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PARTIAL RELEASE OF RESTRICTIONS

THE STATE OF TEXAS

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COUNTY OF HARRIS

WHEREAS, by that certain Declaration of Restrictions dated June 22, 2006 (the "Restrictions") which was filed under County Clerk's File No. Z413422 and recorded in the Official Public Records of Real Property of Harris County, Texas, FCW, Ltd. ("FCW") imposed certain restrictions on (i) a 12.91 acre tract of land (the "12.91 Acre Tract") and a (ii) 15.29 acre tract of land (the "15.29 Acre Tract") as more particularly described in the Restrictions and in Exhibit "A" attached hereto; and

WHEREAS, FCW has agreed to approve the development of the 15.29 Acre Tract into residential lots for detached single family residences as noted below and to release the 15.29 Acre Tract as noted below, but only against the 15.29 Acre Tract, from a portion of the Restrictions.

NOW THEREFORE in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, FCW hereby agrees as follows:

1. Subparagraph (i) of the Restrictions currently stipulates that the 12.91 Acre Tract and the 15.29 Acre Tract may only be developed with up to (but no more than) 152 single-family attached townhome lots with an approximate size of 35-feet by 110-feet with related amenities and facilities. FCW hereby approves the development of the 15.29 Acre Tract into residential lots for detached single family residences with up to (but no more than) seventy (70) residential lots with a maximum width of approximately 50-feet per lot and subparagraph (i) of the Restrictions is amended accordingly, but only with respect to the 15.29 Acre Tract. Such restriction (in its original form) shall still continue in full force and effect with respect to the 12.91 Acre Tract.

2. Subparagraph (ii) of the Restrictions currently stipulates that the 12.91 Acre Tract and the 15.29 Acre Tract may not be developed with any rental, multi-family or commercial uses without the prior written consent of FCW or FCW's successors or assigns. Subparagraph (ii) shall continue in full force and effect with respect to both the 12.91 Acre Tract and the 15.29 Acre Tract.

3. Except as partially released herein, all other terms and provisions of the Restrictions shall continue in full force and effect.

RP 075-45-1496

County Clerk  
HARRIS COUNTY, TEXAS

2010 DEC 28 PM 2:19

FILED

EFFECTIVE this 22 day of December, 2010.

**FCW:**

FCW, LTD., a Texas limited partnership

By: FCW Holdings, Inc., its general partner

By:

Curtis R. Campbell  
Curtis R. Campbell,  
Vice President

*201*

THE STATE OF TEXAS

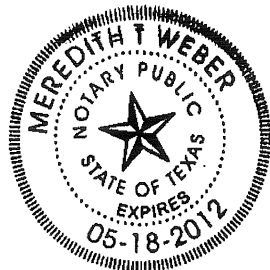
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COUNTY OF HARRIS

This instrument was acknowledged before me on the 22 day of December, 2010 by Curtis R. Campbell, Vice President of FCW Holdings, Inc., which is the general partner of FCW, Ltd., a Texas limited partnership, on behalf of said limited partnership.

[Seal]

Meredith T. Weber  
Notary Public—State of Texas



Return to: *DR* ✓  
First American Title Insurance Company  
1220 Augusta Drive, Suite 120  
Houston, TX 77057  
*61518470*

RP 025-45-1497

EXHIBIT "A"

15.29 ACRES

DECEMBER 7, 2005  
JOB NO. XX0545-T1

DESCRIPTION OF A 15.29 ACRE TRACT OF LAND  
SITUATED IN THE  
ADAM SMITH SURVEY, ABSTRACT 694  
HARRIS COUNTY, TEXAS

BEING a 15.29 acre tract of land situated in the Adam Smith Survey, Abstract 694, Harris County, Texas and being a portion of a called 220.41 acre tract of land described in instruments filed for record under Harris County Clerk's File Number(s) W883801 and W883803, said 15.29 acres being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with a cap stamped "Brown & Gay" found for the most westerly northwest corner of Restricted Reserve "D" of Fall Creek Section 23, a subdivision plat filed for record at Film Code 575041 of the Harris County Map Records, same being in a northeast line of a 170-foot wide Harris County Flood Control District Easement described in instruments filed for record under Harris County Clerk's File Number(s) X960361 and Y564235;

THENCE over and across said called 220.41 acre tract, along the arc of a curve to the left, a distance of 170.10 feet, having a radius of 1950.00 feet, a central angle of  $04^{\circ}59'53''$  and a chord which bears  $S 43^{\circ}32'06'' W$ , 170.05 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the north corner of the herein described 15.29 acres and the POINT OF BEGINNING;

THENCE the following seven (7) courses and distances over and across said called 220.41 acre tract, along the west line of said 170-foot Harris County Flood Control Easement and the east line of the herein described 15.29 acre tract:

$S 45^{\circ}07'59'' E$ , a distance of 42.07 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the beginning of a tangent curve to the right;

In a southeasterly direction, along said curve to the right, a distance of 42.98 feet, having a radius of 400.00 feet, a central angle of  $06^{\circ}09'22''$  and a chord which bears  $S 42^{\circ}03'18'' E$ , 42.96 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the point of tangency;

$S 38^{\circ}58'37'' E$ , a distance of 405.82 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the beginning of a tangent curve to the left;

In a southeasterly direction, along said curve to the left, a distance of 168.80 feet, having a radius of 700.00 feet, a central angle of  $13^{\circ}49'00''$  and a chord which bears  $S 45^{\circ}53'07'' E$ , 168.39 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the point of tangency;

$S 52^{\circ}47'37'' E$ , a distance of 126.00 feet to 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the beginning of a tangent curve to the right;

In a southeasterly direction, along said curve to the right, a distance of 196.07 feet, having a radius of 200.00 feet, a central angle of  $56^{\circ}10'11''$  and a chord which bears  $S 24^{\circ}42'31'' E$ , 188.31 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the point of tangency;

$S 03^{\circ}22'34'' W$ , a distance of 211.60 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for corner in the south line of said called 220.41 acre tract and the north line of a called 19.89 acre tract of land described in a deed filed for record under Harris County Clerk's File Number X419312;

THENCE  $S 86^{\circ}49'27'' W$ , at a distance of 290.83 feet pass through a 5/8-inch iron rod with a cap stamped "Brown & Gay" found for the northwest corner of said called 19.89 acre tract, and continuing for a total distance of 1063.53 feet along a south line of said called 220.41 acre tract and the north line of the remainder of a called 94.117 acre tract of land described in instruments filed for record under Harris County Clerk's File Number E396938 and V956982 to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for corner and the beginning of a non-tangent curve to the right;

THENCE the following five (5) courses and distances over and across said called 220.41 acre tract:

In a northerly direction, along said curve to the right, a distance of 715.21 feet, having a radius of 1950.00 feet, a central angle of  $21^{\circ}00'52''$  and a chord which bears  $N 18^{\circ}25'24'' E$ , 711.21 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for a point of compound curvature;

In an easterly direction, along said curve to the right, a distance of 39.98 feet, having a radius of 25.00 feet, a central angle of  $91^{\circ}38'14''$  and a chord which bears  $N 74^{\circ}44'57'' E$ , 35.86 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for a point of tangency;

$N 30^{\circ}34'04'' E$ , a distance of 60.00 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for the beginning of a curve to the right;

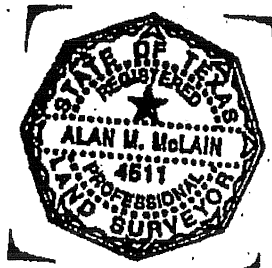
In a northerly direction, along said curve to the right, a distance of 39.98 feet, having a radius of 25.00 feet, a central angle of  $91^{\circ}38'14''$  and a chord which bears  $N 13^{\circ}36'49'' W$ , 35.86 feet to a 5/8-inch iron rod with a cap stamped "Brown & Gay" set for a point of compound curvature;


In a northeasterly direction, along said curve to the right, a distance of 300.55 feet, having a radius of 1950.00 feet, a central angle of  $08^{\circ}49'52''$  and a chord which bears  $N 36^{\circ}37'14'' E$ , 300.26 feet to the POINT OF BEGINNING and containing 15.29 acres of land.

15.29 ACRES  
DECEMBER 7, 2005  
Page 3 of 3.

Bearing orientation is based on a record call of N 88° 34' 55" W along a south line of a called 220.41 acre tract of land described in instruments filed for record under Harris County Clerk's File Number(s) W883801 & W883803 and monumented on the ground.

A Survey titled "ALTA/ACSM Land Title Survey of a 12.94 and a 15.29 Acre Tract of Land Situated in the Adam Smith Survey, Abstract 694, Harris County, Texas" has been prepared in conjunction with this metes and bounds description.



  
Alan M. McLain RPLS No. 4511  
Brown & Gay Engineers, Inc.  
11490 Westheimer Road, Suite 700  
Houston, Texas 77077  
Telephone: (281) 558-8700

**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. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in the number Sequence on the date and at the time stamped below by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County Texas on

DEC 28 2010



  
COUNTY CLERK  
HARRIS COUNTY, TEXAS