

METES AND BOUNDS DESCRIPTION OF A 50-ACRE TRACT REQUESTED BY MR. MARK CLAUSSEN

BEING all that certain parcel or tract of land containing 50.0 Acres of which 48.5 more or less acres are out of the J.W. Page Survey A-370 and 1.5 more or less acres are out of the Moses Wooten Survey A-496 located in Lavaca County, Texas and is a part of that 462.38-Acre tract described in deed to Robert Mark Claussen from Cone Properties L. P. recorded in Vol. 415 Page 855, in the deed records of said County: said 50.0-Acre tract is more particularly described by Metes and Bounds as follows:

BEGINNING at a 5/8" diameter iron rod capped and marked 1975 found at the Northeast corner of said 462.38-Acre tract and the South corner of a 2.4-Acre tract described in deed to Josephine Walker recorded in Vol. 332 Page 550 in said deed records in the West right of way line of Lavaca County Road No. 15 (right of way various 50 to 65 feet);

THENCE with said right of way line S 03 Deg. 45 Min. 00 Sec. E, 56.20 feet to a 5/8" diameter iron rod capped and marked 1975 set as the Southeast corner of this tract;

THENCE across said 462.38-Acre tract the following;

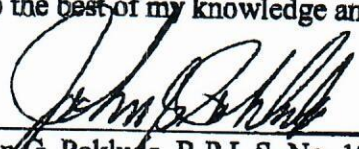
1. S 84 Deg. 50 Min. 00 Sec. W, 780.42 feet to a 5/8" diameter iron rod capped and marked 1975 set;
2. N 66 Deg. 16 Min. 14 Sec. W, 1,546.34 feet to a 5/8" diameter iron rod capped and marked 1975 set as the Southwest corner of this tract in a line separating said 462.38-Acre tract and this tract from a called 41.05-Acre tract described in deed to John Goyen recorded in Vol. 395 Page 507 in said deed records;

THENCE with said line, as generally fenced, N 06 Deg. 10 Min. 00 Sec. W, 1,270.39 feet to a 5/8" diameter iron rod capped and marked 1975 found;

THENCE N 05 Deg. 45 Min. 03 Sec. E, 383.33 feet to a 5/8" diameter iron rod capped and marked 1975 found at the Northwest corner of said 462.38-Acre tract in the Southwest line of a called 49.52-Acre tract described in deed to Ted Marek et. al. recorded in Vol. 3 Page 601 in said deed records;

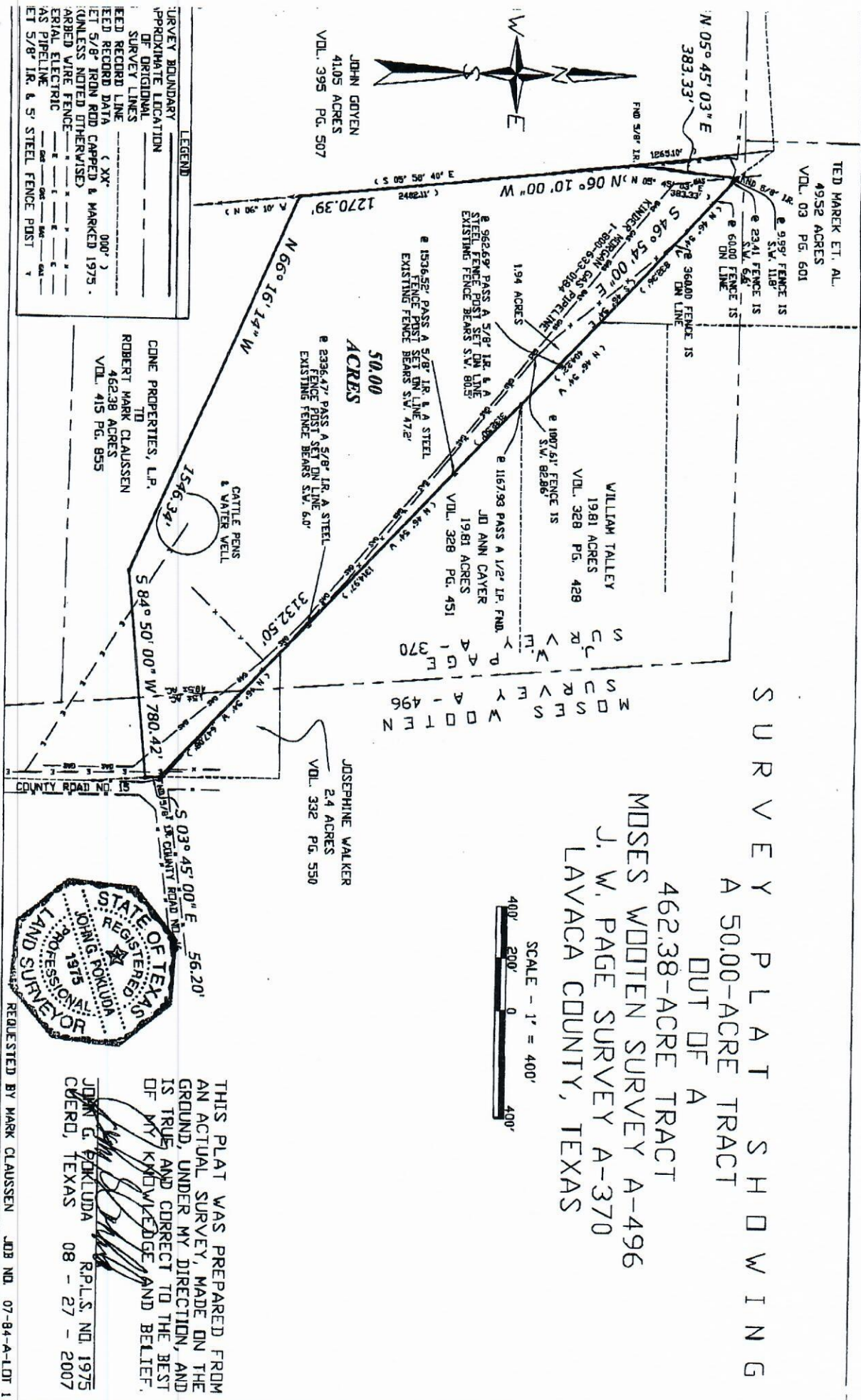
THENCE with a line separating this tract and said 462.38-Acre tract from said 49.52-Acre tract and a 19.81-Acre tract described in deed to William Talley recorded in Vol. 328 Page 428 in said deed records and a 19.81-Acre tract described in deed to JoAnn Cayer recorded in Vol. 328 Page 451 in said deed records and said 2.4-Acre tract described in deed to Josephine Walker recorded in Vol. 332 Page 550 in said deed records, S 46 Deg. 54 Min. 00 Sec. E, (fence line meanders to 80 feet more or less Southwest of this line leaving 1.94 Acres more or less outside the existing fence) at a distance of 1,167.93 feet pass a 1/2" diameter iron pipe found at the lower Southeast corner of said Talley 19.81-Acre tract and Northwest corner of said Cayer 19.81-Acre tract, continue same course a total distance of 3,132.50 feet to the PLACE OF BEGINNING and CONTAINING 50.0 Acres of land.

The above description was written from an actual survey made on the ground, under my direction, and is true and correct to the best of my knowledge and belief.


John G. Pokluda, R.P.L.S. No. 1975
Cuero, Texas August 27, 2007

Revised on 08-30-07 to correct J.W. Pope to J.W. Page.





RESTRICTIVE COVENANTS

1. No junk yard of any type, junk cars, junk farm equipment, unsightly trailers, shacks, lean-tos of tar paper, sheet metal, mobile homes, campers shall be permitted in any portion of the tract.
2. All livestock shall be maintained in a fenced enclosure. No commercial swine or poultry operations shall be allowed on tract with the exception of show competition purposes.
3. Grantee, Grantee's heirs and assigns, agree not to cut any trees larger than six (6) inches in diameter at the stump without written permission from Grantor until the purchase price is fully paid.
4. Mobile trailers or portable manufactured homes are only allowed for temporary construction of a permanent home or cabin. Temporary is defined up to 9 months for the total construction period.
5. Campers or other operational recreational vehicles may be placed on such tract and use same as dwelling for a period of time not to exceed 3 months out of any one calendar year.
6. Permanent home or cabin is considered to be a home of approximately 500 square feet or greater of standard wood, hardy plank or steel frame construction built on a concrete reinforced foundation or blocks or piers that must be skirted before inhabitation. The exterior of the home or cabin shall be of new materials consisting of wood, hardy plank, masonry or vinyl. Garages and/or shops may be steel or metal construction.
7. The tract is limited to single-family residential use. The tract shall not be used for retail or commercial purposes, which are open to the general public. This shall not exclude home businesses that do not cater to drive up customers.
8. No outside toilets shall be permitted. Installation of septic tanks and systems shall be in accordance with Lavaca County Codes.
9. The tract shall be used or maintained in a clean, neat and attractive condition. The tract shall not be used or maintained as a dumping ground for trash. Trash, garbage and other waste shall not be kept on the tract except in sanitary containers.
10. No obnoxious or offensive activities shall be carried out or upon the tract nor shall anything be done thereon which may be or become an annoyance or a nuisance in the neighborhood.

11. The tract may not be subdivided into less than 20 acre increments. Any new road that is constructed for access to any future subdivided tracts must meet the current Lavaca County standards then in effect to meet County maintenance requirements.

12. This tract is not subject to an annual road maintenance fee.

These restrictive covenants shall be binding on Grantee, its successors and assigns, and shall be considered covenants running with the land. In the event of a violation or attempted violation of the foregoing restrictions, ROBERT MARK CLAUSSEN and wife, DIANA S. CLAUSSEN, shall not be responsible, either financially or otherwise, but may use reasonable efforts to correct such violation(s).

These restrictive covenants shall be effective until twenty-five (25) years from the date of recording in Lavaca County, Texas, and shall automatically be extended thereafter for successive periods of ten (10) years each; provided, however, that the owners of a majority of tracts may release all of the tracts hereby restricted from any one or more of said restrictions, or may release any tract from any restriction imposed hereby or created by any deed from the owners or the owners' assigns on either twenty-five (25) years from the date of recording or at the end of any successive ten (10) year period thereafter by executing and acknowledging an appropriate agreement or agreements in writing for such purpose and filing the same for record in the office of the County Clerk of Lavaca County, Texas, at any time prior to the twenty-five (25) years from the date of recording or at any time prior to ten (10) years preceding the expiration of any successive ten (10) years period thereafter; provided, however, that the owners of a two-third (2/3) majority of tracts may release any tract from any restriction or restrictions at any time.