

EXHIBIT "B"

Restrictions

The following restrictions shall apply to the 18.200 acres which is the subject of this deed and described in EXHIBIT "A" attached hereto ("18.200 Acres") and shall also apply to the remaining land presently owned by Grantors which is adjacent to the 18.200 Acres and within 1,000 feet of the 18.200 Acres less that part of the 18.200 Acres which is the 70 foot wide strip for its entire length. See field note description in EXHIBIT "A" attached to this deed which includes the location of 70 foot wide strip. The 18.200 acres and the land which is adjacent to the 18.200 Acres and within 1,000 feet of the 18.200 Acres (less part of the 18.200 Acres which is the 70 foot wide strip) is hereinafter referred to as the "Restricted Property". The restrictions are as follows:

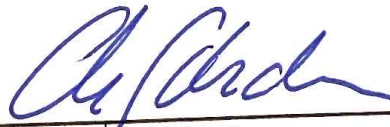
1. No structure that is manufactured offsite, including trailers, modular homes, or mobile homes shall be located upon, used, placed, or erected on the Restricted Property and used for a residence at any time. Travel trailers and motor homes may be maintained on the Restricted Property when not used as a permanent residence.
2. No commercial activities may be maintained on the Restricted Property except as otherwise provided for herein. However, the Restricted Property may be used for residential purposes and for agricultural activities, including, but not limited to, farming, ranching, and raising horses and the Restricted Property may be used for equestrian purposes. However, the Restricted Property may not be used as a location for a commercial hog farm, commercial poultry farm, and/or commercial feed lot. Further, notwithstanding anything to the contrary contained herein, the operation of a home-based business on the Restricted Property which is carried on primarily within a residence or other outbuilding and does not result in a large amount of regular retail activity shall not be a violation of these restrictions. For example, conducting a professional practice by a doctor or dentist within a residence or other outbuilding on the Restricted Property shall not violate these restrictions.
3. The Restricted Property may not be used as a junkyard and no noxious or offensive activity shall be carried on, maintained, or permitted on the Restricted Property, nor shall anything be done on the Restricted Property which may be or become an nuisance to anyone residing on any part of the Restricted Property.
4. No commercial communication towers or antennas may be constructed or maintained on the Restricted Property.
5. No dumping or storage area for rubbish shall be allowed or maintained on the Restricted Property and any garbage and other waste kept on the Restricted Property shall be kept in sanitary containers.


the Restricted Property) and may be enforced by any owner of a part of the Restricted Property.

ACCEPTED AND AGREED TO BY:


LOYD WILLIAM SNEED


LINDA SNEED KELLNER


CHRISTOPH SCHOBA


BETTINA MARIA SCHOBA



ALEXANDER SURVEYING
LAND SURVEYORS

OWNER: LINDA SNEED KELLNER & LOYD WILLIAM SNEED

BUYER: CHRISTOPH & BETTINA SCHOB

18.200 ACRES

ALL THAT TRACT OR PARCEL OF LAND consisting of 18.200 Acres located in the John Little Survey, A-66 and the John Rabb Survey, A-79, Austin County, Texas. Subject tract being a portion of the called 208.5 Acre tract designated as the Fourth Tract in Deed recorded in Volume 52, Page 553 of the Deed Records of Austin County, Texas, a portion of the called 28.477 Acre tract described in Deed recorded in Volume 351, Page 450 D.R.A.C.T. and a portion of the called 192-1/2 Acre tract recorded in Volume 69, Page 350 D.R.A.C.T. Said tract also being a portion of the 275.093 Acre tract that was surveyed and described for Linda Sneed Kellner and Loyd William Sneed by a survey, dated July 18, 2007. Said tract consisting of 18.200 Acres and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the Northeast Right-of-way of F. M. Highway 1458 (100' R.O.W.) and being the Northwest or West corner of the called 10.162 Acre tract belonging to Dennis Mlcak, et ux recorded in Volume 766, Page 84 of the Official Records of Austin County, Texas and being the South or Southerly corner of the residue of the 28.477 Acre tract mentioned above and the South or Southerly corner of the 275.093 Acre tract mentioned above, for a South corner of the herein described tract;

THENCE N 46d 13' 09" W, with a Northeast Right-of-way of F. M. Highway 1458, a distance of 70.03 ft. (No Call) to a 1/2" iron rod set for an angle point in the Westerly line of the herein described tract;

THENCE N 42d 04' 28" E, with a line, which is 70.00 ft. Northwest of and parallel with the common line with the 10.162 Acre adjoining tract, a distance of 2295.81 ft. (No Call) to a 1/2" iron rod set for the North corner of the herein described tract;

THENCE S 74d 03' 33" E, a distance of 411.56 ft. (No Call) to a 1/2" iron rod set on the 117.0 ft. Elevation (NAVD88) Contour Line,

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EXHIBIT "A"

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which has been determined to be the Base Flood Elevation (reference is hereby made to F.I.R.M., Flood Insurance Rate Map# 48015C 0425E, Map Revised September 3, 2010) and being an angle point in the East line of the herein described tract;

THENCE with the 117.0 ft. Elevation Contour Line the following courses and distances (all angle points have been monumented by 1/2" iron rods set this day):

S 20d 43' 35" E, 38.76 ft.;

S 03d 57' 37" E, 99.34 ft.;

S 08d 44' 23" W, 75.61 ft.;

S 17d 34' 15" W, 38.25 ft. to a 1/2" iron rod set on said

117.0 ft. Elevation Contour Line and being an angle point in the East line of the herein described tract;

THENCE S 47d 34' 31" E, a distance of 1487.02 ft. (No Call) to a 1/2" iron rod set in an existing fence and being the South line of the residue of the called 208.5 Acre parent tract, the same being the Southeast line of the 275.093 Acre tract and being on the Northwest line of the 84.494 Acre tract described in Deed to Edgar J. Marston, III, et ux recorded in File# 055397 O.R.A.C.T. and being the East corner of the herein described tract;

THENCE S 35d 48' 44" W, with the common line with the 84.494 Acre adjoining tract and generally with an existing fence, a distance of 296.94 ft. (Called Brg. S 35d 48' 44" W) to a 1/2" iron rod found at a fence corner post in the common line with the 123.318 Acre tract described in Deed to Edgar J. Marston, III, et ux recorded in File# 055720 O.R.A.C.T. and being the South-easterly corner of the 275.093 Acre tract and the herein described tract;

THENCE N 47d 33' 36" W, with the common line with the 123.318 Acre adjoining tract and generally with an existing fence, a distance of 887.76 ft. (Called Brg. N 47d 33' 36" W) to a 5/8" iron rod found with a cap at a fence corner post and being the East corner of the 10.468 Acre tract belonging to Dennis Mlcak, et ux recorded in File# 061286 O.R.A.C.T. and being an angle point in the herein described tract;

THENCE N 47d 34' 55" W, with the common line with the Dennis Mlcak tract and generally with an existing fence, a distance of 1094.53 ft. (Called N 47d 34' 55" W, 1094.53 ft.) to a 5/8" iron rod found with a cap at a fence corner post and being

February 10, 2012

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EXHIBIT "A"



**ALEXANDER SURVEYING
LAND SURVEYORS**

OWNER: LINDA SNEED KELLNER & LOYD WILLIAM SNEED

BUYER: CHRISTOPH & BETTINA SCHOB

18.200 ACRES (continued)

the North corner of the 10.468 Acre adjoining tract, for an "L" corner in the herein described tract;

THENCE S 42d 04' 28" W, with the common line with the Dennis Mlcak tracts and generally with an existing fence, a distance of 2002.50 ft. (Called S 42d 04' 28" W, 2002.50 ft.) to the **PLACE OF BEGINNING** and containing 18.200 Acres.

NOTES: Bearings shown hereon are based on the bearing of the 275.093 Acre tract surveyed and described for Linda Sneed Kellner and Loyd William Sneed on July 18, 2007 (Reference also to 266.465 Acre tract recorded in File# 045266 O.R.A.C.T.)

Reference is hereby made to plat, of the subject tract, prepared this day.

This tract could be subject to the Subdivision Rules and Regulations of Austin County, Texas. See Variance by Austin County, dated January 23, 2012, Item# 16, Order# 12-28.

February 10, 2012
W.O.# 12-6539

Glen S. Alexander

Glen S. Alexander
Registered Professional Land Surveyor, #4194

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FILED

12 APR -3 PM 2:28

Carrie Gregor

**COUNTY CLERK
AUSTIN COUNTY, TEXAS**

EXHIBIT "A"

STATE OF TEXAS

COUNTY OF AUSTIN

I certify that this instrument was filed on the date and time stamped by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.



Carrie Gregor
Carrie Gregor, County Clerk
Austin County, Texas

121453

105 E. Luhn St. P.O. Box 386 Bellville TX 77418 870/965-0145 F. 870/965-5000

January 19, 2012

Texas Board of Professional Engineers Registration No. F-439

Honorable Carolyn Bilski, County Judge
Austin County
1 East Main
Bellville, Texas 77418

Reference: Variance Request Estate of Emily Habermacher, et al
FM Highway 1458 Property
Job No. R0005-001-21

Dear Judge Bilski:

We understand you have received a variance request from the Estate of Emily Habermacher, et al with respect to the "staff length" of a flag lot. This property is located on F.M. Highway 1458 and is approximately 17 acres out of a called 208.5 acre tract designated as "Fourth Tract" in Volume 52, Page 553, Deed Records, and out of a called 192½ acre tract in Volume 69, Page 350, Deed Records, and out of a called 28.477 acre tract in Volume 351, Page 450, Deed Records, Fort Bend County, Texas. The property would have 70 feet of frontage on F.M. Highway 1458.

We have met with the Grantors and Grantees of the property, and with Commissioner Doug King and you. Other than the length of the "staff" of the flag lot, the other issue of significance is the access to F.M. Highway 1458. The request point of access is adjacent to an existing driveway on the highway belonging to the adjacent property owner. The Grantors have a driveway approximately 850 feet northwest of the adjacent driveway. The proposed tract would place a new driveway within 25 feet of the driveway on the adjacent property, which does not conform to the Texas Department of Transportation (TxDOT) Access Management Policy. The Grantors could construct a driveway for access about halfway between the adjacent driveway and their existing driveway, and be relatively close to complying with the spacing required by TxDOT. However, with the pipeline on the tract and the fact that a driveway constructed at this halfway point would split the remainder of the sellers property in a way that would not be conducive to their continual agricultural use.

We do not object to the granting of the variance for the length of the "staff" of the proposed flag lot, nor the placement of the driveway adjacent to the adjoining property as proposed, with the following conditions:

1. The Grantees of the property may grant to the Grantors an easement over and across the driveway within the "staff" for use by the Grantors, Linda S. Kellner and Loyd Sneed, and and their invitees for access to the remaining portion of the Grantors' land which is adjacent to the "staff" being a 70-foot wide strip of land being sold to the Grantees. The easement granted to Linda S. Kellner shall terminate upon the earlier of Linda S. Kellner no longer owning any of the land adjacent to the 70 foot wide strip being conveyed to buyer or Linda S. Kellner passing away. The easement granted to Loyd Sneed shall

Honorable Carolyn Bilski, County Judge
Page 2
January 19, 2012

terminate upon the earlier of Loyd Sneed no longer owning any of the land adjacent to the 70 foot wide strip being conveyed to buyer or Loyd Sneed passing away.

2. The Grantors agree that the remainder of the Grantors' property between the Grantees' property and the Grantors' existing driveway will not be allowed additional direct access to F.M. Highway 1458. Both the existing Grantors' access and the proposed Grantees' access may be relocated in the future with consent of Grantors, Grantees, Austin County, and TxDOT.
3. Should Grantors, their heirs or assigns, sell additional property requiring access to F.M. Highway 1458 between the Grantees' property and the Grantors' existing driveway, unless the existing access points are relocated as outlined above, then a portion of the Grantees' "staff" shall be dedicated and constructed as a public road for a sufficient distance into the property and in accordance with County requirements at that time. Upon completion of the dedication and construction acceptable to the County, the additional access shall be granted by Austin County as a driveway from a County road. Grantors, their heirs or assigns, agree to facilitate and fund the construction of the public road. The Grantees, their heirs or assigns, shall provide the necessary and appropriate dedication of right-of-way for the County road to be constructed.

The above conditions shall be placed into a document pertaining to the properties, and said document shall be recorded in the County Clerk's records. The County's attorney should review the documents prior to their signature and recordation.

Please call if you should have any questions.

Sincerely,


Charles A. Kalkomey, P.E.
Texas Registration No. 46208

CAK/mon
Bilski_Habermacher Estate Variance_let.doc

cc: Mr. Sidney Levine, Attorney
Mr. Mark Wooldridge, P.E., Texas Department of Transportation

FILED

12 APR -3 PM 2: 25


COUNTY CLERK
AUSTIN COUNTY, TEXAS

EXHIBIT "D"

121452

STATE OF TEXAS

COUNTY OF AUSTIN

I certify that this instrument was filed on the date and time stamped by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.




Carrie Gregor, County Clerk
Austin County, Texas

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AGREEMENT

STATE OF TEXAS

COUNTY OF AUSTIN

WHEREAS, Loyd William Sneed and Linda Sneed Kellner, as Seller, and Christoph Schoba and wife, Bettina Maria Schoba, as Buyer, entered into a Farm And Ranch Contract which provided for the sale and purchase of the following described real property located in Austin County, Texas:

18.200 acres of land located in the John Little Survey, A-66, and the John Rabb Survey, A-79, Austin County, Texas, and being more fully described in EXHIBIT "A" attached hereto and made a part hereof for all intents and purposes ("18.200 Acres"); and

WHEREAS, Exhibit "A" of the Farm And Ranch Contract contained Special Provisions which survive closing; and

WHEREAS, this Agreement is made to memorialize in writing a part of those Special Provisions provided for in Exhibit "A" of the Farm and Ranch Contract which survive closing.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT Linda Sneed Kellner and Loyd Sneed ("Grantors") and Christoph Schoba and wife, Bettina Maria Schoba ("Grantees"), in furtherance of the Special Provisions contained in the Farm And Ranch Contract, agreed as follows:

1. A portion of the 18.200 Acres includes a 70 foot wide strip which Grantees intend to use as an access road to the remainder of the 18.200 Acres. This 70 foot wide strip is referred to herein as the "70 Foot Strip". Grantees, within a reasonable time from the date hereof, shall construct a gravel road along the 70 Foot Strip. The gravel road shall be of a reasonable width so that vehicles can travel over and across the gravel road. Grantees shall also construct a five-wire barbed wire fence along the entire perimeter of the 18.200 Acres. Grantors and Grantees shall each pay one-half of the cost of the construction of the fence to a third party, which cost shall include labor and materials. Grantors and Grantees shall agree upon the third party contractor.

2. Grantees (Christoph Schoba and wife, Bettina Maria Schoba) grant to Grantors (Linda Sneed Kellner and Loyd William Sneed) and their invitees an easement in gross over and across the 70 Foot Strip which shall be used by Grantors for access between Grantors' remaining land and FM 1458. "Remaining Land" is land now owned by Grantors which may be accessed from the 70 Foot Strip. The easement granted herein shall be a non-exclusive easement. The easement granted herein by Grantees to Grantor Linda Sneed Kellner shall terminate upon the earlier of Linda Sneed Kellner no longer owning any land adjacent to the 70 Foot Strip or upon Linda Sneed Kellner passing away. The easement granted herein by Grantees to Grantor Loyd William Sneed shall terminate upon the earlier of Loyd William

3. This Agreement shall be subject to the agreement dated _____
2012 and entered into between Grantors, Grantees, and Austin County, Texas and
under Austin County Clerk's File No. _____ in the Official Public R
Austin County, Texas.

EXECUTED on the 30th day of March, 2012.

Grantors:

Lloyd William Sneed
LOYD WILLIAM SNEED

Linda Sneed Kellner
LINDA SNEED KELLNER

Grantees:

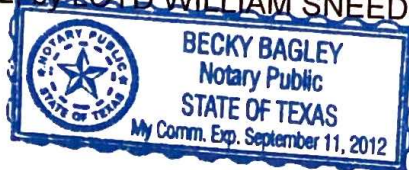
Christoph Schoba
CHRISTOPH SCHOBA

Bettina Maria Schoba
BETTINA MARIA SCHOBA

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 30th day of March
2012 by LOYD WILLIAM SNEED.

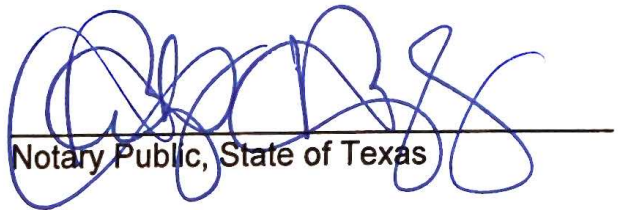


[Signature]
Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF AUSTIN

This instrument was acknowledged before me on the 30th day of March, 2012, by LINDA SNEED KELLNER.

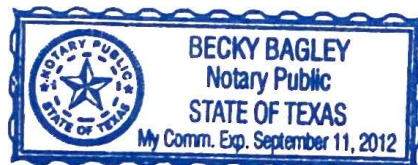


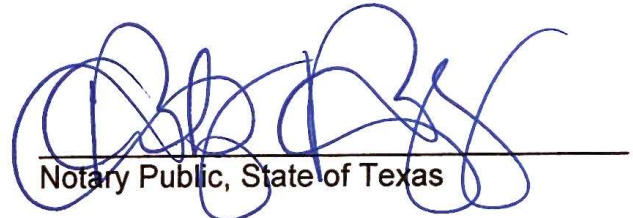

Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 30th day of March, 2012, by CHRISTOPH SCHOBA.



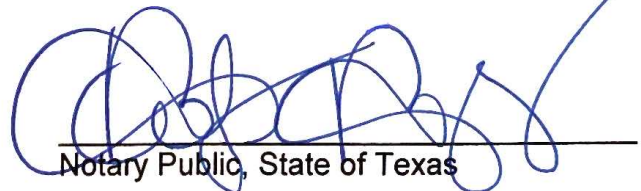

Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 30th day of March, 2012, by BETTINA MARIA SCHOBA.




Notary Public, State of Texas



OWNER: LINDA SNEED KELLNER & LOYD WILLIAM SNEED

BUYER: CHRISTOPH & BETTINA SCHOB

18.200 ACRES

ALL THAT TRACT OR PARCEL OF LAND consisting of 18.200 Acres located in the John Little Survey, A-66 and the John Rabb Survey, A-79, Austin County, Texas. Subject tract being a portion of the called 208.5 Acre tract designated as the Fourth Tract in Deed recorded in Volume 52, Page 553 of the Deed Records of Austin County, Texas, a portion of the called 28.477 Acre tract described in Deed recorded in Volume 351, Page 450 D.R.A.C.T. and a portion of the called 192-1/2 Acre tract recorded in Volume 69, Page 350 D.R.A.C.T. Said tract also being a portion of the 275.093 Acre tract that was surveyed and described for Linda Sneed Kellner and Loyd William Sneed by a survey, dated July 18, 2007. Said tract consisting of 18.200 Acres and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the Northeast Right-of-way of F. M. Highway 1458 (100' R.O.W.) and being the Northwest or West corner of the called 10.162 Acre tract belonging to Dennis Mlcak, et ux recorded in Volume 766, Page 84 of the Official Records of Austin County, Texas and being the South or Southerly corner of the residue of the 28.477 Acre tract mentioned above and the South or Southerly corner of the 275.093 Acre tract mentioned above, for a South corner of the herein described tract;

THENCE N 46d 13' 09" W, with a Northeast Right-of-way of F. M. Highway 1458, a distance of 70.03 ft. (No Call) to a 1/2" iron rod set for an angle point in the Westerly line of the herein described tract;

THENCE N 42d 04' 28" E, with a line, which is 70.00 ft. Northwest of and parallel with the common line with the 10.162 Acre adjoining tract, a distance of 2295.81 ft. (No Call) to a 1/2" iron rod set for the North corner of the herein described tract;

THENCE S 74d 03' 33" E, a distance of 411.56 ft. (No Call) to a 1/2" iron rod set on the 117.0 ft. Elevation (NAVD88) Contour Line,

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EXHIBIT "A"



ALEXANDER SURVEYING
LAND SURVEYORS

OWNER: LINDA SNEED KELLNER & LOYD WILLIAM SNEED

BUYER: CHRISTOPH & BETTINA SCHOBA

18.200 ACRES (continued)

which has been determined to be the Base Flood Elevation (reference is hereby made to F.I.R.M., Flood Insurance Rate Map# 48015C 0425E, Map Revised September 3, 2010) and being an angle point in the East line of the herein described tract;

THENCE with the 117.0 ft. Elevation Contour Line the following courses and distances (all angle points have been monumented by 1/2" iron rods set this day):

S 20d 43' 35" E, 38.76 ft.;

S 03d 57' 37" E, 99.34 ft.;

S 08d 44' 23" W, 75.61 ft.;

S 17d 34' 15" W, 38.25 ft. to a 1/2" iron rod set on said 117.0 ft. Elevation Contour Line and being an angle point in the East line of the herein described tract;

THENCE S 47d 34' 31" E, a distance of 1487.02 ft. (No Call) to a 1/2" iron rod set in an existing fence and being the South line of the residue of the called 208.5 Acre parent tract, the same being the Southeast line of the 275.093 Acre tract and being on the Northwest line of the 84.494 Acre tract described in Deed to Edgar J. Marston, III, et ux recorded in File# 055397 O.R. A.C.T. and being the East corner of the herein described tract;

THENCE S 35d 48' 44" W, with the common line with the 84.494 Acre adjoining tract and generally with an existing fence, a distance of 296.94 ft. (Called Brg. S 35d 48' 44" W) to a 1/2" iron rod found at a fence corner post in the common line with the 123.318 Acre tract described in Deed to Edgar J. Marston, III, et ux recorded in File# 055720 O.R.A.C.T. and being the South-easterly corner of the 275.093 Acre tract and the herein described tract;

THENCE N 47d 33' 36" W, with the common line with the 123.318 Acre adjoining tract and generally with an existing fence, a distance of 887.76 ft. (Called Brg. N 47d 33' 36" W) to a 5/8" iron rod found with a cap at a fence corner post and being the East corner of the 10.468 Acre tract belonging to Dennis Mlcak, et ux recorded in File# 061286 O.R.A.C.T. and being an angle point in the herein described tract;

THENCE N 47d 34' 55" W, with the common line with the Dennis Mlcak tract and generally with an existing fence, a distance of 1094.53 ft. (Called N 47d 34' 55" W, 1094.53 ft.) to a 5/8" iron rod found with a cap at a fence corner post and being

February 10, 2012
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EXHIBIT "A"



ALEXANDER SURVEYING
LAND SURVEYORS

OWNER: LINDA SNEED KELLNER & LOYD WILLIAM SNEED

BUYER: CHRISTOPH & BETTINA SCHOB

18.200 ACRES (continued)

the North corner of the 10.468 Acre adjoining tract, for an "L" corner in the herein described tract;

THENCE S 42d 04' 28" W, with the common line with the Dennis Mlcak tracts and generally with an existing fence, a distance of 2002.50 ft. (Called S 42d 04' 28" W, 2002.50 ft.) to the **PLACE OF BEGINNING** and containing 18.200 Acres.

NOTES: Bearings shown hereon are based on the bearing of the 275.093 Acre tract surveyed and described for Linda Sneed Kellner and Loyd William Sneed on July 18, 2007 (Reference also to 266.465 Acre tract recorded in File# 045266 O.R.A.C.T.)

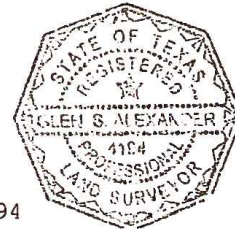
Reference is hereby made to plat, of the subject tract, prepared this day.

This tract could be subject to the Subdivision Rules and Regulations of Austin County, Texas. See Variance by Austin County, dated January 23, 2012, Item# 16, Order# 12-28.

February 10, 2012
W.O.# 12-6539

Glen S. Alexander

Glen S. Alexander
Registered Professional Land Surveyor, #4194



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EXHIBIT "A"