of the herein described tract of land;

THENCE North 85 deg. 52 min. 00 sec. East, with the south line of Pad 9, a distance of 50.00 feet to a 1/2-inch iron rod lying in the east line of said Lot 2, also being the west line of said Lot 1, and marking the southeast corner of Pad 9 and marking the northeast corner of the herein described tract of land;

THENCE South with the east line of said Lot 2, also being the west line of said Lot 1, a distance of 38.10 feet to the Point Of Beginning and containing 0.0436 acres (1,899 square feet) of land.

RECORDER'S MEMORANDUM

AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADVERTENTLY FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER, ETC

WEISSER ENGINEERING COMPANY
17171 Park Row, Suite 100
Houston, Texas 77084

Job No. 1088-001 (DG901)
07/28/98

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW THE STATE OF TEXAS } COUNTY OF HARRIS }
I hereby certify that this instrument was FILED in File Number Sequence on the 30th day of December 1998 at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

DEC 30 1998



Barbara A. Johnson

COUNTY CLERK
HARRIS COUNTY TEXAS

523-10-0422

523-10-0423

**CERTIFICATE OF LEGALITY AND AUTHENTICITY
FOR MICROFILM RECORDS**

**OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
HARRIS COUNTY, TEXAS**

523-1C-0424

FILM TITLE PAGE
FOR
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
HARRIS COUNTY, TEXAS