

PLAT FOR
TIM MILES SUBDIVISION
DALLAS, TEXAS
MARRIS COUNTY, TEXAS

17 RESERVES - 4 BLANKS
OWNER
WILLIAM MILES JR - PROSETER
FRANK LOUIS MILES
EARL J. MILES
GENERAL, MARRIS COUNTY, TEXAS
LAW OFFICES, MARRIS COUNTY, TEXAS

KEY MAP

THIS PLAT IS SUBJECT TO THE
RECORDS OF MARRIS COUNTY,
TEXAS

1947
MARRIS COUNTY, TEXAS
MARRIS COUNTY CLERK
MARRIS COUNTY, TEXAS

APPROVED FOR RECORDING BY THE COUNTY CLERK, MARRIS COUNTY, TEXAS



W. B. [Signature]
COUNTY CLERK

THE STATE OF TEXAS, COUNTY OF MARRIS, BEFORE ME, the undersigned authority, on this [] day of [], 1947, personally appeared [] known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires [] day of [], 1947.

[Signature]
Notary Public

[Signature]
Notary Public

[Signature]
Notary Public

W. B. [Signature]
COUNTY CLERK

[Signature]
COUNTY CLERK

[Signature]
COUNTY CLERK

STATE OF TEXAS
COUNTY OF HARRIS

Me, Earl J. Miles, William B. Miles, Sr., Trustees, Leon Glenn Miles, Mary Lou Miles, Edward Louis Miles, and the undersigned, **Chloe T. Miles and Leon Goldenly, Trustees General of the Trust**, created by **Deed** recorded in **Book 100093 of the Public Records of Harris County, Texas**, do hereby make and enter into this Dedication, in and for the purposes and effects of said deed and to establish said subdivision and development plan as shown on the plat and to dedicate to the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and effects herein expressed, and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes, for unobstructed aerial easements, easements for electric, gas, telephone, cable, and other utility lines, a strip of land (6'6") in width for perimeter lots, seven feet (7'0") in width for back-to-back lots from a plane sixteen feet (16') above the ground level upward, located adjacent to all public utility easements that are designated with aerial easements (i.e. & aerial) shown herein.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon for the placement of mobile home subdivisions and shall be restricted for same under the terms and conditions of such restriction filed separately.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to residential use and shall be used for the placement of mobile homes, and shall be used for any other purpose, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the centerline of all water courses, creeks, gullies, ravines, in said plat, as easements for drainage purposes, giving the City of Houston, Harris County or any other governmental agency the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, gully, creek or natural drainage way shall be restricted to keep such drainage ways and structures in good repair, and shall be restricted to keep such operations and maintenance of the drainage facility and other such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

WITNESS my hand in the City of Houston, Texas, this 4th day of _____, 1985.

Earl J. Miles
Earl J. Miles

William B. Miles, Sr.
William B. Miles, Sr., Trustee

Leon Glenn Miles
Leon Glenn Miles

Mary Lou Miles
Mary Lou Miles

I, Linda Susan Richards, owner and holder of a lien against the property described in the plat known as **The Niles Subdivision, Subdivision** created by **Instrument** recorded in **Book 100093 of the Public Records of Harris County, Texas**, do hereby, in all things subordinate to the interest in said property to the purposes and effects of said deed and to the dedication and restrictions shown therein to said plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Linda Susan Richards
Linda Susan Richards

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of _____, 1985.

Charles B. ...
Notary Public in and for the State of Texas

OFFICE OF
ANITA WICKREWE
COUNTY CLERK HARRIS COUNTY TEXAS
MAP RECORDS OF COUNTY CLERK

VOL. 334 PAGE 100

TIM MILES

THIS IS PAGE 2 OF 10 PAGES

I, Mary Lena Williams, owner and holder of a lien against the property described in the plat known as **The Niles Subdivision, Subdivision** created by **Instrument** recorded in **Book 100093 of the Public Records of Harris County, Texas**, do hereby, in all things subordinate to the interest in said property to the purposes and effects of said deed and to the dedication and restrictions shown therein to said plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Mary Lena Williams
Mary Lena Williams

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18th day of _____, 1985.

James B. ...
Notary Public in and for the State of Texas

OFFICE OF
ANITA WICKREWE
COUNTY CLERK HARRIS COUNTY TEXAS
MAP RECORDS OF COUNTY CLERK

VOL. 334 PAGE 100

TIM MILES

THIS IS PAGE 2 OF 10 PAGES

I, Mary Lena Williams, owner and holder of a lien against the property described in the plat known as **The Niles Subdivision, Subdivision** created by **Instrument** recorded in **Book 100093 of the Public Records of Harris County, Texas**, do hereby, in all things subordinate to the interest in said property to the purposes and effects of said deed and to the dedication and restrictions shown therein to said plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Mary Lena Williams
Mary Lena Williams



BARKER RESERVOIR

SEE PAGE 101

SEE PAGE 104

SEE PAGE 103

MATCH LINE

MATCH LINE

MATCH LINE

OFFICE OF
ANITA WICKREWE
COUNTY CLERK HARRIS COUNTY TEXAS
MAP RECORDS OF COUNTY CLERK

VOL. 334 PAGE 100

TIM MILES

THIS IS PAGE 2 OF 10 PAGES

I, Mary Lena Williams, owner and holder of a lien against the property described in the plat known as **The Niles Subdivision, Subdivision** created by **Instrument** recorded in **Book 100093 of the Public Records of Harris County, Texas**, do hereby, in all things subordinate to the interest in said property to the purposes and effects of said deed and to the dedication and restrictions shown therein to said plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Mary Lena Williams
Mary Lena Williams

N 32° 07' 05" E
77.14'

14360377

JAN 31 12 30 PM 1985
City of Houston
14360377

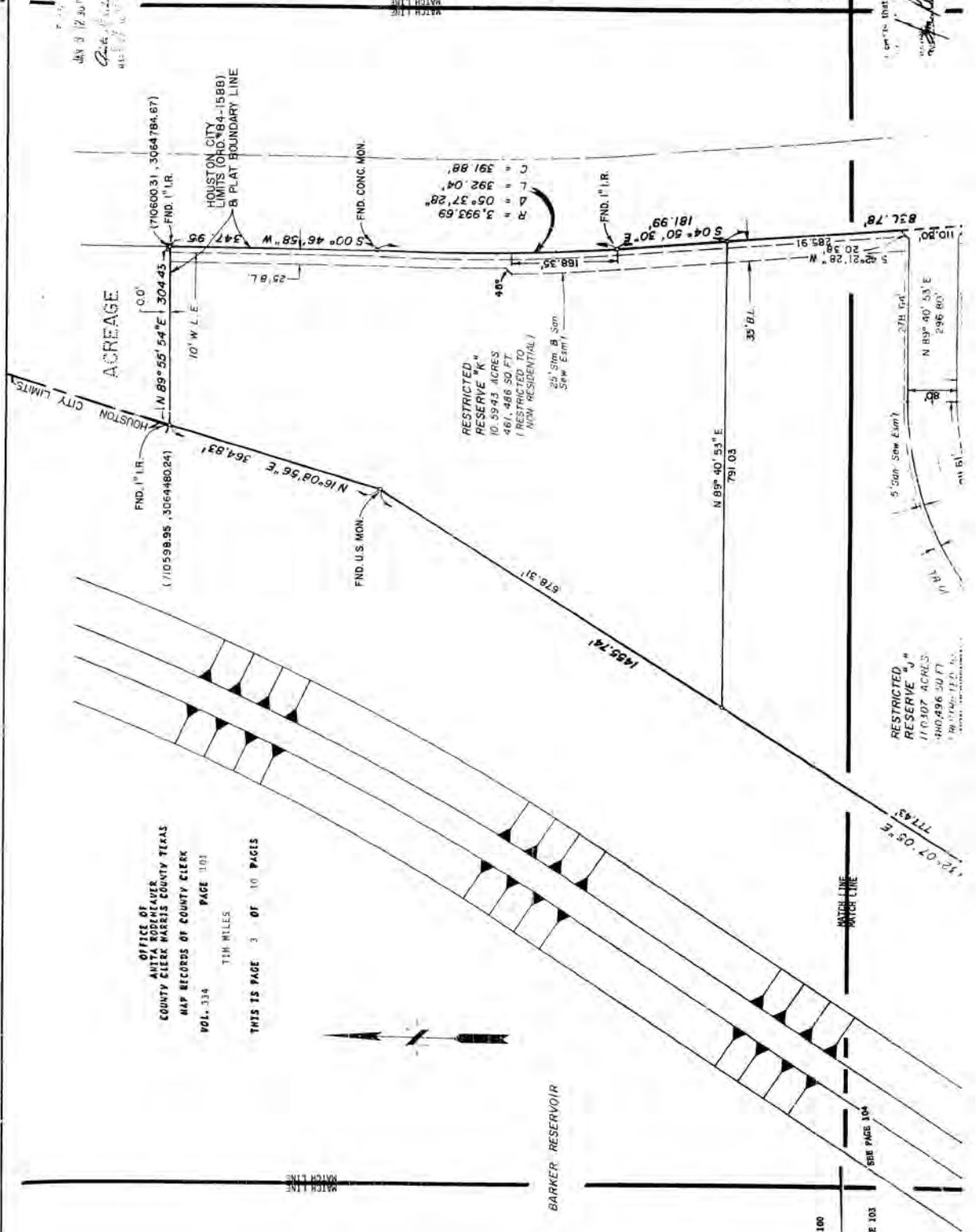
This is to certify that the City of Houston, Texas has approved this plat and that the same is a true and correct copy of the original as shown hereon of this plat this 22nd day of January 1985.



I, Anita Sodebeaver, Clerk of the City of Houston, Texas, do hereby certify that the within instrument was filed for registration in the City of Houston, Texas on this 22nd day of January 1985 at 12:30 o'clock PM and that the same is a true and correct copy of the map records of Harris County, Texas as shown hereon of this plat this 22nd day of January 1985.

Witness my hand and seal of office this 22nd day of January 1985.

SEE PAGE 102
SEE PAGE 103
SEE PAGE 104
SEE PAGE 105
SEE PAGE 106
SEE PAGE 107
SEE PAGE 108
SEE PAGE 109
SEE PAGE 110



ACREAGE

RESTRICTED RESERVE "K"
10.5943 ACRES
461,486 SQ. FT.
(RESTRICTED TO NEW RESIDENTIAL)

RESTRICTED RESERVE "J"
110,107 ACRES
4,800,296 SQ. FT.
(RESTRICTED TO NEW RESIDENTIAL)

OFFICE OF ANITA SODEBEAVER
COUNTY CLERK HARRIS COUNTY TEXAS
MAP RECORDS OF COUNTY CLERK
POL. 334 PAGE 103
TIM MILES

THIS IS PAGE 3 OF 10 PAGES



I, the undersigned, being duly sworn, depose and say that the within instrument is a true and correct copy of the original as shown hereon of this plat this 22nd day of January 1985.

[Signature]
Clerk

I, the undersigned, being duly sworn, depose and say that the within instrument is a true and correct copy of the original as shown hereon of this plat this 22nd day of January 1985.

[Signature]
Clerk

I, the undersigned, being duly sworn, depose and say that the within instrument is a true and correct copy of the original as shown hereon of this plat this 22nd day of January 1985.

[Signature]
Clerk

I, the undersigned, being duly sworn, depose and say that the within instrument is a true and correct copy of the original as shown hereon of this plat this 22nd day of January 1985.

[Signature]
Clerk

I, the undersigned, being duly sworn, depose and say that the within instrument is a true and correct copy of the original as shown hereon of this plat this 22nd day of January 1985.

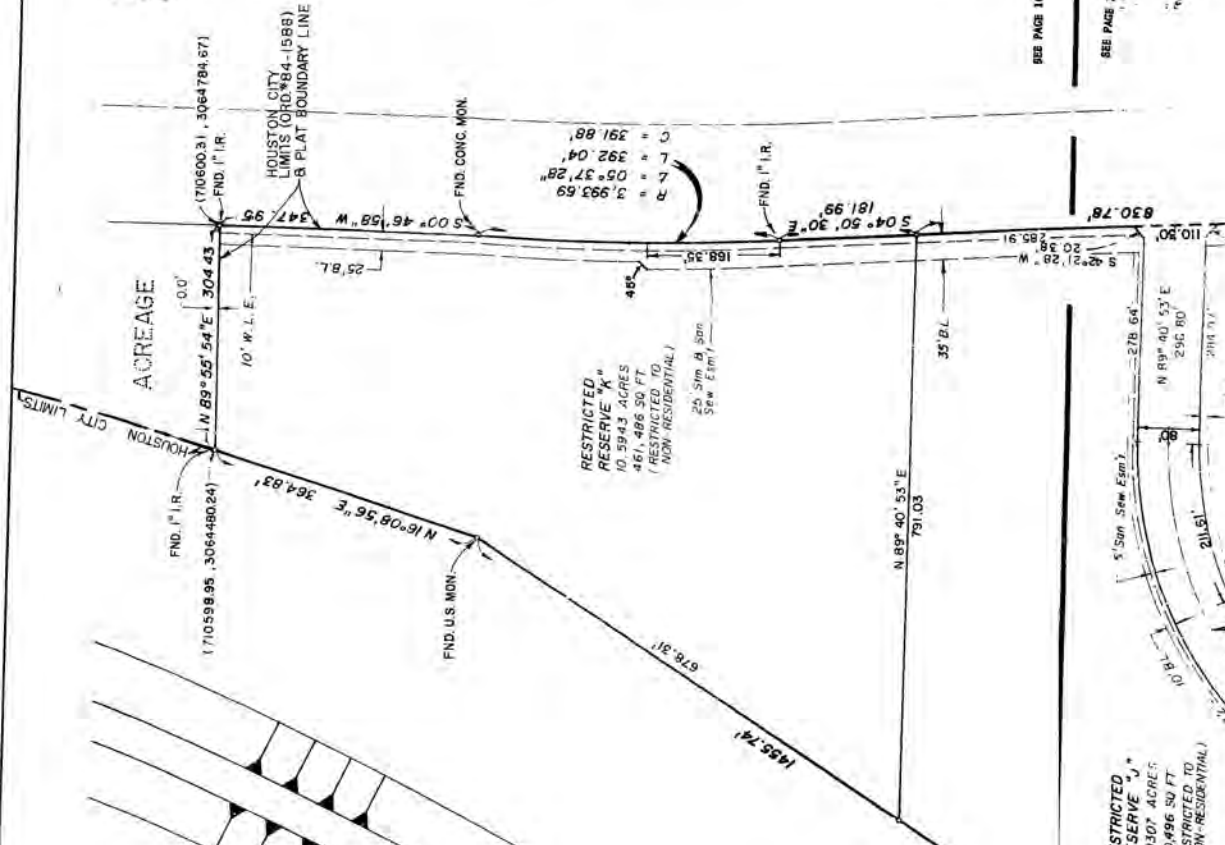
[Signature]
Clerk

I, the undersigned, being duly sworn, depose and say that the within instrument is a true and correct copy of the original as shown hereon of this plat this 22nd day of January 1985.

[Signature]
Clerk

JAN 3 1984
Antia Robbeaver
Clerk of the County
Court of Harris County, Texas

ACREAGE



OFFICE OF
ANTIA ROBBEAVER
COUNTY CLERK HARRIS COUNTY TEXAS
MAP RECORDS OF COUNTY CLERK
VOL. 334 PAGE 102
TIM MILES

THIS IS PAGE 4 OF 10 PAGES

This is to certify that the City Planning Commission of the City of Houston, Texas has approved this plat and the boundaries of the City of Houston as shown hereon and authorized the recording of this plat this 23rd day of December, 1983.



By: *Betty Kuhn*
Betty Kuhn, Chairman
By: *Patricia Garcia*
Patricia Garcia, Secretary

I, Antia Robbeaver, Clerk of the County Court of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on JAN 9 1984 at 12:30 P.M., and duly recorded on JAN 14 1984 at 12:50 P.M. in book 334 page 99 of the map records of Harris County, Texas. File Code No. 116.06

Witness my hand and seal of office, at Houston, the day and date last above written.

Antia Robbeaver
Clerk of the County
Court of Harris County, Texas

MATCH LINE

SEE PAGE 104

SEE PAGE 101

RESTRICTED RESERVE J
1.0307 ACRES
30,496 SQ FT
RESTRICTED TO NON-RESIDENTIAL

RESTRICTED RESERVE K
10.5943 ACRES
461,486 SQ FT
(RESTRICTED TO NON-RESIDENTIAL)

RESTRICTED RESERVE I
10.5943 ACRES
461,486 SQ FT
(RESTRICTED TO NON-RESIDENTIAL)

STATE OF TEXAS
COUNTY OF HARRIS

WITNESS my hand in the City of Houston, Texas, this 14th day of June, 1985.

James

Earl B. Miles
Earl B. Miles

William P. Wilcox
William P. Wilcox, Trustee

Leon Glenn Atkins
Leon Glenn Atkins

Edward Sam Mize
Edward Sam Mize

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Earl B. Miles, William B. Wilcox, Sr., Trustee, Leon Glenn Atkins, and Edward Sam Mize, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of June, 1985.

Stephen Van Patten
Notary Public in and for the State of Texas

IN TESTIMONY WHEREOF, the Highway & Associates, a Texas General Partnership has caused this instrument to be signed by Charles T. Meeks, General Partner and Leon Goldstein, General Partner, this 20th day of January, 1985.

Charles T. Meeks
Charles T. Meeks, General Partner

Leon Goldstein
Leon Goldstein, General Partner

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Charles T. Meeks, General Partner and Leon Goldstein, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of January, 1985.

Charles T. Meeks
Charles T. Meeks, General Partner

Leon Goldstein
Leon Goldstein, General Partner

Mr. Mainland Savings Associates, owner and holder of a lien against the property described in the plat known as The Miles Subdivision, said lien being evidenced by instrument of record in the clerk's file number J477438 of the Public Records of Harris County, Texas, and the dedication and effects of said plat, and the restrictions, shown therein to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

STATE OF TEXAS
COUNTY OF HARRIS

James A. Bolton
James A. Bolton

James A. Bolton
James A. Bolton

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared James A. Bolton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23rd day of April, 1985.

Sandra M. Cunningham
Sandra M. Cunningham, Notary Public in and for the State of Texas

Sandra M. Cunningham
Sandra M. Cunningham, Notary Public in and for the State of Texas

Clarence D. Shepard
Clarence D. Shepard

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Clarence D. Shepard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of February, 1985.



Clarence D. Shepard
Clarence D. Shepard

Mr. Samuel Pasack Trust, owner and holder of a lien against the property described in the plat known as The Miles Subdivision, said lien being evidenced by instrument of record in the clerk's file number J477438 of the Public Records of Harris County, Texas, and the dedication and effects of said plat, and the restrictions, shown therein to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

STATE OF TEXAS
COUNTY OF HARRIS

James A. Bolton
James A. Bolton

James A. Bolton
James A. Bolton

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared James A. Bolton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23rd day of April, 1985.

Sandra M. Cunningham
Sandra M. Cunningham, Notary Public in and for the State of Texas

Sandra M. Cunningham
Sandra M. Cunningham, Notary Public in and for the State of Texas

Clarence D. Shepard
Clarence D. Shepard

STATE OF TEXAS
COUNTY OF HARRIS

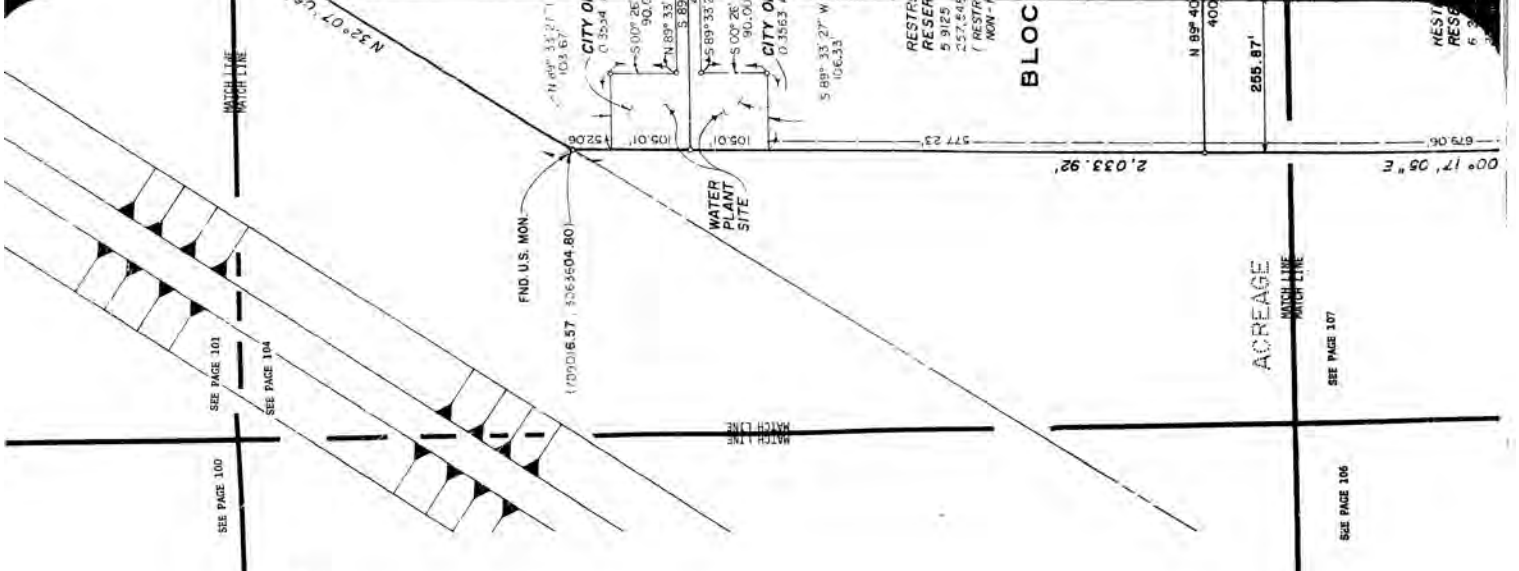
BEFORE ME, the undersigned authority, on this day personally appeared Clarence D. Shepard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of February, 1985.



Clarence D. Shepard
Clarence D. Shepard

Mr. Samuel Pasack Trust, owner and holder of a lien against the property described in the plat known as The Miles Subdivision, said lien being evidenced by instrument of record in the clerk's file number J477438 of the Public Records of Harris County, Texas, and the dedication and effects of said plat, and the restrictions, shown therein to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.



By *E. S. Larin*
 County Clerk, Secretary

I, Anita Mulheuser, Clerk of the County, Court of Harris County, Texas, do hereby certify that the within instrument with its exhibits and addendum to it was filed for registration in my office on **JAN 9 1985** at **10:30** AM of the County of Harris, Texas, and in Volume **334**, Page **99** of the map records of Harris County.

Witness my hand and seal of office, at Houston, the day and date last above written.
 SEE PAGE 101

Anita Mulheuser
 Clerk of the County
 Court of Harris County, Texas

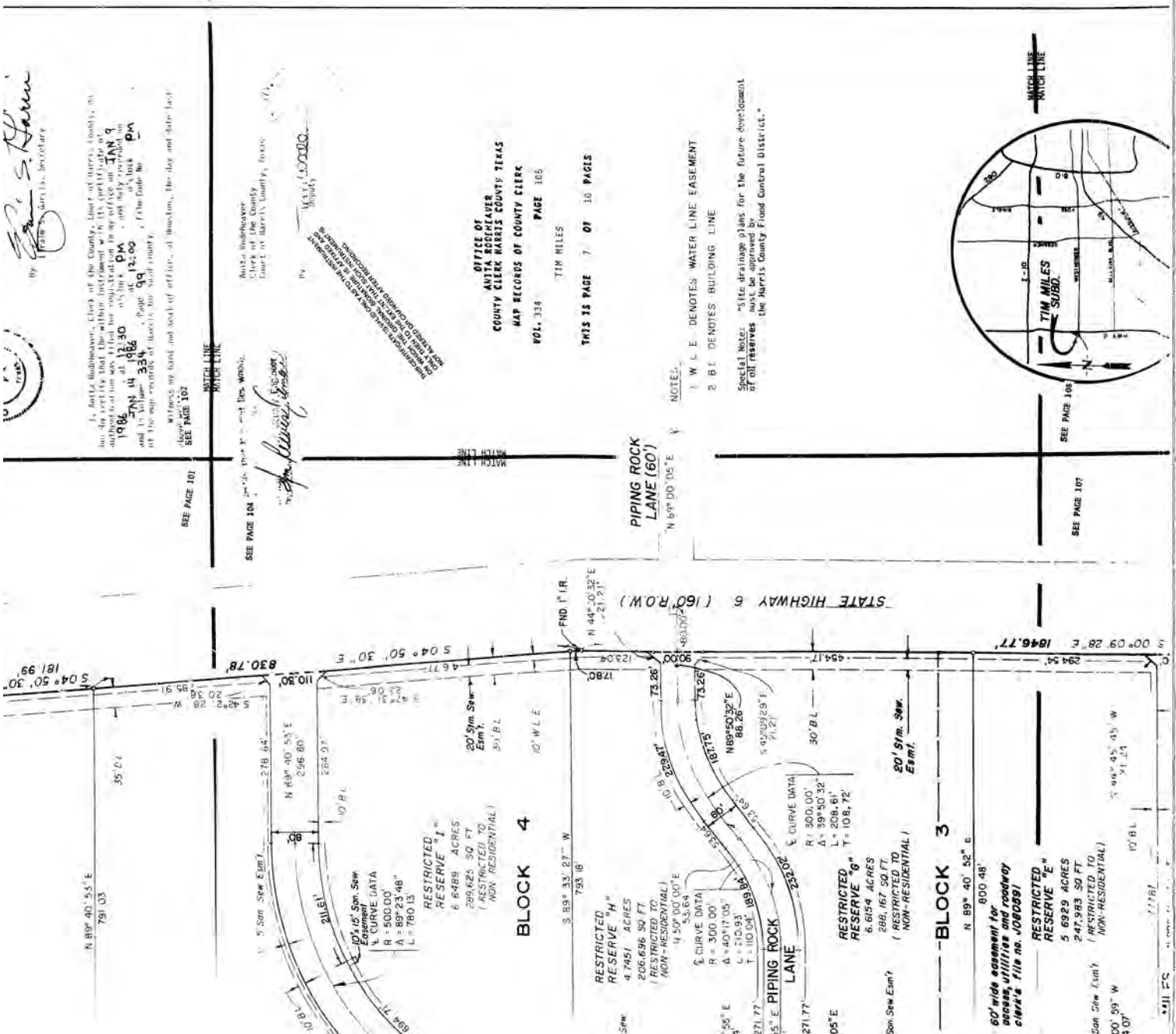
www.harriscountytx.gov
 HARRIS COUNTY RECORDS DEPARTMENT
 10000 NORTH LOOP WEST, SUITE 1000
 HOUSTON, TEXAS 77037-4101

OFFICE OF
 ANITA MULHEUSER
 COUNTY CLERK HARRIS COUNTY TEXAS
 MAP RECORDS OF COUNTY CLERK
 VOL. 334 PAGE 105
 TIM RILES

THIS IS PAGE 7 OF 10 PAGES

1 W L E DENOTES WATER LINE EASEMENT
 2 B L E DENOTES BUILDING LINE

Special Note: "Site design plans for the future development of all reserves must be approved by the Harris County Flood Control District."



SEE PAGE 101

SEE PAGE 104

MATCH LINE

PIPING ROCK LANE (60')

NOTE:

SEE PAGE 107

SEE PAGE 108

MATCH LINE

1911 EC

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Charles T. Hays, General Partner and Co-Administrator of the Highways 6 Associates, a Texas General Partnership, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and here stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of February, 1985.

Kathy D. Rogers
Notary Public in and for the State of Texas
Bobby B. Keatts
My Commission Expires: 4/1/85

Mr. Maryland Savings Associates, owner and holder of a lien against the property described in the plat known as Tim Miles Subdivision, said County of Harris, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: *Neil H. Chatham*
Neil H. Chatham, V.P.

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned authority, on this day personally appeared [Signature], known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of February, 1985.



Neil H. Chatham
Notary Public in and for the State of Texas
Commission Expires: 2/28/85

Mr. Pascock Realty, owner and holder of a lien against the property described in the plat known as Tim Miles Subdivision, said lien being evidenced by instrument of record in the clerk's file number J367746 of the County of Harris, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: *Tom Pascock*
Tom Pascock

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned authority, on this day personally appeared [Signature], known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of February, 1985.

Neil H. Chatham
Notary Public in and for the State of Texas
Commission Expires: 2/28/85

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Clarence B. Weaver, known to me to be the person whose name is subscribed to the foregoing instrument, and as acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11th day of February, 1985.



Clarence B. Weaver
Notary Public in and for the State of Texas
Commission Expires: 2/28/85

SEE PAGE 103

SEE PAGE 104

SEE PAGE 107

Mr. Ira Caneth Peacock Trust, owner and holder of a lien against the property described in the plat known as Tim Miles Subdivision, said lien being evidenced by instrument of record in the clerk's file number J367746 of the County of Harris, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

Ira Caneth Peacock Trust
Ira Caneth Peacock Trust

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Ira Caneth Peacock Trust known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11th day of February, 1985.

Ira Caneth Peacock Trust
Notary Public in and for the State of Texas
Commission Expires: 2/28/85

OFFICE OF
ANITA ROSENBAUER
COUNTY CLERK HARRIS COUNTY TEXAS
MAP RECORDS OF COUNTY CLERK
VOL. 334 PAGE 106
TEN MILES

THIS IS PAGE 0 OF 10 PAGES

I, Cesar R. Romero, a P.E., am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the foregoing instrument is a true and correct copy of the original survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) stakes and the distance between the nearest survey corner and the iron stake and a length of not less than three (3) feet; and that the boundary corners have been tied to the nearest survey corner and to the City of Houston survey marker system.



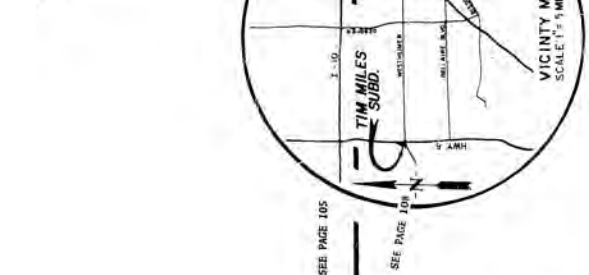
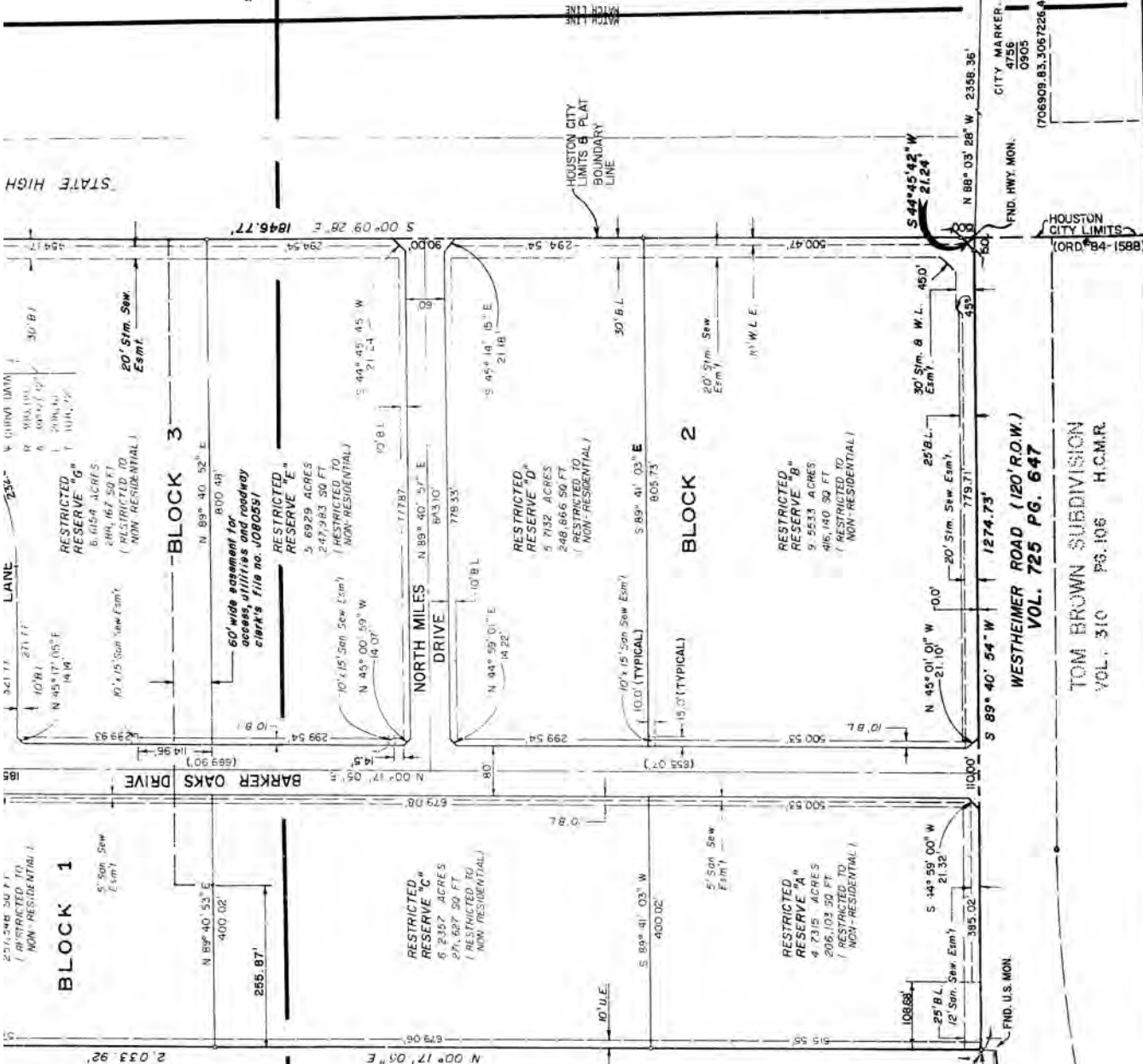
Cesar R. Romero
Cesar R. Romero
Texas Registration No. 1348

WESTHEIMER-BEELER ROAD (80')

FND. 1" I.R.
(706982.68, 3053594.69)

2,033.92

N 00° 17' 05" E



PLAT FOR
TIM MILES SUB
 BEING 85.8636 ACRES
 BLAS HERRERA SURV
 HARRIS COUNTY, TEXAS

OWNERS
 WILLIAM B. MILES, SR. - TRU
 LEON GLENN MILES
 EDWARD LOUIS MILES
 EARL J. MILES
 HIGHWAY 6 ASSOCIATES
 GENERAL PARTNERSHIP
 CHARLES T. MEEKS, GENERAL
 LEON GOLDSTEIN, GENERAL

11 RESERVES - 4 BLO

AUGUST, 1984

Lockwood, Andrews & Newnam, Inc.
 Surveyors and Engineers
 706909.83, 3067226.40

SEE PAGE 105
 SEE PAGE 104
 SEE PAGE 106

WESTHEIMER - BEELER ROAD (80')

WESTHEIMER ROAD (120' ROW.)
 VOL. 725 PG. 647

TOM BROWN SUBDIVISION
 VOL. 310 PG. 106 H.C.M.R.

OFFICE OF
 ANITA RODRIGUEZ
 COUNTY CLERK HARRIS COUNTY TEXAS
 MAP RECORDS OF COUNTY CLERK
 VOL. 334
 RA 2, 107
 TIM MILES
 THIS IS PAGE 9 OF 10 PAGES

PROPERTY
 priced
 according
 to the
 plat

4-1-85

1/2" ROCK LANE

RESTRICTED RESERVE "G"
6.6554 ACRES
288.167 SQ. FT.
RESTRICTED TO NON-RESIDENTIAL

-BLOCK 3
N 89° 40' 52" E
800.48'

assessment for utilities and roadway
File no. 0086381

RESTRICTED RESERVE "E"
5.6929 ACRES
247.983 SQ. FT.
RESTRICTED TO NON-RESIDENTIAL

RESTRICTED RESERVE "D"
5.7132 ACRES
248.866 SQ. FT.
RESTRICTED TO NON-RESIDENTIAL

BLOCK 2
S 89° 41' 03" E
805.73'

RESTRICTED RESERVE "B"
9.5533 ACRES
416,140 SQ. FT.
RESTRICTED TO NON-RESIDENTIAL

OWN SUBDIVISION
PG. 106 H.C.M.R.

STATE HIGHWAY

20' 51m. Sew. Esm't

1846.77'

900.00'

294.34'

294.34'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

500.47'

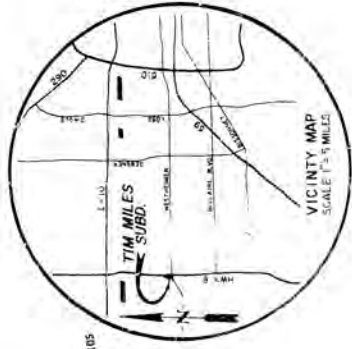
500.47'

500.47'

500.47'

500.47'

500.47'



**PLAT FOR
TIM MILES SUBDIVISION
BEING 85.8636 ACRES OUT OF THE
BLAS HERRERA SURVEY A-321
HARRIS COUNTY, TEXAS**

11 RESERVES — 4 BLOCKS

OWNERS

- WILLIAM B. MILES, SR. - TRUSTEE
- LEON GLENN MILES
- EDWARD LOUIS MILES
- EARL J. MILES
- HIGHWAY 6 ASSOCIATES, A TEXAS GENERAL PARTNERSHIP
- CHARLES T. WEEKS, GENERAL PARTNER
- LEON GOLDSTEIN, GENERAL PARTNER

AUGUST, 1984 SCALE: 1" = 100'



Lockwood, Andrews & Newnam, Inc.
Professional Surveyors, Engineers, Planners



Geogram Corporation
Land Surveyors, Engineers

CITY MARKER
4756
0905
(706909.83, 3067226.00)

FIND HWY. MON.
N 88° 03' 28" W 2958.36'

HOUSTON CITY LIMITS
(ORD. 84-1588)

1274.73'

30' 51m. Sew. Esm't

25' 8" L.

30' 51m. W. L. 450'

11" W. L. E.

30' B. L.

30' 51m. Sew. Esm't

1274.73'

MD

S015191

07/11/96 100289631 S015191

\$17.00

SPECIAL WARRANTY DEED AND BILL OF SALE

(NON-MERGER)

THE STATE OF TEXAS

§

COUNTY OF HARRIS

§

KNOW ALL MEN BY THESE PRESENTS

509-15-2098

That NAB ASSET CORPORATION, a Texas corporation (herein called "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration in hand paid to it by Emil A. Nakfoor, Trustee, and Andrew K. Golden, Trustee (herein together called "Grantee"), whose address is 2801 Post Oak Boulevard, Suite 400, Houston, Texas 77056, the receipt and sufficiency of which are hereby acknowledged and confessed, and for the payment of which no right of rescission or lien, express or implied, is hereby retained or shall exist, and subject to the reservations from and exceptions to conveyance and warranty noted below, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, the following described property, together with all improvements thereon (the "Subject Property"), situated in Harris County Texas, and being more fully described as set forth on Exhibit "A" attached hereto and hereby referred to and incorporated herein for all purposes.

200

Without intending to ratify any of same, this conveyance and special warranty herein contained are expressly made subject to all easements, rights-of-way, and prescriptive rights, whether of record or not; all validly existing liens, restrictions, mineral reservations, royalty reservations, covenants, conditions, oil and gas leases, mineral severances, and other encumbrances that affect the Subject Property, whether recorded or unrecorded; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; taxes, the payment of which Grantee assumes; and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Subject Property, together with all and singular and rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself, its successors and legal representatives to warrant and forever defend, all and singular, the Subject Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject to the matters set forth herein.

For the same consideration herein recited, Grantor does hereby Grant, Bargain, Sell, Transfer, Convey, Assign and Set Over unto Grantee, its successors and assigns forever, all right, title and interest of Grantor, if any, as of the date hereof, in and to each and every item of personal property (the "Personalty"), if any, located in or upon the Subject Property. To have and to hold said interest in the Personalty to and for Grantee's use forever.

WITH RESPECT TO THE PERSONALTY GRANTOR IS MAKING NO WARRANTIES OF ANY KIND, INCLUDING WITHOUT LIMITATION, WARRANTIES OF QUALITY, FITNESS OR MERCHANTABILITY, EITHER EXPRESS OR IMPLIED, AND BY ITS ACCEPTANCE HEREOF, GRANTEE FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS, ACKNOWLEDGES AND AGREES THAT SAID PERSONALTY IS BEING CONVEYED AND ACCEPTED "AS IS" ON THE DATE HEREOF.

Grantor further agrees that to the extent Grantor acquired the Subject Property by a deed in lieu of foreclosure or a non-merger deed subject to liens in favor of Grantor, then, in such event, to the extent such liens against the Subject Property in favor of Grantor (the "Liens") have not been extinguished, this conveyance is made and accepted expressly subject to, but not in extinguishment of, the Liens, and for the same consideration herein stated Grantor transfers and assigns to Grantee all of its right, title and interest in and to the Liens, and any notes or other debt thereby secured, without recourse and without warranty, express or implied. It is agreed by Grantor

that to the extent of any such validly existing Liens assigned herein, Grantee intends that there should be no merger of the interests of Grantee herein, upon acceptance of this instrument, as the owner of the legal and equitable title of the Subject Property and as owner and holder of the Liens thereon.

This special warranty deed and bill of sale is being executed in several original counterparts, all of which are identical, except that to the extent this deed covers property in more than one county, to facilitate recordations, there may be omitted from certain counterparts property descriptions in Exhibit A which contain descriptions of property located in recording jurisdictions other than the jurisdiction in which the particular counterpart is to be recorded, provided the parties shall record a complete Exhibit A in the counterpart recorded in the Official Public Records of Real Property of Harris County, Texas. Each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts shall constitute but one and the same deed and bill of sale.

EXECUTED on the date of the acknowledgment herein below set forth, to be effective, however, for all purposes, as of the 5th day of June, 1996.

NAB ASSET CORPORATION

10V

By: Michael A. Hrebenar
Michael A. Hrebenar
President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me this 5th day of June, 1996, by Michael A. Hrebenar, President of NAB Asset Corporation, a Texas corporation, on behalf of said corporation.

Janet M. McMahon
Notary Public in and for
the State of Texas



My Commission Expires: _____

WHEN RECORDED, RETURN TO
MICHAEL W. MORGAN
FULBRIGHT & JAWORSKI L.L.P.
81st FLOOR
1301 MCKINNEY
HOUSTON, TEXAS 77010

EXHIBIT A TO SPECIAL WARRANTY DEED AND BILL OF SALE

The property hereinafter described, situated in the County of Harris and State of Texas, to wit:

5.9125 acres being all of Restricted Reserve "F" in Block 1 of the TIM MILES SUBDIVISION, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 334, Page 99 of the Map Records of Harris County, Texas. D

10.5943 acres being all of restricted Reserve "K" in Block 1 of the TIM MILES SUBDIVISION, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 334, Page 99 of the Map Records of Harris County, Texas.

FILED

95 JUL 11 PM 2:29

Barbara J. ...
COUNTY CLERK
HARRIS COUNTY, TEXAS

509-15-210

TRACT "F"
FIELD NOTES FOR A
16.3390 ACRE TRACT
OUT OF THE ROSS-HALL PUQUA STREET DEDICATION
HARRIS COUNTY, TEXAS

A parcel of land containing 16.3390 acres out of Tract "B" of the Ross-Hall Puqua Street Dedication Plat as recorded in Volume 153, Page 1, Map Records, Harris County, Texas, said 16.3390 acre tract being in the E.P. Swisher Survey, Abstract Number 1062, Harris County, Texas and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod set at the intersection of the east line of Freeston Street (12th Street), 70 feet wide, and the north line of Fuqua Street, 100 feet wide;

THENCE N 01° 05' 00" W, along the east line of said Freeston Street, a distance of 371.83 feet (called 472.08 feet) to a set 3/8 inch iron rod;

THENCE S 88° 35' 00" E, a distance of 370.66 feet (called 370.00 feet) to a found 3/8 inch iron rod on the east line of Palmlake Street (13th Street), 70 feet wide;

THENCE N 01° 17' 23" W / called N 01° 05' 00" W, along the east line of said Palmlake Street, a distance of 140.10 feet (called 140.00 feet) to a found 3/4 inch iron rod, said iron rod being at the intersection of said east line of said Palmlake Street and the south line of Alameda-Genoas Road ("N" Street), 70 feet wide;

THENCE N 89° 01' 40" E / called S 88° 35' 00" E, along the south line of said Alameda-Genoas Road, a distance of 300.49 feet (called 300.00 feet) to a found 1/2 inch iron rod, said iron rod being at the intersection of the south line of said Alameda-Genoas Road and the west line of Freedale Street (12th Street), 70 feet wide;

THENCE S 00° 53' 12" E (called S 01° 05' 00" E), along the west line of Freedale Street (12th Street), 70 feet wide, a distance of 139.93 feet (called 140.00 feet) to a set 5/8 inch iron rod;

THENCE N 88° 38' 00" E (called N 88° 35' 00" E), a distance of 440.33 feet (called 440.00 feet) to a found 5/8 inch iron rod;

THENCE N 01° 01' 14" W (called N 01° 05' 00" W), along the east line of Palmgrove (11th Street) a distance of 150.17 feet (called 140.00 feet) to a found 5/8 inch iron rod, said rod marking the intersection of the south line of said Alameda-Genoas Road and the east line of Palmgrove (70-foot wide);

THENCE N 88° 55' 00" E, along the south line of said Alameda-Genoas Road a distance of 299.82 feet (called 300.00 feet) to a found 5/8 inch iron rod marking the intersection of the south line of said Alameda-Genoas Road and the west line of Freeston Street (10th), 70 feet wide;

THENCE S 01° 01' 35" E (called S 01° 05' 00" E), along the west line of said Freeston Street, a distance of 589.48 feet (called 590.00 feet) to a found 3/3 inch iron rod marking the intersection of the west line of said Freeston Street and the north line of Fuqua Street (100 feet wide);

THENCE S 88° 35' 00" W, along the north line of said Fuqua Street, a distance of 1109.56 feet (called 1110.00 feet) to a set 3/8 inch iron rod marking the point of curvature for a curve to the left;

THENCE along the north line of said Fuqua Street, along said curve to the left having a radius of 2049.80 feet and a central angle of 08° 25' 16" (called 08° 25' 10"), and having a chord S 84° 34' 13" W, 309.87 feet (called S 84° 42' 25" W, 300.81 feet), a distance of 301.14 feet (called 301.08 feet) to the POINT OF BEGINNING and containing 16.3390 acres of land, more or less.

FIELD NOTES FOR A
7.3347 ACRE (CALLED 7.3364 ACRE) TRACT
OUT OF THE ROSE-NAIL FUQUA STREET DEDICATION
HARRIS COUNTY, TEXAS

A parcel of land containing 7.3347 acres (called 7.3364 acres) out of Tract 'A' of the Rose-Nail Fuqua Street Dedication plat as recorded in Volume 158, Page 1, Map Records, Harris County, Texas, said 7.3347 acre tract being in the G.F. Burnett Survey, Abstract Number 1061, Harris County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set at the intersection of the west line of Freeton Street (14th St.), 70 feet wide, and the north line of Fuqua Street, 100 feet wide, from which a found one inch (1") iron pipe bears S 21° 15' 23" E, 0.50 feet, said 5/8 inch iron rod being the point of curvature for a curve to the left;

THENCE along the north line of said Fuqua Street, along said curve to the left having a radius of 2048.90 feet and a central angle of 10° 43' 33", and having a chord of S 73° 00' 43" W, 382.99 feet, a distance of 383.55 feet to a found one inch (1") iron pipe;

THENCE N 23° 21' 04" W, a distance of 150.00 feet to a found one inch (1") iron pipe marking the point of curvature for a curve to the left;

THENCE along said curve to the left having a radius of 2198.90 feet, a central angle of 07° 06' 10", a chord of S 64° 05' 51" W, 272.42 feet, a distance of 272.56 feet to a found one inch (1") iron pipe, said iron pipe being on the east line of Gulf Palm Street (Burnett Street), 100 feet wide;

THENCE N 01° 05' 00" W, along the east line of said Gulf Palm Street, a distance of 373.45 feet (called 373.36 feet) to a found 5/8 inch iron rod, said iron rod being at the intersection of said east line of Gulf Palm Street and the south line of "O" Street, 70 feet wide;

THENCE N 88° 35' 00" E, along the south line of said "O" Street, a distance of 370.00 feet to a set 5/8 inch iron rod, said iron rod being at the intersection of the south line of said "O" Street and the east line of Palabluuff Street (15th Street), 70 feet wide;

THENCE N 01° 05' 00" W, along the east line of said Palabluuff Street, a distance of 330.20 feet (called 330.00 feet) to a found 5/8 inch iron rod, said iron rod being at the intersection of the east line of said Palabluuff Street and the south line of Alameda-Genoa Road, 70 feet wide;

THENCE N 88° 35' 00" E, along the south line of said Alameda-Genoa Road, a distance of 300.00 feet to a found 1/2 inch iron rod, said iron rod being at the intersection of the south line of said Alameda-Genoa Road and the west line of said Freeton Street;

THENCE S 91° 05' 00" E, along the west line of said Freeton Street, a distance of 623.84 feet to the POINT OF BEGINNING and containing 7.3347 acres (called 7.3364 acres) of land, more or less.

IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND SEAL AT THE CITY OF HOUSTON, TEXAS, THIS 15TH DAY OF MARCH, 1954.

AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF BLEED THROUGH, DARKEN OR FADING COPY, DISCOLORED PAPER, ETC.

509-15-2103

WE PROMISE HEREIN WHICH PLACES THE SAIL, HEAVEN, OR LIFE OF THE DECEASED OR
PROPERTY BECAUSE OF COLLISION WITH A SHIP OR AIRCRAFT OR OTHERWISE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number
Sequence on the date and at the time stamped herein by me, and was
FILED, in the Official Public Records of Real Property of
Harris County, Texas on:

JUL 11 1996



Beverly B. Hoffman
COUNTY CLERK
HARRIS COUNTY TEXAS

3510

THIS IS A RECEIPT ONLY IF VALIDATED IN THIS COUNTY CLERK'S REGISTER

FEB-13-63 845104 CC 43010 B — PD\$\$\$3.75

116-17227

104

JOE RESWEBER
COUNTY ATTORNEY
202 HARRIS COUNTY COURTHOUSE
HOUSTON 2, TEXAS

DEED RECORDS
VOL 5032 PAGE 132

82563 116-17227 LS B PD

4.35

NO. 118051

FILM CODE

IN THE COUNTY CIVIL COURT AT LAW NO. 2
OF HARRIS COUNTY, TEXAS

704 04 0832

FILM CODE
084-17-037A

THE STATE OF TEXAS et al)
Plaintiffs)
VS.)
TIM MILES et al)
Defendants)

JUDGMENT

On the 27th day of November, 1962, was heard the above matter, before Henry Callihan, James Fonteno and Horace Pounds, Special Commissioners and freeholders of Harris County, Texas, duly appointed by the Judge of the County Civil Court at Law No. 2 of Harris County, Texas, upon the application and petition of the State of Texas and the County of Harris, a body corporate and politic, filed on the 5th day of November, 1962, in said court, naming as defendants Tim Miles and wife, Mary Miles, Carl S. Smith, Harris County Tax Assessor and Collector and Katy Independent School District, and praying for the condemnation of a certain parcel of land required for an easement and right of way for the purpose of opening, widening, draining, grading and constructing a portion of State Highway No. F.M. 1960, Addicks-Howell Road, County Road No. 1001-2, in the County of Harris and State of Texas; said parcel of land being described as follows:

983 FEB 25 PM 4 51

HARRIS COUNTY CLERK
HARRIS COUNTY, TEXAS

TRACT NO. 10
ADDICKS-HOWELL RD. (FM 1960) #1001-2

FILM CODE
704 04 0893

Being a variable width strip of land off of the East side of a tract of land **D** lying in the David Middleton Survey, Abstract 535, and the Blas Herrera Survey, Abstract 321, now or formerly owned by Tim Miles as conveyed to him by J. H. Arnold, et al. on April 25, 1929 as described in Vol. 797, Page 292 of the Deed Records of Harris County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of the above mentioned tract of land, same being at a one inch iron pipe set at the intersection of the existing West right of way line of Addicks-Howell Road and the existing South right of way line of Noble Road, same being at Engineer's Station 779+05.1 on the proposed F.M. 1960 centerline, same being North 88° 07' East (called North 89° 43' East) a distance of 182.2 feet from the Northwest corner of this tract of land.

THENCE South 2° 00' East (called South 0° 24' East) a distance of 3094.9 feet along the East line of this tract, same being the existing West right of way line of Addicks-Howell Road, to a point for corner, said point also being a P. T. in the proposed West right of way line of F.M. 1960, said point being located opposite Engineer's Station 810+00.0 on the proposed F.M. 1960 centerline;

THENCE South 2° 15' East a distance of 2247.3 feet along the existing West right of way line of Addicks-Howell Road, same being the East line of this tract, to a point for corner, said point being located in the proposed West right of way line of F.M. 1960;

THENCE North 7° 17' West a distance of 1013.1 feet along the proposed West right of way line of F.M. 1960, 80.0 feet from and parallel to the proposed F.M. 1960 centerline, to a point, said point being the P.T. of a curve, said point being located opposite Engineer's Station 822+31.8 on the proposed F.M. 1960 centerline;

THENCE Northerly along the proposed West right of way line of F.M. 1960 following the curve to the right having a central angle of 3° 46' and a radius of 3899.8 feet, a distance of 392.5 feet to the P.C. of said curve, said point being located opposite Engineer's Station 818+47.4 on the proposed F.M. 1960 centerline;

THENCE North 1° 31' West a distance of 2359.9 feet along the proposed West right of way line of F.M. 1960, 80.0 feet from and parallel to the proposed F.M. 1960 centerline to a point, said point being located at Engineer's Station 794+87.5 on the proposed F.M. 1960 centerline;

THENCE North 2° 00' West a distance of 1582.6 feet along the proposed West right of way line of F.M. 1960, 80.0 feet from and parallel to the proposed F.M. 1960 centerline, to a point for corner, said point being located in the North line of this tract, same being the existing South right of way line of Noble Road;

THENCE North 88° 07' East (called North 89° 43' East) a distance of 80.0 feet along the North line of this tract, same being the existing South right of way line of Noble Road, to the point of beginning and containing 9.816 acres more or less.

DEED RECORDS
FILM CODE
VA 5032 MAR 1933
064-17-0375

The said Special Commissioners having taken the oath required by law, set a place and time for hearing the parties herein, and having given notice and the said defendants having been duly and properly served with notice of the time of hearing and the place of meeting, all as required by law, and all parties having then and there appeared in person or by their attorneys and announced ready for trial, except the defendant Katy Independent School District, which neither appeared nor answered, all matters involved in said condemnation were submitted to the said Special Commissioners; and the pleadings and evidence having been heard by them, they found as follows:

For the value of the land taken, at the time of said hearing, the sum of Twenty-four Thousand, Forty-nine and 20/100 Dollars (\$24,049.20) and for the improvements located thereon, the further sum of Three Thousand, Four Hundred Twenty and no/100 Dollars (\$3,420.00), and for damages to the balance of defendants' property by reason of such condemnation and taking, the sum of Five Thousand, Eight Hundred Eighty and no/100 Dollars (\$5,880.00) being a total sum of Thirty-three Thousand, Three Hundred Forty-nine and 20/100 Dollars (\$33,349.20) awarded herein.

The said award was filed on the 11th day of December, 1962, together with all papers connected with said proceeding; and thereupon said Judge entered his order recommending fees of \$90.00 each for said Special Commissioners for their services in said cause; and twenty days having passed without the filing of objections to said award by any of the parties;

And it appearing to the Court that the Defendant Carl S. Smith, Harris County Tax Assessor and Collector, has filed his intervention showing taxes, interest, penalty and costs due the State of Texas and County of Harris on said above described property in the amount of Twenty and 31/100 Dollars (\$20.31); and that the defendant Katy Independent School District, although duly served with notice as required by law, has neither appeared nor answered herein;

It is therefore ORDERED, ADJUDGED and DECREED that the Award of the Special Commissioners rendered on December 11, 1962, be and the same

FILIA CODE
701 04 0894

DEED RECORDS
WM 5032 PMS 134

FILM CODE
081-17-0376

is hereby adopted ⁽²⁾ made the judgment in this cause, and the Clerk is directed to enter the same in the Minutes of the Court.

It is further ORDERED, ADJUDGED and DECREED that this cause be and the same is hereby dismissed as to the defendant Katy Independent School District, and that it take nothing by this judgment.

It is further ORDERED, ADJUDGED and DECREED that said sum of Thirty-three Thousand, Three Hundred Forty-nine and 20/100 Dollars (\$33,349.20), be paid by the County of Harris into the Registry of the Court, to the order of the remaining defendants, Tim Miles and wife, Mary Miles, and Carl S. Smith, Harris County Tax Assessor and Collector.

It is further ORDERED, ADJUDGED and DECREED that all right, title and interest in and to the hereinabove described land be and the same is hereby divested out of said Defendants and vested in the State of Texas, for easement and right of way purposes, for a public road and a state highway; and that a writ of possession issue in favor of the plaintiff; and that out of said deposit the Clerk shall pay to Carl S. Smith, Harris County Tax Assessor and Collector, said sum of Twenty and 31/100 Dollars (\$20.31), and the balance of said deposit, being the sum of Thirty-three Thousand, Three Hundred Twenty-eight and 89/100 Dollars (\$33,328.89), the Clerk shall pay over to the defendants Tim Miles and wife, Mary Miles, all upon the filing of proper receipts therefor.

It is further ORDERED that the State of Texas and County of Harris pay all costs of court in this proceeding, including the fees of the Special Commissioners.

ENTERED this 11th day of February, 1963.

W. M. Miller
JUDGE, County Civil Court at Law No. 2
Of Harris County, Texas

APPROVED:

Joe Brasher
COUNTY ATTORNEY
Harris County, Texas

Charles J. Mitchell
ASSISTANT COUNTY ATTORNEY
Harris County, Texas

FILM CODE
701 01 0835

DEED RECORDS
FILM CODE
5032
135
084-17-0377

FILM CODE
064-17-0378

Film Code
704 04 0896

DEED RECORDS
NO. 115651 *116*
IN THE COUNTY CIVIL COURT AT LAW NO. 2
OF HARRIS COUNTY, TEXAS

THE STATE OF TEXAS et al

Plaintiffs

VS.

TIM WILES et al

Defendants

JUDGMENT

012

JOE RISWEBER

COUNTY ATTORNEY

202 HARRIS COUNTY COURTHOUSE
HOUSTON 2 TEXAS

DEED RECORDS
5032 PMA 137

FILM CODE #
084-17-0179

STATE OF TEXAS
COUNTY OF HARRIS

The foregoing is a true and correct photograph
copy of the original record now in my lawful custody and
possession and as recorded in the record stamped therein
I hereby certify, on February 8, 1963

R. J. TURRENTINE, JR. COUNTY CLERK
Harris County, Texas

By Fleta H. Gorton
Deputy

S464504

Return to: ①
James J. Tyler
9 Gateway Plaza, #3010
Houston, TX 77046

RESTRICTIVE COVENANTS

513-15-2568

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

05/23/97 200422091 5464504 \$27.00

RECITALS:

A. JAY KAPLAN, TRUSTEE ("Trustee") owns an approximately 10.5943 acre tract of land (the "Land"), being all of Reserve "K" of the Tim Miles Subdivision, according to the map or plat recorded in Volume 334, Page 99 of the Map Records of Harris County, Texas. *lee*

B. In order to satisfy the requirements of pending purchase and sale agreements to coordinate the uses of the Land for the possible sale of portions thereof, Trustee has agreed and does hereby impose and create certain rights, easements and protective covenants and restrictions on the Land as more fully set forth herein.

ARTICLE I. DEFINITIONS

Section 1.1 Applicable Deed. The term "Applicable Deed" shall mean the deed of a particular Tract from Trustee.

Section 1.2 Exclusive. The term "Exclusive" shall mean the specific use or uses reserved for the sole benefit of a Tract as provided herein.

27
h
Section 1.3 Floor Area. The term "Floor Area" shall mean the total number of square feet of enclosed space in a building or buildings available for the exclusive use of a particular person or entity, whether or not actually occupied. The Floor Area of any building for purposes of these Restrictive Covenants shall be calculated from the exterior of all exterior walls.

Section 1.4 Owner. The term "Owner" shall mean the record owner(s) of fee title from time to time of the Land or any portion thereof, but shall not mean an entity holding only a lien, mineral interest, easement, leasehold estate or other interest burdening such fee title.

Section 1.5 Restrictive Covenants. The term "Restrictive Covenants" shall mean these Restrictive Covenants executed by Trustee.

Section 1.6 Tract. The term "Tract" shall mean the portions of the Land subdivided by the Applicable Deed.

Section 1.7 Other Definitions. Other definitions are contained throughout in these Restrictive Covenants.

ARTICLE II. EASEMENTS

Section 2.1 Utility Easements. Trustee hereby declares and reserves unto himself, his heirs, successors and assigns within the Land a non-exclusive easement on, over, under and across those portions of the Land within ten (10) feet of State Highway 6 for electrical, gas and other utilities, provided such easement does not unreasonably interfere with the use of any Tract. Each Owner agrees to execute and deliver such additional documents as may be requested by utility companies to evidence the grant of this utility easement.

Section 2.2 Access Easement. Trustee currently intends to subdivide a portion of the Land into a Tract for use as a hotel, containing approximately 2.717 acres of land as more particularly depicted on Exhibit "A" attached hereto (the "Hotel Tract"). Trustee declares and reserves a non-exclusive access easement for the sole benefit of the Owner, tenants and invitees of the Tract located immediately in front and to the east of the Hotel Tract (such benefitted tract [the "Restaurant Tract"] being more particularly described on Exhibit "B" attached hereto) over and across the most easterly 150 feet of the north 24 feet (the "Access Easement") of the 30 foot wide strip (the "Hotel Strip") which connects the Hotel Tract to State Highway 6. The Hotel Strip is more particularly described on Exhibit "A-1" attached hereto. The owner of the Hotel Strip may relocate the Access Easement so long as at least a 24-foot wide area is provided within the Hotel Strip connecting to the Restaurant Tract. Entry into the Access Easement by the Owner, tenants and invitees of the Restaurant Tract shall only be through a 30 foot wide entry or curb cut located between 50 feet and 150 feet of State Highway 6, unless the express prior written consent of the Owner of the Hotel Tract is obtained.

Section 2.3 Construction and Maintenance of Access Easement. The Owners of the Hotel Tract and the Restaurant Tract shall coordinate so that construction of the road over the Hotel Strip is consistent with any driveways and parking facilities situated on the Restaurant Tract. The owner of the Restaurant Tract shall have a non-exclusive easement for access across the Hotel Strip to construct and/or maintain the road. No party constructing the road shall be entitled to reimbursement for its construction costs. The road shall be constructed in a good and workmanlike manner (utilizing good faith efforts to coordinate with Trustee or the then owner of the Hotel Tract), and, upon completion, shall thereafter be repaired and maintained at the sole cost and expense of the Owner of the Hotel Tract; except, however, the Owner of the Restaurant Tract shall promptly pay for any damage caused to the road by the Owner of the Restaurant Tract, its tenants and invitees. The owner of the Restaurant Tract may construct a temporary road across the Access Easement in compliance with applicable laws. If the Hotel Tract should ever be reconfigured in the Applicable Deed, Trustee shall have the right to designate which portion thereof shall be responsible for maintaining the road, provided such designation is in writing, filed of record in the Office of the Clerk of Harris County, Texas, and is not done in a manner which would materially diminish the benefits of the road.

Section 2.4 Disclaimer. The use in these Restrictive Covenants of the phrases "Restaurant Tract" and "Hotel Tract" shall not imply or constitute a representation or warranty that a restaurant or hotel shall be constructed thereon or that such Tracts are limited to such uses.

ARTICLE III USE RESTRICTIONS

Section 3.1 Restricted Activities. The following activities are prohibited within the Land:

- (a) any activity which tends to cause an unclean, unhealthy or untidy condition to exist outside of enclosed structures on a Tract;
- (b) any activity which emits foul or obnoxious odors, fumes, dust, smoke or pollution outside a Tract or which creates noise, unreasonable risk of fire or explosion, or other conditions which tend to disturb the peace or threaten the safety or comfort of occupants and invitees of other Tracts, in all cases beyond levels typical for a municipality;
- (c) any activity which violates applicable governmental laws or regulations;
- (d) outside burning of trash, leaves, debris or other materials;
- (e) unless permitted in the Applicable Deed, outdoor storage, except the outdoor storage of building materials shall be permitted during bona fide construction on a Tract on which such materials are stored;
- (f) any activity which is a public or private nuisance;
- (g) any activity which is, in whole or in part, for the dumping, disposing or commercial warehousing of garbage or refuse; and
- (h) the operation of a gasoline refining and/or twenty-four (24) hour manufacturing operation.

Land:

Section 3.2 Prohibited Uses. The following uses shall be prohibited within the

- (a) junkyards, scrap metal yards and sanitary landfills;
- (b) commercial excavation of building or construction materials, except in the usual course of construction of improvements on a Tract;
- (c) flea markets, and fire and bankruptcy sale operations;
- (d) the sale of indecent or pornographic literature, adult entertainment or any other form of sexually oriented business (except for the sale of books or videos as an incident part [*i.e.*, comprising no more than five percent (5%) of

the total space devoted for sales] of a general purpose bookstore, video store or other bona fide use);

- (e) no Tract may be used in violation of an Exclusive, except for the Tract specifically benefitting from the Exclusive; and
- (f) no Tract may be used in violation of any additional restrictions contained in the Applicable Deed for such Tract.

Section 3.3 Exclusives. The Land shall be subject to the following Exclusives for the sole benefit of the Tract indicated:

- (a) **Extended Stay Lodging Facility:** The Hotel Tract shall be the only Tract within the Land which may be operated as an Extended Stay Lodging Facility (defined as a hotel or motel with full kitchen facilities or which promotes itself for lodging for five (5) days or longer).
- (b) **Seafood Restaurant:** The Restaurant Tract shall have an exclusive as the only Tract within the Land which may be a "seafood restaurant" (defined as a restaurant that has more than forty percent (40%) of its food items containing seafood or which uses the word "seafood" in its proper name).

ARTICLE IV. OPERATIONAL MATTERS

Section 4.1 Trash Containers. All garbage and trash shall be placed and kept in covered trash containers and all such containers shall be placed within at least a solid-faced four-sided enclosure attached to the main building, unless the written consent of Trustee is obtained. Unless fully enclosed, the enclosure shall be constructed not to exceed six feet (6') in height and be fixed permanently to the ground in a manner designed to minimize the view of the interior thereof. The exterior of the trash container building shall be constructed with substantially the same material used on the exterior of the main building on the Tract. Any substantial amount of wet trash generated by a restaurant shall be removed on a daily basis to minimize foul odors.

Section 4.2 Casualty Damage. Any buildings or other improvements that are destroyed partially or totally by fire or other casualty, shall be repaired or demolished within a reasonable period of time or otherwise restored to an orderly and attractive condition.

Section 4.3 Signs. No Tract may have more than one (1) pylon sign and one (1) monument sign, without the prior written consent of Trustee. Any restrictions on the location, size and height of any pylon or monument sign shall be set forth in the Applicable Deed. The restrictions set forth above in this Section 4.3 shall not apply to (a) up to three (3) directional signs per Tract of less than 3 square feet and a height not exceeding five (5) feet from ground level, (b) other signs to the minimum extent necessary to comply with applicable laws, or (c) signs which are attached to a

building containing more than 5,000 square feet of Floor Area, provided such signs do not extend more than two feet (2') in any direction from an exterior wall. No sign may advertise any use except for the business conducted from a Tract, other than one professionally built sign advertising a Tract for sale or lease, provided the total square footage of such sign does not exceed 50 feet.

Section 4.4 Building Setbacks. No building or extension thereof shall be constructed (i) within sixty (60) feet of State Highway 6 for the northernmost 150 feet of the Land, (ii) within 75 feet of State Highway 6 for the next 280 feet of the Land, (iii) within one hundred feet (100') of State Highway 6 for the next two hundred feet (200') to the south, or (iv) within any additional setbacks contained in the Applicable Deed. Signs, parking spaces, driveways and landscaping shall be permitted within any building setback.

Section 4.5 Building Height. No buildings may be constructed within the Land in excess of any height limitation specified in the Applicable Deed.

Section 4.6 Drainage and Water Retention. Each Tract shall be self-sufficient, and provide for its own drainage and water retention, unless the express, prior written consent of another Owner is obtained.

Section 4.7 Landscaping. The Owner of each Tract shall keep all grass mowed, weeds cut and landscaping properly maintained on its Tract.

Section 4.8 Parking. Each Tract shall contain sufficient parking to comply with any parking requirements of the City of Houston, unless an express easement is obtained in writing from another Owner.

Section 4.9 Curb Cuts. Each Tract may only have curb cuts providing access to State Highway 6 at the location(s) set forth in the Applicable Deed.

ARTICLE V. TERM AND ENFORCEMENT

Section 5.1 Term. These Restrictive Covenants and other rights created herein shall constitute covenants running with and binding the land affected, and shall inure to the benefit and run with the land so benefitted, and shall, except as set forth in the next sentence, remain in effect for a period of one hundred (100) years from the date hereof. Any utility easements or access easements shall be perpetual.

Section 5.2 Enforcement. The provisions of these Restrictive Covenants may be enforced by any Owner, without the necessity of the joinder of any other party whatsoever. No tenant, subtenant or occupant of any Tract shall have any rights to enforce any provisions of these Restrictive Covenants. In the event of any violation or attempted or threatened violation of any provision of these Restrictive Covenants, in addition to all other rights and remedies available at law or in equity,

513-15-2573

the Owners shall be entitled to obtain restraining orders and injunctions prohibiting such violation, attempted or threatened violation, and ordering compliance with the provisions hereof.

ARTICLE VI MISCELLANEOUS

Section 6.1 Notice. Any notice which shall or may be given in accordance with the provisions of these Restrictive Covenants shall be in writing and shall be either personally delivered or sent by United States registered or certified mail, postage prepaid, return receipt requested, addressed to the appropriate Owner at the last address for such Owner according to the records of the party giving such notice. Any Owner shall have the right to change its address for purposes of notice.

Section 6.2 Status Reports. Recognizing that Owners may find it necessary from time to time to establish to banks, mortgagees, purchasers and major tenants, the then-current status of performance hereunder, each Owner shall, upon no less than twenty (20) days written notice from another Owner, but no more often than once per calendar year as to a request from any one Owner, furnish a written statement, to the knowledge of such Owner, on the status of any matters relating to these Restrictive Covenants.

Section 6.3 Binding Effect. These Restrictive Covenants shall be binding upon and benefit Trustee, and his heirs, successors and assigns, and each Owner from time to time of a Tract and shall be covenants running with the Land. Whenever reference is made in these Restrictive Covenants to Trustee having certain rights of approval or being able to impose certain restrictions or other matters in the Applicable Deed, such right and power may only be transferable by Trustee if specific mention is made thereof.

Section 6.4 Severability. If any provision of these Restrictive Covenants shall be unenforceable to any extent, the remainder thereof and the application of such provisions to other circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

Section 6.5 Governing Law. These Restrictive Covenants shall be governed by the laws of the State of Texas.

Section 6.6 Attorney's Fees. If a lawsuit is filed to enforce or interpret any portion of these Restrictive Covenants, the prevailing party shall be entitled to recover its reasonable attorney's fees and court costs.

DATED as of the 22nd day of May, 1997.

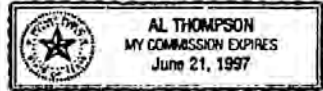



JAY KAPLAN, TRUSTEE
112

513-15-2374

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 19th day of May, 1997, by **JAY KAPLAN, TRUSTEE.**





Notary Public in and for the State of Texas

EXHIBIT "A"

513-15-2375

DESCRIPTION OF A 2.717 ACRE TRACT OF LAND
OUT OF RESTRICTED RESERVE "K", BLOCK 1
TIM MILES SUBDIVISION
HARRIS COUNTY, TEXAS

Being a 2.717 acre tract of land out of Restricted Reserve "K", Block 1 in the Blas Herrera Survey, Abstract No. 321, as shown on the plat of Tim Miles Subdivision recorded in Volume 334, Page 99, Harris County Map Records, said 2.717 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the west right-of-way line of State Highway 6, 160 feet wide, (formerly Addicks Howell Road) Volume 5032, Page 32, H.C.D.R., marking the southeast corner of said Restricted Reserve "K" and the northeast corner of Restricted Reserve "J", Block 1;

THENCE, in a westerly direction along the common line of said Restricted Reserves "J" and "K", S 89° 40' 46" W, 790.93 feet to a 5/8 inch iron rod found marking the southwest corner of said Restricted Reserve "K" and the northwest corner of Restricted Reserve "J", Block 1;

THENCE, along the westerly line of said Restricted Reserve "K", N 32° 07' 05" E, 379.16 feet to a 1 inch iron pipe set marking the northwest corner of the herein described tract;

THENCE, N 89° 40' 46" E, 235.19 feet to a 5/8 inch iron rod found marking the most northerly northeast corner of the herein described tract;

THENCE, S 00° 19' 14" E, 290.00 feet to a 5/8 inch iron rod found for corner;

THENCE, N 89° 40' 46" E, along a line parallel to and 30.00 feet north of (and perpendicular to) the southerly line of said Restricted Reserve "K", a distance of 350.00 feet to a 5/8 inch iron rod found in the west right-of-way line of State Highway 6;

THENCE, S 04° 49' 43" E, along the westerly right-of-way line of State Highway 6, a distance of 30.09 feet to the POINT OF BEGINNING and containing 2.717 acres of land.

EXHIBIT "A-1"

513-15-2376

DESCRIPTION OF A 10,554 SQ. FT. TRACT OF LAND
OUT OF RESTRICTED RESERVE "K", BLOCK 1
TIM MILES SUBDIVISION
HARRIS COUNTY, TEXAS

Being a 10,554 sq. ft. (0.242 Ac.) tract of land out of Restricted Reserve "K", Block 1 in the Blas Herrera Survey, Abstract No. 321, as shown on the plat of Tim Miles Subdivision recorded in Volume 334, Page 99, Harris County Map Records, said 10,554 sq. ft. tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the west right-of-way line of State Highway 6, 160 feet wide, (formerly Addicks Howell Road) Volume 5032, Page 32, H.C.D.R., marking the southeast corner of said Restricted Reserve "K" and the northeast corner of Restricted Reserve "J", Block 1;

THENCE, in a westerly direction along the common line of said Restricted Reserves "J" and "K", S 89° 40' 46" W, 352.37 feet to a point marking the southwest corner of the herein described tract;

THENCE, N 00° 19' 14" W, 30.00 feet to a 5/8 inch iron rod found marking the northwest corner of the herein described tract;

THENCE, N 89° 40' 46" E, along a line parallel to and 30.00 feet north of (perpendicular to) the southerly line of said Restricted Reserve "K", a distance of 350.00 feet to a 5/8 inch iron rod found in the west right-of-way line of State Highway 6;

THENCE, S 04° 49' 43" E, along the westerly right-of-way line of State Highway 6, a distance of 30.09 feet to the POINT OF BEGINNING and containing 10,554 sq. ft. (0.242 Ac) of land.

EXHIBIT "B"

513-15-2377

DESCRIPTION OF A 2.256 ACRE TRACT OF LAND
RESTRICTED RESERVE "K", BLOCK 1
TIM MILES SUBDIVISION
CITY OF HOUSTON, HARRIS COUNTY, TEXAS

BEING a 2.256 acre tract of land in the Blas Herrera Survey, Abstract No. 321, Harris County, Texas, and being out of Restricted Reserve "K", Block 1 as shown on the plat of Tim Miles Subdivision recorded in Volume 334, Page 99 of the Harris County Map Records and being out of a 10.5043 acre tract described under Harris County Clerk's File Number S015191, said 2.256 acre tract being more particularly described as metes and bounds as follows:

COMMENCING at a 5/8" iron rod found in the west right-of-way line of State Highway No. 6 as described under H.C.C.F. No. B647227 (Vol. 5032, Pg. 132 H.C.D.R.) and being at the southeast corner of said Restricted Reserve "K" and at the northeast corner of Restricted Reserve "J", Block

THENCE N 04° 50' 30" W, 30.09 feet along the said west right-of-way line of State Highway No. 6 and along the westerly boundary line of said Reserve "K" to a 5/8" set at the POINT OF BEGINNING of the herein described tract;

THENCE S 89° 40' 53" W, 350.00 feet to a set 5/8" iron rod for the southwest corner of the herein described tract;

THENCE N 00° 19' 07" W, 290.00 feet to a 5/8" iron rod set for the northeast corner of the herein described tract;

THENCE N 89° 40' 53" E, 329.48 feet to a 5/8" iron rod set in the east line of said Restricted Reserve "K" and being in the said west right-of-way line of State Highway No. 6;

THENCE in a southerly direction, 138.85 feet along the said west right-of-way line of State Highway No. 6 and along the westerly boundary line of said Reserve "K" and following the arc of said curve the left having a radius of 3003.80 feet, a central angle of 01° 58' 31" and a chord which bears S 05° 50' 44" E, 138.84 feet to a 1/2" iron rod found and from said 1/2" iron rod, a found concrete monument bears S 18° 55' E, 0.66 feet and a found 1" iron rod bears S 77° 40' W, 0.18

THENCE S 04° 50' 30" E, 151.90 feet along the said west right-of-way line of State Highway No. 6 and along the westerly boundary line of said Reserve "K" to the POINT OF BEGINNING and containing 2.256 acres of land.

ANY PROVIDER HEREIN WHICH REFLECTS THE SALE PRICE, OR ONE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR FACE IS VOID 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 date and at the time stamped hereon by me, and was DAY RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

MAY 23 1997



Beverly B. Hoffman
COUNTY CLERK
HARRIS COUNTY TEXAS

RECORDER'S MEMORANDUM

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

FILED
97 MAY 23 PM 3:57
Beverly B. Hoffman
COUNTY CLERK
HARRIS COUNTY TEXAS