

02 027215

BEING AN 853.046 ACRE TRACT OF LAND IN THE ANDREW ROBINSON SURVEY, ABSTRACT NO. 125, AND IN THE JOHN W. HALL SURVEY, ABSTRACT NO. 68, BRAZORIA COUNTY, TEXAS, SAID 853.046 ACRE TRACT BEING PART OF A 1,769.137 ACRE TRACT CONVEYED TO HOUSTON LIPAR, LTD. FROM LOUIS M. PEARCE, JR., BY AND THROUGH HIS AGENT AND ATTORNEY IN FACT, GARY M. PEARCE, AND WIFE, EVELYN C. PEARCE, AND PALOMA PRODUCTION COMPANY, INC. BY DEED DATED AUGUST 23, 2001 AND RECORDED UNDER COUNTY CLERK'S FILE NO. 01-038441 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS (O.R.B.C.T.). THE BEARINGS USED IN THIS DESCRIPTION ARE OLD BEARINGS REFERENCED TO THE TEXAS STATE PLANE, COORDINATE SYSTEM, SOUTH CENTRAL ZONE, SAID 853.046 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a three-fourths inch iron rod found at the most northerly northeast corner of said 1,769.137 acre tract and on the south right-of-way line of F.M. Highway 1462 at the intersection with the common line of Tracts 28 and 29 of the Branch T, Western Subdivision as recorded in Volume 2, Page 169 of the Plat Records of Brazoria County, Texas, some being the northwest corner of a 1.69 acre tract conveyed to Darr Jackson from Ruthie Mae Smith by deed dated April 11, 1996 and recorded under County Clerk's File No. 96-012457 of the O.R.B.C.T.;

THENCE South 03° 02' 58" East along the most northerly east line of said 1,769.137 acre tract, along the common line of said Tracts 28 and 29, along the west line of said 1.69 acre tract, passing the southwest corner of said 1.69 acre tract and the northeast corner of a 3.00 acre tract conveyed to Gladys Mitchell from Ruthie Mae Smith by deed dated April 11, 1996 and recorded under County Clerk's File No. 96-012457 of the O.R.B.C.T.; and continuing for a total distance of 1,067.52 feet to a five-eighths inch iron rod found for corner at the southwest corner of said Tract 29; some being the southwest corner of said 3.00 acre tract;

THENCE North 87° 22' 41" East, along an interior north line of said 1,769.137 acre tract along the common line of Tracts 20 and 29 of said Branch T, Western Subdivision, a distance of 573.20 feet to a corner post for corner on the west line of a 28.29 acre tract conveyed to Lonnie A. Powers from Robert Lee Roy by deed dated October 21, 1980 and recorded in Volume (80) 159, Page 819 of the O.R.B.C.T.;

THENCE South 02° 59' 28" East, along an interior east line of said 1,769.137 acre tract along the common line of Tracts 20 and 21 of said Branch T, Western Subdivision, along the west line of said 28.29 acre tract, a distance of 1,018.86 feet to a five-eighths inch iron rod found for corner at the southwest corner of said 28.29 acre tract;

THENCE North 87° 01' 32" East, along an interior north line of said 1,769.137 acre tract and along the south line of Branch T, Western Subdivision, at 2,265.41 feet pass a one-half inch iron rod found at the common south corner of Tracts 25 and 26 of said subdivision and continuing for a total distance of 2,844.64 feet to a corner post for the common south corner of Tracts 25 and 26 of said subdivision; some being on the west line of the Sun Creek Ranch, Section One Subdivision as recorded in Volume 21, Pages 381-386 of the Plat Records of Brazoria County, Texas;

THENCE South 02° 44' 02" East, along an east line of said 1,769.137 acre tract and along the west line of said Sun Creek Ranch, Section One Subdivision, a distance of 2,653.05 feet to a five-eighths inch iron rod in concrete with a plastic cap marked for corner at the southwest corner of said subdivision;

THENCE North 86° 45' 13" East, along an interior north line of said 1,769.137 acre tract and along the south line of said Sun Creek Ranch, Section One Subdivision, a distance of 512.05 feet to a point for corner from point for a found corner at the northeast corner of said 1,769.137 acre tract and along the north line of said 1,769.137 acre tract, a distance of 2,035.50 acre tract conveyed to David B. Hamill from Lucille Robinson Mellow and Charles Robinson Mellow by deed dated February 11, 1971 and recorded in Volume 1080, Page 215 of the Deed Records of Brazoria County, Texas (O.R.B.C.T.);

THENCE South 03° 11' 06" East, along the east line of said 1,769.137 acre tract and the west line of said 209.55 acre tract, a distance of 2,731.68 feet to a concrete monument found for angle point;

THENCE South 04° 42' 21" East, continuing along the east line of said 1,769.137 acre tract and the west line of said 209.55 acre tract, a distance of 56.32 feet to a 3/8-inch diameter Live Oak with three knots on the north, east and west sides for corner at the most easterly southeast corner of said 1,769.137 acre tract, some being the northeast corner of a 49.791 acre tract conveyed to David B. Hamill from Lucille Robinson Mellow and Charles Robinson Mellow by deed dated February 11, 1971 and recorded in Volume 1080, Page 215 of the Deed Records of Brazoria County, Texas (O.R.B.C.T.);

THENCE South 86° 50' 58" West, along the south line of said 1,769.137 acre tract and the north line of said 49.791 acre tract, at 15.00 feet pass a five-eighths inch iron rod with plastic cap marked "Baker & Lawson" on line, and continuing for a total distance of 778.27 feet to a broken concrete post found for corner at the most southerly southwest corner of said 1,769.137 acre tract and the northwest corner of said 49.791 acre tract; said corner being also on the east line of a 13,244.66 acre tract conveyed to David B. Hamill from R.E. McBride by deed dated November 24, 1971 and recorded in Volume 1104, Page 886 of the O.R.B.C.T.;

THENCE North 03° 16' 28" West, along the most southerly west line of said 1,769.137 acre tract and the east line of said 13,244.66 acre tract, a distance of 545.59 feet to a concrete monument found for an interior corner of said 1,769.137 acre tract and the northeast corner of said 13,244.66 acre tract;

THENCE South 86° 37' 08" West, along a south line of said 1,769.137 acre tract and the north line of said 13,244.66 acre tract, at 814.88 feet pass a three-fourths inch iron rod in concrete found at the northwest corner of said 13,244.66 acre tract and the northeast corner of a 12.5 acre tract conveyed to Monroe Harvey by deed recorded in Volume 235, Page 302 of the O.R.B.C.T., continuing along the north line of said 12.5 acre tract, and the north line of a 2.29 acre tract conveyed to Monroe Harvey by deed recorded in Volume 232, Page 804 of the O.R.B.C.T., and the north line of a 13.3 acre tract conveyed to D.R. Alford, Trustee from Robin Alan Koster, Jr. and wife, Sylvia Frances Koster by deed dated June 11, 1972 and recorded in Volume 1164, Page 35 of the Deed Records of Brazoria County, Texas, for a total distance of 2,700.79 feet to a corner post for a southerly southwest corner of said 1,769.137 acre tract and the northeast corner of said 13.3 acre tract; said corner being on the east line of the Texas Department of Criminal Justice Ramsey Prison Farm;

THENCE North 02° 58' 22" West, along a southerly west line of said 1,769.137 acre tract and the east line of said Texas Department of Criminal Justice Ramsey Prison Farm, a distance of 485.21 feet to a disturbed concrete monument found at an interior corner of said 709.532 acre tract and the northeast corner of said Ramsey Prison Farm;

THENCE South 86° 47' 29" West, along a south line of said 1,769.137 acre tract and the north line of said Texas Department of Criminal Justice Ramsey Prison Farm, a distance of 2,678.79 feet to a five-eighths inch iron rod with aluminum cap marked "PRM 2061" found in concrete at the most easterly southeast corner of the Sun Creek Ranch, Section Two Subdivision as recorded in Volume 22, Pages 197 - 204 of the Plat Records of Brazoria County, Texas;

THENCE North 11° 13' 14" East, along the most southerly east line of said Sun Creek Ranch, Section Two Subdivision, a distance of 123.91 feet to a five-eighths inch iron rod with aluminum cap marked "PRM 2061" found in concrete at the most southerly northeast corner of said Sun Creek Ranch, Section Two Subdivision;

THENCE South 86° 47' 29" West, along the most southerly north line of said Sun Creek Ranch, Section Two Subdivision, a distance of 845.69 feet to a five-eighths inch iron rod with aluminum cap marked "PRM 2061" found in concrete at an interior corner of said Sun Creek Ranch, Section Two Subdivision;

THENCE North 03° 06' 19" East, along the east line of said Sun Creek Ranch, Section Two Subdivision, a distance of 6,197.06 feet to a five-eighths inch iron rod with aluminum cap marked "PRM 2061" found in concrete at an interior corner of said Sun Creek Ranch, Section Two Subdivision;

THENCE North 86° 53' 41" East, along a northerly south line of said Sun Creek Ranch, Section Two Subdivision, a distance of 208.71 feet to a five-eighths inch iron rod with aluminum cap marked "PRM 2061" found in concrete at a northerly southeast corner of said Sun Creek Ranch, Section Two Subdivision;

THENCE North 03° 06' 19" East, along the most northerly east line of said Sun Creek Ranch, Section Two Subdivision, a distance of 208.71 feet to a five-eighths inch iron rod with aluminum cap marked "PRM 2061" found in concrete at the northeast corner of said Sun Creek Ranch, Section Two Subdivision on the south right-of-way line of F.M. Highway 1462;

THENCE North 86° 53' 41" East, along the north line of said 1,769.137 acre tract and the south right-of-way line of F.M. Highway 1462, a distance of 2,649.06 feet to the POINT OF BEGINNING and containing 853.046 acres of land.

COUNTY CLERK CERTIFICATION:

SUN CREEK RANCH - SECTION THREE

FINAL PLAT

PLAT RECORDS

Vol. 23 Page 1-2

A SUBDIVISION OF 853.046 ACRES OF LAND IN THE
ANDREW ROBINSON SURVEY, ABSTRACT NO. 125, AND IN THE
JOHN W. HALL SURVEY, ABSTRACT NO. 68, BRAZORIA COUNTY, TEXAS.
33 LOTS IN 1 BLOCK AND 8 RESERVES

THE STATE OF TEXAS :
COUNTY OF MONTGOMERY : KNOW ALL MEN BY THESE PRESENTS

THAT Houston Lipar, Ltd., a Texas Limited Partnership, acting through LGI Development Corporation, Inc., a Texas Corporation, its General Partner, Thomas E. Lipar, President of said LGI Development Corporation, Inc. together with Thomas E. Lipar, Secretary of said LGI Development Corporation, Inc., owners of the property subdivided in the above and foregoing plat of SUN CREEK RANCH, SECTION THREE, do hereby make subdivision of said property for and on behalf of said Houston Lipar, Ltd., according to the lines, lots, building lines, streets, reserves, notations and easements hereon shown; and dedicate to the use of the public, all streets and utility easements shown hereon forever; and the owners further dedicate the drainage easements and reserves, which are located within the boundaries of this plat to themselves, their heirs, successors, and assigns; and do hereby waive all claims for damages occasioned by the establishment of grades as approved for streets and drainage easements dedicated or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades; and do hereby bind ourselves, our heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, said owners do hereby covenant and agree that those drainage easements and reserves, located within the boundaries of this plat which are specifically dedicated to the owners of the property located within this plat, and their heirs, successors, and assigns, shall be maintained by said owners, heirs, successors, and assigns, as represented by whatever property owners association may someday be established for said purposes.

FURTHER, said owners do hereby covenant and agree that those drainage easements and reserves which are located outside the subdivision but which are referenced on this plat are specifically dedicated to the owners of property located within this plat, and their heirs, successors, and assigns, shall be maintained by said owners, heirs, successors, and assigns, as represented by whatever property owners association may someday be established for said purposes.

FURTHER, Houston Lipar, Ltd., its successors and assigns, covenant and agree that after approval of the plat of SUN CREEK RANCH, SECTION THREE, by Commissioners Court, any changes to deed restrictions for said subdivision affecting housing density or drainage will require the review and approval of Brazoria County.

IN TESTIMONY WHEREOF, Houston Lipar, Ltd., a Texas Limited Partnership, acting through LGI Development Corporation, Inc., has caused these presents to be signed by Thomas E. Lipar, President, thereto authorized, attested by its Secretary, Thomas E. Lipar, and its common seal hereunto affixed, this 17th day of April, 2002.

WITNESS MY HAND in the City of Conroe, Montgomery County, Texas, this 17th day of April, 2002.

LGI Development Corporation, Inc.
19221 I-45 South, Suite 320
Conroe, Texas 77385

Thomas E. Lipar, President
Thomas E. Lipar, Secretary

BEFORE ME, the undersigned authority, on this day personally appeared Thomas E. Lipar, President and Thomas E. Lipar, Secretary of LGI Development Corporation, Inc., 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, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17th day of April, 2002.

Notary Public for the State of Texas
My Commission Expires: 2-24-2005

STATE OF MASSACHUSETTS :
COUNTY OF BERKSHIRE :

I, Robert A. Kolb, Senior Vice President, for the benefit of First Massachusetts Bank, N.A., owners and holders of a lien against the property described herein on SUN CREEK RANCH, SECTION THREE, as evidenced by that certain instrument of record at Film Document Number 2001-38442 in the Office of the County Clerk of Brazoria County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and we hereby covenant that we are the present owners of said lien and have not assigned the same nor any part thereof.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17th day of April, 2002.

Robert A. Kolb
First Massachusetts Bank
50 State Street
Pittsfield, MA 01201

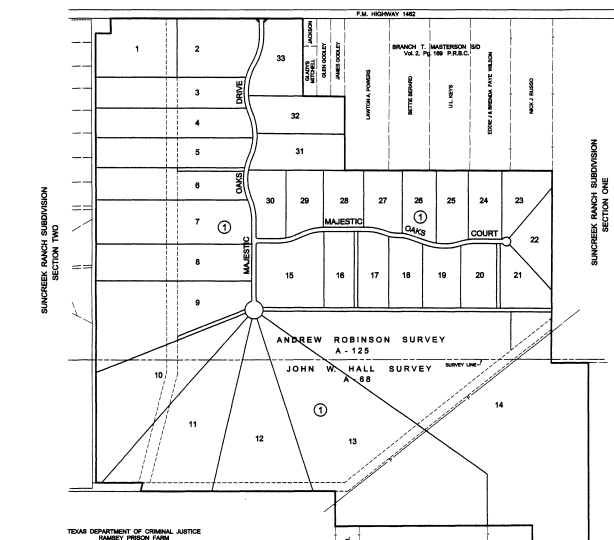
STATE OF MASSACHUSETTS :
COUNTY OF BERKSHIRE :

Before me, the undersigned authority, on this day personally appeared Robert A. Kolb, Senior Vice President, for the benefit of First Massachusetts Bank, N.A., known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacities therein stated, and as an act and deed of said First Massachusetts Bank, N.A.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17th day of April, 2002.

Notary Public for the State of Massachusetts
My Commission Expires: 2/18/2005

Notary Public for the State of Virginia
My Commission Expires: 6-30-2005



STATE OF VIRGINIA :
COUNTY OF ALBEMARLE :

I, Don E. Burch, Secretary, for the benefit of Vision Mortgage, Inc., owners and holders of a lien against the property described herein on SUN CREEK RANCH, SECTION THREE, as evidenced by that certain instrument of record at Film Document Number 2001-38442 in the Office of the County Clerk of Brazoria County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and we hereby covenant that we are the present owners of said lien and have not assigned the same nor any part thereof.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17th day of April, 2002.

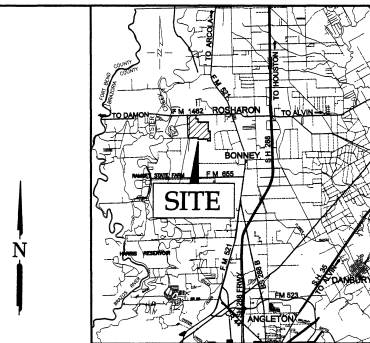
Don E. Burch
Vision Mortgage, Inc.
810 West 10th Road
Charlottesville, VA 22901

STATE OF VIRGINIA :
COUNTY OF ALBEMARLE :

Before me, the undersigned authority, on this day personally appeared Don E. Burch, Secretary for the benefit of Vision Mortgage, Inc., known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacities therein stated, and as an act and deed of said Vision Mortgage, Inc.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17th day of April, 2002.

Notary Public for the State of Virginia
My Commission Expires: 6-30-2005



VICINITY MAP
N.T.S.

CERTIFICATE OF COUNTY ENGINEER

I, GERALD L. ROBERTS, COUNTY ENGINEER OF BRAZORIA COUNTY, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL EXISTING RULES AND REGULATIONS OF THIS OFFICE, AS ADOPTED BY COMMISSIONERS COURT.

MAN 28, 2002
DATE
COUNTY ENGINEER

CERTIFICATE OF COMMISSIONERS COURT

APPROVED BY COMMISSIONERS COURT OF BRAZORIA COUNTY, TEXAS:
THIS 28th DAY OF MAY, 2002

COUNTY JUDGE

Don E. Burch
COMMISSIONER, PRECINCT 1
Don E. Burch
COMMISSIONER, PRECINCT 2
Don E. Burch
COMMISSIONER, PRECINCT 3
Don E. Burch
COMMISSIONER, PRECINCT 4

APPROVAL BY PLAT ROOM RECORDER

DATE
PLAT ROOM RECORDER

VOLUME
PAGE

DATE: 29 April, 2002

SIGNED: Cecil J. Booth
CECIL J. BOOTH
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REG. NO. 2061

HOUSTON LIPAR, LTD
19221 I-45, SOUTH
SUITE 320
CONROE, TEXAS 77385

THIS IS TO CERTIFY THAT I, CECIL J. BOOTH, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND, AND THAT ALL BLOCK CORNERS, LOT CORNERS AND PERMANENT REFERENCE MONUMENTS HAVE BEEN SET, THAT PERMANENT CONTROL POINTS WILL BE SET AT COMPLETION OF CONSTRUCTION, AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME IN SEPTEMBER, 2001.

DATE: 29 April, 2002

SIGNED: Cecil J. Booth
CECIL J. BOOTH
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REG. NO. 2061

HOUSTON LIPAR, LTD
19221 I-45, SOUTH
SUITE 320
CONROE, TEXAS 77385

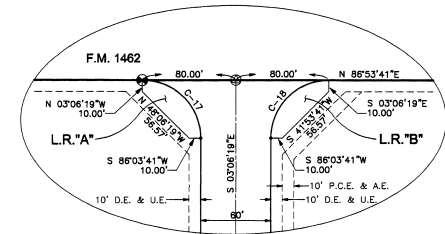
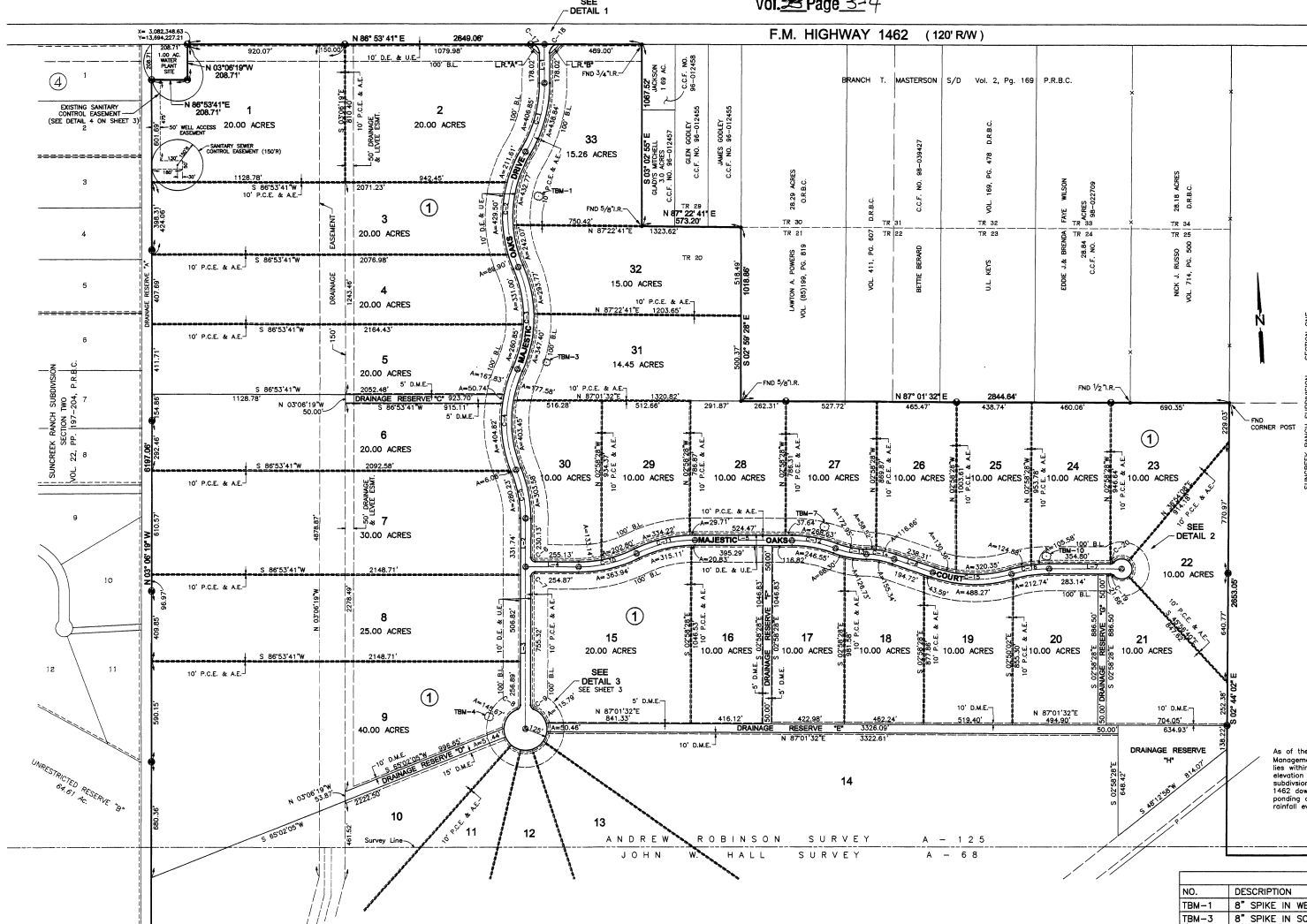
BAKER & LAWSON, INC.
ENGINEERS - PLANNERS - SURVEYORS
300 E. CEDAR ST., ANGLETON, TEXAS 77515

DRAWN BY: BB
DRAWING DATE: FEBRUARY, 2002
DRAWING FILE: 8628PLATCOVER.dwg

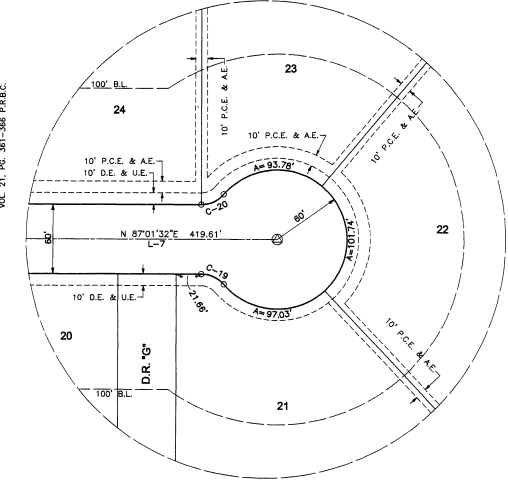
SHEET 1 OF 3

PLAT RECORDS Vol. 3 Page 34

F.M. HIGHWAY 1462 (120' RW)

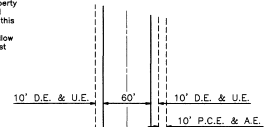


DETAIL 1
1" = 50'



DETAIL 2
1" = 50'

As of the recording date of this plat, the current Federal Emergency Management Agency (FEMA) Flood Insurance Study indicates that this property lies within the Oyster Creek Floodplain. That study indicates a base flood elevation of 47 feet at F.M. 1462 down to 45 feet at the south line of this subdivision. Average natural ground elevations range from 44 feet at F.M. 1462 down to 41 feet at the south line of Section 5. In addition, shallow ponding on lots may occur up to approximate elevation 43 feet for most rainfall events in excess of 4-inches in 24 hours.



TYPICAL STREET DETAIL
N.T.S.

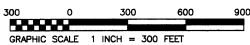
BENCHMARKS		
NO.	DESCRIPTION	ELEV.
TBM-1	8" SPIKE IN WEST FACE OF 48" LIVE OAK TREE	45.08
TBM-3	8" SPIKE IN SOUTHWEST FACE OF 28" LIVE OAK TREE	43.85
TBM-4	8" SPIKE IN SOUTHWEST FACE OF 48" LIVE OAK TREE	43.90
TBM-7	8" SPIKE IN NORTH FACE OF 48" LIVE OAK TREE	45.03
TBM-10	8" SPIKE IN SOUTH FACE OF 48" LIVE OAK TREE	45.38

- LEGEND:
- 1) B.L. = Building Line.
 - 2) U.E. = Utility Easement.
 - 3) D.E. = Drainage Easement.
 - 4) D.M.E. = Drainage Maintenance Easement.
 - 5) L.R. = Landscape Reserve.
 - 6) D.R. = Drainage Reserve.
 - 7) B.F.E. = Base Flood Elevation.
 - 8) D.R.B.C. = Deed Records of Brazoria County.
 - 9) C.C.F.No. = County Clerk's File No.
 - 10) O.R.B.C. = Official Records of Brazoria County.
 - 11) P.R.B.C. = Plat Records of Brazoria County.
 - 12) * Permanent Reference Marker.
 - 13) * Permanent Control Point.
 - 14) 10' P.C.E. & A.E. = Power Company 10' ground easement with 30' aerial easement, centered on ground easement.

NOTES:

- This property lies within the 100-year Floodplain as determined by Federal Emergency Management Agency Flood Insurance Rate Map Number 4803902235 H (with effective date June 5, 1989), Zone AE. Base Flood Elevations are 45, 46, and 47.
- Structures built on lots in the designated Flood Plain must be elevated to the Base Flood Elevation. No building permits will be issued in a floodway below the base flood elevation (B.F.E.) Contact the Brazoria County Floodplain Administrator's Office for specific information.
- Benchmarks shown hereon are based on N.G.S. Monument "K 692", located on a concrete headstock at intersection of F.M. 321 and Brazoria County Road 52, Elevation 55.09, N.A.D. 1929.
- There is hereby dedicated a twenty-five (25) foot building line along the side and rear of all lots, unless otherwise shown or noted.
- All drainage easements shall be kept clear of fences, buildings, foundations, plantings, and other obstructions to the operation and maintenance of the drainage facility.
- Unless otherwise shown, all building line transitions are at 45 degree angles to the straight side lot line where the transition occurs.
- There is hereby dedicated a 10' drainage and utility easement along all streets, and roadways, unless otherwise shown or noted.

- All easements on lot lines are centered unless otherwise shown or noted.
- All street rights-of-way are sixty (60) feet wide.
- All street intersection right-of-way return radii are 25 feet unless otherwise noted.
- In the event the title to any adjacent lots herein described shall be recorded in the same person or entity, and provided each said adjacent lot is otherwise encumbered by a combined utility and drainage easement, then such easement and building setback lines existing on the common property line of said adjacent lots, shall be automatically and permanently extinguished and abandoned at the time of such recordation of title, so as to permit the construction of improvements of said adjacent lots as one building site. Those easements specifically designated hereon solely for use as drainage easements are specifically exempted from such extinguishment and abandonment.
- There are no apparent pipelines or pipeline easements within the boundaries of this plat, except as shown hereon.
- Driveway culvert and embankment requirements for the 120' Drainage Easement and the 150' Drainage Easement are shown in the respective table on Sheet 3.



COUNTY CLERK CERTIFICATION:

B & L
BAKER & LAWSON, INC.
ENGINEERS • PLANNERS • SURVEYORS
300 E. CEDAR ST., ANGLETON, TEXAS 77516

SUNCREEK RANCH
SECTION THREE

DRAWING DATE: FEBRUARY 14, 2002
DRAWING FILE: 8628north.dwg

SHEET 2 OF 3

