

**METES AND BOUNDS**  
**25.33 ACRES (1,103,166 SQUARE FEET)**  
**JOSIAH G. DUNN SURVEY ABSTRACT NUMBER 119**  
**WALLER COUNTY, TEXAS**

*Being a 25.33 acre (1,103,166 square feet) parcel of land located in the Josiah G. Dunn Survey Abstract Number 119 of Waller County, Texas, and being the residual of a called 1053.04 acre tract of land conveyed to Bluegreen Southwest One L.P. as recorded in Volume 1111 Page 73 of the Deed Records of Waller County, Texas; said 25.33 acres being more particularly described by metes and bounds as follows with all bearings based on the south line of the said 1053.04 acre tract:*

COMMENCING at 5/8 inch iron rod, found in the north line of the aforementioned Josiah G. Dunn Survey and the south line of the Josiah G. Dunn Survey Abstract Number 173 of Grimes County for the northwest corner of the aforementioned Saddle Creek Forest Subdivision Section VI, the southwest corner of Saddle Creek Forest Subdivision Section IV, as recorded in Volume 1170, Page 220 of the Grimes County Deed Records and in the east line of West Magnolia Forest Section 12;

THENCE South 11 degrees 09 minutes 17 seconds East, a distance of 2440.10 feet to a set 5/8 inch iron rod with survey cap stamped "Montgomery and Associates" in the east line of North Lake Drive, a 50 foot right-of-way as recorded in Volume 206, Page 731 of the Deed Records of Waller County, Texas and the northwest corner and the POINT OF BEGINNING of the herein described parcel;

THENCE North 57 degrees 01 minutes 51 seconds East, a distance of 1308.95 feet, severing the aforementioned 1053.04 acre tract along the north line of the herein described parcel to a set 5/8 inch iron rod with survey cap stamped "Montgomery and Associates" for an interior corner of the herein described parcel;

THENCE North 52 degrees 14 minutes 03 seconds East, a distance of 761.53 feet, along the north line of the herein described parcel continuing to sever the aforementioned 1053.04 acre tract to a point in the centerline of Walnut Creek;

THENCE along the centerline of Walnut Creek and along the northeast line of the herein described parcel with the following courses and distances:

South 11 degrees 25 minutes 32 seconds East, a distance of 140.96 feet;  
 South 25 degrees 26 minutes 48 seconds West, a distance of 103.76 feet;  
 South 41 degrees 51 minutes 48 seconds East, a distance of 178.43 feet;  
 South 10 degrees 55 minutes 56 seconds East, a distance of 117.53 feet;  
 South 80 degrees 19 minutes 26 seconds East, a distance of 229.86 feet;  
 South 05 degrees 15 minutes 14 seconds West, a distance of 59.24 feet;  
 South 08 degrees 55 minutes 52 seconds West, a distance of 162.02 feet;  
 South 30 degrees 55 minutes 51 seconds West, a distance of 135.85 feet to a 5/8 inch

iron rod with survey cap stamped "Montgomery and Associates", for the most southerly southwest corner of the aforementioned Saddle Creek Forest Subdivision Section VI and the south east corner of the herein described parcel;

THENCE South 88 degrees 11 minutes 32 seconds West, a distance of 1585.96 feet (Final Call: 1585.09 feet) to a found 5/8 inch iron rod for the southwest corner of the herein described parcel and an interior corner for West Magnolia Forest Section 4 Waller County, Texas;

EXHIBIT "A"

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METES AND BOUNDS  
25.33 ACRES (1,103,166 SQUARE FEET)  
JOSIAH G. DUNN SURVEY ABSTRACT NUMBER 118  
WALLER COUNTY, TEXAS

THENCE North 01 degrees 48 minutes 09 seconds West, a distance of 547.70 feet along the east line of the aforementioned West Magnolia Forest Section 4 Subdivision and the west line of the herein describe parcel to a 5/8 inch iron rod with survey cap stamped "Montgomery and Associates" for the northeast corner of said West Magnolia Forest Section 4 Subdivision and an interior corner of the herein described parcel having for reference a found 6DD nail bearing South 62 degrees 59 minutes 04 seconds West, a distance of 3.17 feet;

THENCE South 87 degrees 01 minutes 51 seconds West, a distance of 601.45 feet, along the north line of the aforementioned West Magnolia Forest Section 4 and a south line of the herein described parcel to a 5/8 inch iron rod with survey cap stamped "Montgomery and Associates" in the east right-of-way line of North Lake Drive for a west corner of the herein described parcel;

THENCE North 01 degrees 49 minutes 37 seconds West, a distance of 40.01 feet, along the west line of the herein described parcel and the east line of North Lake Drive back to the POINT OF BEGINNING, CONTAINING 25.33 acres (1,103,166 square feet) of land in Waller County, Texas.

RECORDER'S MEMORANDUM  
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satisfactory recordation.

EXHIBIT "A"

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METES AND BOUNDS  
0.60 ACRES (25,938 SQUARE FEET)  
JOSIAH G. DUNN SURVEY ABSTRACT NUMBER 119  
WALLER COUNTY, TEXAS

*Being a 0.60 acre (25,938 square feet) parcel of land located in the Josiah G. Dunn Survey, Abstract Number 119, Waller County, Texas and being out of and a part of Restricted Reserve "A" of Saddle Creek Forest Subdivision Section VI, a subdivision in Waller County, Texas according to the Deed recorded in Volume 998, Page 448 of the Deed Records of Waller County, Texas; said 0.60 acre parcel being more particularly described by metes and bounds as follows with all bearings based on the south line of said Saddle Creek Forest Subdivision Section VI;*

**BEGINNING** at the northwest corner of the aforementioned Restricted Reserve "A" and the southeast corner of Lot 12 in the south line of Roundup Drive, a 50 foot private permanent access easement as recorded in Volume 998, Page 448 of the Deed Records of Waller County, Texas;

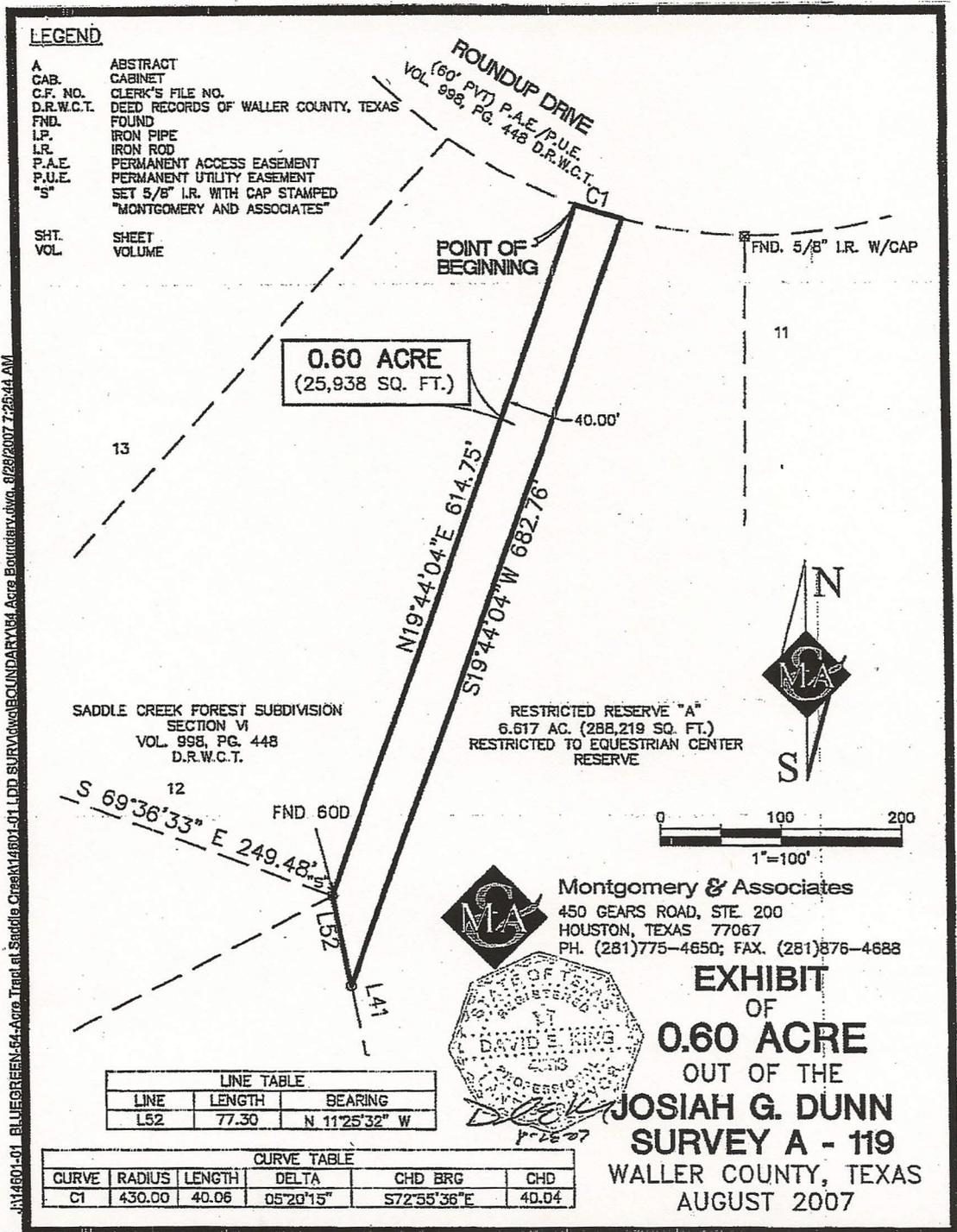
**THENCE** along the south line of the aforementioned Roundup Drive and the north line of the herein described parcel with a curve to the left having as its elements a radius of 430.00 feet, an arc length of 40.06 feet, a delta of 05 degrees 20 minutes 15 seconds with a chord bearing South 72 degrees 55 minutes 36 seconds East, a distance of 40.04 to a point for the northeast corner of the herein described parcel;

**THENCE** South 19 degrees 44 minutes 04 seconds West, a distance of 682.76 feet, along the east line of the herein described parcel severing the aforementioned Restricted Reserve "A" to a point for the south corner of the herein described parcel;

**THENCE** North 11 degrees 25 minutes 32 seconds West, a distance of 77.30 feet, along the southwest line of the herein described parcel to a point for the southeast corner of the aforementioned Lot 12 and the west corner of the herein described parcel;

**THENCE** North 19 degrees 44 minutes 04 seconds East, a distance of 614.75 feet, along the northwest line of the herein described parcel back to the POINT OF BEGINNING, CONTAINING 0.60 acre (25,938 square feet) of land in Waller County, Texas.

RECORDER'S MEMORANDUM  
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M14801-01 BLUEGREEN-54-Acres Tract at Saddle Creek LDD SURVY (w/BOUNDARY) 54-Acres Boundary.dwg, 8/28/2007 7:25:44 AM

**EXHIBIT "C"**  
**PERMITTED EXCEPTIONS and RESTRICTIONS**

1. All the oil, gas and other minerals in, on and under and that may produced from an undivided interest in the property described therein, together with all rights relating thereto, express or implied, reserved in deed dated June 18, 1956 from Hyman Brand to Ester Jessel, et al, recorded in Volume 145 at Page 482 of the Deed Records of Waller County, Texas.
2. Undivided three fourths (3/4) interest in and to all the oil, gas and other minerals in, on and under and that may be produced the property described therein, together with all rights relating thereto, express or implied, reserved in deed dated November 14, 1962 from W. H. Zinn and Anna G. Tellefson to Kenneth Walker, et al, recorded in Volume 174 at Page 389 of the Deed Records of Waller County, Texas.
3. All the oil gas and other minerals in, on and under and that may be produced from the herein described property, together with all rights relating thereto, express or implied, reserved in deed dated January 19, 2005 from Toledo P. Boulware and husband, Cecil Boulware to Bluegreen Southwest One, L.P. recorded in Volume 877 at Page 601 of the Official Public Records of Waller County, Texas.
4. Reservation of one-half (1/2) of all water rights under conditions as set out in deed dated January 19, 2005 from Toledo P. Boulware and husband, Cecil Boulware to Bluegreen Southwest One, L.P. recorded in Volume 877 at Page 601 of the Official Public Records of Waller County, Texas, together with all rights incident thereto.
5. Surface Use Agreement dated February 2, 2005 executed between Jo Ann Gunther as Independent Executrix of the Estate of Robert M. Gunther, Deceased, and Bluegreen Southwest One, L.P., recorded in Volume 887 at Page 227 of the Official Public Records of Waller County, Texas, and all terms, provisions and conditions contained therein.
6. Surface Use Agreement dated February 1, 2005 executed between Robert L. Zinn, et al, and Bluegreen Southwest One, L.P., recorded in Volume 887 at Page 241 of the Official Public Records of Waller County, Texas, and all terms, provisions and conditions contained therein.
7. Easements, restrictions, dedications, and rights-of-way according to the plat of Saddle Creek Forest, Section VI, recorded in Volume 998 at Page 448 of the Official Public Records of Waller County, Texas. (AS TO TRACT 2 ONLY)
8. Declaration of Covenants, Conditions and Restrictions dated August 1, 2005 and recorded in Volume 910 at Page 135 of the Official Public Records of Waller County, Texas (AS TO TRACT 2 ONLY).
9. Supplemental Declaration of Covenants, Conditions and Restrictions dated October 31, 2006 and recorded in Volume 999 at Page 46 of the Official Public Records of Waller County, Texas (AS TO TRACT 2 ONLY)

10. A portion of the TRACT 1 and TRACT 2 is located within the approximate 100-year flood plain per FIRM map and as approximately shown on the recorded plat of the subdivision as to TRACT 2.

11. TRACT 2 is a 40-Foot strip of land over, on, and across Restricted Reserve "A" for and is granted for the sole purpose of allowing private pedestrian, equipment, and vehicular ingress and egress over, on, and across the 40-Foot strip limited solely to the Grantee, and its guests and invitees.

12. TRACT 1 shall not be developed or subdivided for a period of five (5) years or until every lot or tract in Saddle Creek Forest has been sold by the Developer, whichever is earlier. After the expiration of five (5) years or when every lot or tract in Saddle Creek Forest has been sold by the Developer, TRACT 1 may be developed or subdivided into no more than five (5) tracts.

13. TRACT 1 may be subdivided into no more than FIVE (5) lots or building sites upon the expiration stated in 12 above; however, no structure, improvement or building of any kind that faces a public or county road shall be nearer than 100' from the property line of such public or county road, and no structure, improvement or building of any kind, the side of which faces a public or county road, shall be located nearer than 50 feet from the property line of such public or county road.

14. No structure, improvement or building of any kind shall be located nearer than 50' to any side or rear property lines of TRACT 1;

15. No building shall be erected, altered or placed on any Lot or Composite Building Site on TRACT 1 other than one dwelling unit ("Dwelling") per each Lot to be used solely for residential purposes. The term "Dwelling" does not include single or double wide manufactured or mobile homes, or any old houses to be moved onto TRACT 1. Only single family residential Dwellings may be erected on TRACT 1 with a minimum square footage of 1,600 square feet of living space.

16. The Property cannot be used at a depository for abandoned or junked motor vehicles. An abandoned or junked motor vehicle is one without a current, valid state vehicle inspection sticker and/or license plate. No junk of any kind or character, or dilapidated structure or building of any kind or character, shall be kept on the property. No accessories, parts or objects used with cars, boats, buses, trucks, trailers, house trailers or the like shall be kept on the property other than in a garage or other previously built structure.

17. The restrictions shall run with the land and shall be binding upon the parties hereto and all parties claiming under them for a period of 40 years from date hereof.

18. Those Restrictive Covenants recorded in Volume 206, Page 731 and in Volume 207, Page 448, Deed Records of Waller County, Texas. (AS TO TRACT 1 ONLY)

19. Easements, dedications, restrictions and rights-of way according to the recorded plat and in restrictive covenants recorded in Volume 909, Page 692, and in Volume 910, Pages 135 and 186, Official Public Records of Waller County, Texas.

20. A Drainage and Utility Easement 16-feet wide along both sides of all rights-of-way according to the recorded plat.
21. Unobstructed Aerial Easement 5-feet wide from plane 20-feet above the ground, located adjacent to all utility easements and streets as per the recorded plat.
22. Unobstructed Utility Easement 10-feet wide adjacent to either side of drainage easements as per the recorded plat.
23. A Walking or Riding Easement 15-feet wide along the front property line(s) and 15-feet wide along the back property line(s) as per the recorded plat.
24. A building line 50-feet wide on front property lines and 15-feet wide along the side and back property line(s) as per the recorded plat.
25. A Utility Easement 10-feet wide adjacent to all lot lines and reserve areas and 16-feet wide along the back property line(s) as per the recorded plat.
26. A Drainage Easement 10-feet wide along the side and back property line(s) as per the recorded plat.
27. Any and all zoning laws, regulations, ordinances and building restrictions of municipal and/or other governmental authorities, if any, having jurisdiction over said property.
28. The reservation of  $\frac{1}{2}$  of all water rights under conditions as set forth in instruments recorded in Volume 877, Page 601, Official Public Records of Waller County, Texas.
24. The reservation of  $\frac{1}{36}^{\text{th}}$  non-participating royalty interest in and to all the oil, gas and other minerals as set forth in instrument recorded in Volume 187, Page 32, Deed Records of Waller County, Texas. (AS TO TRACT 2 ONLY)
25. The reservation of  $\frac{1}{12}^{\text{th}}$  non-participating royalty interest in and to all the oil, gas and other minerals as set forth in instrument recorded in Volume 187, Page 36, Deed Records of Waller County, Texas. (AS TO TRACT 2 ONLY)
26. The reservation of all the oil, gas and other minerals as set forth in instrument recorded in Volume 269, Page 824, Deed Records of Waller County, Texas. (AS TO TRACT 2 ONLY)
27. Creation of a lien to secure payment of assessments set out in Declaration of Covenants, Conditions and Restrictions recorded in Volume 910, Page 135, Official Public Records of Waller County, Texas.
28. Easements, dedications and rights-of-way as recorded in Volume 206, Page 731, and in Volume 207, Page 448, Deed Records of Waller County, Texas. (AS TO TRACT 2 ONLY)

BLUEGREEN SOUTHWEST ONE, L. P.

TO

RONDA S. DOXEY  
AND MICHAEL J. DOXEY

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