

TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS,  
AND EASEMENTS

SIERRA LA RANA

Doc# 65910

**NOTICE TO PURCHASER: SIERRA LA RANA IS A RESTRICTED COMMUNITY. THIS DOCUMENT AFFECTS YOUR RIGHT TO USE THE PROPERTY YOU ARE PURCHASING. BY PURCHASING PROPERTY IN SIERRA LA RANA, YOU ARE BOUND BY ALL OF THE TERMS OF THIS DOCUMENT.**

This Declaration of Covenants, Conditions, Restrictions and Easements (this "Declaration") is made and entered into to be effective as of January 1, 2004, by SIERRA LA RANA, LTD. (together with its successors and assigns, "Declarant").

RECITALS

A. Declarant owns all of **those certain tracts of real property (the "Property")**, in Brewster County, Texas, more particularly described by metes and bounds on Exhibit A attached hereto and incorporated herein by this reference and depicted generally on Exhibit B attached hereto and incorporated herein by this reference. The "Property" is part of a much larger ranch (the "Ranch") owned by Declarant and it is contemplated that other tracts of land out of the Ranch may be added to and become a part of the Property hereafter.

B. The Property is to be known as Sierra la Rana and is to be developed as a quiet, high quality, gated, single family, residential, agricultural, and wildlife conservation community. It is the intent of Declarant that all homes and other improvements in Sierra la Rana shall be compatible with all other homes and improvements in the community, that they be in harmony with their natural surroundings, and that the agricultural and wildlife conservation uses of the land be continued and enhanced as appropriate and consistent with the terms hereof.

C. Declarant desires to adopt, establish, promulgate, and impress upon the Property the following reservations, covenants, restrictions, conditions, easements, assessments, and liens for the benefit of Declarant, the Association (as hereinafter defined), the Property, and the present and future owners of the Property.

DECLARATION

NOW, THEREFORE, Declarant hereby declares that the Recitals set forth above shall be a part of this Declaration and all the Property and each of the Tracts (as hereinafter defined) which comprise the Property shall, to the fullest extent lawful, be held, sold, and conveyed subject to the

following reservations, covenants, restrictions, conditions, easements, assessments, and liens (collectively the “Restrictions”) and the Restrictions shall run with the Property and each of the Tracts and shall be binding on all parties having or acquiring any right, title, or interest in the Property or any Tract or any part thereof, and shall inure to the benefit of Declarant, the present and future owner(s) of the Property, the Association, and their respective heirs, successors, executors, administrators, and assigns. THE RESTRICTIONS SHALL BE DEEMED INCORPORATED INTO EACH DEED COVERING THE PROPERTY OR ANY TRACT OR ANY PART THEREOF AS IF SET OUT FULLY IN SUCH DEED.

## ARTICLE 1 DEFINITIONS

1.1 Terms defined above shall have the meanings ascribed thereto when used in this Declaration.

1.2 The following words when used in this Declaration, or any supplemental declaration, unless the context shall prohibit, shall have the following meanings:

“ARC” shall mean the Architectural Review Committee of the Association which shall, unless otherwise composed by the Association, consist of the Board.

“Association” shall mean a Texas non-profit corporation to be formed and to act as a property owners association named Sierra la Rana Owners Association, Inc. (or such other name as Declarant shall select), its successors and assigns. Until formation of the Association, Declarant shall have all of the rights, powers, and authority of the Association but not the obligations of the Association unless specifically assumed herein.

“Board” shall mean the Board of Directors of the Association.

“Building Code” shall mean the building code adopted from time to time by the City of Alpine, Texas, regardless of whether such code would or would not be otherwise applicable to any Tract.

“Bylaws” shall mean the Bylaws of the Association.

“Entrance Road” means the road located on the property that is described on Exhibit C attached hereto and incorporated herein by this reference. The Entrance Road is and shall remain owned by Declarant unless and until such time as Declarant, in its sole discretion, should choose to convey the Entrance Road to the Association.

“Initial Owner” shall mean the first purchaser from Declarant of each Tract.

“Member” shall mean every person or entity who holds membership in the Association.

"Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Tract, and his or its respective heirs, successors, personal representatives, and assigns.

"Property" shall mean all the real property so described above and any additions thereto.

"Residence" shall mean a single family residential dwelling constructed or to be constructed on any Tract.

"Roads" means collectively the Entrance Road and the Sierra la Rana Roads.

"Sierra la Rana Roads" means the roads, streets, or other right-of-ways described on Exhibit D attached hereto and incorporated herein by this reference, but only to the extent that such roads are located on the Property.

"Tract" shall mean any one of the separate tracts of land that make up all or part of the Property, save and except any applicable Well Site located thereon. "Tracts" shall mean any two or more such tracts of land. Each Tract is burdened by an easement for a portion of the Roads and the other Restrictions described herein.

"Well Sites" shall mean the parcels of land described on Exhibit F attached hereto and incorporated herein by this reference, upon which are located certain water wells, windmills, water tanks, water pumps, water lines, and other related equipment, such parcels being located within certain of the Tracts as depicted generally on Exhibit B. The Well Sites are not a part of the Property and are not subject to the Restrictions.

1.3 Other terms are defined in other sections of this Declaration and those terms are incorporated herein by this reference.

## ARTICLE 2 ARCHITECTURAL REVIEW

2.1 Architectural Review Committee. In order to protect the overall integrity of the development of the Property as well as the value of the improvements of all Owners, a committee of representatives designated as the Architectural Review Committee ("ARC") is hereby established to carry out all duties as noted herein with full authority to approve, disapprove, and monitor all construction, development, and improvement activities of any kind (including, without limitation, buildings and roads) within the Property and to help ensure that all such activities are in accordance with the Restrictions and architecturally and aesthetically designed to be compatible with Declarant's conceptual plan for the overall Property.

2.2 Plans and Specifications. (a) No building, storage tank, or improvement of any kind shall be erected, placed, constructed, installed, maintained, modified, or altered (including exterior cosmetic alterations such as painting) by any Owner other than Declarant nor shall any sitework be

commenced by any Owner other than Declarant until a complete set of plans and specifications, a construction schedule, and the construction contract with the Owner's builder shall have been formally submitted to the ARC with a written request for approval and the ARC's written approval received. Plans and specifications which are submitted shall contain and include, but not necessarily be limited to, all the following information (collectively, the "Plans"): floor plans, including finished floor and ground elevations; foundation plans; exterior elevations for any Residence, buildings, fence, or other structure; a plat or site plan showing the proposed location of any Residence, building, well, septic system, or other structure or utilities; exterior lighting and location; samples of exterior finish materials and color samples; and any other plans, specifications, or information deemed pertinent by the ARC. Declarant may commence construction of any improvements without the approval of the ARC.

(b) Generally, the architectural and aesthetic style of the improvements shall harmonize as much as may be reasonable and practicable with each other and with the heritage and historical architecture of the Big Bend area, which is generally western, ranch-style, rural, Spanish, Mexican/New Mexican, Neo-Pueblo, and Territorial. Landscaping generally shall be in harmony with the natural occurring flora of the Big Bend area using native or xeric plants as much as is practicable.

2.3 ARC Review. The ARC shall review all Plans submitted for compliance with all the requirements of the Restrictions and for the compatibility of the proposed improvements with the architectural and aesthetic goals of the Property and Declarant. The ARC shall have full right and authority to utilize its sole discretion in approving or disapproving any Plans which are submitted. In the event the ARC fails to approve submitted Plans or to request additional information reasonably required within thirty (30) days after submission, the applicant shall give the ARC written notice of its failure to respond. Unless the ARC responds within ten (10) days of receipt of such notice, approval will be deemed granted.

2.4 ARC Discretion to Approve or Disapprove. The ARC will approve or disapprove all Plans in accordance with this Declaration. Approval may be withheld if the construction or architectural design of any improvement is deemed, on any grounds, including purely aesthetic grounds, necessary to protect the continuity of design or value of the Property, or to preserve the serenity and natural beauty of any surroundings. Prior approvals or disapprovals of the ARC pertaining to any improvement activities or regarding matters of design or aesthetics shall not be deemed binding upon the ARC for later requests for approval if the ARC feels that the repetition of such matters will have an adverse effect on the Property. The ARC shall have the express power to construe and interpret any covenant herein that may be capable of more than one construction, and to waive certain requirements when, in its discretion, it is appropriate to do so (but no waiver will be effective unless in writing and signed by the ARC). All approvals or disapprovals by the ARC are for the sole benefit of the Association and no individual Owner or any third party is or shall be deemed to be a third party beneficiary of such approval or disapproval.

2.5 ARC Right to Inspect. During reasonable hours and after reasonable advance notice (which shall not be less than 24 hours unless circumstances are reasonably deemed by the ARC or

Association to warrant less), members of the ARC, any member of the Board, or any authorized representative of any of them, shall have the right to enter upon and inspect any Tract, and any structure thereon, for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and said persons shall not be deemed guilty of trespass by reason of such entry. All inspections by the ARC are for the sole benefit of the Association and no individual Owner or other third party is or shall be deemed to be a third party beneficiary of such inspections.

2.6 ARC Decision Final. The ARC shall have the authority to employ professional consultants at the expense of the Association to assist it in performance of its duties. The decision of the ARC shall be final, conclusive and binding upon the applicant. The ARC members shall not be entitled to any compensation for any services rendered pursuant to this Declaration.

2.7 No Liability. Neither the ARC nor its members nor the members of the Board shall be liable to any person (including Owners and builders) for any damage or injury to property arising out of their acts hereunder, except in the case of gross negligence or wilful misconduct. Neither the ARC nor its members nor the members of the Board shall be deemed to have made any warranty or misrepresentation to any Owner, builder, or other third party about any matter whatsoever arising out of any approvals or inspections. Without limiting the foregoing, it is expressly agreed that no approval of Plans by the ARC and no construction inspection approvals shall be deemed a representation or warranty by the ARC that any Residence has been or will be completed in a good and workmanlike manner. No discretionary acts by the ARC (such as approval or disapproval of Plans) shall give rise to any liability of the ARC or its members or the members of the Board.

2.8 Number of Members. The number and identity of the initial ARC members shall be decided by Declarant. So long as Declarant owns at least two (2) Tracts, in the event of the death or resignation of any member of the ARC, Declarant shall have full power and authority to appoint a successor committee member or members, chosen in its sole discretion, with like authority. When Declarant no longer owns at least two (2) Tracts, or when Declarant has otherwise elected to cede control of the Association to the Members, the Board shall appoint the members of the ARC, which shall consist of at least three (3) but no more than five (5) members, and which may be members of the Board.

2.9 Design Guidelines. The ARC may promulgate and publish Design Guidelines. The Design Guidelines are incorporated into this Declaration by this reference. A copy of the Design Guidelines will be furnished to any Owner on request. Such Design Guidelines will supplement this Declaration and may make other and further provisions as to the approval and disapproval of Plans, prohibited materials and other matters relating to the appearance and design and quality of improvements. Such Design Guidelines may be amended from time to time upon the affirmative vote of two-thirds of the members of the ARC and the consent of the Board.

### ARTICLE 3 GENERAL RESTRICTIONS

3.1 Single Family Residential Only. (a) No part of a Tract, or improvements thereon, shall be used for any purpose other than one Residence on each Tract, except as expressly set forth in subpart (b) below. Certain accessory improvements, as specifically authorized elsewhere in this Declaration, are allowed. Except as expressly set forth in subpart (b) below, it is the intent of Declarant that Sierra la Rana be a single family residential, agricultural, and wildlife conservation community as more specifically described herein.

(b) Any Tract of 200 acres or more may have two (2) Residences constructed thereon, provided the ARC has approved the location thereof and all aspects of the Plans for each of the two Residences as otherwise provided in this Declaration.

3.2 No Commercial Use. An Owner may maintain an office in the Owner's home for business purposes so long as: (a) the business does not involve any employee, customer, client, co-worker, or other party being present on the Tract; and (b) there is no sign or other visible evidence of the business on the Tract. No other business or commercial activity of any kind shall be conducted on a Tract, whether for profit or non-profit. Private orchards, gardens, and limited raising of livestock as expressly allowed herein shall not be deemed to be commercial or business activity. No hobby may be conducted on any Tract which attracts vehicular or pedestrian traffic to the Tract. No garage sales, yard sales, patio sales, sample sales, promotional parties, or similar activities shall be conducted on any Tract.

3.3 Lease Restrictions. A Residence may be leased for a period of no less than one (1) year. All leases must be in writing and a copy of the lease delivered to the Board within ten (10) days after its execution. The lease of a Residence shall not discharge the Owner from compliance with any of the obligations and duties of the Owner. Owners shall provide tenants with a copy of this Declaration. All leases shall be subject to this Declaration and the other documents of the Association, without the necessity of specific reference to them or delivery of this Declaration to the tenant, and all tenants shall be bound to their terms and conditions.

3.4 No Mobile Homes. (a) Except as otherwise specifically set forth herein, no mobile home, manufactured home, modular home (single or double wide), or pre-fabricated home of any kind, whether or not the wheels have been removed, shall be allowed on any Tract.

(b) Prior to construction of a Residence, an Owner or guests of the Owner, with ARC approval, may reside on the Tract, in a single camper trailer, travel trailer, fifth-wheel travel trailer, motor home, or other similar hard-sided travel style vehicle or camper (not a "pop-up" or similar tent trailer) for up to a total of 45 days during any twelve (12) consecutive month period, taking into account all days spent by the Owner and guests of the Owner in the aggregate.

(c) After construction of a Residence, guests of an Owner may reside on the Tract, in a single camper trailer, travel trailer, fifth-wheel travel trailer, motor home, or other similar hard-

sided travel style vehicle or camper (not a "pop up" or similar tent trailer) for up to a total of 90 days during any twelve (12) consecutive month period, taking into account all days spent by all guests in the aggregate.

(d) The Owner of a Tract may reside in a mobile home, camper trailer, travel trailer, fifth-wheel travel trailer, motor home, or other similar style hard-sided vehicle or camper (not a "pop up" or similar tent trailer) with ARC approval during the actual construction of the Residence, so long as construction proceeds with diligence, but for a period not to exceed twelve months in any event.

3.5 No Temporary Structures. (a) Except for the benefit of Declarant or as otherwise allowed herein, no structure of a temporary character (whether trailer, tent, shack, etc.) shall be used on any Tract at any time for storage or as a residence, either temporarily or permanently.

(b) A tent may be erected on a Tract for the purpose of camping only, but for no more than three consecutive weeks and for no more than 30 days per year in the aggregate, taking into account all such instances.

3.6 No Subdividing. (a) No Tract may be subdivided except as expressly set forth in subpart (b) below.

(b) Any Tract of 200 acres or more may be subdivided into two separate tracts of land and each of the two separate tracts shall thereafter be considered a Tract under this Declaration; provided, however, no such subdivision shall be effective if any resulting tract of land or remaining tract of land is less than 50 acres. There shall be no further subdivision of the resulting Tract or the remaining Tract. No subdivision of any Tract shall be effective, and no deed shall be recorded conveying any part thereof, unless and until the Owner of the Tract to be subdivided has given Declarant and the Association written notice of the proposed subdivision, including a copy of a survey plat and accompanying field notes showing the Tract as a whole and each of the two separate tracts as they are proposed to be subdivided. The subdivided Tracts will be subject to subpart (c) below.

(c) Upon only the first sale by any Owner of a subdivided Tract, and as a condition precedent to such sale being effective, the Owner shall pay to Declarant an amount equal to the greater of: (i) 5% of the sales price or (ii) 5% of the fair market value of the land sold as determined by a bona fide appraisal prepared by an appraiser approved by Declarant. [ FOR EXAMPLE ONLY: A Tract of 200 acres is subdivided into two Tracts of 100 acres each. Thereafter, one of the subdivided Tracts is sold by the Owner thereof to an unrelated third party for \$100,000.00, and that is determined to be the fair market value thereof. The amount due to Declarant is \$5,000.00. Thereafter the other subdivided Tract is sold by the Owner thereof to a relative for \$50,000.00, though the fair market value thereof is determined to be \$100,000.00. The amount due to Declarant is \$5,000.00. Upon any subsequent sale of either subdivided Tract, no payment is due to Declarant.] The 5% amount payable to Declarant as set forth in this subpart (c) is to compensate and reimburse Declarant for the enhanced value created by Declarant's subdivision

of the Property and to compensate Declarant for allowing for further subdivision of a Tract. It is acknowledged and agreed by each Owner to be a fair and reasonable sum.

3.7 Parking. All vehicles belonging to Owners or guests must be parked in the Owner's driveway, garage, or other suitable parking area overnight. In no case may vehicles be parked overnight on the Roads. Vehicles shall not be parked within any building set back. No tractor trailer rigs may be parked on any part of the Property, other than the temporary parking of a rig that is delivering or loading an Owner's livestock. No trailer, camper, recreational vehicle, or similar vehicle shall at any time be parked in front of the Residence, unless approved by the ARC, or within any building setback area. No more than four (4) vehicles bearing commercial insignia or names shall be parked on any Tract, and then only if the vehicle is utilized by the Owner as transportation to and from the Owner's place of employment. No vehicle of any size which transports flammable or explosive cargo may be kept on a Tract at any time other than the temporary parking of a properly licensed fuel truck that dispenses fuel to an Owner's on-site fuel tank.

3.8 Storage of Vehicles. (a) No trailer, motor home, tent, boat, marine craft, hovercraft, aircraft, recreational vehicle, motorcycle, four wheeler, camper body, travel trailer, or truck larger than a one (1) ton pick-up (except those used by a builder during the construction of a Residence) or tractor shall be parked or stored in front of any Residence. No stripped down, wrecked, junked, or inoperable trailer, motor home, tent, boat, marine craft, hovercraft, aircraft, recreational vehicle, motorcycle, four-wheeler, camper body, travel trailer, truck, tractor, or wrecked, junked, or inoperable vehicle of any kind shall be kept, parked, stored or maintained on any Tract unless in an enclosed structure or in a screened area which prevents the view thereof from any other Tract or Road. No dismantling or assembling of any such vehicle or any other machinery or equipment shall be permitted unless in an enclosed structure or in a screened area which prevents the view thereof from any other Tract or Road. The ARC shall have the absolute authority to determine from time to time whether a vehicle is operable and, if not, adequately screened from public view. Upon an adverse determination by the ARC, the vehicle shall be removed or otherwise brought into compliance with these Restrictions.

3.9 No Drilling Operations by Owners. Declarant will reserve one-half of all oil, gas, or other minerals owned by Declarant with respect to the Property and all executive rights. No Owner other than Declarant may execute any lease, authorize any oil or gas exploration or drilling, oil or gas development operations, oil refining, quarrying, or mining operations of any kind on any Tract, nor may any Owner other than Declarant authorize oil wells, storage tanks, tunnels, mineral excavation, or shafts on any Tract. No derrick or other structure designed for use in boring for oil or natural gas will be erected on any Tract by any Owner other than Declarant. Each Owner understands and agrees that Declarant may allow oil and gas drilling and other development of oil, gas, and other minerals on the Property, so long as such drilling or other development does not unreasonably interfere with an Owner's use of the surface of a Tract for a Residence.

3.10 Trash. (a) No trash, garbage, debris, or other refuse may be burned, stored, disposed of, or allowed to remain upon any Tract or Road, whether the Tract is vacant or otherwise. No Tract

will be used or maintained as a dumping ground for rubbish, rocks, brush, grass clippings, garbage, or trash. Garbage and other waste will be kept in sealed, sanitary containers prior to disposal.

(b) Declarant or the Association may, but is not obligated to, contract with a garbage collection service for the pick up and disposal of all household garbage on the Property and, in such event, the cost thereof will be an expense of the Association, which shall be paid by the Owners though the assessments provided for in this Declaration. Declarant or the Association may also designate and provide receptacles at collection sites into which each Owner shall deposit its garbage in order to promote clean and efficient removal thereof.

3.11 No Nuisance or Noxious Activity. No noxious or offensive activity shall be carried on upon any Tract or Road by any Owner, construction workers hired by any Owner, or an Owner's guest, nor shall anything be done upon any Tract or Road which may be or become an annoyance or nuisance to the neighbors (such as, but not limited to, the noise created by the operation of an excessive or unreasonable number of off-road vehicles or motorcycles on a Tract. No junk, railroad cars, buses, inoperative cars or other vehicles, or other noxious, offensive or unsafe equipment or materials may be stored on the Property.

3.12 Animals. Farm and domestic animals (but not hogs or swine) in reasonable numbers (as determined by the Association) may be kept on a Tract provided the Tract is fenced in accordance with this Declaration. No Owner shall allow a household pet to run loose or become a nuisance to the other residents. Neither dogs nor cats may be raised for sale, and commercial kennels of any kind are expressly prohibited. Hogs or swine may be kept on a Tract only if they are raised by the Owner's children registered with the 4H Club or FFA and the animal is raised for Livestock Show Competition and in no event shall more than two (2) per child be allowed on the Tract at any one time. All corrals, pens, and barns shall be cleaned regularly so as to reduce odor and flies. Dangerous pets of any type (i.e. pit bulls) that may pose a safety or health threat to the community shall not be kept on any Tract. All animals shall be kept in strict accordance with all applicable laws and ordinances, and in accordance with all rules established by the Association.

3.13 Lawns. All grass, weeds, and vegetation within 100' of each Residence shall be kept mowed at regular intervals as needed to maintain a neat and well maintained appearance. All landscaping, including lawns and shrubs, shall utilize native plants. Without limiting the foregoing, Saint Augustine grass, zoysia, and ornamental bermudas are expressly prohibited as lawn grasses.

3.14 Signs. (a) An Owner may erect an entrance sign to the Owner's Tract so long as the Owner first seeks and obtains approval of the Plans for such sign.

(b) Signs are not otherwise allowed on any Tract except as set forth herein. One sign per Tract will be allowed, not more than five square feet, advertising a Tract for sale or lease. Declarant is permitted to use more signs and larger signs and to erect permanent signs at each entrance to the Property. Signs advertising contractors, subcontractors, or suppliers are specifically prohibited. Political signs may be erected upon a Tract by the Owner of the Tract advocating the election of one or more political candidates or the sponsorship of a political party, issue, or proposal

provided that such signs shall not exceed five square feet, shall be erected no more than ninety (90) days in advance of the election to which they pertain, and are removed within five (5) days after the election. Declarant or the Association shall have the right to remove any sign that does not comply with the above, and in doing so shall not be subject to any liability in connection with such removal.

3.15 No Adverse Conditions. No Owner or occupant shall construct any improvements or perform any work that will impair any easement or right-of-way, or do any act or allow any condition to exist which will adversely affect the other Tracts or their owners or residents.

3.16 Insurance. Each Owner must carry all risk casualty insurance for the full insurable value of the Residence on the Tract. Each Owner must use all insurance proceeds required to properly rebuild in case of a partial loss or damage or, in the case of complete damage, to either rebuild or clear all debris and return the Tract to substantially the natural state as it existed prior to destruction. Reconstruction must be promptly commenced and diligently pursued to completion (and in any event must be completed within twelve (12) months and if not the Owner shall make payment as described in section 4.7). No damaged buildings, including the foundation, shall be allowed to remain on any Tract unless they are to be promptly repaired or restored. Each Owner must carry homeowner's liability insurance at all times, including prior to the construction of improvements on the Tract.

3.17 Property Taxes. Each Owner shall be responsible for the payment of all ad valorem and other property taxes owing on the Owner's Tract, including, but not limited to, any rollback taxes applicable to the Tract in the event the Tract loses its agricultural exemption. To the extent practicable, all Owners are encouraged to take reasonable measures to maintain an agricultural tax exemption for all or part of their Tract by preserving or enhancing the agricultural and/or wildlife conservation uses of their Tract, consistent with the terms hereof. Declarant makes no representations, warranties, or agreements of any kind concerning whether an Owner can or cannot maintain an agricultural exemption.

3.18 Underground Utilities. All utility lines and other facilities installed by or for any Owner for electricity, water, cable, telephone, sewer, storm sewer, or other utilities must be installed underground; but this provision shall not apply to above-ground utilities existing on the date hereof (including Declarant's water lines) and any replacement thereof by Declarant or those otherwise expressly authorized in writing by the ARC.

3.19 Alternative Energy Sources. In the event electricity is not available to a Tract of 50 acres or greater, or it is cost prohibitive to bring electricity to the Tract, an Owner may, with ARC approval, install a gas-powered generator, solar panels, or other alternative energy source. Any such installation must be shielded from public view.

ARTICLE 4  
CONSTRUCTION RELATED RESTRICTIONS

4.1 Minimum Construction Requirements. Each Residence shall have a minimum contiguous interior living area of 1,500 square feet, exclusive of garages, carports, porches, or patios. All exterior construction shall be of new materials and shall be natural or ARC-approved natural-appearing materials such as brick, stucco, lap siding, or log. No Residence or other structure shall exceed two (2) stories in height unless approved by the ARC due to unusual topography. Each Residence shall have a garage capable of housing at least two (2) vehicles. Carports may be constructed in lieu of a fully enclosed garage, but only if they are attached to and built of the same materials as the Residence. All carports and garages shall be constructed at right angles to the main residence. Construction materials having a life of less than twenty-five (25) years, as determined by the ARC, shall not be utilized in the construction of any improvements on a Tract. Roofing shall be either slate, tile, factory treated fire retardant wood, metal, dimensional composition shingles, or other materials as approved by the ARC.

4.2 Accessory Improvements. (a) Buildings that are immediately accessory to the Residence and other similar improvements to the Residence, such as a detached garage, maid's quarters, guest house, or cabana may be allowed, provided they conform to the same style and architecture and are constructed of the same materials as the Residence and are approved by the ARC. No such accessory building to the Residence shall exceed 50% of the interior living area of the Residence.

(b) Storage buildings, shops, livestock barns, and other similar buildings and improvements constructed on a Tract that are more than 200 feet from the Residence and at least 50 feet behind the rear plane of the Residence, shall be allowed and need not conform to the size limitations described in (a) above or to the same style and architecture and be constructed of the same materials as the Residence provided the Plans therefor are approved by the ARC and they otherwise conform with (c) below.

(c) All accessory buildings, wells, storage tanks, and other improvements of every kind shall be located behind the Residence unless otherwise approved by the ARC.

4.3 Recreational Improvements. Basketball goals, batting cages, tennis courts, swimming pools, or any other similar sporting or recreational equipment or improvement shall be placed behind the Residence unless otherwise approved by the ARC.

4.4 Minimum Setback. No improvements of any kind (other than approved fences) may be placed closer than one hundred feet (100') from any property line, except in cases where rugged terrain is encountered, thus necessitating or making highly desirable the use of such space, in which case this restriction may be waived or modified by written approval of the ARC, within its sole discretion.

4.5 Storage of Building Materials. No building materials of any kind may be stored on any Tract for longer than one week prior to the commencement of work for which the materials were purchased unless they are stored in an enclosed building or located such that they cannot be viewed from any other Tract.

4.6 Construction Clean-up. From time to time during construction as required to maintain a neat and orderly appearance, and upon completion of construction, the Owner of the Tract will be responsible for the removal of any trash or debris that may have been thrown, placed, or discarded on any part of the Tract or on any other Tract if the trash or debris originated at the Owner's Tract.

4.7 Completion of Construction. In order to promote the marketing of Sierra la Rana and to maintain the aesthetics of the development, once construction of a Residence is commenced on a Tract it shall be diligently continued to completion. No Residence shall remain incomplete for more than twelve (12) months after construction has commenced. An owner who breaches this section 4.7 shall pay to Declarant, as liquidated damages, the sum of \$50.00 per day for each day construction remains incomplete beyond this twelve (12) months.

4.8 Air Conditioning. No air conditioning apparatus shall be used, placed, or maintained on any Residence except on the ground or the walls of the side or back of the Residence or on the roof of the Residence. No air conditioning apparatus shall be installed at or on the front of a Residence.

4.9 Lighting. (a) In general, outside lighting used in connection with the occupancy of a residence shall be kept to the minimum required for safety and security. Landscape lighting is allowed. All outside lights must have a bonnet or shield preventing the light from traveling in an upward direction. No fluorescent or neon lights shall be used to illuminate the outside areas of a Tract. No exterior lighting of any sort shall be installed or maintained on a Tract where the light source is offensive or a nuisance to other Owners or Tracts (tennis court or similar lighting is permitted with the approval of the ARC).

(b) Specifically, all outdoor lighting shall comply with the Alpine Outdoor Lighting Ordinance as adopted by the City of Alpine, Texas, on May 23, 2000, as amended from time to time.

4.10 Sound Devices. No exterior speakers, horns, whistles, bells, or other sound devices (except reasonable security devices) audible from any adjoining Tract shall be placed or used upon any Tract.

4.11 Fences. (a) All livestock or perimeter fencing shall be in accordance with the "Standards and Specifications for Fencing" as published by the United States Department of Agriculture, Soil Conservation Service, in its publication available at the Agency's offices in Alpine,

Texas, and shall be made of wire net, barbed wire, smooth wire, chain link, pipe, or pipe and cable. No other livestock or perimeter fencing will be allowed without ARC approval.

(b) A privacy fence or wall not exceeding eight (8) feet in height may be erected by an Owner to enclose an area behind or to the side of the Owner's Residence not to exceed 10,890 square feet in the enclosed area. No privacy fence or wall shall be built or maintained forward of the front wall line of the main structure, not including decorative walls, fences or hedges which are part of the architectural design of the main structure and approved in writing by the ARC. All privacy fences or walls shall be of the following composition: all masonry, brick, cedar wood, red wood, or other durable wood (not white wood) or other material approved by the ARC. Chain-link fences are allowed, but may not include metal or vinyl "slats" inserted therein to make the fence a privacy fence.

(c) No fence or gate (other than the main entry gates into the Property) may be erected across any Road. All fences shall be constructed at least fifteen feet (15') from the outside edge of any Road.

(d) Each Owner shall maintain in a safe and neat manner all fences on the Owner's Tract. In order to facilitate the use of all easements described herein, fences erected across any easement shall contain either: (1) a twelve foot (12') wide gate or (2) two (2) six foot (6') wide gates or (3) a twelve foot (12') section of fence that is susceptible to reasonably easy removal (without damage to the balance of the fence) and replacement.

4.12 Driveways. Driveways on each Tract must be constructed of concrete, asphalt, caliche, or gravel (or other natural surface if approved by the ARC).

4.13 Sewage Disposal. Each Owner must install an aerobic or septic tank septic system for sewage disposal. All septic systems must be installed by a state certified licensed installer and must be permitted and inspected by Brewster County. Septic Systems must be inspected by a state certified licensed installer every three years and must be regularly maintained so as to remain fully functional. No outside toilets or cesspools will be permitted.

4.14 Water Wells. (a) The Owner of each Tract of 30 acres or less shall have the right, subject to the approval of and permitting by all appropriate governmental authorities, to have and maintain no more than one (1) producing water well on the Tract for the Owner's personal and domestic consumption in connection with the ownership of that Tract. The Owner of each Tract of more than 30 acres shall have the right, subject to the approval of and permitting by all appropriate governmental authorities, to have and maintain no more than two (2) producing water wells on the Tract for the Owner's personal and domestic consumption in connection with the ownership of that Tract. No well shall be fixed with a pump that exceeds a pump rate of 15 gallons per minute. In the event the well or wells authorized by this section do not provide sufficient amounts of water for the Owner's personal and domestic consumption, the Board may allow an additional well or wells as reasonably required so long as the aggregate production of those wells does not exceed 15 gallons per minute (or 30 gallons per minute if the Tract exceeds 30 acres). Each Owner is strictly

prohibited from selling any water commercially from any well, but the Owner shall have the right to sell an undivided interest in a well to no more than two neighboring Owners for the personal and domestic consumption of the water by such neighboring Owners. The drilling and operation of any well shall meet the approval of all federal, state, county, or municipal regulatory authorities entitled by law to approve, regulate, or supervise same, and obtaining such approval and the cost thereof shall be the sole responsibility of the Owner.

**(b) Declarant makes no representation or warranty of any kind, express or implied, with respect to: (1) whether the Owner will be allowed by appropriate governmental authorities to drill a water well; (2) whether water will be found on any Tract; (3) the quantity of water available to any Tract now or in the future; (4) whether any water found on any Tract will be potable (safe to drink). Each Owner acknowledges that the Property is located in an arid region and that the topography of any given Tract may effect the availability, quality, or quantity of any water.**

**(c) If an Owner is unsuccessful in completing a water well on a Tract, the Owner may, to the extent allowed by applicable law, connect to one of the water wells owned by Declarant (or, if applicable, the Association). The Owner shall bear all cost and expense of the connection, including but not limited to all water lines, storage tanks, pumps, and fittings. The Owner may use the water only for personal and domestic consumption in connection with ownership of the Tract. Owner shall pay to Declarant (or, if applicable, the Association) on the first day of each month a monthly charge for water as established from time to time by Declarant (or, if applicable, the Association). The charge for such water shall be initially \$25 per month.**

4.15 Impoundment of Surface Water. No party may impound water in lakes or ponds which would violate any applicable law or could affect the safety or do harm to life and property down stream should the impoundment break. All stock tanks must be approved by the ARC. Typical stock tanks with a surface area of not greater than five percent (5%) of the surface of the entire Tract.

4.16 Antenna. No microwave dishes, radio, citizen band or otherwise, or television axial wires or antennas (except no more than two antennas for Ham radios not exceeding twenty-five (25) feet in height and located in a location approved by the ARC) shall be maintained on any portion of any Tract, or in the common area, except direct broadcast satellite (DBS) antennae less than one meter in diameter, multichannel multipoint distribution system (MMES) antennae less than one meter in diameter, or television broadcast antennae, which Owner shall screen from view as much as possible without impairing the installation, maintenance or use. All matters set forth in this provision require the express approval, in advance, of the ARC, which shall be exercised in conformity with the rules of the Federal Communications Commission.

4.17 Solar Panels. Solar panels or any other solar apparatus, other than a solar cell utilized to open an entry gate, must be screened from public view.

4.18 Building Codes. All construction will comply with the Building Code, any other applicable building codes or fire codes, and any other applicable laws, ordinances or regulations of any governmental body or agency.

4.19 Storage Tanks. Propane and other storage tanks shall be screened from public view with stone, stucco, or other masonry material approved by the ARC.

## ARTICLE 5 MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

5.1 Control by Declarant. So long as Declarant owns at least two (2) Tracts, and notwithstanding any provision of the Bylaws to the contrary, Declarant shall, at Declarant's option, have exclusive control of the Association by being the sole voting Member. Declarant may, at any time and at Declarant's option, turn over control of the Association to the Members by filing an instrument to that effect in the Real Property Records of Brewster County, Texas. At the point in time that Declarant owns less than two (2) Tracts, control shall be delivered to the Members without the need for any further act or action on the part of Declarant. At such time as Declarant cedes control of the Association to the Members, or at such earlier time as Declarant may choose, Declarant shall also deed to the Association title to the Roads and any other common elements owned by Declarant.

5.2 Membership and Voting. (a) Subject to paragraph 5.1 above, every person or entity who is a record owner of a fee interest in any Tract shall be a Member of the Association. The foregoing is not intended to include persons or entities who hold an interest in a Tract merely as security, unless such persons or entities acquire title to a Tract through judicial or non-judicial foreclosure, or deed in lieu of foreclosure. Membership shall be appurtenant to and may not be separated from ownership of any Tract. Ownership of such Tract shall be the sole qualification for membership. When more than one person holds a membership interest in any Tract, all such persons shall be Members, and the vote for such Tract shall be exercised as they, among themselves, determine, but in no event shall more than one (1) vote be cast with respect to any Tract.

(b) Upon acquiring a Tract, the owner thereof shall promptly notify the Association, in writing, of the owner's name, physical address (not just a post office box), telephone number, and the identity of the Tract acquired.

5.3 Suspension of Voting Rights. All voting rights of an Owner may be suspended by the Board of Directors during any period in which such Owner is delinquent in the payment of any duly established assessment or is otherwise in default and/or violation of these Restrictions or under the Bylaws or rules and regulations of the Association.

5.4 Registration with the Association. In order that Declarant and the Association can properly determine voting rights and acquaint every Tract purchaser and every Owner with these Restrictions and the day-to-day matters within the Association's jurisdiction, each Owner shall have an affirmative duty and obligation to originally provide, and thereafter revise and update, within

fifteen (15) days after a material change has occurred, various items of information to the Association such as: (a) the full name and address of each Owner; (b) the business address, occupation and telephone number of each Owner; (c) the description and license plate number of each automobile owned or used by a Owner and brought within the Property; (d) the name, address and telephone numbers of other local individuals who can be contacted (in the event the Owner cannot be located) in case of an emergency; and (e) such other information as may be reasonably requested from time to time by the Association. In the event any Owner fails, neglects or refuses to so provide, revise and update such information, then the Association may, but is not required to, use whatever means it deems reasonable and appropriate to obtain such information and the offending Owner shall become automatically jointly and severally liable to promptly reimburse the Association for all reasonable costs and expenses incurred in so doing.

## ARTICLE 6

### MAINTENANCE BY AND OTHER ACTIVITIES OF ASSOCIATION

#### 6.1 Area to be Maintained.

- (a) It shall be the responsibility of the Association to maintain or cause to be maintained: (1) the entry signs into the Property and related landscaping and improvements; (2) the entry gates into the Property; (3) the Roads; and (4) any other common elements owned or controlled by the Association..
- (b) Notwithstanding subpart (a) above, until the date that is the earlier of (1) the date that Declarant has sold twenty (20) Tracts or (2) the date that is three (3) years after the effective date of this Declaration, Declarant will pay up to \$5,000 per year of the costs of the maintenance described in subpart (a) above, and shall be entitled to dollar for dollar reimbursement from the Association for all such costs up to, but not more than, the total amount of assessments received by the Association during such period. Declarant may contract to have maintenance done by a third party contractor or Declarant may utilize Declarant's own equipment and employees or those of related entities and charge for the maintenance work done (in which case Declarant agrees that the charge for such maintenance work will be competitive with the charges of local third party contractors).

6.2 Easement for Use and Maintenance. Declarant and the Association shall have an easement upon and across all affected Tracts for the use and maintenance of the common properties described in section 6.1 and, as may be reasonably required, upon and across all Tracts adjoining said common properties, and there is hereby granted and reserved to Declarant and the Association an easement for those purposes. Declarant, the Association, and any officer or agent thereof shall not be guilty of trespass because of such entry.

6.3 Easement for Use and Maintenance of Entrance Road. The Association shall have an easement upon and across the Entrance Road for the use, maintenance, general upkeep and repair thereof.

6.4 Wildlife Management Plan. The Association may adopt a Wildlife Management Plan for the purpose of promoting wildlife conservation on the Property. A Wildlife Management Plan, if adopted, may impose certain further restrictions and burdens on an Owner's Tract. If adopted, the Wildlife Management Plan may be terminated at the discretion of the Association. This provision shall not preclude two or more Owners from developing their own plan or from forming a Wildlife Conservation Association of their own.

6.5 Easement for Association Cure of Violations. If, pursuant to section 13.2 or 13.3, the Association intends to cure an Owner's violation of the Restrictions, the Association shall have an easement across the Owner's Tract for purposes of curing the violation. [FOR EXAMPLE ONLY: If an Owner dumps rubbish and debris on the Owner's Tract and refuses to remove it after notice pursuant to section 13.2 or 13.3, the Association may enter upon the Tract, remove the rubbish, and charge the cost to the Owner.]

## ARTICLE 7 COVENANT FOR ASSESSMENT

7.1 Creation of the Lien and Personal Obligation of Assessment. Each Owner of any Tract, other than Declarant, by acceptance of the deed therefor, whether or not it shall be so expressed in the deed, hereby covenants and agrees to pay to the Association regular assessments and special assessments as provided for in this Declaration, and covenants to the enforcement of payment of the assessments and the lien of the Association as hereinafter provided. Such assessments shall be fixed, established, and collected from time to time as provided by the Association. The regular and special assessments, together with any interest thereon and costs of collection thereof, including reasonable attorney's fees, shall be a charge upon the Tract and a continuing lien upon the Tract against which each such assessment is made. Each such assessment, together with any interest and costs of collection thereof, including reasonable attorney's fees, shall also be a personal obligation of the Owner of the Tract at the time when the assessment became due. Such personal obligation shall not pass to the Owner's successors in title unless expressly assumed by them, but shall pass as a lien upon the applicable Tract. No Tract shall be assessed until conveyed by Declarant to an Owner. A Tract or Tracts owned by Declarant may be assessed at such time as Declarant owns no more than two (2) Tracts.

7.2 Purpose of Assessments. The assessments levied by the Association shall be used for the purpose of promoting the recreation, health, safety, enjoyment and welfare of the residents in the Property, for the improvement and maintenance of the Roads and any other capital improvements owned or controlled by the Association, implementing, maintaining, and enforcing any Wildlife Management Plan adopted by the Association, establishing and maintaining repair and replacement reserves as determined by Declarant or the Association, and any other purpose reasonable, necessary, or incidental to such purposes as determined by the Board.

7.3 Regular Assessments. The regular assessments shall be based upon the cash requirements, as the Board shall from time to time determine, necessary to provide for the payment of all estimated expenses arising out of or connected with the purposes described above. The regular assessments may be due monthly, quarterly, or annually, as determined by the Board from time to time. The Board may increase, decrease, or cease regular assessments at any time and from time to time. Assessments will be made initially in accordance with Exhibit E attached hereto and incorporated herein by this reference.

7.4 Special Assessments. Upon vote of the Board or the Members as set forth in the Bylaws, the Association may levy, in addition to the annual assessments, one or more special assessments in any calendar year applicable to that year only: (a) applicable to all Owners, for the purpose of defraying in whole or in part the costs of construction, reconstruction, repair or replacement of a capital improvement or Road or otherwise, including necessary fixtures and personal property related thereto, or for such other lawful purposes related to the use and maintenance of the Property as the Board or Members may determine; (b) applicable only to a particular Owner (or Owners), for the purpose of defraying the costs of reconstruction, repair or replacement of a capital improvement or Road, including necessary fixtures and personal property related thereto, in the event a particular Owner (or Owners) has taken any action or has failed to take action which has resulted in damage to, or extraordinary wear and tear of, a capital improvement or Road; and (c) applicable only to a particular Owner (or Owners), to reimburse the Association for expenditures made pursuant to section 13.2 or 13.3.

7.5 The Effect of Non-Payment of Assessments: Remedies of the Association. Each Owner shall be deemed to covenant and agree to pay to the Association the assessments provided for herein, and each agrees to the enforcement of the assessments in the manner herein specified. In the event the Association employs attorneys for collection of any assessment, whether by suit or otherwise, or to enforce compliance with or specific performance of the terms and conditions of this Declaration, each Owner against whom collection or enforcement or other action is taken agrees to pay reasonable attorney's fees and costs thereby incurred in addition to any other amounts due or any other relief or remedy obtained against said Owner. In the event of a default in payment of any such assessment when due, the assessment shall be deemed delinquent, and in addition to any other remedies herein or by law provided, the Association may enforce each such obligation in any manner provided by law or in equity, specifically including:

(a) Enforcement By Suit. The Board may cause a suit at law to be commenced and maintained in the name of the Association against an Owner to enforce each such assessment obligation. Any judgment rendered in any such action shall include the amount of the delinquency, together with interest thereon at the highest legal rate from the date of delinquency, plus court cost, and reasonable attorney's fees.

(b) Enforcement by Lien. There is, to the full extent permitted by law, hereby created and granted a lien, with power of sale, on each Tract to secure payment to the Association of any and all assessments levied against all Owners of such Tracts under these Restrictions, together

with interest thereon at the highest legal rate from the date of delinquency, and all costs of collection which may be paid or incurred by the Association in connection therewith, including reasonable attorney's fees. At any time after the occurrence of any default in payment of any such assessment, the Association, or any authorized representative, may, but shall not be required to, make a written demand for payment to the defaulting Owner, on behalf of the Association. The demand shall state the date and the amount of the delinquency. Each default shall constitute a separate basis for a demand or claim of lien, but any number of defaults may be included within a single demand or claim of lien. If such delinquency is not paid after delivery of such demand, or even without such a written demand being made, the Board may elect to file a claim of lien on behalf of the Association against the defaulting Owner. Such a claim of lien shall be executed and acknowledged by any officer of the Association, and shall contain substantially the following information:

- (1) The name of the delinquent Owner;
- (2) The legal description and, if applicable, street address of the Tract against which the claim of lien is made;
- (3) The total amount claimed to be due and owing for the amount of the delinquency, interest thereon, collection costs, and reasonable attorney's fees; and
- (4) That the claim of lien is made by the Association pursuant to the Restrictions.

Notwithstanding the foregoing, it is expressly intended that the lien herein described shall immediately attach and become effective in favor of the Association as a lien upon any Tract against which an assessment is levied regardless of whether any demand is made or claim of lien filed. Such a lien shall have priority over all liens or claims created subsequent to the recordation of the claim of lien thereof, except only tax liens for real property taxes on any Tract assessments in favor of any municipal or other governmental assessing unit, and the liens which are hereinafter specifically described in subpart (b)(5) below. Any such lien may be foreclosed by appropriate action in court or in the manner provided by law for the foreclosure of a deed of trust or other contracted lien with power of sale as set forth by the laws of the State of Texas, as the same may be changed or amended. The lien provided for herein shall be in favor of the Association and all other Tract Owners. The Association shall have the power to bid in at any foreclosure sale and to purchase, acquire, hold, lease, mortgage, and convey any Tract. In the event such foreclosure is by action in court, reasonable attorney's fees, court costs, title search fees, interest, and all other costs and expenses shall be allowed to the extent permitted by law. Each Owner, by becoming an Owner of a Tract, hereby expressly waives any objection to the enforcement and foreclosure of this lien in this manner.

(5) Subordination of the Lien to Mortgages. The lien described herein shall be subordinate to any first deed of trust lien on a Tract which was recorded before the delinquent assessment became due and any deed of trust home equity lien or lien for improvements on a Tract which was recorded before the delinquent assessment became due.

ARTICLE 8  
ADMINISTRATION AND MANAGEMENT

8.1 Rules and Regulations. The Association shall have the right to promulgate and publish rules and regulations with which each Member shall strictly comply.

8.2 Governing Documents. The administration of the Property shall be governed by these Restrictions, the Bylaws, and any rules and regulations of the Association as published from time to time.

8.3 Evidence of Compliance with Declaration. Records of Declarant or the Association with respect to compliance with this Declaration shall be conclusive evidence as to all matters shown by such records. A certificate of completion and compliance issued by Declarant or the secretary of the Association stating that the improvements to a Tract were made in accordance with this Declaration, or a certificate as to any matters relating to this Declaration issued by Declarant or the secretary of the Association, shall be conclusive evidence that shall justify and protect any title company insuring title to any portion of the Property and shall fully protect any purchaser or lender in connection therewith.

8.4 Association Insurance. The Association shall be vested with the authority to obtain property insurance, comprehensive public liability insurance, and errors and omissions insurance on behalf of the directors, officers, managers and employees. The Association has the power to assess for the cost of insurance obtained by the Association.

8.5 Personal Property for Common Use. The Association may acquire and hold property, tangible and intangible, real and personal, in the name of the Association, for the use and benefit of all Members and may dispose of the same by sale or otherwise. The beneficial interest in any such property shall be owned by the Members, and their interest therein shall not be transferable; however, the interest of a Member shall be deemed to be transferred upon the transfer of title to the Member's Tract, including foreclosure.

ARTICLE 9  
PROPERTY RIGHTS OF DECLARANT

So long as Declarant owns any interest in the Property, Declarant hereby specifically excepts, excludes, and reserves the following rights and interests in the Property:

9.1 Amendments. So long as Declarant owns at least two (2) Tracts, Declarant shall have the right to amend this Declaration and each amendment shall apply to all of the Property, whether owned by Declarant or not.

9.2 Revision. Declarant reserves the right to revise the acreage and configuration of Tracts owned by Declarant, to change any building lines or setback lines, or change the course or size of easements or roads so long as Declarant holds legal title to the affected Tracts.

9.3 Sales and Construction Activities. Declarant shall have the right to maintain sales and administrative offices, construction offices or trailers, model homes, and parking facilities, storage facilities, and signs on the Property and to conduct sales activities on the Property as long as Declarant owns at least two (2) Tracts.

9.4 Construction Work by Declarant. Declarant shall have the right to construct and complete the construction of Roads and any other common improvements on the Property. In connection therewith, Declarant reserves the right to use, occupy, and excavate the surface and subsurface of the ground for the erection, construction, and installation of said improvements including, but not limited to, the right to locate, install, maintain, and repair all utilities and utility lines, whether temporary or permanent, necessary for Declarant's construction, reconstruction, maintenance, and operation. Declarant also reserves the right to extend the Roads located or to be located on the Property to other property. Declarant, in addition, reserves the right to convey to any county, water district, sanitary sewer district, or other municipal or quasi municipal corporation all sewer lines and mains, water lines and mains, and any other utilities constructed or to be constructed on the Property, together with suitable rights-of-way over said lands for the required maintenance, repair, replacement, and operation thereof. The foregoing rights reserved by Declarant do not impose on Declarant the obligation to construct or install any improvements of any kind; specifically, but without limitation, Declarant has no obligation to provide any utilities to any Tract.

9.5 General Easements for Declarant. Declarant, so long as it shall retain record title to at least two (2) Tracts, reserves for itself and for the Association the right and easement to the use of any Tract, or any portion thereof, as may be needed for repair, maintenance, or construction on any of the Property in accordance with these Restrictions.

9.6 Easements for Declarant's Water Storage Tanks, Water Lines and Other Utilities. Declarant reserves ownership of the Well Sites and all windmills, water storage tanks, associated pumps, above and below ground water lines, and all other equipment and lines related thereto (including electric lines), to the extent such improvements exist as of the date hereof or are hereafter installed by Declarant and other utility lines of every kind owned by Declarant, now or in the future, on or under any part of the Property. Declarant shall have and there is hereby reserved to Declarant an easement over and across all of the Property for access to the Well Sites and the use, maintenance, and replacement of all of Declarant's windmills, water storage tanks, associated pumps, above and below ground water lines, and all other equipment and lines related thereto (including electric lines) and other utility lines of every kind, whether located on the Well Site or elsewhere.

9.7 Road Easement for Declarant. Declarant reserves an easement over and across the Property for the use of the Roads and any other existing roads and rights-of-way on the Property.

9.8 Grazing Lease and Easement for Grazing. Each Owner hereby leases to Declarant or its assigns or sublessees for livestock grazing, for the sum of One Dollar (\$1.00) per calendar year (or part thereof if less than a year), any unfenced portion of any Tract. In addition, Declarant reserves an exclusive livestock grazing easement over and across each Tract for the purpose of grazing the livestock of Declarant or its assigns on any unfenced portion of any Tract. Until an

Owner fences the Owner's Tract, no Owner may lease the Tract to any other party for grazing. Declarant shall have no liability to any Owner for grass and other plants consumed by such livestock or damage caused by such livestock. The lease and easement described in this section may be assigned or sublet by Declarant and shall terminate on the earlier of notice of termination from Declarant or at such time as Owner has fenced the Tract.

ARTICLE 10  
OTHER EASEMENTS AND RIGHTS

10.1 Roads, Utility, and other Easements.

- (a) **An easement for egress and ingress is hereby reserved to Declarant, the Association, all Owners, and each of their respective authorized employees and agents, family members, and authorized guests, over and across all of the Roads.** No Owner may deny, limit, impair, restrict, or otherwise interfere in any way with the use of the Roads by Declarant, the Association, any Owner, or any of their respective authorized employees and agents, family members, and authorized guests.
- (b) Without limiting the foregoing, it is understood that Declarant may at any time and from time to time develop along or adjacent to the Entrance Road commercial developments and use the Entrance Road to serve those commercial developments.
- (c) Declarant will bring an underground electric line and an underground telephone line to the utility easement adjacent to each Tract. Each Owner will be responsible for bringing electricity and telephone service from such point to the Residence. A utility easement fifteen feet (15') in width is hereby reserved to the Declarant and Association inside and along the property lines of each Tract (that is, each Tract shall be burdened with a utility easement 15' in width measured from the property line and then 15' into each Tract and running parallel to the property line). In the event topography necessitates or makes desirable a route for utilities other than within the 15' easement described above, Declarant and the Association shall each have the right to use such other route as is reasonable, and an easement for such route, once recorded by Declarant or the Association, shall be binding on all Owners of the affected Tract. The utility easements described herein shall be for the purpose of installation and maintenance of possible utilities, above or below ground (or both) including electricity, telephone, TV cable, water, sewer, and natural gas lines, for the purpose of drainage and erosion and water control, and for any other purpose deemed by Declarant or the Association to be beneficial to the Property as a whole. Nothing contained herein shall be construed as imposing upon Declarant or the Association any obligation to provide any utilities or services. Furthermore, Declarant reserves the right to

sell, lease, license, or assign, in whole or in part, such easements and to otherwise negotiate as to such lines, utilities, or other facilities for the providing of services by a municipality, governmental agency, or other private or public service corporation. **Except the Declarant's obligation set forth in the first sentence of this Section 10.1 (b), each Owner shall be responsible for, and shall pay for, the installation and maintenance of all utilities to the Owner's Tract and Declarant does not warrant or guaranty the availability of utilities or the economic feasibility of bringing utilities to any Tract.**

- (d) On, over, and across each Tract, upon which is now or hereafter constructed (or replaced) all or any part of any common gate or common entryway into the Property, there is hereby reserved to Declarant and the Association an easement for the construction, maintenance, repair, and replacement of all common gate and common entryway improvements including, but not limited to, gates, poles and posts associated therewith, motors and electrical lines associated therewith, irrigation systems and water lines, brick, stone, metal, or other decorative fences, walls, planters, or other improvements, landscaping, and similar common gate or common entryway improvements. **Further, each Owner acknowledges and agrees that all emergency services such as, but not limited to, fire, police, and ambulance service, shall be granted emergency access through all common gates.**

10.2 Maintenance Easement for Utilities. An easement of ingress and egress is hereby granted on and across all Tracts in favor of Declarant and the Association for the purpose of repair, construction, and maintenance of all utility lines; provided, however, no new utility line may be constructed and no existing utility line may be relocated without the prior approval of the Association.

10.3 Perpetual Easements. All easements reserved or created in any part of this Declaration for the benefit of Declarant or the Association are perpetual. All easements reserved or created herein for the benefit of Declarant may be granted or assigned by Declarant, in whole or in part, on an exclusive or nonexclusive basis, to any third party. Utility easements reserved or created herein for the benefit of the Association may be granted or assigned by the Association, in whole or in part, on an exclusive or nonexclusive basis, to any public utility or utilities.

## ARTICLE 11 INSURANCE AND INDEMNIFICATION

11.1 Insurance Requirements Generally. The Association shall obtain and maintain in full force and effect commercial general liability insurance and such other insurance as it deems necessary or desirable. All such insurance shall be obtained from responsible companies duly

authorized and licensed to do business in the State of Texas. To the extent possible, the insurance shall:

(a) Provide for a waiver of subrogation by the insurer as to claims against the Association, its directors, officers, employees, agents and Members; and

(b) Provide that the policy of insurance shall not be terminated, canceled, or substantially modified without at least thirty (30) days prior written notice to the Association.

Any insurance policy may contain such deductible provisions as the Board deems consistent with good business practice. The cost and expense of all insurance obtained by the Association shall be paid out of Association funds.

11.2 Indemnification. Each officer, director, ARC or other committee member, or agent of the Association shall be indemnified by the Association against all expenses and liabilities, including attorney's fees, reasonably incurred by or imposed upon him in any proceeding to which he may be a party, or in which he may become involved, by reason of his being or having been an officer, director, committee member, or agent of the Association; provided, however, that (a) in the case of Declarant or any affiliate entity of Declarant, or any officer, director, or employee of Declarant or any affiliate, this indemnification shall not apply if Declarant or any affiliate or the indemnified officer, director, or employee of Declarant or any affiliate is adjudged guilty of gross negligence or malfeasance in the performance of its or his obligations hereunder, and (b) in the case of any other indemnified party, this indemnification shall be applicable only as set forth in the Bylaws of the Association.

## ARTICLE 12 PROTECTION OF MORTGAGEES

12.1 Notice to Association. An Owner who mortgages his Tract shall notify the Association, giving the name and address of the mortgagee. Each mortgagee shall be permitted to notify the Association of the fact that such mortgagee holds a deed of trust or mortgage on a Tract. The Association shall maintain a record of such information.

12.2 Examination of Books. The Association shall permit first or second mortgagees to examine the books and records of the Association during normal business hours.

## ARTICLE 13 GENERAL PROVISIONS

13.1 Term of and Amendment to Restrictions. The provisions hereof, including the Restrictions, shall run with the Property and be binding on each Owner for a period of thirty (30) years from the date hereof, at which time all provisions shall be automatically extended for successive periods of ten (10) years, unless prior to the expiration of any such initial period or extended period, Declarant and at least seventy-five percent (75%) of the other Owners shall have

executed and recorded an instrument to become operative at the expiration of the particular period. So long as Declarant owns at least two (2) Tracts, these Restrictions may be amended or revoked only by Declarant, and no other Owner shall have a vote regarding amendment or revocation. After Declarant no longer owns at least two (2) Tracts, these Restrictions may be amended with the consent of seventy-five percent (75%) of the Tract Owners, with each Tract being entitled to one (1) vote.

13.2 Complaints by Owner. If any Owner believes any other Owner is in violation of this Declaration, he or she may so notify such Owner in writing, explaining the reasons for such complaint. If the Owner fails to remedy the alleged violation in ten (10) days after delivery of such notice, a complaint may be transmitted in writing to the President of the Association, who shall thereupon notify the Board. The Board shall have the right (but not the obligation or duty) to institute appropriate legal action, at law or in equity, to enforce this Declaration, and may recover its reasonable expenses, including attorney's fees. Without limiting the foregoing, the Association may take such other action as it deems necessary to cure the Owner's violation and the cost expended by the Association in doing so shall be a charge and lien upon the subject Tract.

13.3 Complaints by Association. If the Association believes any Owner is in violation of this Declaration, it shall so notify such Owner in writing, explaining its reason for such complaint. If the Owner fails to remedy the alleged violation within ten (10) days following delivery of such notice, then the Association shall have the right (but not the obligation or duty) to institute appropriate legal action, at law or in equity, to enforce this Declaration, and may recover its reasonable expenses, including attorney's fees. Without limiting the foregoing, the Association may take such other action as it deems necessary to cure the Owner's violation and the cost expended by the Association in doing so shall be a charge and lien upon the subject Tract.

13.4 Waiver of Enforcement. Waiver of enforcement of any provision of this Declaration shall be limited to that particular provision which is waived, in writing, as to a particular matter as it relates to a particular Tract, and shall not be construed to be a waiver of any other provision of this Declaration.

13.5 Effect of Ordinances. Police, fire, and other public safety ordinances of any governmental corporation or unit having jurisdiction over any portion of the Property shall govern where more restrictive than this Declaration.

13.6 Bylaws. To the extent of any conflict between this Declaration and the Bylaws, this Declaration shall control.

13.7 Severability. Invalidation of any provision of this Declaration by judgment or court decree shall in no way affect any other provisions which shall remain in full force and effect. Nothing herein shall be in conflict with Texas homestead law. Should a provision herein be in conflict, Texas homestead law shall apply. All other provisions shall remain in full force and effect.

13.8 Dispute Resolution between Owners. (a) Each Owner agrees that if any dispute arises between such Owner and Declarant, the Association, or the ARC as to any matter arising out of or related to this Declaration, then before proceeding with any legal action the parties shall, with reasonable promptness, arrange a mutually agreeable time for a face-to-face meeting between fully authorized representatives to seek to resolve the dispute in a mutually acceptable manner.

(b) If the meeting described in (a) above fails to resolve the dispute or fails to occur, then said parties shall agree to promptly submit the dispute to mediation in Brewster County, Texas before a single attorney mediator practicing law in Brewster County, Texas (or any surrounding county) chosen by Declarant or the Association, as the case may be, and approved by the Owner within the Owner's reasonable discretion.

(c) If the mediation described in (b) above fails to resolve the dispute or fails to occur, then subject to 13.3 above and subpart (i) below, upon demand by either party the parties shall submit to binding arbitration all disputes between or among them arising out of or relating to this Agreement.

(d) Any arbitration proceeding in accordance with (c) above will (i) proceed in a location in Brewster County, Texas (or any surrounding county) selected by the American Arbitration Association ("AAA"); (ii) be governed by the Federal Arbitration Action (Title 9 of the United States Code), notwithstanding any conflicting choice of law provision in any of the documents between the parties; and (iii) be conducted by the AAA, or such other administrator as the parties shall mutually agree upon, in accordance with the AAA's commercial dispute resolution procedures (the commercial dispute resolution procedures to be referred to as the "Rules"). If there is any inconsistency between the terms hereof and the Rules, the terms and procedures set forth herein shall control. Any party who fails or refuses to submit to arbitration following a proper demand by any other party shall bear all costs and expenses incurred by such other party in compelling arbitration of any dispute.

(e) The arbitrator will determine whether or not an issue is arbitratable and will give effect to the statutes of limitation in determining any claim. In any arbitration proceeding the arbitrator will decide (by documents only or with a hearing at the arbitrator's discretion) any pre-hearing motions which are similar to motions to dismiss for failure to state a claim or motions for summary adjudication. The arbitrator shall resolve all disputes in accordance with the substantive law of Texas and may grant any remedy or relief that a court of such state could order or grant within the scope hereof and such ancillary relief as is necessary to make effective any award. The arbitrator shall also have the power to award recovery of all costs and fees, to impose sanctions and to take such other action as the arbitrator deems necessary to the same extent a judge could pursuant to the Federal Rules of Civil Procedure, the Texas Rules of Civil Procedure or other applicable law. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction. The institution and maintenance of an action for judicial relief by Declarant or the Association or pursuit of a provisional or ancillary remedy by Declarant or the Association shall not constitute a waiver of the right of to submit the controversy or claim to arbitration if any other party contests such action for judicial relief.

(f) In any arbitration proceeding discovery will be permitted in accordance with the Rules. All discovery shall be expressly limited to matters directly relevant to the dispute being arbitrated and must be completed no later than twenty (20) days before the hearing date and within ninety (90) days of the filing of the dispute with the AAA. Any requests for an extension of the discovery periods, or any discovery disputes, will be subject to final determination by the arbitrator upon a showing that the request for discovery is essential for the party's presentation and that no alternative means for obtaining information is available.

(g) The arbitrator shall award all costs and expenses of the arbitration proceeding.

(h) To the maximum extent practicable, the AAA, the arbitrators, and the parties shall take all action required to conclude any arbitration proceeding within one hundred and twenty (120) days of the filing of the dispute with the AAA. No arbitrator or other party to an arbitration proceeding may disclose the existence, content or results thereof, except for disclosures of information by a party required in the ordinary course of its business or by applicable law or regulation. If more than one agreement for arbitration by or between the parties potentially applies to a dispute, the arbitration provision most directly related to the Declaration or the subject matter of the dispute shall control.

(i) Notwithstanding the foregoing, this section 13.8 shall not preclude the Declarant or the Association from exercising its rights pursuant to section 13.3 or from seeking, in an appropriate court of law, an injunction or temporary restraining order otherwise designed to enforce against any such compliance with, and prohibit any further violation(s) of, this Declaration.

13.9 Additional Property. Declarant may at any time subject additional land to this Declaration and the Restrictions by filing an amendment or supplement to this Declaration covering the additional land and declaring it to be subject hereto. Unless the additional land is an easement interest or common use area, the land covered by the amendment to this Declaration shall be deemed to be a Tract or Tracts, as described in the amendment or supplement, and part of the Property and each owner of the additional land shall be deemed an Owner, and entitled to membership in the Association, in accordance with the terms of this Declaration.

EXECUTED to be effective the date first written above.

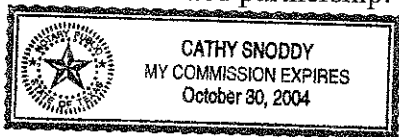
SIERRA LA RANA, LTD., a Texas limited partnership

By: JH-Del-GP, Inc., a Delaware corporation, its  
general partner

By: [Signature]  
Name: MICHAEL B. EVANS  
Title: PRESIDENT

THE STATE OF TEXAS §  
§  
COUNTY OF TARRANT §

This instrument was acknowledged before me on JAN 27<sup>th</sup>, 2004, by  
MICHAEL B. EVANS, PRESIDENT of JH-Del-GP, Inc., a  
Delaware corporation, the sole general partner of Sierra la Rana, Ltd., a Texas limited partnership  
on behalf of the limited partnership.



[Signature]  
Notary Public, State of Texas

My Commission Expires:

OCT 30 2004

Printed Name of Notary:

CATHY SNODDY

AFTER RECORDING RETURN TO:

Kendall D. Adair, Esq.  
Harris, Finley & Bogle, P.C.  
777 Main Street, Suite 3600  
Fort Worth, Texas 76102-5341

Exhibit List

- Exhibit A - Legal Description of Tracts
- Exhibit B - Drawing of the Property
- Exhibit C - Legal Description of the Entrance Road
- Exhibit D - Legal Description of Sierra la Rana Roads
- Exhibit E - Initial Assessments
- Exhibit F - Legal Description of Well Sites

Exhibit A

[Legal Description of Tracts]

*See Attached 59 Pages*

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 12.234 ACRES

## Tract 1

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northeast corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears N 29°50'20"W 596.01 feet and S 62°12'05" W 1103.99 feet.

THENCE S 29°50'20" E 902.91 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 60°09'40" W 508.12 feet to an iron pin set for the Southwest corner of this tract.

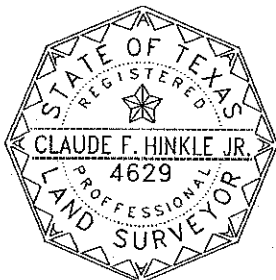
THENCE N 29°50'20" W 320.00 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 42°59'60".

THENCE with the arc of the said curve 375.25 feet, the long chord of which bears N 51°20'20" W 366.50 feet, for the PT of the said curve.

THENCE N 72°50'20" W 330.78 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 60°09'40" E 868.04 feet to the POINT OF BEGINNING, containing 12.234 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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# AUSTIN SURVEYORS

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Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 20.686 ACRES Tract 2

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the North line of the above mentioned 11518.11 acre tract for the Northwest corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears S 62°12'05" W 1103.99 feet.

THENCE N 62°12'05" E with the north line of the said 11518.11 acre tract 605.88 feet to an iron pin set for the Northeast corner of this tract.

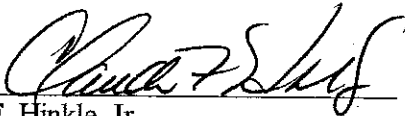
THENCE S 29°50'20" E 1477.36 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 60°09'40" W 605.50 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 29°50'20" W 1498.93 feet to the POINT OF BEGINNING, containing 20.686 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
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R.P.L.S. No. 4629

Date

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(512) 454-6605

Accompaniment to plat 1176-ph1A

**FILE NOTES FOR 22.890 ACRES  
TRACT 3**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the North line of the above mentioned 11518.11 acre tract for the Northwest corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears S 62°12'05" W 1709.87 feet.

THENCE N 62°12'05" E with the north line of the said 11518.11 acre tract 650.41 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 29°50'20" E 1672.42 feet to an iron pin set for the Southeast corner of this tract.

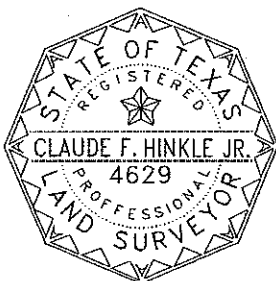
THENCE S 89°09'40" W 320.80 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 29°00'00".

THENCE with the arc of the said curve 253.07 feet, the long chord of which bears S 74°39'40" W 250.38 feet, to an iron pin set for the PT of the said curve.

THENCE S 60°09'40" W 127.01 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 29°50'20" W 1477.36 feet to the POINT OF BEGINNING, containing 22.890 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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R.P.L.S. No. 4629

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P.O. BOX 180243  
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(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 24.526 ACRES**  
**Tract 4**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the North line of the above mentioned 11518.11 acre tract for the Northwest corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears S 62°12'05" W 2360.28 feet.

THENCE N 62°12'05" E with the north line of the said 11518.11 acre tract 600.38 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 29°50'20" E 1827.31 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°43'09" W 258.96 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 22°26'31".

THENCE with the arc of the said curve 195.84 feet, the long chord of which bears S 77°56'24" W 194.59 feet, to an iron pin set for the PT of the said curve.

THENCE S 89°09'40" W 180.00 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 29°50'20" W 1672.42 feet to the POINT OF BEGINNING, containing 24.526 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 24.532 ACRES**  
**Tract 5**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the North line of the above mentioned 11518.11 acre tract for the Northwest corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears S 62°12'05" W 2960.66 feet.

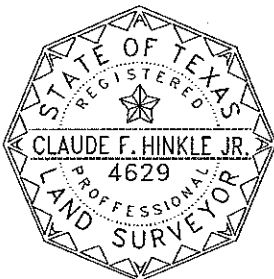
THENCE N 62°12'05" E with the north line of the said 11518.11 acre tract 613.17 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 27°40'51" E 1869.16 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°43'09" W 545.97 feet to an iron pin set for the Southwest corner of this tract

THENCE N 29°50'20" W 1827.31 feet to the POINT OF BEGINNING, containing 24.532 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 32.440 ACRES**  
**Tract 6**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the North line of the above mentioned 11518.11 acre tract for the Northwest corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears S 62°12'05" W 3573.83 feet.

THENCE N 62°12'05" E with the North line of the said 11518.11 acre tract 854.90 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 27°47'32" E 1066.33 feet to an iron pin set for an angle point of this tract.

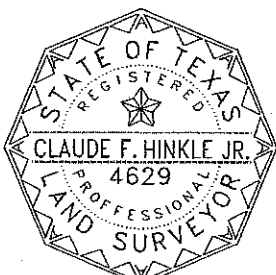
THENCE S 03°47'08" W 1036.20 feet to an iron pin set for the Southeast corner of this tract and the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 27°03'59".

THENCE with the arc of the said curve 236.20 feet, the long chord of which bears S 80°15'08" W 234.01 feet, to an iron pin set for the PT of the said curve.

THENCE S 66°43'09" W 93.72 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 27°40'51" W 1869.16 feet to the POINT OF BEGINNING, containing 32.440 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 55.628 ACRES**  
**Tract 7**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the North line of the above mentioned 11518.11 acre tract for the Northwest corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears S 62°12'05" W 4428.73 feet.

THENCE N 62°12'05" E with the North line of the said 11518.11 acre tract 1059.23 feet to an iron pin set in a rock mound found in the North corner of the above mentioned Section 112 and the West corner of Section 113 for the Northeast corner of this tract

THENCE S 27°49'28" E 2043.08 feet to an iron pin set for an angle point of this tract.

THENCE S 10°40'58" W 764.98 feet to an iron pin set for the South corner of this tract.

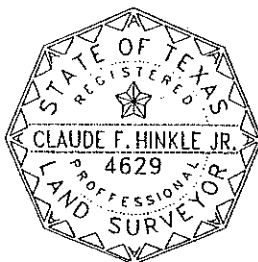
THENCE N 86°12'52" W 879.39 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 03°47'08" E 1036.20 feet to an iron pin set for an angle point of this tract.

THENCE N 86°12'52" W 443.52 feet to an iron pin set for an angle point of this tract.

THENCE N 27°47'32" W 1066.33 feet to the POINT OF BEGINNING, containing 55.628 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 31.733 ACRES  
Tract 8

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract, from which point an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of the above mentioned Section 113 bears N 27°49'28" W 2043.08 feet.

THENCE S 87°46'17" E 1950.73 feet to an iron pin set for an angle point of this tract.

THENCE S 86°16'58" E 30.00 feet to an iron pin set for the East corner of this tract and the PC of a curve to the right, said curve having a radius of 200.00 feet, and a central angle of 37°41'01".

THENCE with the arc of the said curve 131.54 feet, the long chord of which bears S 22°33'32" W 129.18 feet, to an iron pin set for the PT of the said curve.

THENCE S 41°24'03" W 611.17 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 09°55'57".

THENCE with the arc of the said curve 52.01 feet, the long chord of which bears S 36°26'04" W 51.94 feet, to an iron pin set for the PT of the said curve.

THENCE S 31°28'05" W 183.30 feet to an iron pin set for the South corner of this tract

THENCE N 86°12'52" W 1544.09 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 10°40'58" E 764.98 feet to the POINT OF BEGINNING, containing 31.733 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 24.237 ACRES**  
**Tract 9**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of the above mentioned Section 113 bears N 10°40'58" E 764.98 feet, N 27°49'28" W 2043.08 feet.

THENCE S 86°12'52" E 1544.09 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 31°28'05" W 282.65 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 36°30'56".

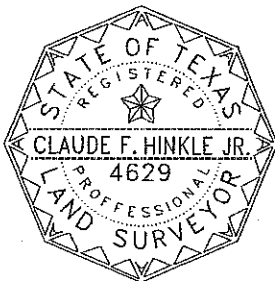
THENCE with the arc of the said curve 191.19 feet, the long chord of which bears S 13°12'37" W 187.98 feet, to an iron pin set for the PT of the said curve.

THENCE S 05°02'51" E 231.93 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 89°41'39" W 1514.98 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 10°40'58" E 778.63 feet to the POINT OF BEGINNING, containing 24.237 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 16.961 ACRES

## Tract 10

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract, from which iron pin an iron pin set in a rock mound found in the North corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears S 86°12'52" E 879.39 feet, N 10°40'58" E 764.98 feet, N 27°49'28" W 2043.08 feet.

THENCE S 16°34'20" E 1139.64 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 56°35'53" W 488.82 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°36'09" W 1444.33 feet to an iron pin set for an angle point of this tract.

THENCE N 23°16'51" W 30.00 feet to the Northwest corner of this tract and the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 27°03'59".

THENCE with the arc of the said curve 236.20 feet the long chord of which bears N 80°15'08" E 234.01 feet to an iron pin set for the PT of the said curve.

THENCE S 86°12'52" E 443.52 feet to the POINT OF BEGINNING, containing 16.961 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 24.708 ACRES**  
**Tract 11**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 66°43'09" E 56.34 feet, N 29°50'20" W 1827.31 feet and N 62°12'05" E 2527.30 feet.

THENCE N 66°43'09" E 696.02 feet to an iron pin set for the East corner of this tract.

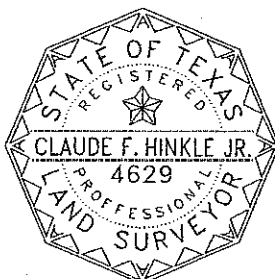
THENCE S 23°16'51" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 23°36'09" E 1444.33 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 56°35'53" W 715.26 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°16'51" W 1600.00 feet to the POINT OF BEGINNING, containing 24.708 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 22.475 ACRES**  
**Tract 12**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2379.95 feet and N 27°50'20" W 1653.35 feet.

THENCE N 89°09'40" E 223.43 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 22°26'31".

THENCE with the arc of the said curve 195.84 feet, the long chord of which bears N 77°56'24" E 194.59 feet, to an iron pin set for the PT of the said curve.

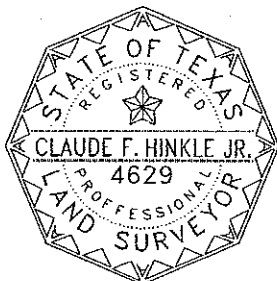
THENCE N 66°43'09" E 202.62 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°16'51" E 1600.00 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°43'09" W 600.00 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°16'51" W 1723.16 feet to the POINT OF BEGINNING, containing 22.475 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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**FIELD NOTES FOR 25.105 ACRES**  
**Tract 13**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1792.14 feet and N 27°50'20" W 1476.59 feet.

THENCE N 60°09'40" E 96.28 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 29°00'00".

THENCE with the arc of the said curve 253.07 feet, the long chord of which bears N 74°39'40" E 250.38 feet, to an iron pin set for the PT of the said curve.

THENCE N 89°09'40" E 277.38 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°16'51" E 1723.16 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°43'09" W 600.00 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°16'51" W 1852.65 feet to the POINT OF BEGINNING, containing 25.105 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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### FIELD NOTES FOR 13.986 ACRES Tract 14

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 648.48 feet and N 27°50'20" W 1516.52 feet.

THENCE N 60°09'40" E 1144.35 feet to an iron pin set for the Northeast corner of this tract.

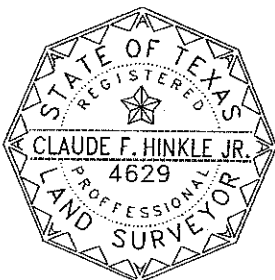
THENCE S 23°16'51" E 551.32 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 60°09'40" W 1073.96 feet to an iron pin set for the Southwest corner of this tract and the PC of a curve to the right, said curve having a radius of 1000.00 feet, and a central angle of 06°59'15".

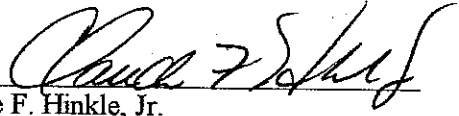
THENCE with the arc of the said curve 121.95 feet, the sub-chord of which bears N 33°19'57" W 121.88 feet, to an iron pin set for the PT of the said curve.

THENCE N 29°50'20" W 426.06 feet to the POINT OF BEGINNING, containing 13.986 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 22.368 ACRES  
Tract 15

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 888.47 feet and N 27°50'20" W 3263.07 feet.

THENCE N 66°43'09" E 888.89 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 25°50'20" E 1133.75 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 70°39'40" W 896.98 feet to an iron pin set for the Southwest corner of this tract and the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 06°30'00".

THENCE with the arc of the said curve 56.72 feet, the long chord of which bears N 22°35'20" W 56.69 feet, to an iron pin set for the PT of the said curve.

THENCE N 25°50'20" W 50.00 feet to an iron pin set for an angle point of this tract.

THENCE N 20°54'05" W 287.07 feet to an iron pin set for an angle point of this tract.

THENCE N 31°26'42" W 341.89 feet to an iron pin set for an angle point of this tract.

THENCE N 23°50'23" W 249.17 feet to an iron pin set for an angle point of this tract.

THENCE N 25°50'20" W 90.00 feet to the POINT OF BEGINNING, containing 22.368 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 24.307 ACRES****Tract 16**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1774.55 feet and N 27°50'20" W 3333.71 feet.

THENCE N 66°43'09" E 829.05 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 34°07'18" E 1090.14 feet to an iron pin set for an angle point of this tract.

THENCE S 62°20'20" E 30.00 feet to an iron pin set for the Southeast corner of this tract and the PC of a curve to the right, said curve having a radius of 400.00 feet, and a central angle of 43°00'00".

THENCE with the arc of the said curve 300.20 feet, the long chord of which bears S 49°09'40" W 293.20 feet, to an iron pin set for the PT of the said curve.

THENCE S 70°39'40" W 724.56 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 25°50'20" W 1133.75 feet to the POINT OF BEGINNING, containing 24.307 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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P.O. BOX 180243  
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(512) 454-6605

Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 18.440 ACRES

## Tract 17

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 56°35'53" E 977.65 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE S 29°50'20" E 777.59 feet to an iron pin set for the East corner of this tract.

THENCE S 62°29'43" W 139.17 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 466.42 feet, and a central angle of 34°50'13".

THENCE with the arc of the said curve 283.59 feet, the long chord of which bears S 45°04'47" W 279.24 feet, to an iron pin set for the PT of the said curve.

THENCE S 27°39'40" W 529.99 feet to an iron pin set for the South corner of this tract.

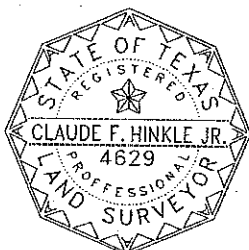
THENCE N 62°20'20" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 34°07'18" W 1090.14 feet to an iron pin set for the West corner of this tract.

THENCE N 66°43'09" E 240.90 feet to an iron pin set for an angle point of this tract.

THENCE N 56°35'53" E 715.26 feet to the POINT OF BEGINNING, containing 18.440 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 25.046 ACRES  
Tract 18

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE N 89°41'39" E 1514.98 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 05°02'51" E 665.20 feet to an iron pin set for the Southeast corner of this tract.

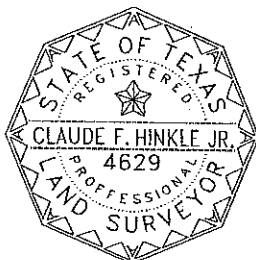
THENCE S 84°57'09" W 556.08 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 11°02'29".

THENCE with the arc of the said curve 96.36 feet, the long chord of which bears S 79°25'55" W 96.21 feet, to an iron pin set for the PT of the said curve.

THENCE S 73°54'40" W 688.92 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 16°05'20" W 949.20 feet to the POINT OF BEGINNING, containing 25.046 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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AUSTIN, TEXAS 78718

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(512) 454-6605

Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 28.475 ACRES  
Tract 19

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, 111, 112 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 73°54'40" E 207.47 feet, N 16°05'20" W 949.20 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE N 73°54'40" E 896.39 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 11°02'29".

THENCE with the arc of the said curve 96.36 feet, the long chord of which bears N 79°25'55" E 96.21 feet, to an iron pin set for the PT of the said curve.

THENCE N 84°57'09" E 556.08 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 05°02'51" E 88.26 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 360.00 feet, and a central angle of 46°08'43".

THENCE with the arc of the said curve 289.94 feet, the long chord of which bears S 28°07'12" E 282.17 feet, to an iron pin set for the PT of the said curve.

THENCE S 51°11'34" E 295.37 feet to an iron pin set for an angle point of this tract.

THENCE S 43°17'58" E 288.36 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 84°02'06" W 1878.09 feet to an iron pin set to the Southwest corner of this tract.

THENCE N 19°07'38" W 617.19 feet to an iron pin set for an angle point of this tract.

THENCE N 16°05'20" W 30.00 feet to the POINT OF BEGINNING, containing 28.475 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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(512) 454-6605**Book 164 Page 155**

Accompaniment to plat 1176-ph1A

**FILED NOTES FOR 25.863 ACRES**  
**Tract 20**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, 111, and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 19°07'38" W 617.19 feet, N 16°05'20" W 60.00 feet, N 03°22'12" W 942.32 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE N 84°02'06" E 1878.09 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 43°17'58" E 49.26 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 130.00 feet, and a central angle of 36°36'29".

THENCE with the arc of the said curve 83.06 feet, the long chord of which bears S 24°59'43" E 81.66 feet, to an iron pin set for the PT of the said curve.

THENCE S 06°41'28" E 158.08 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 250.00 feet, and a central angle of 22°55'06".

THENCE with the arc of the said curve 205.99 feet, the long chord of which bears S 16°54'48" W 200.21 feet, to an iron pin set for the PT of the said curve.

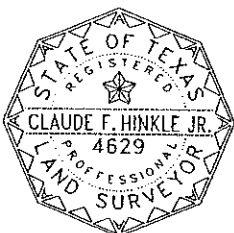
THENCE S 40°31'05" W 166.14 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 24°23'22".

THENCE with the arc of the said curve 127.70 feet, the long chord of which bears S 28°19'23" W 126.74 feet, to an iron pin set for the PT of the said curve and the Southeast corner of this tract.

THENCE S 88°34'53" W 1569.01 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 16°29'03" W 563.10 feet to the POINT OF BEGINNING, containing 25.863 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 24.941 ACRES  
Tract 21

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 16°29'03" W 563.10 feet, N 19°07'38" W 617.19 feet, N 16°05'20" W 60.00 feet, N 03°22'12" W 942.32 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE N 88°34'53" E 1569.01 feet to an iron pin set for the Northeast corner of this tract and the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 27°40'09".

THENCE with the arc of the said curve 144.88 feet, the long chord of which bears S 02°17'38" W 143.47 feet, to an iron pin set for the PT of the said curve.

THENCE S 11°32'27" E 425.16 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 38°16'02".

THENCE with the arc of the said curve 200.37 feet, the long chord of which bears S 07°35'34" W 196.66 feet, for the PT of the said curve.

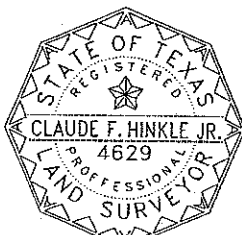
THENCE S 26°43'35" W 239.38 feet to an iron pin set for the Southeast corner of this tract.

THENCE N 63°16'25" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 70°48'15" W 1435.78 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 16°29'03" W 463.29 feet to the POINT OF BEGINNING, containing 24.941 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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# AUSTIN SURVEYORS

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AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 164 Page 157

Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 26.726 ACRES Tract 22

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northeast corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 73°54'40" E 207.47 feet, N 16°05'20" W 949.20 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE S 16°05'20" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 19°07'38" E 617.19 feet to an iron pin set for an angle point of this tract.

THENCE S 16°29'03" E 1026.39 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 607.80 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°41'57" W 1611.17 feet to an iron pin set for the Northwest corner of this tract.

THENCE with the arc of a curve to the right 103.70 feet, said curve having a radius of 466.42 feet, a central angle of 12°44'20", and a sub-chord which bears N 56°07'43" E 103.49 feet to an iron pin set for the PT of the said curve.

THENCE N 62°29'53" E 569.36 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 603.29 feet and a central angle of 11°24'47".

THENCE with the arc of the said curve 120.17 feet, the long chord of which bears N 68°12'17" E 119.97 feet, to the POINT OF BEGINNING, containing 26.726 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 25.773 ACRES  
Tract 23

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract and the PC of a curve to the left, said curve having a radius of 400.00 feet, and a central angle of 43°00'00", from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2451.58 feet and N 27°50'20" W 4573.88 feet.

THENCE with the arc of the said curve 300.20 feet, the long chord of which bears N 49°09'40" E 293.20 feet, to an iron pin set for the PT of the said curve.

THENCE N 27°39'40" E 529.99 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 466.42 feet, and a central angle of 22°05'53".

THENCE with the arc of the said curve 179.89 feet, the long chord of which bears N 38°42'37" E 178.78 feet, to an iron pin set for the PT of the said curve and the Northeast corner of this tract.

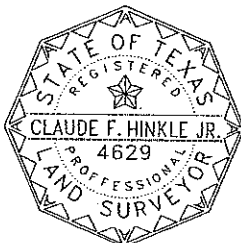
THENCE S 23°41'57" E 1611.17 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 833.25 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 24°50'43" W 1081.32 feet to an iron pin set for an angle point of this tract.

THENCE N 19°20'20" W 30.00 feet to the POINT OF BEGINNING, containing 25.773 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

### FIELD NOTES FOR 24.879 ACRES Tract 24

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1524.76 feet and N 27°50'20" W 4435.36 feet.

THENCE N 70°39'40" E 937.12 feet to an iron pin set for the Northeast corner of this tract.

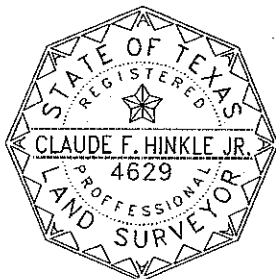
THENCE S 19°20'20" E 30.00 feet to an iron pin set for an angle point of this tract.

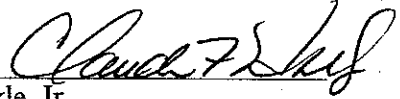
THENCE S 24°50'43" E 1081.32 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 958.97 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°26'47" W 1182.28 feet to the POINT OF BEGINNING, containing 24.879 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 22.552 ACRES  
Tract 25

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 847.85 feet and N 27°50'20" W 4334.19 feet.

THENCE N 70°39'40" E 684.42 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°26'47" E 1182.28 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 1011.16 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 01°09'40" E 346.19 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 14°00'00".

THENCE with the arc of the said curve 122.17 feet, the long chord of which bears N 05°50'20" W 121.87 feet, to an iron pin set for the PT of the said curve.

THENCE N 12°50'20" W 761.64 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 06°29'60".

THENCE with the arc of the said curve 56.72 feet, the long chord of which bears N 16°05'20" W 56.69 feet, to the PT of the said curve and the POINT OF BEGINNING, containing 22.552 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 20.560 ACRES**  
**Tract 26**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 425.69 feet and N 27°50'20" W 5541.16 feet.

THENCE N 66°18'03" E 1370.13 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°41'57" E 629.60 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 1430.00 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°41'57" W 390.17 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 24°51'37".

THENCE with the arc of the said curve 216.95 feet, the long chord of which bears N 11°16'08" W 215.25 feet, to an iron pin set for the PT of the said curve.

THENCE N 01°09'40" E 32.21 feet to the POINT OF BEGINNING, containing 20.560 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 20.531 ACRES**  
**Tract 27**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 320.52 feet and N 27°50'20" W 6164.80 feet.

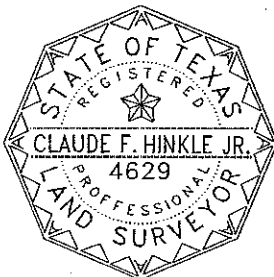
THENCE N 66°18'03" E 1430.00 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°41'57" E 625.40 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 1430.00 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°41'57" W 625.40 feet to an iron pin set to the POINT OF BEGINNING, containing 20.531 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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2105 JUSTIN LANE #103  
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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 26.660 ACRES**  
**Tract 28**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 275.37 feet and N 27°50'20" W 6788.57 feet.

THENCE N 66°18'03" E 1430.00 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°41'57" E 405.73 feet to an iron pin set for the Southeast corner of this tract and the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 22°59'33".

THENCE with the arc of the said curve 200.65 feet, the long chord of which bears S 26°16'14" W 199.30 feet, to an iron pin set for the PT of the said curve.

THENCE S 14°46'26" W 342.98 feet to an iron pin set the PC of a curve to the left, said curve having a radius of 1200.00 feet and a central angle of 15°39'00".

THENCE with the arc of the said curve 327.78 feet, the long chord of which bears S 22°35'56" W 326.76 feet, to an iron pin set for the PT of the said curve.

THENCE S 30°25'26" W 219.63 feet to an iron pin set for the South corner of this tract.

THENCE N 68°41'57" W 711.87 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 45°00'00".

THENCE with the arc of the said curve 392.70 feet, the long chord of which bears N 46°11'57" W 382.68 feet, to an iron pin set for the PT of the said curve.

THENCE N 23°41'57" W 300.00 feet to the POINT OF BEGINNING, containing 26.660 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Date

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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 22.147 ACRES**  
**Tract 29**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1792.24 feet and N 27°50'20" W 5640.08 feet.

THENCE N 66°18'03" E 600.00 feet to an iron pin set for the Northeast corner of this tract.

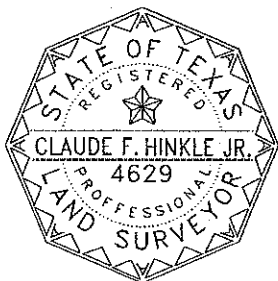
THENCE S 23°41'57" E 1600.00 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 361.16 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 28°32'04".

THENCE with the arc of the said curve 249.01 feet, the long chord of which bears S 52°02'01" W 246.44 feet, to an iron pin set for the PT of the said curve and the Southwest corner of this tract.

THENCE N 23°41'57" W 1660.73 feet to the POINT OF BEGINNING, containing 22.147 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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AUSTIN, TEXAS 78718

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**FIELD NOTES FOR 22.039 ACRES**  
**Tract 30**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2390.67 feet and N 27°50'20" W 5683.39 feet.

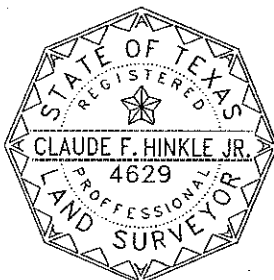
THENCE N 66°18'03" E 600.00 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°41'57" E 1600.00 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 600.00 feet to an iron pin set for the Southwest corner of this tract

THENCE N 23°41'57" W 1600.00 feet to the POINT OF BEGINNING, containing 22.039 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 22.039 ACRES Tract 31

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2989.11 feet and N 27°50'20" W 5726.71 feet.

THENCE N 66°18'03" E 600.00 feet to an iron pin set for the Northeast corner of this tract.

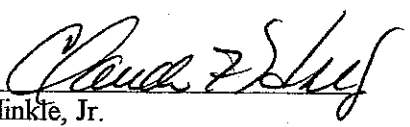
THENCE S 23°41'57" E 1600.00 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 600.00 feet to an iron pin set for the Southwest corner of this tract

THENCE N 23°41'57" W 1600.00 feet to the POINT OF BEGINNING, containing 22.039 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176.doc

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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 33.808 ACRES

## Tract 32

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northeast corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 16°29'03" W 1026.39 feet, N 19°07'38" W 617.19 feet, N 16°05'20" W 30.00 feet, N 73°54'40" E 207.47 feet, N 16°05'20" W 949.20 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE S 70°48'15" E 1435.78 feet to an iron pin set for an angle point of this tract.

THENCE S 63°16'25" E 30.00 feet to an iron pin set for the East corner of this tract and in the PC of a curve to the left, said curve having a radius of 400.00 feet, and a central angle of 33°58'56".

THENCE with the arc of the said curve 237.24 feet, the long chord of which bears S 09°44'07" W 233.78 feet, to an iron pin set for the PT of the said curve.

THENCE S 07°15'21" E 447.74 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 68°59'26" W 420.79 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 200.00 feet, and a central angle of 11°41'45".

THENCE with the arc of the said curve 40.83 feet, the long chord of which bears S 74°50'18" W 40.76 feet, to an iron pin set for the PT of the said curve.

THENCE S 80°41'11" W 140.67 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 31°12'16".

THENCE with the arc of the said curve 108.92 feet, the long chord of which bears S 65°05'03" W 107.58 feet, to an iron pin set for the PT of the said curve.

THENCE S 49°28'54" W 86.36 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 200.00 feet, and a central angle of 16°49'09".

THENCE with the arc of the said curve 58.71 feet, the long chord of which bears S 57°53'29" W 58.50 feet, to an iron pin set for the PT of the said curve.

THENCE S 66°18'03" W 211.48 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°41'57" W 1600.00 feet to an iron pin set for the Northwest corner of this tract.

EXHIBIT

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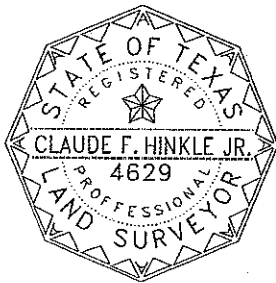
33.808 Acres

TRACT 32

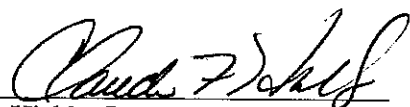
PAGE 2 OF 2

THENCE N 66°18'03" E 241.05 feet to the POINT OF BEGINNING, containing 33.808 acres of land, more or less.

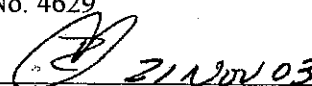
I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 10.292 ACRES TRACT 33

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 103 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the Southwest line of the above mentioned 11518.11 acre tract for the West corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears N 27°50'20" W 1509.15 feet.

THENCE N 60°09'40" E 647.83 feet to an iron pin set for the North corner of this tract.

THENCE S 29°50'20" E 456.06 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 1000.00 feet, and a central angle of 13°00'00".

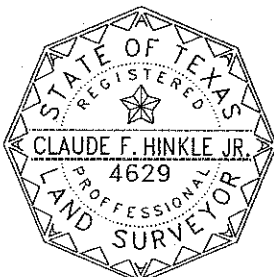
THENCE with the arc of the said curve 226.89 feet, the long chord of which bears S 36°20'20" E 226.41 feet, to an iron pin set for the PT of the said curve.

THENCE S 42°50'20" E 8.01 feet to an iron pin set for the East corner of this tract.

THENCE S 62°06'41" W 698.89 feet to an iron pin set on the Southwest line of the said 11518.11 acre tract for the South corner of this tract.

THENCE N 27°50'20" W 665.44 feet to the POINT OF BEGINNING, containing 10.292 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 11.300 ACRES**  
**Tract 34**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 103 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the Southwest line of the above mentioned 11518.11 acre tract for the West corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears N 27°50'20" W 2174.59 feet.

THENCE N 62°06'41" E 698.89 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 42°50'20" E 628.60 feet to an iron pin set for the East corner of this tract.

THENCE S 47°09'40" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 60°09'40" W 883.11 feet to an iron pin set on the Southwest line of the said 11518.11 acre tract for the South corner of this tract

THENCE N 27°50'20" W 643.42 feet to the POINT OF BEGINNING, containing 11.300 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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R.P.L.S. No. 4629

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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 13.123 ACRES  
Tract 35**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 103 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the Southwest line of the above mentioned 11518.11 acre tract for the West corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears N 27°50'20" W 4461.95 feet.

THENCE N 60°09'40" E 825.16 feet to an iron pin set for the North corner of this tract.

THENCE S 12°50'20" E 716.64 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 14°00'00".

THENCE with the arc of the said curve 122.17 feet, the long chord of which bears S 05°50'20" E 121.87 feet, to an iron pin set for the PT of the said curve and the East corner of this tract.

THENCE N 88°50'20" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 56°42'14" W 569.87 feet to a 3 inch iron pipe found for the South corner of this tract.

THENCE N 27°50'20" W 816.07 feet to the POINT OF BEGINNING, containing 13.123 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 22.605 ACRES**  
**Tract 36**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1672.35 feet and N 27°50'20" W 7296.48 feet.

THENCE with the arc of a curve to the right 249.01 feet, said curve having a radius of 500.00 feet, a central angle of 28°32'04", and a sub-chord which bears N 52°02'01" E 246.44 feet to an iron pin set for the PT of the said curve.

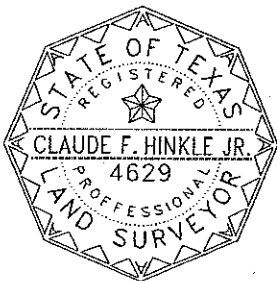
THENCE N 66°18'03" E 660.28 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°09'55" E 1361.26 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 542.54 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 38°34'04" W 1340.29 feet to the POINT OF BEGINNING, containing 22.605 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 23.861 ACRES  
Tract 37

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2573.51 feet and N 27°50'20" W 7300.81 feet.

THENCE N 66°18'03" E 1112.36 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 16°49'09".

THENCE with the arc of the said curve 58.71 feet, the long chord of which bears N 57°53'29" E 58.50 feet, to an iron pin set for the PT of the said curve.

THENCE N 49°28'54" E 86.36 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 200.00 feet, and a central angle of 31°12'16".

THENCE with the arc of the said curve 108.92 feet, the long chord of which bears N 65°05'03" E 107.58 feet, to an iron pin set for the PT of the said curve.

THENCE N 80°41'11" E 140.67 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 11°41'45".

THENCE with the arc of the said curve 40.83 feet, the long chord of which bears N 74°50'18" E 40.75 feet, to an iron pin set for the PT of the said curve and the Northeast corner of this tract.

THENCE S 21°00'34" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 23°09'55" E 1340.43 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 1535.87 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°09'55" W 1361.26 feet to the POINT OF BEGINNING, containing 48.445 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 27.608 ACRES****Tract 38**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 4106.14 feet and N 27°50'20" W 7416.93 feet.

THENCE N 68°59'26" E 420.79 feet to an iron pin set for an angle point of this tract.

THENCE N 66°49'05" E 463.514 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°10'55" E 1354.71 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 885.53 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°09'55" W 1340.43 feet to an iron pin set for an angle point of this tract.

THENCE N 21°00'34" W 30.00 feet to the POINT OF BEGINNING, containing 27.608 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 40.832 ACRES  
Tract 39

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5132.97 feet and N 27°50'20" W 6563.50 feet and the Northwest corner of Section 113 bears N 61°58'05" E 377.07 feet and N 28°01'55" W 6558.39 feet.

THENCE N 11°32'27" W 425.16 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 52°03'31".

THENCE with the arc of the said curve 272.58 feet, the long chord of which bears N 14°29'19" E 263.30 feet, to an iron pin set for the PT of the said curve.

THENCE N 40°31'05" E 166.14 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 250.00 feet, and a central angle of 47°12'33".

THENCE with the arc of the said curve 205.99 feet, the long chord of which bears N 16°54'48" E 200.21 feet, to an iron pin set for the PT of the said curve.

THENCE N 06°41'28" W 158.09 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 83°18'32" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 61°11'53" E 1280.553 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 07°23'06" E 1478.77 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 78°27'33" W 1500.91 feet to the POINT OF BEGINNING, containing 40.832 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

27 Jan 04  
Date 1176rev.doc

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 74.133 ACRES  
TRACT 40

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 89°41'39" W 1514.98 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE N 66°30'35" E 1490.73 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 66°29'24" E 513.54 feet to an iron pin set for an angle point of this tract.

THENCE S 30°57'51" E 427.96 feet, to an iron pin set for an angle point of this tract.

THENCE S 58°59'06" E 726.71 feet to an iron pin set for the East corner of this tract.

THENCE S 57°28'17" W 988.81 feet to an iron pin set for an angle point of this tract.

THENCE S 61°11'53" W 1280.53 feet to an iron pin set for an angle point of this tract.

THENCE S 83°18'32" W 30.00 feet to an iron pin set for the South corner of this tract and the PC of a curve to the left said curve having a radius of 130.00 feet and a central angle of 36°36'29".

THENCE with the arc of the said curve 83.06 feet the long chord of which bears N 24°59'43" W 81.66 feet to an iron pin set for the PT of the said curve.

THENCE N 43°17'58" W 337.62 feet to an iron pin set for an angle point of this tract.

THENCE N 51°11'34" W 295.37 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 360.00 feet and a central angle of 46°08'43".

THENCE with the arc of the said curve 289.94 feet the long chord of which bears N 28°07'12" W 282.17 feet to an iron pin set for the PT of the said curve.

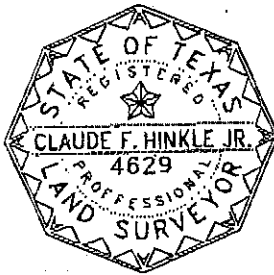
EXCISE  
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74.133 ACRES

TRACT 40

THENCE N 05°02'51" W 753.45 feet to the POINT OF BEGINNING,  
containing 74.133 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



A handwritten signature in cursive script, appearing to read "Claude F. Hinkle, Jr.", written over a horizontal line.

Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 20 Jan 04 1176ph1rev.doc

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Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 92.661 ACRES

## TRACT 77

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract from which iron pin the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5869.45 feet and N 27°50'20" W 3954.95 feet and the Northwest corner of the above mentioned Section 113 bears S 61°58'05" W 368.19 feet and N 28°01'55" W 3952.04 feet.

THENCE N 05°02'51" W 231.93 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 36°30'56".

THENCE with the arc of the said curve 191.19 feet, the long chord of which bears N 13°12'37" E 187.98 feet, to an iron pin set for the PT of the said curve.

THENCE N 31°28'05" E 465.95 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 09°55'57".

THENCE with the arc of the said curve 52.01 feet, the long chord of which bears N 36°26'04" E 51.94 feet, to an iron pin set for the PT of the said curve.

THENCE N 41°24'03" E 611.17 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 37°41'01".

THENCE with the arc of the said curve 131.54 feet, the long chord of which bears N 22°33'32" E 129.18 feet, to an iron pin set for the PT of the said curve.

THENCE N 03°43'02" E 130.13 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 170.00 feet, and a central angle of 49°59'56".

THENCE with the arc of the said curve 148.35 feet, the long chord of which bears N 21°16'56" W 143.69 feet, to an iron pin set for the PT of the said curve.

THENCE N 46°16'54" W 296.81 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 32°31'30".

THENCE with the arc of the said curve 170.30 feet, the long chord of which bears N 30°01'09" W 168.02 feet, to an iron pin set for the PT of the said curve.

THENCE N 13°45'24" W 610.75 feet to an iron pin set for an angle point of this tract.

THENCE N 08°48'01" E 387.96 feet to an iron pin set for then North corner of this tract.

THENCE S 88°53'21" E 30.27 feet to an iron pin set for an angle point of this tract.

THENCE S 69°43'45" E 443.54 feet to an iron pin set for an angle point of this tract.

THENCE S 42°20'43" E 2642.23 feet to an iron pin set for an angle point of this tract.

92.661 Acres

TRACT 77

PAGE 2 OF 2

THENCE S 05°58'58" E 1273.85 feet to an iron pin set for the Southeast corner of this tract.

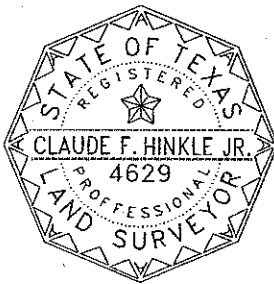
THENCE N 58°59'06" W 726.71 feet to an iron pin set for an angle point of this tract.

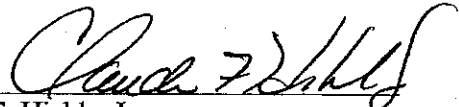
THENCE N 30°57'51" W 427.96 feet to an iron pin set for an angle point of this tract.

THENCE N 66°29'24" W 513.54 feet to an iron pin set for an angle point of this tract.

THENCE S 66°30'35" W 1490.73 feet to the POINT OF BEGINNING, containing 92.661 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
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Date

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Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 51.967 ACRES

## Tract 79

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract, from which point an iron pin set in a rock mound found for the Northeast corner of Section 112 and the Northwest corner of the above mentioned Section 113 bears N 27°49'28" W 764.06 feet.

THENCE S 88°16'45" E 2073.62 feet to an iron pin set for an angle point of this tract.

THENCE N 76°14'36" E 30.00 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 13°45'24" E 555.38 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 32°31'30".

THENCE with the arc of the said curve 170.30 feet, the long chord of which bears S 30°01'09" E 168.02 feet, to an iron pin set for the PT of the said curve.

THENCE S 46°16'54" E 296.81 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 170.00 feet, and a central angle of 49°59'56".

THENCE with the arc of the said curve 148.35 feet, the long chord of which bears S 21°16'56" E 143.69 feet, to an iron pin set for the PT of the said curve.

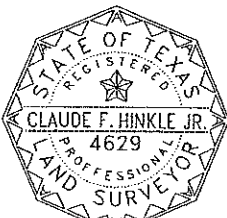
THENCE S 03°43'02" W 130.13 feet to an iron pin set for the Southeast corner of this tract.

THENCE N 86°16'58" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 87°46'17" W 1950.73 feet to an iron pin set for an angle point of this tract.

THENCE N 27°49'28" W 1279.02 feet to the POINT OF BEGINNING, containing 51.967 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
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Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 18.161 ACRES

## Tract 82

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 884.99 feet and N 27°50'20" W 7996.81 feet.

THENCE N 30°25'26" E 185.26 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 1200.00 feet, and a central angle of 15°39'00".

THENCE with the arc of the said curve 327.78 feet, the long chord of which bears N 22°35'56" E 326.76 feet, to an iron pin set for the PT of the said curve.

THENCE N 14°46'26" E 342.98 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 22°59'33".

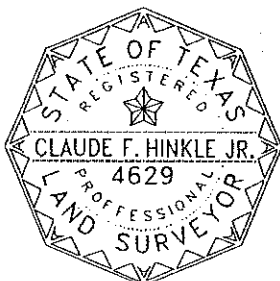
THENCE with the arc of the said curve 200.65 feet, the sub-chord of which bears N 26°16'14" E 199.30 feet, to an iron pin set for the North corner of this tract.

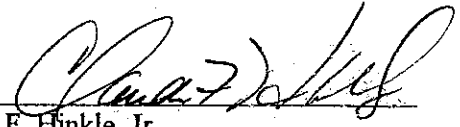
THENCE S 38°34'04" E 1340.29 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 692.76 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 59°34'34" W 688.55 feet to the POINT OF BEGINNING, containing 18.161 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 24.584 ACRES  
Tract 83

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 3326.76 feet and N 27°50'20" W 7355.33 feet.

THENCE N 66°18'03" E 357.14 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 16°49'09".

THENCE with the arc of the said curve 58.71 feet, the long chord of which bears N 57°53'29" E 58.50 feet, to an iron pin set for the PT of the said curve.

THENCE N 49°28'54" E 86.36 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 200.00 feet, and a central angle of 31°12'16".

THENCE with the arc of the said curve 108.92 feet, the long chord of which bears N 65°05'03" E 107.58 feet, to an iron pin set for the PT of the said curve.

THENCE N 80°41'11" E 140.67 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 11°41'45".

THENCE with the arc of the said curve 40.83 feet, the long chord of which bears N 74°50'18" E 40.75 feet, to an iron pin set for the PT of the said curve and the Northeast corner of this tract.

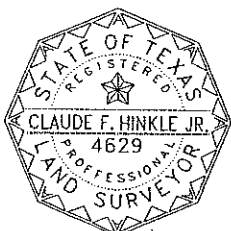
THENCE S 21°00'34" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 23°09'55" E 1340.43 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 767.93 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°41'57" W 1368.35 feet to the POINT OF BEGINNING, containing 24.584 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
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Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 13.354 ACRES

## Tract 85

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 30.00 feet and N 27°50'20" W 98.90 feet.

THENCE N 73°31'31" E 23.93 feet to an iron pin found for an angle point of this tract.

THENCE N 65°36'26" E 434.78 feet to an iron pin set for an angle point of this tract.

THENCE N 24°23'34" W 129.63 feet to an iron pin set on the North line of the said 11518.11 acre tract for an angle point of this tract.

THENCE N 62°12'05" E with the North line of the said 11518.11 acre tract 608.75 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 29°50'20" E 596.01 feet to an iron pin set for the Southeast corner of this tract.

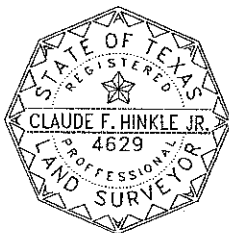
THENCE S 60°09'40" W 868.04 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 72°50'20" W 114.32 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 45°00'00".

THENCE with the arc of the said curve 392.70 feet, the long chord of which bears N 50°20'20" W 382.68 feet, for the PT of the said curve.

THENCE N 27°50'20" W 93.43 feet to the POINT OF BEGINNING, containing 13.354 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 12.084 ACRES  
TRACT 86

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 103 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the Southwest line of the above mentioned 11518.11 acre tract for the Northwest corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears N 27°50'20" W 92.87 feet.

THENCE N 73°31'31" E 30.60 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 27°50'20" E 93.43 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 44°59'60".

THENCE with the arc of the said curve 392.70 feet, the long chord of which bears S 50°20'20" E 382.68 feet, to an iron pin set for the PT of the said curve.

THENCE S 72°50'20" E 445.09 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 42°59'60".

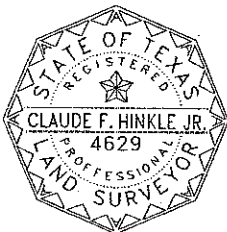
THENCE with the arc of the said curve 375.25 feet, the long chord of which bears S 51°20'20" E 366.50 feet, to an iron pin set for the PT of the said curve.

THENCE S 29°50'20" E 290.00 feet to an iron pin set for the East corner of this tract.

THENCE S 60°09'40" W 647.83 feet to an iron pin set on the Southwest line of the said 11518.11 acre tract for the South corner of this tract.

THENCE N 27°50'20" W 1416.28 feet to the POINT OF BEGINNING, containing 12.084 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

FIELD NOTES FOR 11.541 ACRES  
Tract 87

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 103 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the Southwest line of the above mentioned 11518.11 acre tract for the West corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears N 27°50'20" W 2818.01 feet.

THENCE N 60°09'40" E 833.11 feet to an iron pin set for an angle point of this tract.

THENCE N 47°09'40" E 30.00 feet to an iron pin set for the North corner of this tract and the PC of a curve to the right said curve having a radius of 1000.00 feet and a central angle of 17°00'00".

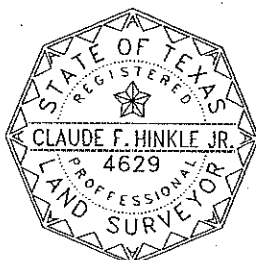
THENCE with the arc of the said curve 296.71 feet, the long chord of which bears S 34°20'20" E 295.62 feet, to an iron pin set for the PT of the said curve.

THENCE S 25°50'20" E 278.30 feet to an iron pin set for the East corner of this tract.

THENCE S 60°09'40" W 885.87 feet to an iron pin set on the Southwest line of the said 11518.11 acre tract for the South corner of this tract

THENCE N 27°50'20" W 565.92 feet to the POINT OF BEGINNING, containing 11.541 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 10.952 ACRES****Tract 88**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 103 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the Southwest line of the above mentioned 11518.11 acre tract for the West corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears N 27°50'20" W 3383.93 feet.

THENCE N 60°09'40" E 887.11 feet to an iron pin set for the North corner of this tract.

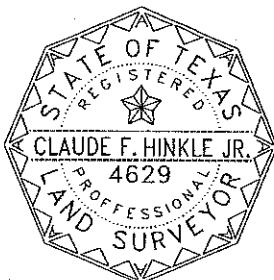
THENCE S 23°50'23" E 249.17 feet to an iron pins set for an angle point of this tract.

THENCE S 31°26'42" E 295.98 feet to an iron pins set for the East corner of this tract.

THENCE S 60°09'40" W 887.11 feet to an iron pin set on the Southwest line of the said 11518.11 acre tract for the South corner of this tract

THENCE N 27°50'20" W 544.00 feet to the POINT OF BEGINNING, containing 10.952 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 10.582 ACRES

## Tract 89

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 103 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the Southwest line of the above mentioned 11518.11 acre tract for the West corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears N 27°50'20" W 3927.93 feet.

THENCE N 60°09'40" E 887.11 feet to an iron pin set for the North corner of this tract.

THENCE S 31°26'42" E 45.91 feet to an iron pins set for an angle point of this tract.

THENCE S 20°54'05" E 287.07 feet to an iron pins set for an angle point of this tract.

THENCE S 25°50'20" E 50.00 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 13°00'00".

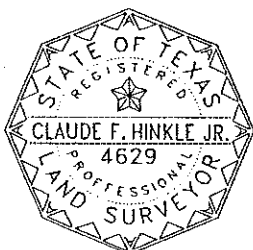
THENCE with the arc of the said curve 113.45 feet, the long chord of which bears S 19°20'20" E 113.20 feet, to an iron pin set for the PT of the said curve.

THENCE S 12°50'20" E 45.00 feet to an iron pin set for the East corner of this tract.

THENCE S 60°09'40" W 825.16 feet to an iron pin set on the Southwest line of the said 11518.11 acre tract for the South corner of this tract

THENCE N 27°50'20" W 534.02 feet to the POINT OF BEGINNING, containing 10.582 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 12.912 ACRES****Tract 90**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 814.86 feet and N 27°50'20" W 2606.81 feet.

THENCE N 60°09'40" E 890.19 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°16'51" E 750.00 feet to an iron pin set for the Southeast corner of this tract.

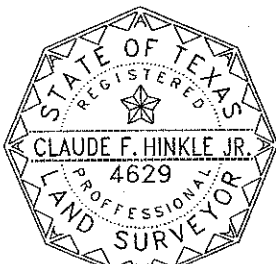
THENCE S 66°43'09" W 758.83 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 25°50'20" W 188.30 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 1000.00 feet, and a central angle of 17°00'00".

THENCE with the arc of the said curve 296.71 feet, the long chord of which bears N 34°20'20" W 295.62 feet, to an iron pin set for the PT of the said curve.

THENCE N 42°50'20" W 180.51 feet to the POINT OF BEGINNING, containing 12.912 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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## FIELD NOTES FOR 12.379 ACRES

### Tract 91

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 675.01 feet and N 27°50'20" W 2063.65 feet.

THENCE N 60°09'40" E 1073.96 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°16'51" E 551.32 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 60°09'40" W 890.19 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 42°50'20" W 456.11 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 1000.00 feet, and a central angle of 06°00'45".

THENCE with the arc of the said curve 104.94 feet, the sub-chord of which bears N 39°49'57" W 104.89 feet to the POINT OF BEGINNING, containing 12.379 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

## FIELD NOTES FOR 32.711 ACRES

## Tract 94

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 4523.95 feet and N 27°50'20" W 7466.97 feet.

THENCE N 07°15'21" W 447.74 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 400.00 feet, and a central angle of 33°58'56".

THENCE with the arc of the said curve 237.24 feet, the long chord of which bears N 09°44'07" E 233.78 feet, to an iron pin set for the PT of the said curve.

THENCE N 26°43'35" E 239.38 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 38°16'02".

THENCE with the arc of the said curve 200.37 feet, the long chord of which bears N 07°35'34" E 196.66 feet, to an iron pin set for the PT of the said curve and the North corner of this tract.

THENCE S 78°27'33" E 1500.91 feet to an iron pin set for the East corner of this tract.

THENCE S 07°23'06" E 641.30 feet to an iron pin set for an angle point of this tract.

THENCE S 23°10'53" E 30.00 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°49'05" W 1829.11 feet to the POINT OF BEGINNING, containing 32.711 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 21 Nov 03 1176rev.doc

Book 164, Page 191  
All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northeast corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE S 16°05'20" E 949.20 feet to an iron pin set for then South corner of this tract.

THENCE S 73°54'40" W 207.47 feet to the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 13°45'00".

THENCE with the arc of the said curve 119.99 feet, the long chord of which bears S 67°02'10" W 119.70 feet, to an iron pin set for the PT of the said curve.

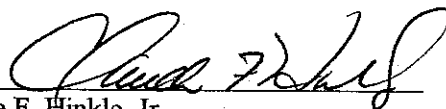
THENCE S 60°09'40" W 429.78 feet to an iron pin set for the South corner of this tract.

THENCE N 29°50'20" W 797.59 feet to an iron pin set for the West corner of this tract.

THENCE N 56°35'53" E 977.65 feet to the POINT OF BEGINNING, containing 16.682 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 2/20/03  
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A

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 16.682 ACRES**  
**Tract 95**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northeast corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE S 16°05'20" E 949.20 feet to an iron pin set for then South corner of this tract.

THENCE S 73°54'40" W 207.47 feet to the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 13°45'00".

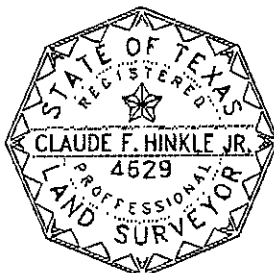
THENCE with the arc of the said curve 119.99 feet, the long chord of which bears S 67°02'10" W 119.70 feet, to an iron pin set for the PT of the said curve.

THENCE S 60°09'40" W 429.78 feet to an iron pin set for the South corner of this tract.

THENCE N 29°50'20" W 797.59 feet to an iron pin set for the West corner of this tract.

THENCE N 56°35'53" E 977.65 feet to the POINT OF BEGINNING, containing 16.682 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

28 Jan 04  
Date 1176ph1rev

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 13.923 ACRES**  
**Tract 96**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by mates and bounds as follows:

**BEGINNING** at an iron pin set for the East corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 10°40'58" E 764.98 feet, N 27°49'28" W 2043.08 feet.

**THENCE** S 10°40'58" W 778.63 feet to an iron pin set for the South corner of this tract.

**THENCE** S 56°35'53" W 488.82 feet to an iron pin set for the West corner of this tract.

**THENCE** N 16°34'20" W 1139.64 feet to an iron pin set for the North corner of this tract.

**THENCE** N 86°12'52" E 879.395 feet to the **POINT OF BEGINNING**, containing 13.923 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

28 Jan 04

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A

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1A

**FIELD NOTES FOR 10.550 ACRES**  
**Tract 97**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at an iron pin set for the North corner of this tract, from which point the Northwest corner of the said 11518.11 acre tract bears N 27°47'32" W 1066.33 feet and S 62°12'05" W 3573.83 feet.

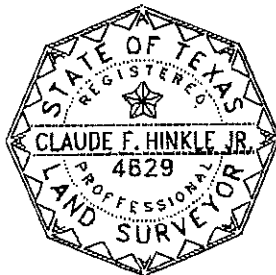
**THENCE** S 86°12'52" E 443.52 feet to an iron pin set for the East corner of this tract.

**THENCE** S 03°47'08" W 1036.20 feet to an iron pin set for the South corner of this tract.

**THENCE** N 86°12'52" W 443.52 feet, to an iron pin set for the West corner of this tract.

**THENCE** N 03°47'08" E 1036.20 feet to the **POINT OF BEGINNING**, containing 10.550 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

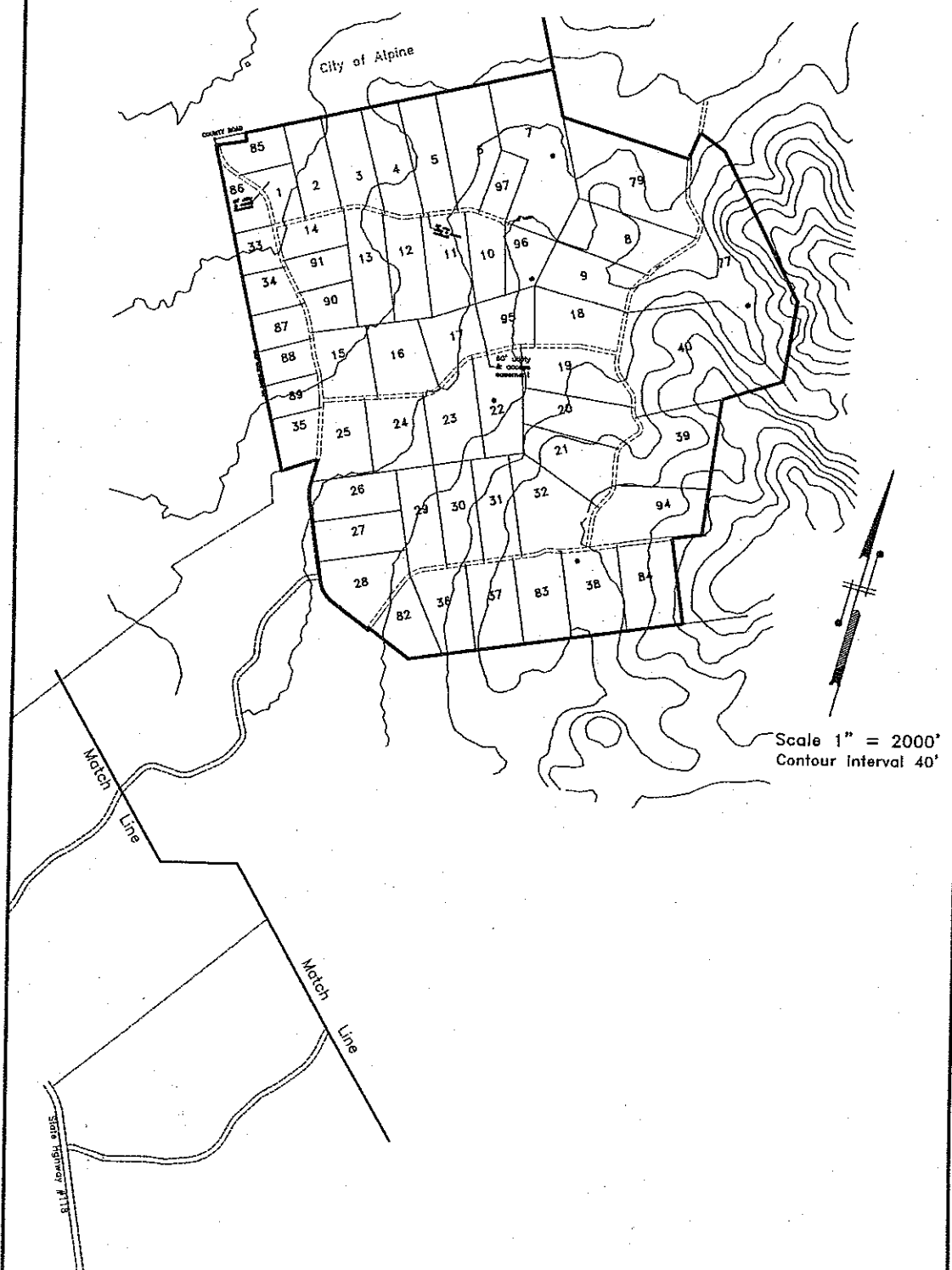
28 Jan 04  
Date 1176ph1rev  
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**Exhibit B**

[Drawing of the Property]

*See Attached 1 Page*

# SIERRA LA RANA PHASE I BREWSTER COUNTY, TEXAS



EXHIBIT

B



AUSTIN SURVEYORS

2105 Justin Lane #103  
Austin, Texas 78757

**Exhibit C**

[Legal Description of Entrance Road]

*See Attached 4 Pages*

**FIELD NOTES TO A EIGHTY (80) FOOT WIDE UTILITY & ACCESS EASEMENT**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 104, 105, and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

**Forty (40) feet to both sides of and parallel to the following described line:**

BEGINNING at a point on the East right-of-way line of State Highway #118 for the Western terminus of this centerline from which point an iron pin set near a fence corner post found in the West corner of the above mentioned 11518.11 acre tract bears N 23°20'24" W 536.60 feet and N 36°59'05" W 488.96 feet.

THENCE N 67°14'08" E 30.08 feet to PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 26°33'57".

THENCE with the arc of the said curve 92.73 feet the long chord of which bears N 80°31'07" E 91.90 feet to the PT of the said curve.

THENCE S 86°11'55" E 421.03 feet to the PC of a curve to the left said curve said curve having a radius of 500.00 feet and a central angle of 18°55'56".

THENCE with the arc of the said curve 165.22 feet, the long chord of which bears N 84°20'07" E 164.47 feet to the PT of the said curve.

THENCE N 74°52'09" E 553.03 feet to the PC of a curve to the right said curve having a radius of 800.00 feet and a central angle of 08°07'38".

THENCE with the arc of the said curve 113.48 feet, the long chord of which bears N 78°55'58" E 113.38 feet to the PT of the said curve.

THENCE N 82°59'47" E 148.28 feet to the PC of a curve to the left said curve having a radius of 400.00 and a central angle of 12°46'52".

THENCE with the arc of the said curve 89.23 feet, the long chord of which bears N 76°36'21" E 89.04 feet to the PT of the said curve.

THENCE N 70°12'55" E 332.72 feet to the PC of a curve to the left said curve having a radius of 700.00 and a central angle of 56°26'54".

THENCE with the arc of the said curve 689.65 feet, the long chord of which bears N 41°59'28" E 662.09 feet to the Pt of the said curve.

THENCE N 13°46'01" E 251.10 feet to the PC of a curve to the right said curve having a radius of 500.00 and a central angle of 18°06'42".

THENCE with the arc of the said curve 158.06 feet, the long chord of which bears N 22°49'22" E 157.40 feet to the PT of the said curve.

THENCE N 31°52'43" E 427.82 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 14°18'58".

THENCE with the arc of the said curve 124.93 feet, the long chord of which bears N 39°02'12" E 124.61 feet to the PT of the said curve.

THENCE N 46°11'41" E 241.16 feet to an angle point of this easement.

THENCE N 40°09'05" E 372.13 feet to the PC of a curve to the left said curve having a radius of 1000.00 feet and a central angle of 29°44'15".

**EXHIBIT**

C

THENCE with the arc of the said curve 129.62 feet, the long chord of which bears N 47°44'05" E 127.36 feet to the PT of the said curve.

THENCE N 66°18'03" E 147.08 feet to a point on the centerline of a 60 foot wide

80 foot wide utility & access easement

THENCE with the arc of the said curve 519.02 feet, the long chord of which bears N 25°16'58" E 513.21 feet to the PT of the said curve.

THENCE N 10°24'50" E 282.60 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 18°43'01".

THENCE with the arc of the said curve 81.67 feet, the long chord of which bears N 19°46'20" E 81.31 feet to the PT of the said curve.

THENCE N 29°07'51" E 423.38 feet to the PT of a curve to the right said curve having a radius of 250.00 feet and a central angle of 64°20'21".

THENCE with the arc of the said curve 280.73 feet, the long chord of which bears N 61°18'01" E 266.21 feet to the PT of the said curve

THENCE S 86°31'48" E 347.70 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 42°13'51".

THENCE with the arc of the said curve 221.12 feet, the long chord of which bears N 72°21'16" E 216.15 feet to the PT of the said curve.

THENCE N 51°14'21" E 412.85 feet to the PC of a curve to the left said curve having a radius of 750.00 feet and a central angle of 28°29'41".

THENCE with the arc of the said curve 373.00 feet, the long chord of which bears N 36°59'30" E 369.16 feet to the PT of the said curve.

THENCE N 22°44'40" E 148.73 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 50°49'19".

THENCE with the arc of the said curve 177.40 feet, the long chord of which bears N 02°40'00" W 171.64 feet to the PT of the said curve.

THENCE N 25°48'23" W 713.15 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 55°44'54".

THENCE with the arc of the said curve 243.25 feet, the long chord of which bears N 03°48'34" E 233.77 feet to the PT of the said curve.

THENCE N 31°41'02" E 249.33 feet to the PC of a curve to the left said curve having a radius of 250.00 feet and a central angle of 42°18'06".

THENCE with the arc of the said curve 184.58 feet, the long chord of which bears N 10°31'58" E 180.41 feet to the PT of the said curve.

THENCE N 10°37'05" W 217.69 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 12°21'27".

THENCE with the arc of the said curve 53.92 feet, the long chord of which bears N 04°26'21" W 53.82 feet to the PT of the said curve.

THENCE N 01°44'22" E 150.41 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 15°55'33".

THENCE with the arc of the said curve 69.49 feet, the long chord of which bears N 09°42'09" E 69.27 feet to the PT of the said curve.

THENCE N 17°39'56" E 84.83 feet to the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 11°30'12".

EXHIBIT

C

THENCE with the arc of the said curve 519.02 feet, the long chord of which bears N 25°16'58" E 513.21 feet to the PT of the said curve.

THENCE N 10°24'50" E 282.60 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 18°43'01".

THENCE with the arc of the said curve 81.67 feet, the long chord of which bears N 19°46'20" E 81.31 feet to the PT of the said curve.

THENCE N 29°07'51" E 423.38 feet to the PT of a curve to the right said curve having a radius of 250.00 feet and a central angle of 64°20'21".

THENCE with the arc of the said curve 280.73 feet, the long chord of which bears N 61°18'01" E 266.21 feet to the PT of the said curve.

THENCE S 86°31'48" E 347.70 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 42°13'51".

THENCE with the arc of the said curve 221.12 feet, the long chord of which bears N 72°21'16" E 216.15 feet to the PT of the said curve.

THENCE N 51°14'21" E 412.85 feet to the PC of a curve to the left said curve having a radius of 750.00 feet and a central angle of 28°29'41".

THENCE with the arc of the said curve 373.00 feet, the long chord of which bears N 36°59'30" E 369.16 feet to the PT of the said curve.

THENCE N 22°44'40" E 148.73 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 50°49'19".

THENCE with the arc of the said curve 177.40 feet, the long chord of which bears N 02°40'00" W 171.64 feet to the PT of the said curve.

THENCE N 25°48'23" W 713.15 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 55°44'54".

THENCE with the arc of the said curve 243.25 feet, the long chord of which bears N 03°48'34" E 233.77 feet to the PT of the said curve.

THENCE N 31°41'02" E 249.33 feet to the PC of a curve to the left said curve having a radius of 250.00 feet and a central angle of 42°18'06".

THENCE with the arc of the said curve 184.58 feet, the long chord of which bears N 10°31'58" E 180.41 feet to the PT of the said curve.

THENCE N 10°37'05" W 217.69 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 12°21'27".

THENCE with the arc of the said curve 53.92 feet, the long chord of which bears N 04°26'21" W 53.82 feet to the PT of the said curve.

THENCE N 01°44'22" E 150.41 feet to the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 15°55'33".

THENCE with the arc of the said curve 69.49 feet, the long chord of which bears N 09°42'09" E 69.27 feet to the PT of the said curve.

THENCE N 17°39'56" E 84.83 feet to the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 11°30'12".

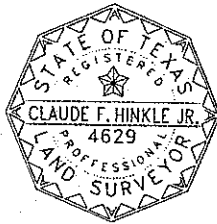
THENCE with the arc of the said curve 40.15 feet, the long chord of which bears N 23°25'02" E 40.09 feet to the PT of the said curve.

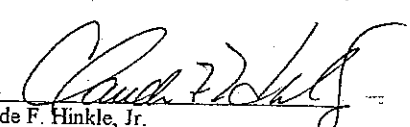
THENCE N 29°10'08" E 742.50 feet to the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 37°07'55".

THENCE with the arc of the said curve 129.62 feet, the long chord of which bears N 47°44'05" E 127.36 feet to the PT of the said curve.

THENCE N 66°18'03" E 147.08 feet to a point on the centerline of a 60 foot wide easement for the Eastern terminus of this easement from which point the Northwest corner of the above mentioned 11518.11 acre tract bears N 29°57'06" W 7021.55 feet and POINT C in the above mentioned 60 feet wide easement bears S 23°41'57" E 71.19 feet, S 68°41'57" E 711.87 feet, and S 68°41'57" E 711.87 feet.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during September of 2003 and are correct to the best of my knowledge and belief. These field notes are to be used only for the establishment of access roads and utility easements. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

26 Oct 03  
Date 1176-road-rev.doc

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EXHIBIT

C

**Exhibit D**

[Legal Description of Sierra la Rana Roads]

*See Attached 7 Pages*

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605  
rev Oct 03

**FIELD NOTES TO A SIXTY (60) FOOT WIDE UTILITY & ACCESS EASEMENT**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 103, 109, 110, 111, 112, 113, 114, 169, 170, 171, 172, 173, 174, and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

**Thirty (30) feet to both sides of and parallel to the following described lines:**

BEGINNING at a point on the South line of a county road for the Northern terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 30.00 feet and N 27°50'20" W 98.90 feet and from which point the West corner of the above mentioned Section 112 bears N 31°12'06" E 191.98 feet.

THENCE S 27°50'20" E 93.43 feet to the PC of a curve to the left, said curve having a radius of 500.00 feet and a central angle of 45°00'00".

THENCE with the arc of the said curve 392.70 feet the long chord of which bears S 50°20'20" E 382.68 feet to the PT of the said curve.

THENCE S 72°50'20" E 445.09 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 43°00'00".

THENCE with the arc of the said curve 375.25 feet the long chord of which bears S 51°20'20" E 366.50 feet to the PT of the said curve.

THENCE S 29°50'20" E 320.00 feet to POINT A and the South corner of Tract 1.

THENCE S 29°50'20" E 426.06 feet to the PC of a curve to the left said curve having a radius of 1000.00 feet and a central angle of 13°00'00".

THENCE with the arc of the said curve 226.89 feet the long chord of which bears S 36°20'20" E 226.41 feet to the PT of the said curve.

THENCE S 42°50'20" E 636.61 feet to the PC of a curve to the right said curve having a radius of 1000.00 feet and a central angle of 17°00'00".

THENCE with the arc of the said curve 296.71 feet the long chord of which bears S 34°20'20" E 295.62 feet to the PT of the said curve.

THENCE S 25°50'20" E at 188.30 feet pass the South corner of Tract 90 at 278.30 feet pass the East corner of Tract 87 and continue for a total of 1203.58 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 13°00'00".

THENCE with the arc of the said curve at 56.72 feet pass POINT B and the South corner of Tract 15 and continue for a total of 113.45 feet the long chord of which bears S 19°20'20" E 113.20 feet to the PT of the said curve.

THENCE S 12°50'20" E 761.64 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 14°00'00".

THENCE with the arc of the said curve 122.17 feet the long chord of which bears S 05°50'20" E 121.87 feet to the PT of the said curve and the East corner of Tract 35.

THENCE S 01°09'40" W 378.40 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 24°51'37".

THENCE with the arc of the said curve 216.95 feet the long chord of which bears S 11°16'08" E 215.25 feet to the PT of the said curve.

EXHIBIT

THENCE S 23°41'57" E at 390.17 feet pass the South corner of Tract 26 at 1015.57 feet pass the South corner of tract 27 and continue for a total of 1315.57 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 44°59'60".

THENCE with the arc of the said curve 392.70 feet the long chord of which bears S 46°11'57" E 382.68 feet to the PT of the said curve.

THENCE S 68°41'57" E 711.87 feet to POINT C and the South corner of Tract 28.

THENCE S 68°41'57" E 30.00 feet to the terminus of this centerline description from which point the West corner of the said Section 112 bears N 32°35'01" W 8039.48 feet.

Being a part of the above mentioned Section 112

BEGINNING again at the above mentioned POINT A, the South corner of Tract 1, for the western terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears N 50°59'28" W 1649.36 feet and from which point the West corner of the above mentioned Section 112 bears N 44°30'05" W 1582.85 feet.

THENCE N 60°09'40" E at 508.12 feet pass the South corner of Tract 2 at 1113.62 feet pass the South corner of Tract 3 and continue for a total of 1240.63 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 29°00'00".

THENCE with the arc of the said curve 253.07 feet the long chord of which bears N 74°39'40" E 250.38 feet to the PT of the said curve.

THENCE N 89°09'40" E at 320.80 feet pass the South corner of Tract 4 and continue for a total of 500.81 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 22°26'31".

THENCE with the arc of the said curve 195.84 feet the long chord of which bears N 77°56'24" E 194.59 feet to the PT of the said curve.

THENCE N 66°43'09" E at 258.96 feet pass the South corner of Tract 5, at 804.93 feet pass the South corner of Tract 6 and continue for a total of 898.65 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 27°03'59".

THENCE with the arc of the said curve 236.20 feet the long chord of which bears N 80°15'08" E 234.01 feet to the PT of the said curve.

THENCE S 86°12'52" E 443.52 feet to the common corner of Tracts 97, 7, 10, and 96 and the center of a 60 foot radius cul-de-sac from which point an iron pin set in a rock mound found for the North corner of the above mentioned Section 112 bears N 01°30'14" E 2501.39 feet.

Being a part of the above mentioned Section 112 and Section 113 Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at the above mentioned POINT B, the South corner of Tract 15 and the west corner of Tract 25, for the Western terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears N 38°54'27" W 4416.34 feet and from which point the West corner of the above mentioned Section 112 bears N 36°24'36" W 4383.00 feet.

THENCE N 70°39'40" E at 684.42 feet pass the North corner of Tract 25, at 896.98 feet pass the East corner of Tract 15 and continue for a total of 1621.54 feet to the East corner of Tract 16 and the PC of a curve to the left said curve having a radius of 400.00 feet and a central angle of 43°00'00".

THENCE with the arc of the said curve 300.20 feet the long chord of which bears N 49°09'40" E 293.20 feet to the PT of the said curve.

THENCE N 27°39'40" E 529.99 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 32°30'00".

THENCE with the arc of the said curve 170.17 feet the long chord of which bears N 43°54'40" E 167.90 feet to the PT of the said curve and the West corner of Tract 22.

THENCE N 60°09'40" E 677.27 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 13°44'60".

THENCE with the arc of the said curve 119.99 feet the long chord of which bears N 67°02'10" E 119.70 feet to the PT of the said curve and the common corner of Tracts 19 and 22.

THENCE N 73°54'40" E 896.39 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 11°02'29".

THENCE with the arc of the said curve 96.36 feet the long chord of which bears N 79°25'55" E 96.21 feet to the PT of the said curve.

THENCE N 84°57'09" E 556.08 feet to POINT F, the East corner of Tract 18 and the North corner of Tract 19, for the Eastern terminus of this easement from which point an iron pin set in a rock mound found for the North corner of the above mentioned Section 112 and the West corner of the above mentioned Section 113 bears N 29°23'24" W 4566.02 feet.

Being a part of the above mentioned Sections 109, 110, 111, and Section 174 Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at the above mentioned POINT C for the Western terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears N 33°50'27" W 8033.42 feet and from which point the West corner of Section 112 bears N 32°27'26" W 8015.27 feet..

THENCE N 21°18'03" E at 30.00 feet pass the West corner of Tract 82 and continue for a total of 941.12 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 45°00'00".

THENCE with the arc of the said curve 392.70 feet, the long chord of which bears N 43°48'03" E 382.68 feet to the PT of the said curve.

THENCE N 66°18'03" E at 361.16 feet pass the East corner of Tract 28, at 660.28 feet pass the North corner of tract 36, at 961.16 feet pass the East corner of Tract 30, at 1561.16 feet pass the East corner of Tract 31 and continue for a total of 1772.64 feet to the PC of a curve to the left, said curve having a radius of 200.00 feet and a central angle of 16°49'09".

THENCE with the arc of the said curve 58.71 feet the long chord of which bears N 57°53'29" E 58.50 feet to the PT of the said curve.

THENCE N 49°28'54" E 86.36 feet to the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 31°12'16".

THENCE with the arc of the said curve 108.92 feet the long chord of which bears N 65°05'03" E 107.58 feet to the PT of the said curve.

THENCE N 80°41'11" E 140.67 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 11°41'45".

THENCE with the arc of the said curve 40.83 feet, the long chord of which bears N 74°50'18" E 40.76 feet to the PT of the said curve and the West corner of Tract 38.

THENCE N 68°59'26" E 420.79 feet to POINT D, the East corner of Tract 32 and the South corner of Tract 94

THENCE N 66°49'05" E at 1349.44 feet pass the West corner of Tract 48 and continue for a total of 1829.11 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 06°29'15".

THENCE with the arc of the said curve 56.61 feet the long chord of which bears N 63°34'28" E 56.58 feet to the PT of the said curve.

THENCE N 60°19'50" E 440.92 feet to the PC of a curve to the right said curve having a radius of 180.00 feet and a central angle of 33°58'04".

THENCE with the arc of the said curve 106.71 feet the long chord of which bears N 77°18'52" E 105.16 feet to the PT of the said curve.

EXHIBIT

D

THENCE S 85°42'06" E 456.89 feet to the South corner of Lot 47 and the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 47°54'30".

THENCE with the arc of the said curve 192.32 feet the long chord of which bears N 70°20'39" E 186.76 feet to the PT of the said curve.

THENCE N 46°23'25" E 162.06 feet to the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 35°02'34".

THENCE with the arc of the said curve 122.32 feet the long chord of which bears N 63°54'41" E 120.42 feet to the PT of the said curve and the West corner of Tract 75.

THENCE N 81°25'58" E 842.35 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 52°41'32".

THENCE with the arc of the said curve 459.83 feet the long chord of which bears S 72°13'16" E 443.79 feet to the PT of the said curve.

THENCE S 45°52'30" E 13.99 feet to the PC of a curve to the left said curve having a radius of 558.58 feet and a central angle of 37°23'06".

THENCE with the arc of the said curve 364.47 feet the long chord of which bears S 64°34'03" E 358.04 feet to the PT of the said curve and the PC of a curve to the right, said curve having a radius of 230.00 feet and a central angle of 40°14'44".

THENCE with the arc of the said curve 161.56 feet the long chord of which bears S 63°08'14" E 158.25 feet to the PT of the said curve.

THENCE S 43°00'52" E 507.47 feet to the PC of a curve to the left said curve having a radius of 400.00 feet and a central angle of 28°39'50".

THENCE with the arc of the said curve 200.11 feet the long chord of which bears S 57°20'47" E 198.03 feet to the PT of the said curve.

THENCE S 71°40'42" E 216.46 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 19°06'48".

THENCE with the arc of the said curve 100.08 feet the long chord of which bears S 62°07'18" E 99.61 feet to the PT of the said curve.

THENCE S 52°33'54" E 364.14 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 28°34'51".

THENCE with the arc of the said curve 249.41 feet the long chord of which bears S 38°16'28" E 246.84 feet to the PT of the said curve.

THENCE S 23°59'03" E 195.87 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 40°01'59".

THENCE with the arc of the said curve 349.35 feet the long chord of which bears S 44°00'03" E 342.29 feet to the PT of the said curve.

THENCE S 64°01'02" E 195.87 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 73°28'05".

THENCE with the arc of the said curve 294.92 feet the long chord of which bears N 79°14'55" E 275.13 feet to the PT of the said curve and the PC of a curve to the right, said curve having a radius of 230.00 feet and a central angle of 77°21'41".

THENCE with the arc of the said curve 310.55 feet the long chord of which bears N 81°11'43" E 287.49 feet to the PT of the said curve and the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 71°14'40".

THENCE with the arc of the said curve 285.99 feet the long chord of which bears N 84°15'14" E 267.92 feet to the PT of the said curve.

THENCE N 48°37'54" E 319.27 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 15°15'49".

THENCE with the arc of the said curve 133.20 feet the long chord of which bears N 56°15'48" E 132.81 feet to the PT of the said curve and the North corner of Tract 57.

THENCE N 63°53'43" E 875.05 feet to the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 22°16'47".

THENCE with the arc of the said curve 89.44 feet the long chord of which bears N 52°45'19" E 88.87 feet to the PT of the said curve.

THENCE N 41°36'56" E 57.07 feet to the PC of a curve to the right, said curve having a radius of 400.00 feet and a central angle of 33°11'14".

THENCE with the arc of the said curve 231.69 feet the long chord of which bears N 58°12'33" E 228.47 feet to the PT of the said curve.

THENCE N 74°48'10" E 278.85 feet to the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 54°47'10".

THENCE with the arc of the said curve 219.93 feet the long chord of which bears N 47°24'35" E 211.64 feet to the PT of the said curve.

THENCE N 20°01'00" E 360.71 feet to the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 25°57'03".

THENCE with the arc of the said curve 104.17 feet the long chord of which bears N 07°02'28" E 103.29 feet to the PT of the said curve and the PC of a curve to the right, said curve having a radius of 250.00 feet and a central angle of 77°01'42".

THENCE with the arc of the said curve 336.10 feet the long chord of which bears N 32°34'48" E 311.35 feet to the PT of the said curve.

THENCE N 71°05'39" E 103.34 feet to POINT E and the Eastern terminus of this easement, said point being the North corner of Tract 92 and the East corner of Tract 93, from which point the West corner of Section 170 and the North corner of Section 113 bears N 42°56'59" W 11120.79 feet.

Being a part of the above mentioned Sections 110, 111, 113, 114, 169, 170, 171, 172, and Section 175 Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at the above mentioned POINT D for the Western terminus of this centerline, said point being the Southeast corner of Tract 32 and the Southwest corner of Tract 94, from which point the West corner of the above mentioned 11518.11 acre tract bears N 59°02'57" W 8730.502 feet and from which point the West corner of Section 170 bears N 12°10'24" E 9738.19 feet.

THENCE N 07°15'21" W 447.74 feet to the PC of a curve to the right said curve having a radius of 400.00 feet and a central angle of 33°58'56".

THENCE with the arc of the said curve 237.24 feet the long chord of which bears N 09°44'07" E 233.78 feet to the PT of the said curve and the South corner of Tract 21.

THENCE N 26°43'35" E 239.38 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 38°16'02".

THENCE with the arc of the said curve 200.37 feet the long chord of which bears N 07°35'34" E 196.66 feet to the PT of the said curve.

THENCE N 11°32'27" W 425.16 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 52°03'31".

THENCE with the arc of the said curve 272.58 feet the long chord of which bears N 14°29'19" E 263.30 feet to the PT of the said curve.

THENCE N 40°31'05" E 262.80 feet to the PC of a curve to the left said curve having a radius of 100.00 feet and a central angle of 89°53'05".

THENCE with the arc of the said curve 156.88 feet the long chord of which bears N 04°25'28" W 141.28 feet to the PT of the said curve.

THENCE N 49°22'01" W 131.19 feet to the Southwest corner of Tract 40 and the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 33°11'27".

THENCE with the arc of the said curve 115.86 feet the long chord of which bears N 32°46'17" W 114.24 feet to the PT of the said curve.

THENCE N 16°10'33" W at 54.69 feet pass the South corner of Tract 19 and continue for a total of 179.42 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 35°01'00".

THENCE with the arc of the said curve 122.23 feet the long chord of which bears N 33°41'04" W 120.34 feet to the PT of the said curve.

THENCE N 51°11'34" W 295.37 feet to the PC of a curve to the right said curve having a radius of 360.00 feet and a central angle of 46°08'43".

THENCE with the arc of the said curve 289.94 feet the long chord of which bears N 28°07'12" W 282.17 feet to the PT of the said curve.

THENCE N 05°02'51" W at 88.26 feet pass the above mentioned POINT F for the South corner of Tract 18 and the East corner of Tract 19, and continue for a total of 985.38 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 36°30'56".

THENCE with the arc of the said curve 191.19 feet the long chord of which bears N 13°12'37" E 187.98 feet to the PT of the said curve.

THENCE N 31°28'05" E at 282.65 feet pass the East corner of tract 9 and the South corner of Tract 8 and continue for a total of 465.95 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 09°55'57".

THENCE with the arc of the said curve 52.01 feet the long chord of which bears N 36°26'04" E 51.94 feet to the PT of the said curve.

THENCE N 41°24'03" E 611.17 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 37°41'01".

THENCE with the arc of the said curve 131.54 feet the long chord of which bears N 22°33'32" E 129.18 feet to the PT of the said curve.

THENCE N 03°43'02" E 130.13 feet to the PC of a curve to the left said curve having a radius of 170.00 feet and a central angle of 49°59'56".

THENCE with the arc of the said curve 148.35 feet the long chord of which bears N 21°16'56" W 143.69 feet to the PT of the said curve.

THENCE N 46°16'54" W 296.81 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 32°31'30".

THENCE with the arc of the said curve 170.30 feet the long chord of which bears N 30°01'09" W 168.02 feet to the PT of the said curve.

THENCE N 13°45'24" W 610.75 feet to the East corner of Tract 7, and the South corner of Tract 41, for an angle point of this easement.

THENCE N 08°48'01" E 387.96 feet to the terminus of this easement.

Being a part of the above mentioned Section 174 in Block 9 G.H. & S.A. Railway Company Surveys.

BEGINNING again at POINT E in the East corner of Tract 93 and the North corner of Tract 92.

THENCE S 27°26'00" E at 677.50 feet pass the West corner of Tract 71 and continue for a total of 1021.99 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 28°21'21".

THENCE with the arc of the said curve 247.45 feet the long chord of which bears S 13°15'20" E 244.93 feet to the PT of the said curve.

EXHIBIT

D

THENCE S 00°55'21" W at 574.68 pass the North corner of Tract 70 and continue for a total of 799.68 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 12°50'50".

THENCE with the arc of the said curve 112.11 feet the long chord of which bears S 05°30'04" E 111.88 feet to the PT of the said curve.

THENCE S 11°55'29" E 678.12 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 25°27'44" said point being the South corner of Tract 71 and the West corner of Tract 69.

THENCE with the arc of the said curve 133.32 feet the long chord of which bears S 24°39'21" E 132.23 feet to the Southern terminus of this easement, the centerpoint of a 60 feet radius cul-de-sac, from which point the East corner of the said 11518.11 acre tract bears N 71°46'26" E 13808.87 feet and an angle point of the Southeast line of the said 11518.11 acre tract bears S 25°50'54" E 2244.18 feet.

Being a part of the above mentioned Sections 173 and 174 in Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at POINT E in the East corner of Tract 93 and the North corner of Tract 92.

THENCE N 27°26'00" W 75.48 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 28°57'37".

THENCE with the arc of the said curve 116.25 feet the long chord of which bears N 41°54'49" W 115.02 feet to the PT of the said curve.

THENCE N 56°23'37" W 197.93 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 15°45'23".

THENCE with the arc of the said curve 63.25 feet the long chord of which bears N 64°16'19" W 63.05 feet to the PT of the said curve.

THENCE N 72°09'00" W 108.56 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 37°44'30".

THENCE with the arc of the said curve 151.50 feet the long chord of which bears S 88°58'45" W 148.78 feet to the PT of the said curve.

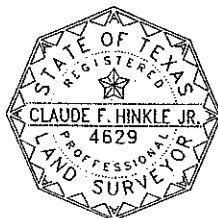
THENCE S 70°06'30" W 178.78 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 52°38'27".

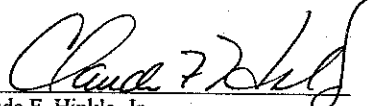
THENCE with the arc of the said curve 275.63 feet the long chord of which bears N 83°34'16" W 266.03 feet to the PT of the said curve.

THENCE N 57°15'03" W 92.46 feet to the PC of a curve to the left right said curve having a radius of 230.00 feet and a central angle of 24°42'10".

THENCE with the arc of the said curve 99.16 feet the long chord of which bears N 69°36'08" W 98.40 feet to the PT of the said curve and the terminus of this easement.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the establishment of access roads and utility easements. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

26 Oct 03

1176-road-rev.doc

EXHIBIT

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**Exhibit E**

[Initial Assessments]

The initial regular assessments will be \$25.00 per acre per year; payable quarterly or as otherwise determined by the Association. Any partial acre will be rounded up to the next whole acre [for example only: for assessment purposes 10.2 acres will be rounded up to 11 acres].

**Exhibit F**

[Legal Description of Well Sites]

*See Attached 4 Pages*

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176wells-1

## FIELD NOTES FOR SANITARY CONTROL EASEMENTS

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

## WELL SITE #1

## 150 FOOT RADIUS AROUND THE FOLLOWING DESCRIBED POINT;

The center of an existing well from which point an iron pin set in a rock mound found for the Northeast corner of Section 112 bears N 15°54'20" W 1350.99 feet. An iron pin set in the West corner of the above mentioned 11518.11 acre tract bears S 76°26'25"W 5374.66 feet.

## WELL SITE #2

## 150 FOOT RADIUS AROUND THE FOLLOWING DESCRIBED POINT;

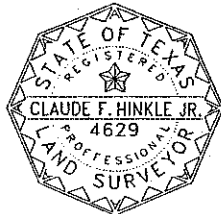
The center of an existing well from which point an iron pin set in a rock mound found for the Northeast corner of Section 112 bears N 10°26'40" W 3286.86 feet. An iron pin set in the West corner of the above mentioned 11518.11 acre tract bears N 82°57'39"W 5491.85 feet.

## WELL SITE #3

## 150 FOOT RADIUS AROUND THE FOLLOWING DESCRIBED POINT;

The center of an existing well from which point an iron pin set in a rock mound found for the Northeast corner of Section 112 bears N 06°04'17" W 5257.59 feet. An iron pin set in the West corner of the above mentioned 11518.11 acre tract bears N 63°44'46"W 6033.04 feet.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

*11 Dec 03*  
Date 1176rev.doc

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EXHIBIT

F

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

--- Accompaniment to plat 1176wells-1

## FIELD NOTES FOR SANITARY CONTROL EASEMENTS

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

## WELL SITE #4

## 150 FOOT RADIUS AROUND THE FOLLOWING DESCRIBED POINT;

The center of an existing well from which point an iron pin set in a rock mound found for the Northeast corner of Section 112 bears N 19°08'24" W 7699.23 feet. An iron pin set in the West corner of the above mentioned 11518.11 acre tract bears N 57°25'36"W 8756.36 feet.

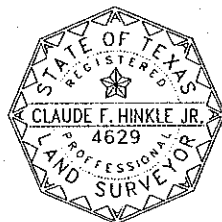
All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

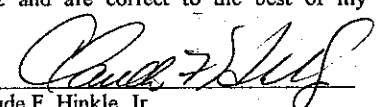
## WELL SITE #5

## 150 FOOT RADIUS AROUND THE FOLLOWING DESCRIBED POINT;

The center of an existing well from which point an iron pin set in a rock mound found for the Northwest corner of Section 113 bears N 56°17'20" W 4807.46 feet. An iron pin set in the West corner of the above mentioned 11518.11 acre tract bears N 89°17'46"W 8854.34 feet.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief.



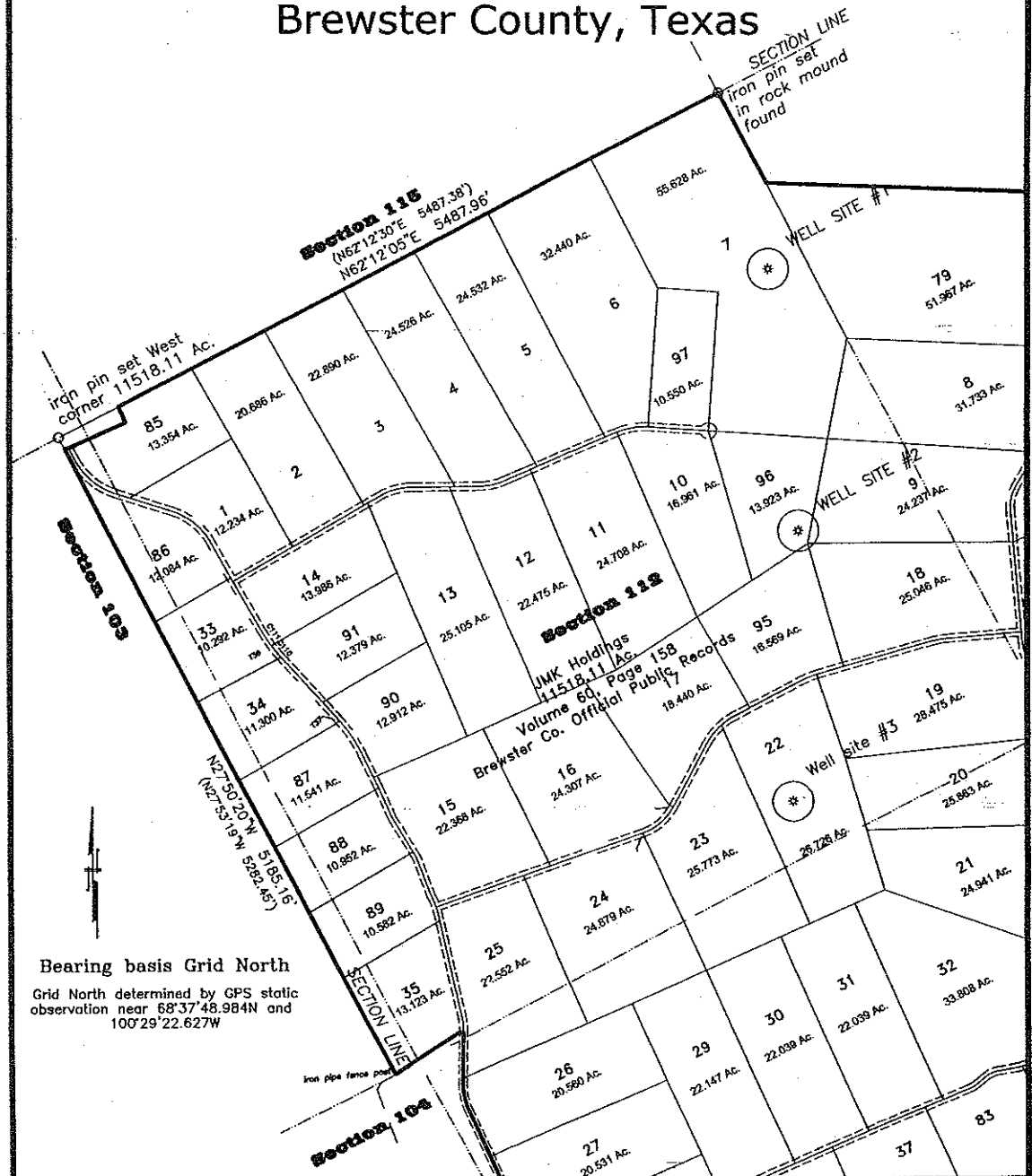
  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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EXHIBIT

F

# Sketch to accompany field notes for sanitary control easements in Sections 110, 111, and 112, Block 9, G.H. & S.A. Railway Co. Surveys Brewster County, Texas



Bearing basis Grid North

Grid North determined by GPS static observation near 68°37'48.984N and 100°29'22.627W

## WELL SITE #1

An iron pin set in a rock mound found for the Northeast corner of Section 112 bears N15°54'20"W 1350.99 feet. An iron pin set for the West corner of 11518.11 acres bears S76°26'55"W 5374.66 feet.

## WELL SITE #2

An iron pin set in a rock mound found for the Northeast corner of Section 112 bears N10°26'40"W 3286.86 feet. An iron pin set for the West corner of 11518.11 acres bears N82°57'39"W 5491.85 feet.

## WELL SITE #3

An iron pin set in a rock mound found for the Northeast corner of Section #112 bears N06°04'17"W 5257.59 feet. An iron pin set in the West corner of 11518.11 acre tract bears N63°44'46"W 6033.04 feet.

Sheet 1 of 2

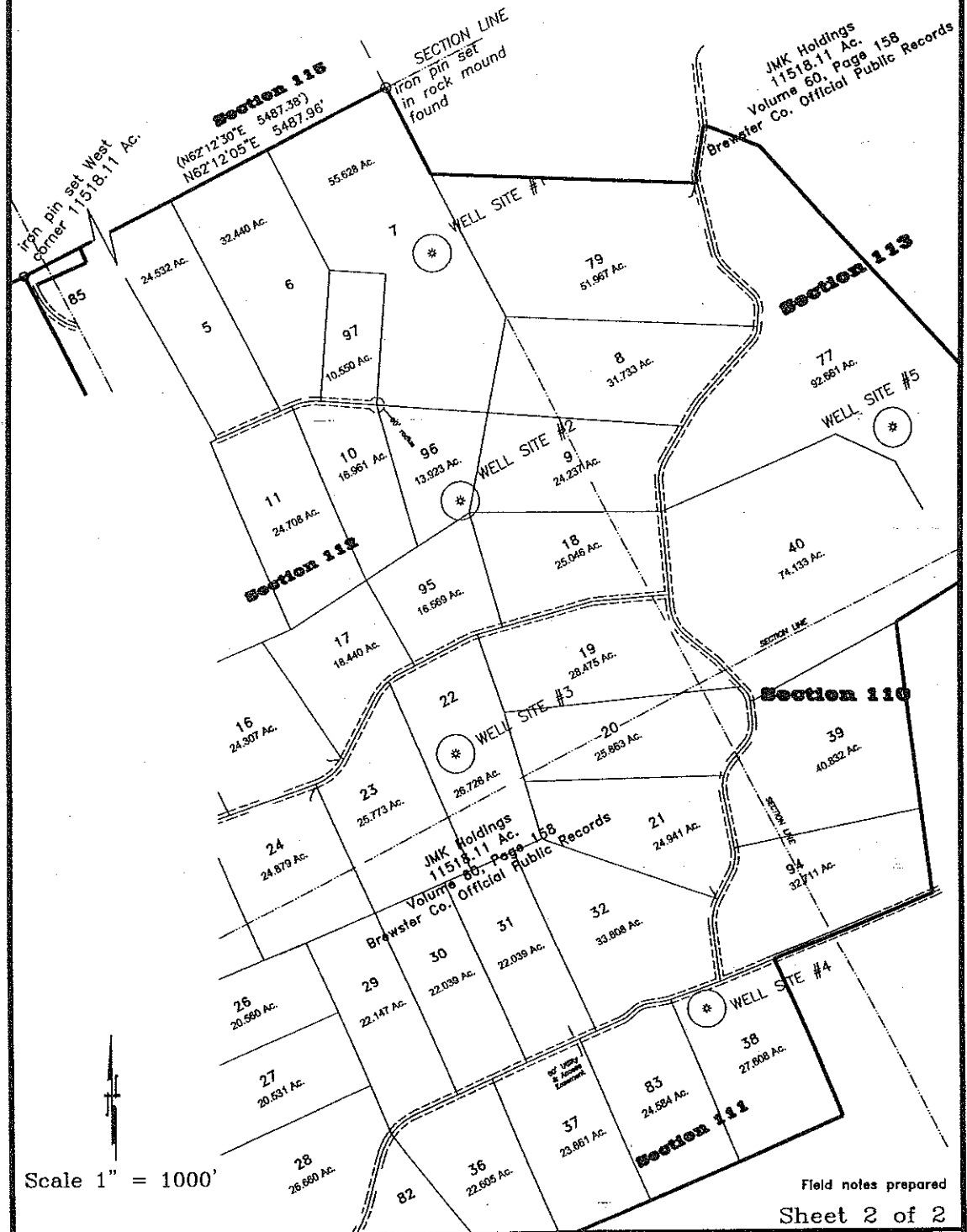
File No.: 1176wells-1	Designed By: skip
Job No.: 1176-283	Drawn By: skip
Date: December, 2003	Checked By:
Scale: 1" = 1000'	Revised:



AUSTIN SURVEYORS

2105 Justin Lane #103  
Austin, Texas 78757


# Sketch to accompany field notes for sanitary control easements in Sections 110, 111, and 112, Block 9, G.H. & S.A. Railway Co. Surveys Brewster County, Texas



**WELL SITE #4**  
An iron pin set in a rock mound found for the Northeast corner of Section #112 bears N19°08'24"W 7699.23 feet.  
An iron pin set in the West corner of 11518.11 acre tract bears N57°25'36"W 8756.36 feet.

**WELL SITE #5**  
An iron pin set in a rock mound found for the Northeast corner of Section #112 bears N56°17'20"W 4807.46 feet.  
An iron pin set in the West corner of 11518.11 acre tract bears N89°17'46"W 8854.34 feet.

File No.: 1176wells-1	Designed By: skip
Job No.: 1176-283	Drawn By: skip
Date: December, 2003	Checked By:
Scale: 1" = 1000'	Revised:

 **AUSTIN SURVEYORS**  
2105 Justin Lane #103  
Austin, Texas 78757

EXHIBIT

F

TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS**FIRST AMENDMENT TO Doc# 67607**  
**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND**  
**EASEMENTS**

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of August 10, 2004, by SIERRA LA RANA, LTD. (together with its successors and assigns "Declarant").

## RECITALS

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas (the "Declaration").
- B. Declarant wishes to amend the Declaration and bring additional property within the governance of the Declaration, subject to the terms and conditions of this Amendment.

## AMENDMENTS

1. **Definitions—Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Article 13.3 – Complaints by Association.** Article 13.3 is hereby amended to read as follows (*italics indicates amended language*):

"If the Association believes any Owner is in violation of this Declaration, it shall so notify such Owner in writing, explaining its reason for such complaint. If the Owner fails to remedy the alleged violation within ten (10) days following delivery of such notice, then the Association shall have the right (but not the obligation or duty) to institute appropriate legal action, at law or in equity, *including, but not limited to, obtaining a temporary restraining order and subsequent injunction* to enforce this Declaration, and may recover its reasonable expenses, including attorney's fees. Without limiting the foregoing, the Association may take such other action as it deems necessary to cure the Owner's violation and the cost expended by the Association in doing so shall be a charge and lien upon the subject Tract."

3. **Article 13.8 (i) Dispute Resolution between Owners** – Article 13.8 (i) is hereby amended to read as follows (*italics indicates amended language*):

"Notwithstanding the foregoing, this section 13.8 shall not preclude the Declarant or the Association from exercising its rights pursuant to section 13.3 or from seeking, in an appropriate court of law, an injunction or temporary restraining order otherwise designed to enforce against *an Owner any such compliance with*, and prohibit any further violation(s) of, this Declaration."

4. **Additional Property.** Pursuant to Article 13.9 of the Declaration, Declarant hereby subjects the following additional property to the Declaration and all of the Restrictions set forth therein:

Tracts 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 69, 70, 71, 74, 75, 76, 80, 81, 84, 92, 93, 98, and 99, which Tracts are further described by metes and bounds on Exhibit A attached hereto and incorporated herein by this reference.

5. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LTD., a Texas limited partnership

By: JH-Del-GP, Inc., a Delaware corporation, its  
general partner

By: 

Name: Michael B. Evans

Title: President

Exhibit A

*Legal Description of Tracts*

See attached descriptions of Tracts:

47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 69, 70, 71, 74, 75, 76, 80, 81, 84, 92, 93, 98, and 99.

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph2-3P

**FIELD NOTES FOR 56.322 ACRES**  
**Tract 47**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract from which iron pin an iron pin set in a rock mound found for the West corner of Section 113 bears S 61°58'05" W 1583.52 feet and N 28°01'55" W 5600.67 feet and the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 7090.33 feet and N 27°50'20" W 5599.17 feet.

THENCE N 57°28'17" E 988.81 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 50°14'15" E 375.22 feet to an iron pin set for an angle point of this tract.

THENCE S 04°08'33" E 2165.23 feet to an iron pin set for an angle point of this tract.

THENCE S 04°17'54" W 30.00 feet to an iron pin set for the Southeast corner of this tract.

THENCE N 85°42'06" W 456.89 feet to an iron pin set for in the PC of a curve to the left said curve having a radius of 180.00 feet, and a central angle of 33°58'04".

THENCE with the arc of the said curve 106.71 feet, the long chord of which bears S 77°18'52" W 105.16 feet, to an iron pin set for the PT of the said curve.

THENCE S 60°19'50" W 440.92 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 06°29'15".

THENCE with the arc of the said curve 56.61 feet, the long chord of which bears S 63°34'28" W 56.58 feet, to an iron pin set for the Southwest corner of this tract.

THENCE N 23°10'53" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 07°23'06" W 2120.06 feet to the POINT OF BEGINNING, containing 56.322 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

*21 July 04*  
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**EXHIBIT A**

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Accompaniment to plat 1176-Ph2-3P

**FIELD NOTES FOR 31.360 ACRES**  
**Tract 48**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract from which iron pin an iron pin set in a rock mound found for the West corner of Section 113 bears S 61°58'05" W 355.48 feet and N 28°01'55" W 7573.90 feet and the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5868.94 feet and N 27°50'20" W 7576.53 feet.

THENCE N 66°49'05" E 479.67 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 06°29'15".

THENCE with the arc of the said curve 56.61 feet, the long chord of which bears N 63°34'28" E 56.58 feet, to an iron pin set for the PT of the said curve.

THENCE N 60°19'50" E 440.92 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 29°40'10" E 30.00 feet to an iron pin set for an angle point of this tract.


THENCE S 24°53'49" E 1379.10 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 1019.32 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°09'55" W 1354.97 feet to the POINT OF BEGINNING, containing 31.360 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

21 July 04  
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Accompaniment to plat 1176-Ph2-3P

**FIELD NOTES FOR 43.953 ACRES**  
**Tract 49**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin the Northwest corner of the above mentioned 11518.11 acre tract bears N 27°26'57" W 1204.08 feet, S 62°09'40" W 7793.86 feet and N 27°50'20" W 7859.53 feet and from which point an iron pin set in a rock mound found for the West corner of Section 113 bears N 27°26'57" W 1204.08 feet, S 61°58'05" W 2279.44 feet and N 28°01'55" W 7863.38 feet

THENCE N 63°36'56" E 1490.15 feet to an iron pin set for an angle point of this tract.

THENCE N 46°58'11" E 30.05 feet to an iron pin set for the North corner of this tract.

THENCE S 39°44'58" E 254.62 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 360.44 feet, and a central angle of 31°55'44".

THENCE with the arc of the said curve 200.86 feet, the long chord of which bears S 55°42'50" E 198.27 feet, to an iron pin set for the PT of the said curve.

THENCE S 71°40'42" E 216.46 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 19°06'48".

THENCE with the arc of the said curve 100.08 feet, the long chord of which bears S 62°07'18" E 99.61 feet, to an iron pin set for the PT of the said curve.

THENCE S 52°33'54" E 364.14 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 19°31'09".

THENCE with the arc of the said curve 170.34 feet, the long chord of which bears S 42°48'19" E 169.51 feet, to an iron pin set for the PT of the said curve and the Southeast corner of this tract.

THENCE S 66°50'05" W 2079.89 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 27°26'57" W 1017.87 feet to the POINT OF BEGINNING, containing 43.953 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Claude F. Hinkle, Jr.  
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**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph2-3

**FIELD NOTES FOR 51.466 ACRES**

**Tract 50**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 24.47 feet and N 27°40'23" W 8660.29 feet.

THENCE S 24°47'08" E 2534.08 feet to an iron pin set for an angle point of this tract.

THENCE S 06°53'29" E 30.03 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 80°22'12" W 572.35 feet to an iron pin set for an angle point of this tract.

THENCE N 64°01'02" W 205.51 feet, to an iron pin set for the PT of the said curve.

THENCE N 64°01'02" W 195.87 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 40°01'59".

THENCE with the arc of the said curve 349.35 feet, the long chord of which bears N 44°00'03" W 342.29 feet to an iron pin set for the PT of the said curve.

THENCE N 23°59'03" W 195.87 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 28°34'51".

THENCE with the arc of the said curve 249.41 feet, the long chord of which bears N 38°16'28" W 246.84 feet to an iron pin set for the PT of the said curve.

THENCE N 52°33'54" W 364.14 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 19°06'48".

THENCE with the arc of the said curve 100.08 feet, the long chord of which bears N 62°07'18" W 99.61 feet, to an iron pin set for the PT of the said curve.

THENCE N 71°40'42" W 216.46 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 360.44 feet, and a central angle of 31°55'44".

THENCE with the arc of the said curve 200.86 feet, the long chord of which bears N 55°42'50" W 198.27 feet to an iron pin set for the PT of the said curve.

THENCE N 39°44'58" W 254.62 feet to an iron pin set for the West corner of this tract.

THENCE N 46°58'11" E 30.05 feet to an iron pin set for an angle point of this tract.

**EXHIBIT A**

**Book 171 Page 354**

THENCE N 44°39'23" E 1480.71 feet to the POINT OF BEGINNING,  
containing 51.466 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

21 July 04  
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**EXHIBIT A**

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #105  
(512) 454-6605 **Book 171 Page 355**

Accompaniment to plat 1176-Ph1-2P

## FIELD NOTES FOR 39.356 ACRES Tract 51

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109, 110, 173, and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin a rock mound found for the West corner of Section 173 bears S 62°19'37" W 98.47 feet and N 27°40'23" W 10127.49 feet and the North corner of Section 173 bears N 62°18'37" E 5386.85 feet and N 27°41'23" W 10141.28 feet.

THENCE N 55°29'24" E 1175.00 feet to an iron pin set for then North corner of this tract.

THENCE S 48°23'04" E 1303.29 feet to an iron pin set for the East corner of this tract.

THENCE S 41°36'56" W 57.07 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 22°16'47".

THENCE with the arc of the said curve 89.44 feet, the long chord of which bears S 52°45'19" W 88.87 feet, to an iron pin set for the PT of the said curve.

THENCE S 63°53'43" W 875.05 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 475.79 feet, and a central angle of 19°23'17".

THENCE with the arc of the said curve 161.00 feet, the long chord of which bears S 54°12'05" W 160.23 feet, to an iron pin set for the PT of the said curve.

THENCE S 44°30'26" W 283.39 feet to an iron pin set for an angle point of this tract.

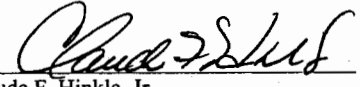
THENCE S 85°50'50" W 270.17 feet to an iron pin set for the South corner of this tract.

THENCE N 06°53'29" W 30.03 feet to an iron pin set for an angle point of this tract.

THENCE N 24°47'08" W 1065.02 feet to the POINT OF BEGINNING containing 39.356 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

21.6604  
Date 1176rev.doc

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# EXHIBIT A

**AUSTIN SURVEYORS**P.O. BOX 188243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6685

Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 55.787 ACRES****Tract 52**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 173, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin an iron pin set in a rock mound found for the West corner of Section 113 bears N 62°55'54" W 1674.96 feet, S 57°08'53" W 1050.00 feet, N 32°57'42" W 1800.00 feet, N 37°50'03" W 3499.33 feet, N 88°16'45" W 700.00 feet, N 76°14'36" E 60.00 feet, N 88°16'45" W 2073.62 feet, and N 27°49'28" W 764.06 feet.

THENCE N 59°57'17" E 1652.62 feet to an iron pin set for the Northeast corner of this tract and the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 09°01'20".

THENCE with the arc of the said curve 36.22 feet, the long chord of which bears S 25°32'03" E 36.18 feet, to an iron pin set for the PT of the said curve.

THENCE S 21°01'23" E 386.78 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 19°29'51".

THENCE with the arc of the said curve 170.15 feet, the long chord of which bears S 30°46'19" E 169.33 feet, to an iron pin set for the PT of the said curve.

THENCE S 40°31'14" E 219.00 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 41°25'59".

THENCE with the arc of the said curve 361.57 feet, the long chord of which bears S 61°14'14" E 353.74 feet, to an iron pin set for the PT of the said curve.

THENCE S 81°57'13" E 270.04 feet to an iron pin set for the East corner of this tract.

THENCE S 08°02'47" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 55°29'24" W 2149.51 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 24°47'08" W 1469.06 feet to the POINT OF BEGINNING, containing 55.787 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

*06 Aug 04*  
Date 1176rev.doc

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**EXHIBIT A**

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-1P

**FIELD NOTES FOR 42.771 ACRES**  
**Tract 54**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 24.47 feet and N 27°40'23" W 8660.29 feet.

THENCE S 44°39'23" W 1480.71 feet to an iron pin set for an angle point of this tract.

THENCE S 46°58'11" W 30.05 feet to an iron pin set for the South corner of this tract.

THENCE N 46°18'39" W 250.56 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 255.13 feet, and a central angle of 36°56'57".

THENCE with the arc of the said curve 164.53 feet, the long chord of which bears N 64°47'07" W 161.70 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right said curve having a radius of 558.58 feet, and a central angle of 37°23'06".

THENCE with the arc of the said curve 364.47 feet, the long chord of which bears N 64°34'03" W 358.04 feet, to an iron pin set for the PT of the said curve

THENCE N 45°52'30" W 13.98 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 26°09'42".

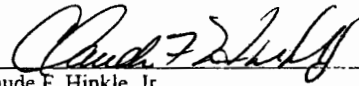
THENCE with the arc of the said curve 228.30 feet, the sub-chord of which bears N 58°57'21" W 226.33 feet to an iron pin set for the West corner of this tract.

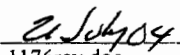
THENCE N 17°57'48" E 1381.14 feet to an iron pin set for the North corner of this tract.

THENCE S 62°55'54" E 1674.96 feet to the POINT OF BEGINNING, containing 42.771 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

  
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**EXHIBIT A**

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

## FIELD NOTES FOR 40.075 ACRES

## Tract 56

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 10°50'45" E 961.18 feet, N 58°50'10" E 3534.61 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 76°41'35" W 30.00 feet to an iron pin set for an angle point.

THENCE S 46°53'03" W 1714.76 feet to an iron pin set for the South corner of this tract.

THENCE N 39°10'37" W 826.05 feet to an iron pin set for the West corner of this tract from which iron pin an iron pin found in the West corner of Section 173 bears S 62°19'37" W 698.47 feet and N 27°40'23" W 12161.

THENCE N 46°53'03" E 2313.40 feet to an iron pin set for the North corner of this tract.

THENCE S 27°26'00" E 206.23 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 28°21'21".

THENCE with the arc of the said curve 247.45 feet, the long chord of which bears S 13°15'20" E 244.93 feet, to an iron pin set for the PT of the said curve.

THENCE S 00°55'21" W 387.36 feet to the PC of a curve to the right said curve having a radius of 1156.88 feet and a central angle of 12°23'04".

THENCE with the arc of the said curve 250.06 feet the long chord of which bears S 07°06'53" W 249.57 feet to the POINT OF BEGINNING, containing 40.075 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

2/16/04  
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Revised July 2004

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EXHIBIT A

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 85.649 ACRES**  
**Tract 57**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears N 46°53'03" E 1714.76 feet, S 76°41'35" E 30.00 feet, S 10°50'45" E 961.18 feet, N 58°50'10" E 3534.61 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 46°53'03" W 2500.00 feet to an iron pin set for the South corner of this tract.

THENCE N 39°44'55" W 1383.75 feet to an iron pin set for the West corner of this tract.

THENCE N 50°14'44" E 1414.45 feet to an iron pin set for an angle point of this tract.

THENCE N 05°29'39" E 831.79 feet to an iron pin set for an angle point of this tract.

THENCE N 85°50'50" E 90.26 feet to an iron pin set for an angle point of this tract.

THENCE N 44°30'26" E 283.39 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 475.79 feet, and a central angle of 19°23'17".

THENCE with the arc of the said curve 161.00 feet, the long chord of which bears N 54°12'05" E 160.23 feet, to an iron pin set for the PT of the said curve and the North corner of this tract.

THENCE S 26°06'17" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 39°10'37" E 1758.44 feet to the POINT OF BEGINNING, containing 85.649 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

*21 July 04*  
Date 1176rev.doc

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**EXHIBIT A**

Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 124.220 ACRES  
Tract 58**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, 173, 172, and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears S 62°09'38" W 879.22 feet and N 27°50'22" W 9912.78 feet.

THENCE S 37°46'23" E 2303.24 feet to an iron pin set for the East corner of this tract and the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 72°57'34".

THENCE with the arc of the said curve 382.01 feet, the long chord of which bears S 82°42'49" W 356.72 feet, to an iron pin set for the PT of the said curve.

THENCE N 60°48'24" W 324.35 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 56°38'00".

THENCE with the arc of the said curve 296.53 feet, the long chord of which bears N 89°07'24" W 284.61 feet, to an iron pin set for the PT of the said curve.

THENCE S 62°33'36" W 578.86 feet to an iron pin set for an angle point of this tract.

THENCE S 50°41'38" W 312.61 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 1025.64 feet, and a central angle of 21°34'23".

THENCE with the arc of the said curve 386.18 feet, the long chord of which bears S 39°54'26" W 383.90 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the left, said curve having a radius of 306.18 feet, and a central angle of 29°36'13".

THENCE with the arc of the said curve 158.19 feet, the long chord of which bears S 14°19'08" W 156.44 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 126.22 feet, and a central angle of 65°19'06".

THENCE with the arc of the said curve 143.89 feet, the long chord of which bears S 32°10'35" W 136.23 feet, to an iron pin set for the PT of the said curve.

THENCE S 64°50'08" W 181.97 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 930.93 feet, and a central angle of 18°52'55".

THENCE with the arc of the said curve 306.79 feet, the long chord of which bears S 55°23'40" W 305.41 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 270.01 feet, and a central angle of 59°39'02".

THENCE with the arc of the said curve 281.11 feet, the long chord of which bears S 75°46'43" W 268.58 feet, to an iron pin set for the PT of the said curve.

THENCE N 74°23'46" W 958.55 feet to an iron pin set for the South corner of this tract.

THENCE N 27°26'00" W 677.50 feet to an iron pin set for the West corner of this tract.

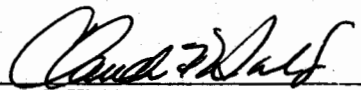
THENCE N 62°34'00" E 30.00 feet to an iron pin set for an angle point of this tract.


THENCE N 47°17'29" E 1620.97 feet to an iron pin set for an angle point of this tract.

THENCE N 50°49'42" E 1700.00 feet to the POINT OF BEGINNING, containing 124.220 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

  
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# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 171 Page 362

Accompaniment to plat 1176-Ph1-2P

## FIELD NOTES FOR 150.062 ACRES

### Tract 59

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 173, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°09'38" E 619.45 feet and N 27°50'22" W 6911.78 feet.

THENCE S 20°37'22" E 2017.39 feet to an iron pin set for an angle point of this tract.

THENCE S 31°29'50" E 1336.36 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 47°17'29" W 1620.97 feet to an iron pin set for an angle point of this tract.

THENCE S 62°34'00" W 30.00 feet to an iron pin set for the South corner of this tract and the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 28°57'37".

THENCE with the arc of the said curve 116.25 feet, the long chord of which bears N 41°54'49" W 115.02 feet, to an iron pin set for the PT of the said curve.

THENCE N 56°23'37" W 197.93 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 15°45'23".

THENCE with the arc of the said curve 63.25 feet, the long chord of which bears N 64°16'19" W 63.05 feet, to an iron pin set for the PT of the said curve.

THENCE N 72°09'00" W 108.56 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 37°44'30".

THENCE with the arc of the said curve 151.50 feet, the long chord of which bears S 88°58'45" W 148.78 feet, to an iron pin set for the PT of the said curve.

THENCE S 70°06'30" W 178.78 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 52°38'27".

THENCE with the arc of the said curve 275.63 feet, the long chord of which bears N 83°34'16" W 266.03 feet, to an iron pin set for the PT of the said curve.

THENCE N 57°15'03" W 92.46 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 24°42'10".

THENCE with the arc of the said curve 99.16 feet, the long chord of which bears N 69°36'08" W 98.40 feet, to an iron pin set for the PT of the said curve.

THENCE N 81°57'13" W 270.04 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 41°25'59".

THENCE with the arc of the said curve 361.57 feet, the long chord of which bears N 61°14'14" W 353.74 feet, to an iron pin set for the PT of the said curve.

# EXHIBIT A

**Book 171 Page 363**

THENCE N 40°31'14" W 219.00 feet to an iron pin set for the West corner of this tract.

THENCE N 49°28'26" E 30.00 feet to an iron pin set for an angle point of this tract.

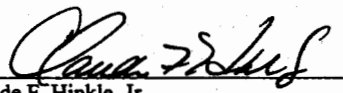
THENCE N 26°12'41" E 2182.30 feet to an iron pin set for an angle point of this tract.

THENCE N 02°03'06" E 926.34 feet to an iron pin set for an angle point of this tract.

THENCE N 49°55'47" E 865.00 feet to the POINT OF BEGINNING, containing 150.062 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during June of 2004 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 21 July 04  
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rev 25Jun 04

**EXHIBIT A**

Accompaniment to plat 1176-Ph1-2P  
**FIELD NOTES FOR 174.982 ACRES**  
**TRACT 69**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 175 and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the occupied Southeast line of the above mentioned 11518.11 acre tract for the East corner of this tract from which iron pin the East corner of the said 11518.11 acre tract bears N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 82°49'25" W with the occupied Southeast line of the said 11518.11 acre tract 2095.70 feet to a fence post found for an angle point of this tract.

THENCE S 42°24'13" W with the occupied Southeast line of the said 11518.11 acre tract 2152.00 feet to a fence post found for the South corner of this tract.

THENCE N 20°10'40" W 603.95 feet to an iron pin set for an angle point of this tract.

THENCE N 03°37'24" E 224.23 feet to an iron pin set for an angle point of this tract.

THENCE N 12°36'28" W 319.66 feet to an iron pin set for an angle point of this tract.

THENCE N 39°43'52" W 266.37 feet to an iron pin set for an angle point of this tract.

THENCE N 37°23'13" W 896.35 feet to an iron pin set for an angle point of this tract.

THENCE N 36°56'40" W 122.11 feet to an iron pin set for the West corner of this tract.

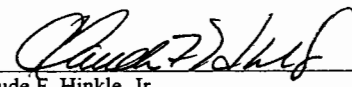
THENCE N 53°03'20" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 58°53'07" E 3534.61 feet to an iron pin set for the North corner of this tract.

THENCE S 35°58'28" E 2608.42 feet to the POINT OF BEGINNING, containing 174.982 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

21 July 04  
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**EXHIBIT A**

## FIELD NOTES FOR 240.479 ACRES

## Tract 70

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 and 1143, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 20°10'40" E 603.95 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 39°20'18" W 808.58 feet to an iron pin set for an angle point of this tract.

THENCE S 63°51'40" W 378.56 feet to an iron pin set for an angle point of this tract.

THENCE S 57°24'41" W 289.43 feet to an iron pin set for an angle point of this tract.

THENCE S 24°58'55" W 164.44 feet to an iron pin set for an angle point of this tract.

THENCE S 49°59'00" W 500.08 feet to an iron pin set for an angle point of this tract.

THENCE N 81°41'20" W 385.81 feet to an iron pin set for an angle point of this tract.

THENCE S 89°15'38" W 269.19 feet to an iron pin set for an angle point of this tract.

THENCE S 64°26'37" W 166.89 feet to an iron pin set for an angle point of this tract.

THENCE S 88°49'10" W 225.12 feet to an iron pin set for an angle point of this tract.

THENCE S 59°53'27" W 650.16 feet to an iron pin set for an angle point of this tract.

THENCE S 81°28'01" W 229.63 feet to an iron pin set for an angle point of this tract.

THENCE S 55°36'09" W 398.14 feet to an iron pin set for an angle point of this tract.

THENCE S 13°40'00" W 174.87 feet to an iron pin set for the South corner of this tract.

THENCE N 47°16'29" W 1598.92 feet to an iron pin set for the West corner of this tract.

THENCE N 46°53'03" E 5314.76 feet to an iron pin set for the North corner of this tract.

THENCE S 76°41'35" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 13°18'25" W 153.32 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 250.00 feet, and a central angle of 24°38'02".

THENCE with the arc of the said curve 107.48 feet, the long chord of which bears S 00°59'24" W 106.66 feet, to an iron pin set for the PT of the said curve.

THENCE S 11°19'37" E 503.88 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 524.27 feet, and a central angle of 25°37'03".

THENCE with the arc of the said curve 234.40 feet, the long chord of which bears S 24°08'08" E 232.46 feet, to an iron pin set for the PT of the said curve.

THENCE S 36°56'40" E 122.11 feet to an iron pin set for an angle point of this tract.

THENCE S 37°23'13" E 896.35 feet to an iron pin set for an angle point of this tract.

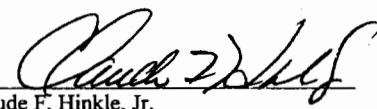
THENCE S 39°43'52" E 266.37 feet to an iron pin set for an angle point of this tract.

THENCE S 12°36'28" E 319.66 feet to an iron pin set for an angle point of this tract.

THENCE S 03°37'24" W 224.23 feet to the POINT OF BEGINNING, containing 240.479 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 21 July 04 1176rev.doc

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**EXHIBIT A**

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

## FIELD NOTES FOR 172.189 ACRES

## Tract 71

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 175 and 1143, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 38°40'04" E 2994.88 feet, N 61°49'08" E 871.55 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 54°03'27" W 2669.62 feet to an iron pin set for an angle point of this tract.

THENCE S 58°53'07" W 3534.61 feet to an iron pin set to an iron pin set for an angle point of this tract.

THENCE S 53°03'20" W 30.00 feet to an iron pin set for the South corner of this tract.

THENCE with the arc of a curve to the right 234.40 feet said curve having a radius of 524.27 feet, a central angle of 25°37'03", and a long chord which bears N 24°08'08" W 232.46 feet, to an iron pin set for the PT of the said curve.

THENCE N 11°19'37" W 503.88 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 250.00 feet, and a central angle of 24°38'02".

THENCE with the arc of the said curve 107.48 feet, the long chord of which bears N 00°59'24" E 106.66 feet to an iron pin set for the PT of the said curve.

THENCE N 13°18'25" E 153.32 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 1156.88 feet and a central angle of 12°23'04".

THENCE with the arc of the said curve 250.06 feet the long chord of which bears N 07°06'53" E 249.57 feet. to an iron pin set for the PT of the said curve.

THENCE N 00°55'21" E 387.36 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 28°21'21".

THENCE with the arc of the said curve 247.45 feet the long chord of which bears N 13°15'20" W 244.93 feet to an iron pin set in the PT of the said curve.

THENCE N 27°26'00" W 419.98 feet to an iron pin set for the West corner of this tract.

THENCE S 74°23'46" E 958.55 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 270.01 feet, and a central angle of 59°39'02".

THENCE with the arc of the said curve 281.11 feet, the long chord of which bears N 75°46'43" E 268.58 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 930.93 feet, and a central angle of 18°52'55".

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-1P

## FIELD NOTES FOR 72.525 ACRES

## Tract 74

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears S62°55'54" E 1674.96 feet, N 62°19'37" E 24.47 feet and N 27°40'23" W 8660.29 feet.

THENCE S 17°57'48" W 1381.14 feet to an iron pin set for the Southeast corner of this tract and the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 26°31'49".

THENCE with the arc of the said curve 231.52 feet, the sub-chord of which bears N 85°18'07" W 229.46 feet to an iron pin set for the PT of the said curve.

THENCE S 81°25'58" W 842.35 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 35°02'34".

THENCE with the arc of the said curve 122.32 feet, the long chord of which bears S 63°54'41" W 120.42 feet, to an iron pin set for the PT of the said curve.

THENCE S 46°23'25" W 162.06 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 47°54'30".

THENCE with the arc of the said curve 192.32 feet, the long chord of which bears S 70°20'39" W 186.76 feet, to an iron pin set for the PT of the said curve and the Southwest corner of this tract.

THENCE N 04°17'54" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 04°08'33" W 2165.23 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 84°29'06" E 534.47 feet to an iron pin set for an angle point of this tract.

THENCE S 68°34'51" E 1623.26 feet to the POINT OF BEGINNING, containing 72.525 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

28 July 04  
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EXHIBIT A

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-1P

## FIELD NOTES FOR 30.109 ACRES

## Tract 75

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northwest corner of Section 113 bears S 61°58' 05" W 2279.44 feet and N 28°01'55" W 7863.38 feet and from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 7793.86 feet and N 27°50'20" W 7859.53 feet.

THENCE N 81°25'58" E 842.35 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 52°41'32".

THENCE with the arc of the said curve 459.83 feet, the long chord of which bears S 72°13'16" E 443.79 feet, to an iron pin set for the PT of the said curve.

THENCE S 45°52'30" E 13.99 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 558.58 feet, and a central angle of 37°23'06".

THENCE with the arc of the said curve 364.47 feet, the long chord of which bears S 64°34'03" E 358.04 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 255.13 feet, and a central angle of 36°56'57".

THENCE with the arc of the said curve 164.53 feet, the long chord of which bears S 64°47'07" E 161.70 feet, to an iron pin set for the PT of the said curve.

THENCE S 46°18'39" E 250.56 feet to an iron pin set for the East corner of this tract.

THENCE S 46°58'11" W 30.05 feet to an iron pin set for an angle point of this tract.

THENCE S 63°36'56" W 1490.15 feet to an iron pin set for the Southwest corner of this tract.


THENCE N 27°26'57" W 1204.08 feet to an iron pin set for an angle point of this tract.

THENCE N 08°34'02" W 30.00 feet to the POINT OF BEGINNING, containing 30.109 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph2-3P

**FIELD NOTES FOR 28.074 ACRES****Tract 76**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northwest corner of Section 113 bears S 61°58' 05" W 1330.73 feet and N 28°01'55" W 7603.44 feet.

THENCE with the arc of a curve to the right 106.71 feet, said curve having a radius of 180.00 feet, a central angle of 33°58'04", and a long chord which bears N 77°18'52" E 105.16 feet to an iron pin set for the PT of the said curve.

THENCE S 85°42'06" E 456.89 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 47°54'30".

THENCE with the arc of the said curve 192.32 feet, the long chord of which bears N 70°20'39" E 186.76 feet to an iron pin set for the PT of the said curve.

THENCE N 46°23'25" E 162.06 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 200.00 feet, and a central angle of 35°02'34".

THENCE with the arc of the said curve 122.32 feet, the long chord of which bears N 63°54'41" E 120.42 feet, to an iron pin set for the PT of the said curve and the Northeast corner of this tract.

THENCE S 08°34'02" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 27°26'57" E 1204.08 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 1004.65 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 24°53'49" W 1379.10 feet to an iron pin set for an angle point of this tract.

THENCE N 29°40'10" W 30.00 feet to the POINT OF BEGINNING, containing 28.074 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Claude F. Hinkle, Jr.  
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Date

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P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 28.083 ACRES**

**Tract 80**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 39°44'55" E 2350.09 feet, N 46°53'03" E 4214.76 feet, S 76°41'35" E 30.00 feet, S 10°50'45" E 961.18 feet, N 58°50'10" E 3534.61 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 39°44'55" W 1199.91 feet to an iron pin set for the West corner of this tract.

THENCE N 66°50'05" E 1379.89 feet to an iron pin set for the North corner of this tract and the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 09°03'42".

THENCE with the arc of the said curve 79.08 feet, the sub-chord of which bears S 28°30'54" E 78.99 feet, to an iron pin set for the PT of the said curve.

THENCE S 23°59'03" E 195.87 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 40°01'59".

THENCE with the arc of the said curve 349.35 feet, the long chord of which bears S 44°00'03" E 342.29 feet, to an iron pin set for the PT of the said curve.

THENCE S 64°01'02" E 107.42 feet to an iron pin set for the East corner of this tract from which iron pin the North corner of Section 110 bears N 62°19'37" E 765.13 feet and N 27°40'23" W 10962.96 feet.

THENCE S 45°53'43" W 1327.25 feet to the POINT OF BEGINNING, containing 28.083 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629  
  
20 July 04  
\_\_\_\_\_  
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P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

## FIELD NOTES FOR 39.485 ACRES

## Tract 81

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 109, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 39°44'55" E 1383.75 feet, N 46°53'03" E 4214.76 feet, S 76°41'35" E 30.00 feet, S 10°50'45" E 961.18 feet, N 58°50'10" E 3534.61 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 39°44'55" W 966.34 feet to an iron pin set for the West corner of this tract.

THENCE N 45°53'43" E 1327.25 feet to an iron pin set for the North corner of this tract

THENCE S 64°01'02" E 98.08 feet to an iron pin set for an angle point of this tract.

THENCE N 80°22'12" E 572.35 feet, to an iron pin set for an angle point of this tract.

THENCE N 85°50'50" E 179.91 feet to an iron pin set for the East corner of this tract from which iron pin the North corner of Section 110 bears N 62°19'37" E 11.60 feet and N 27°40'23" W 11312.10 feet

THENCE S 05°29'39" W 831.79 feet to an iron pin set for an angle point of this tract.

THENCE S 50°14'44" W 1414.45 feet to the POINT OF BEGINNING, containing 39.485 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
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**AUSTIN SURVEYORS**

P.O. BOX 18044  
AUSTIN, TEXAS 78761

Book 171 Page 373

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-1p

**FIELD NOTES FOR 27.549 ACRES**  
**Tract 84**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 110 and 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 4985.93 feet and N 27°50'20" W 7504.60 feet.

THENCE N 66°49'05" E 885.92 feet to an iron pin set for the Northeast corner of this tract.

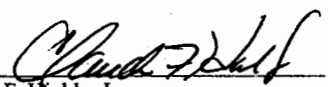
THENCE S 23°09'55" E 1354.97 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 885.53 feet to an iron pin set for the Southwest corner of this tract.


THENCE N 23°09'55" W 1354.71 feet to the POINT OF BEGINNING, containing 27.549 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

  
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Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 39.721 ACRES****Tract 92**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 09°05'40" E 2015.01 feet, N 58°50'10" E 3508.84 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 46°53'03" W 2313.46 feet to an iron pin set for the South corner of this tract from which iron pin an iron pin found in the West corner of Section 173 bears S 62°19'37" W 698.47 feet and N 27°40'23" W 12161.34 feet.

THENCE N 39°10'37" W 932.40 feet to an iron pin set for an angle point of this tract.

THENCE N 26°06'17" W 30.00 feet to an iron pin set for the West corner of this tract.

THENCE N 63°53'43" E 875.05 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 22°16'47".

THENCE with the arc of the said curve 89.44 feet, the long chord of which bears N 52°45'19" E 88.87 feet, to an iron pin set for the PT of the said curve.

THENCE N 41°36'56" E 57.07 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 400.00 feet, and a central angle of 33°11'14".

THENCE with the arc of the said curve 231.69 feet, the long chord of which bears N 58°12'33" E 228.47 feet, to an iron pin set for the PT of the said curve.

THENCE N 74°48'10" E 278.85 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 54°47'10".

THENCE with the arc of the said curve 219.93 feet, the long chord of which bears N 47°24'35" E 211.64 feet, to an iron pin set for the PT of the said curve.

THENCE N 20°01'00" E 360.71 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 25°57'03".

THENCE with the arc of the said curve 104.17 feet, the long chord of which bears N 07°02'28" E 103.29 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 250.00 feet, and a central angle of 77°01'42".


THENCE with the arc of the said curve 336.10 feet, the long chord of which bears N 32°34'48" E 311.35 feet, to an iron pin set for the PT of the said curve.


THENCE N 71°05'39" E 103.34 feet to an iron pin set for the North corner of this tract.

THENCE S 27°26'00" E 815.76 feet to the POINT OF BEGINNING, containing 39.721 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
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AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 36.063 ACRES**  
**Tract 93**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 173 and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin a rock mound found for the West corner of Section 173 bears S 62°19'37" W 1068.16 feet and N 27°40'23" W 9987.61 feet and a spindle set in a rock mound found in the North corner of Section 173 bears N 62°18'37" E 4220.16 feet and N 27°41'23" W 10001.74 feet.

THENCE N 55°29'24" E 974.50 feet to an iron pin set for an angle point of this tract.

THENCE N 08°02'47" E 30.00 feet to an iron pin set for the North corner of this tract and the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 24°42'10".

THENCE with the arc of the said curve 99.16 feet, the long chord of which bears S 69°36'08" E 98.40 feet, to an iron pin set for the PT of the said curve.

THENCE S 57°15'03" E 92.46 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 52°38'27".

THENCE with the arc of the said curve 275.63 feet, the long chord of which bears S 83°34'16" E 266.03 feet, to an iron pin set for the PT of the said curve.

THENCE N 70°06'30" E 178.78 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 37°44'30".

THENCE with the arc of the said curve 151.50 feet, the long chord of which bears N 88°58'45" E 148.78 feet, to an iron pin set for the PT of the said curve.

THENCE S 72°09'00" E 108.56 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 15°45'23".

THENCE with the arc of the said curve 63.25 feet, the long chord of which bears S 64°16'19" E 63.05 feet, to an iron pin set for the PT of the said curve.

THENCE S 56°23'37" E 197.93 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 28°57'37".

THENCE with the arc of the said curve 116.25 feet, the long chord of which bears S 41°54'49" E 115.02 feet, to an iron pin set for the PT of the said curve.

THENCE S 27°26'00" E 75.48 feet to an iron pin set for the East corner of this tract.

THENCE S 71°05'39" W 103.34 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 250.00 feet, and a central angle of 77°01'42".

THENCE with the arc of the said curve 336.10 feet, the long chord of which bears S 32°34'48" W 311.35 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 25°57'03".

**EXHIBIT A**

**Book 171 Page 377**

THENCE with the arc of the said curve 104.17 feet, the long chord of which bears S 07°02'28" W 103.29 feet, to an iron pin set for the PT of the said curve.

THENCE S 20°01'00" W 360.71 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 54°47'10".

THENCE with the arc of the said curve 219.93 feet, the long chord of which bears S 47°24'35" W 211.64 feet, to an iron pin set for the PT of the said curve.

THENCE S 74°48'10" W 278.85 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 400.00 feet, and a central angle of 33°11'14".

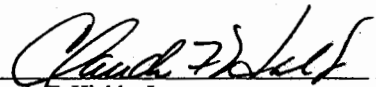
THENCE with the arc of the said curve 231.69 feet, the long chord of which bears S 58°12'33" W 228.47 feet, to an iron pin set for the PT of the said curve and the South corner of this tract..

THENCE N 48°23'04" W 1303.29 feet to the POINT OF BEGINNING, containing 38.063 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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R.P.L.S. No. 4629

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**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 78718

Block 171 Page 378

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 54.218 ACRES****Tract 98**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 173, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°09'38" E 1464.80 feet and N 27°50'22" W 7095.03 feet.

THENCE S 02°03'06" W 926.35 feet to an iron pin set for an angle point of this tract.

THENCE S 26°12'41" W 2182.30 feet to an iron pin set for an angle point of this tract.

THENCE S 49°28'46" W 30.00 feet to an iron pin set for the South corner of this tract and the PC of a curve to the right said curve having a radius of 500.00 feet, and a central angle of 19°29'51".

THENCE with the arc of the said curve 170.14 feet, the long chord of which bears N 30°46'19" W 169.33 feet, to an iron pin set for the PT of the said curve.

THENCE N 21°01'23" W 386.78 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 27°24'53".

THENCE with the arc of the said curve 110.05 feet, the long chord of which bears N 34°43'50" W 109.00 feet, to an iron pin set for the PT of the said curve.

THENCE N 48°26'16" W 423.57 feet to an iron pin set for an angle point of this tract.

THENCE N 40°05'12" W 206.55 feet, to an iron pin set for an angle point of this tract.

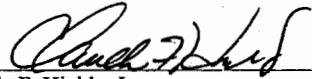
THENCE N 54°08'55" W 301.50 feet to an iron pin set for the west corner of this tract.

THENCE N 38°42'24" E 30.04 feet to an iron pin set for an angle point of this tract.

THENCE N 49°55'47" E 2591.13 feet to the POINT OF BEGINNING, containing 54.218 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during June of 2004 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

21 July 04  
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**EXHIBIT A**

**AUSTIN SURVEYORS**P.O. BOX 1807 **Book 171 Page 379**  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-2P

**FIELD NOTES FOR 77.433 ACRES****Tract 99**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 172 and 173, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears S 62°09'38" W 221.53 feet and N 27°50'22" W 6193.43 feet.

THENCE S 26°42'46" E 536.99 feet to an iron pin set for the East corner of this tract.

THENCE S 49°50'01" W 850.00 feet to an iron pin set for an angle point of this tract.

THENCE S 49°55'47" W 3456.13 feet to an iron pin set for an angle point of this tract.

THENCE S 38°42'24" W 30.04 feet to an iron pin set for the South corner of this tract.

THENCE N 48°26'16" W 295.64 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 17°15'08".

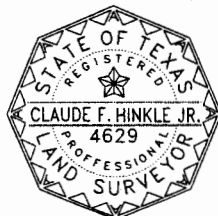
THENCE with the arc of the said curve 150.55 feet the long chord of which bears N 57°03'50" W 149.98 feet to an iron pin set for the PT of the said curve


THENCE N 65°41'24" W 168.86 feet to an iron pin set in angle point of this tract.

THENCE N 37°57'55" E 1793.90 feet to an iron pin set for an angle point of this tract.

THENCE N 58°28'24" E 2896.74 feet to the POINT OF BEGINNING, containing 77.433 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during June of 2004 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

21 July 04  
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**EXHIBIT A**

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**      00087 70086

This SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of March 18, 2005, by SIERRA LA RANA, LTD. (together with its successors and assigns "Declarant").

**RECITALS**

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347 of the Real Property Records of Brewster County, Texas (the "Declaration").
- B. Declarant has re-surveyed the following tracts and will amend the Declaration to revise the metes and bounds description for those tracts:  
  
Tracts: 10, 20, 28, 39, 40, 52, 56, 57, 69, 71, 80, 81, 82, 93, 95, 96, and 99.
- C. Declarant has now subdivided Tract 50 to create an additional Tract. The new tract is to be known as Tract 101, and the remainder of original Tract 50 will be known as 50R.
- D. Declarant has now subdivided Tract 51 to create an additional Tract. The new tract is to be known as Tract 100, and the remainder of original Tract 51 will be known as 51R.
- E. Declarant has now subdivided Tract 54 to create an additional Tract. The new tract is to be known as Tract 103, and the remainder of original Tract 54 will be known as 54R.
- F. Declarant has now subdivided Tract 70 to create an additional Tract. The new tract is to be known as Tract 104, and the remainder of original Tract 70 will be known as 70R.
- G. Declarant has now subdivided Tracts 49 and 75 to create an additional Tract. The new tract is to be known as Tract 102, and the remainder of original Tracts 49 and 75 will be known as 49R and 75R.
- H. Declarant has now subdivided Tract 92 to create an additional Tract. The new tract is to be known as Tract 105, and the remainder of original Tract 92 will be known as Tract 92R.
- I. Declarant will establish an easement for equestrian ingress and egress over and across certain portions of the Property.

- J. Declarant wishes to amend the Declaration to update the property tax provisions.
- K. Declarant wishes to amend the Declaration to revise the metes and bounds description for Tracts 10, 20, 28, 39, 40, 52, 56, 57, 69, 71, 80, 81, 82, 93, 95, 96, and 99, recognize Tracts 50R, 101, 51R, 100, 54R, 103, 70R, 104, 49R, 75R, 102, 92R, and 105 as tracts subject to the governance of the Declaration, create an equestrian easement, and revise the property tax provisions.

### AMENDMENTS

1. **Definitions—Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Revised Property Descriptions.** Declarant hereby revises the metes and bounds description of the following tracts:

Tracts 10, 20, 28, 39, 40, 52, 56, 57, 69, 71, 80, 81, 82, 93, 95, 96, and 99, which tracts are further described by the revised metes and bounds on Exhibit A attached hereto and incorporated herein by this reference.

3. **Revised Property Drawing.** Exhibit B of the Declaration is deleted in its entirety and replaced with Exhibit B attached hereto and incorporated herein by this reference.

4. **Tract 101.** Tract 101, which Tract is further described by metes and bounds on Exhibit C attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

5. **Tract 50R.** Declarant hereby revises the metes and bounds description of Tract 50 to reflect the subdivision of said tract. New Tract 50R is further described by metes and bounds on Exhibit D attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

6. **Tract 100.** Tract 100, which Tract is further described by metes and bounds on Exhibit E attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

7. **Tract 51R.** Declarant hereby revises the metes and bounds description of Tract 51 to reflect the subdivision of said tract. New Tract 51R is further described by metes and bounds on Exhibit F attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

8. Tract 103. Tract 103, which Tract is further described by metes and bounds on Exhibit G attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

9. Tract 54R. Declarant hereby revises the metes and bounds description of Tract 54 to reflect the subdivision of said tract. New Tract 54R is further described by metes and bounds on Exhibit H attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

10. Tract 104. Tract 104, which Tract is further described by metes and bounds on Exhibit I attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

11. Tract 70R. Declarant hereby revises the metes and bounds description of Tract 70 to reflect the subdivision of said tract. New Tract 70R is further described by metes and bounds on Exhibit J attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

12. Tract 102. Tract 102, which is further described by metes and bounds on Exhibit K attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

13. Tract 49R. Declarant hereby revises the metes and bounds description of Tract 49 to reflect the subdivision of said tract. New Tract 49R is further described by metes and bounds on Exhibit L attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

14. Tract 75R. Declarant hereby revises the metes and bounds description of Tract 75 to reflect the subdivision of said tract. New Tract 75R is further described by metes and bounds on Exhibit M attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

15. Tract 105. Tract 105, which is further described by metes and bounds on Exhibit N attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

16. Tract 92R. Declarant hereby revises the metes and bounds description of Tract 92 to reflect the subdivision of said tract. New Tract 92R is further described by metes and bounds on Exhibit O attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

17. Article 10.1 – Roads, Utility, and other Easements. A subsection (e) is added to this article which shall read as follows:

"An easement for equestrian ingress and egress is hereby reserved to Declarant, the Association, and all Owners, ten feet (10') in width over and across the Property and each Tract. This equestrian easement shall adjoin and run parallel to the Roads, and no Owner shall do anything to obstruct the use and enjoyment of such easement. The use of this equestrian easement shall be at the sole risk of the user."

18. **Article 3.17 – Property Taxes.** Article 3.17 of the Declaration is hereby deleted and replaced as follows:

Each Owner shall be responsible for the payment of all ad valorem and other property taxes owing on the Owner's Tract, including, but not limited to, any rollback taxes applicable to the Tract in the event the Tract loses its agricultural or open-space valuation. To the extent practicable, all Owners are encouraged to take reasonable measures to maintain an agricultural or open-space tax valuation for all or part of their Tract by preserving or enhancing the agricultural and/or wildlife conservation uses of their Tract, consistent with the terms hereof. Declarant makes no representations, warranties, or agreements of any kind concerning whether an Owner can or cannot maintain an agricultural or open-space valuation.

19. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LTD., a Texas limited partnership

By: JH-Del-GP, Inc., a Delaware corporation, its  
general partner


By:   
Name: Cathy Snoddy  
Title: Secretary

Exhibit A

*Legal Description of Revised Tracts*

See attached description of Tracts:

10, 20, 28, 39, 40, 52, 56, 57, 69, 71, 80, 81, 82, 93, 95, 96, and 99.

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1

## FIELD NOTES FOR 16.962 ACRES

## Tract 10

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract, from which iron pin an iron pin set in a rock mound found in the North corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears S 86°12'52" E 879.39 feet, N 10°40'58" E 764.98 feet, N 27°49'28" W 2043.08 feet.

THENCE S 16°34'20" E 1139.64 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 56°35'53" W 488.82 feet to an iron pin set for the Southwest corner of this tract.

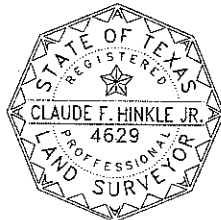
THENCE N 23°36'09" W 1444.33 feet to an iron pin set for an angle point of this tract.


THENCE N 23°16'51" W 30.00 feet to the Northwest corner of this tract and the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 27°03'59".

THENCE with the arc of the said curve 236.20 feet the long chord of which bears N 80°15'08" E 234.01 feet to an iron pin set for the PT of the said curve.

THENCE S 86°12'52" E 443.52 feet to the POINT OF BEGINNING, containing 16.962 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date FEB 18 2005  
1176rev.60c

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AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1

## FILED NOTES FOR 25.863 ACRES

## Tract 20

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, 111, and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 19°07'38" W 617.19 feet, N 16°05'20" W 60.00 feet, N 03°22'12" W 942.32 feet, N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE N 84°02'06" E 1878.09 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 43°17'58" E 49.26 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 130.00 feet, and a central angle of 36°36'29".

THENCE with the arc of the said curve 83.06 feet, the long chord of which bears S 24°59'43" E 81.66 feet, to an iron pin set for the PT of the said curve.

THENCE S 06°41'28" E 158.08 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 250.00 feet, and a central angle of 47°12'33".

THENCE with the arc of the said curve 205.99 feet, the long chord of which bears S 16°54'48" W 200.21 feet, to an iron pin set for the PT of the said curve.

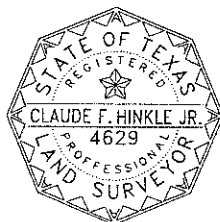
THENCE S 40°31'05" W 166.14 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 24°23'22".

THENCE with the arc of the said curve 127.70 feet, the long chord of which bears S 28°19'23" W 126.74 feet, to an iron pin set for the PT of the said curve and the Southeast corner of this tract.

THENCE S 88°34'53" W 1569.01 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 16°29'03" W 563.10 feet to the POINT OF BEGINNING, containing 25.863 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

Date 1176rev.doc

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AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1

## FIELD NOTES FOR 26.660 ACRES

## Tract 28

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 275.37 feet and N 27°50'20" W 6788.57 feet.

THENCE N 66°18'03" E 1430.00 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°41'57" E 405.73 feet to an iron pin set for the Southeast corner of this tract and the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 22°59'33".

THENCE with the arc of the said curve 200.65 feet, the long chord of which bears S 26°16'13" W 199.30 feet, to an iron pin set for the PT of the said curve.

THENCE S 14°46'26" W 342.98 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 1200.00 feet and a central angle of 15°39'00".

THENCE with the arc of the said curve 327.78 feet, the long chord of which bears S 22°35'56" W 326.76 feet, to an iron pin set for the PT of the said curve.

THENCE S 30°25'26" W 219.63 feet to an iron pin set for the South corner of this tract.

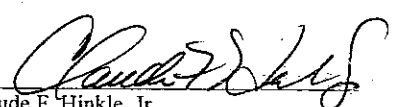
THENCE N 68°41'57" W 711.87 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 45°00'00".

THENCE with the arc of the said curve 392.70 feet, the long chord of which bears N 46°11'57" W 382.68 feet, to an iron pin set for the PT of the said curve.

THENCE N 23°41'57" W 300.00 feet to the POINT OF BEGINNING, containing 26.660 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
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R.P.L.S. No. 4629

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Accompaniment to plat 1176-ph1

**FIELD NOTES FOR 40.832 ACRES**  
**Tract 39**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5132.97 feet and N 27°50'20" W 6563.50 feet and the Northwest corner of Section 113 bears N 61°58'05" E 377.07 feet and N 28°01'55" W 6558.39 feet.

THENCE N 11°32'27" W 425.16 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 52°03'31".

THENCE with the arc of the said curve 272.58 feet, the long chord of which bears N 14°29'19" E 263.30 feet, to an iron pin set for the PT of the said curve.

THENCE N 40°31'05" E 166.14 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 250.00 feet, and a central angle of 47°12'33".

THENCE with the arc of the said curve 205.99 feet, the long chord of which bears N 16°54'48" E 200.21 feet, to an iron pin set for the PT of the said curve.

THENCE N 06°41'28" W 158.08 feet to an iron pin set for the Northwest corner of this tract.

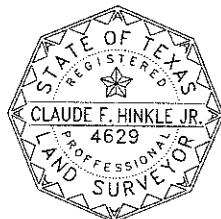
THENCE N 83°18'32" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 61°11'53" E 1280.53 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 07°23'06" E 1478.77 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 78°27'33" W 1500.91 feet to the POINT OF BEGINNING, containing 40.832 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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AUSTIN, TEXAS 78718

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(512) 454-6605

Accompaniment to plat 1176-ph1

**FIELD NOTES FOR 74.133 ACRES**

**TRACT 40**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract and the PC of a curve to the left, said curve having a radius of 130.00 feet, and a central angle of  $36^{\circ}36'29''$ , from which point the Northwest corner of the above mentioned 11518.11 acre tract bears  $S 62^{\circ}09'40'' W$  5782.00 feet and  $N 27^{\circ}50'20'' W$  5609.87 feet and the Northwest corner of the above mentioned Section 113 bears  $S 61^{\circ}58'05'' W$  275.16 feet and  $N 28^{\circ}01'55'' W$  5606.98 feet.

THENCE with the arc of the said curve 83.06 feet, the long chord of which bears  $N 24^{\circ}59'43'' W$  81.66 feet, to an iron pin set for the PT of the said curve.

THENCE  $N 43^{\circ}17'58'' W$  337.62 feet to an iron pin set for an angle point of this tract.

THENCE  $N 51^{\circ}11'34'' W$  295.37 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 360.00 feet, and a central angle of  $46^{\circ}08'43''$ .

THENCE with the arc of the said curve 289.94 feet, the long chord of which bears  $N 28^{\circ}07'12'' W$  282.17 feet, to an iron pin set for the PT of the said curve.

THENCE  $N 05^{\circ}02'51'' W$  753.45 feet to an iron pin set for the Northwest corner of this tract.

THENCE  $N 66^{\circ}30'35'' E$  1490.73 feet to an iron pin set for an angle point of this tract.

THENCE  $S 66^{\circ}29'24'' E$  513.54 feet to an iron pin set for an angle point of this tract.

THENCE  $S 30^{\circ}57'51'' E$  427.96 feet, to an iron pin set for an angle point of this tract.

THENCE  $S 58^{\circ}59'06'' E$  726.71 feet to an iron pin set for the East corner of this tract.

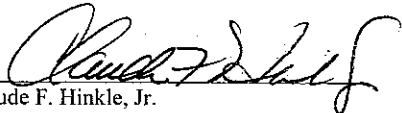
THENCE  $S 57^{\circ}28'17'' W$  988.81 feet to an iron pin set for an angle point of this tract.

THENCE  $S 61^{\circ}11'53'' W$  1280.53 feet to an iron pin set for an angle point of this tract.

THENCE S 83°18'32" W 30.00 feet to the POINT OF BEGINNING, containing 74.133 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

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2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 55.787 ACRES**  
**Tract 52**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 173, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin a rock mound found for the North corner of Section 113 bears N 62°19'37" E 24.47 feet and N 27°40'23" W 8660.29 feet.

THENCE N 59°57'17" E 1652.62 feet to an iron pin set for the Northeast corner of this tract and the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 09°01'20".

THENCE with the arc of the said curve 36.22 feet, the sub-chord of which bears S 25°32'03" E 36.18 feet, to an iron pin set for the PT of the said curve.

THENCE S 21°01'23" E 386.78 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 19°29'51".

THENCE with the arc of the said curve 170.15 feet, the long chord of which bears S 30°46'19" E 169.33 feet, to an iron pin set for the PT of the said curve.

THENCE S 40°31'14" E 219.00 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 41°25'59".

THENCE with the arc of the said curve 361.57 feet, the long chord of which bears S 61°14'14" E 353.74 feet, to an iron pin set for the PT of the said curve.

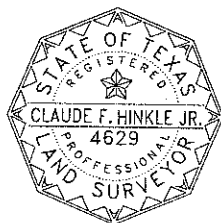
THENCE S 81°57'13" E 270.04 feet to an iron pin set for the East corner of this tract.

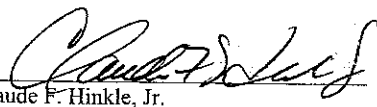
THENCE S 08°02'47" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 55°29'24" W 2149.51 feet to an iron pin set for the South corner of this tract.

THENCE N 24°47'08" W 1469.06 feet to the POINT OF BEGINNING, containing 55.787 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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P.O. BOX 180243  
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(512) 454-6605

Accompaniment to plat 1176-Ph1

## FIELD NOTES FOR 40.075 ACRES

## Tract 56

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 10°04'36" E 1009.19 feet, N 58°50'10" E 3508.84 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 76°41'35" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 46°53'03" W 1714.76 feet to an iron pin set for the South corner of this tract.

THENCE N 39°10'37" W 826.05 feet to an iron pin set for the West corner of this tract from which iron pin an iron pin found in the West corner of Section 173 bears S 62°19'37" W 698.47 feet and N 27°40'23" W 12161.

THENCE N 46°53'03" E 2313.40 feet to an iron pin set for the North corner of this tract.

THENCE S 27°26'00" E 206.23 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 28°21'21".

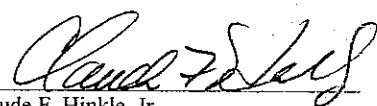
THENCE with the arc of the said curve 247.45 feet, the long chord of which bears S 13°15'20" E 244.93 feet, to an iron pin set for the PT of the said curve.

THENCE S 00°55'21" W 387.36 feet to the PC of a curve to the right said curve having a radius of 1156.88 feet and a central angle of 12°23'04".

THENCE with the arc of the said curve 250.06 feet the long chord of which bear S 07°06'53" W 249.57 feet to the POINT OF BEGINNING, containing 40.075 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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Accompaniment to plat 1176-Ph1

## FIELD NOTES FOR 85.649 ACRES

## Tract 57

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears N 46°53'03" E 1792.97 feet, S 10°04'36" E 1009.19 feet, N 58°50'10" E 3508.84 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 46°53'03" W 2500.00 feet to an iron pin set for the South corner of this tract.

THENCE N 39°44'55" W 1383.75 feet to an iron pin set for the West corner of this tract.

THENCE N 50°14'44" E 1414.45 feet to an iron pin set for an angle point of this tract.

THENCE N 05°29'39" E 831.79 feet to an iron pin set for an angle point of this tract.

THENCE N 85°50'50" E 90.26 feet, to an iron pin set for an angle point of this tract.

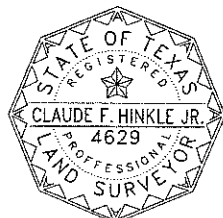
THENCE N 44°30'26" E 283.39 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 475.79 feet, and a central angle of 19°23'17".

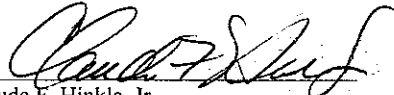
THENCE with the arc of the said curve 161.00 feet, the long chord of which bears N 54°12'05" E 160.23 feet, to an iron pin set for the PT of the said curve and the North corner of this tract.

THENCE S 26°06'17" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 39°10'37" E 1758.44 feet to the POINT OF BEGINNING, containing 85.649 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
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AUSTIN, TEXAS 78718

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(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 174.980 ACRES  
TRACT 69**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the occupied Southeast line of the above mentioned 11518.11 acre tract for the East corner of this tract from which iron pin the East corner of the said 11518.11 acre tract bears N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 82°49'25" W with the occupied Southeast line of the said 11518.11 acre tract 2095.70 feet to a fence post found for an angle point of this tract.

THENCE S 42°24'13" W with the occupied Southeast line of the said 11518.11 acre tract 2152.00 feet to a fence post found for the South corner of this tract.

THENCE N 20°10'40" W 603.95 feet to an iron pin set for an angle point of this tract.

THENCE N 03°37'24" E 224.23 feet to an iron pin set for an angle point of this tract.

THENCE N 12°36'28" W 319.66 feet to an iron pin set for an angle point of this tract.

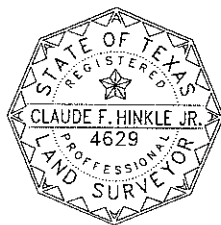
THENCE N 39°43'52" W 266.37 feet to an iron pin set for an angle point of this tract.

THENCE N 37°19'56" W 1021.70 feet to an iron pin set for the West corner of this tract.

THENCE N 58°53'17" E 3564.77 feet to an iron pin set for the North corner of this tract.

THENCE S 35°58'28" E 2608.42 feet to the POINT OF BEGINNING, containing 174.980 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
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**FEB 18 2005**

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(512) 454-6605

Accompaniment to plat 1176-Ph1

## FIELD NOTES FOR 172.181 ACRES

## Tract 71

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 38°40'04" E 2994.88 feet, N 61°49'08" E 871.55 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 54°03'27" W 2669.62 feet to an iron pin set for an angle point of this tract.

THENCE S 58°53'17" W 3564.77 feet to an iron pin set for the South corner of this tract and the PC of a curve to the right said curve having a radius of 524.27 feet and a central angle of 25°15'46".

THENCE with the arc of the said curve 231.16 feet the long chord of which bears N 23°57'30" E 229.29 feet to an iron pin set for the PT of the said curve.

THENCE N 11°19'37" W 503.88 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 24°38'02".

THENCE with the arc of the said curve 107.49 feet the long chord of which bears N 00°59'24" E 106.66 feet to an iron pin set for the PT of the said curve.

THENCE N 13°18'25" E 153.32 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 1156.88 feet, and a central angle of 12°23'04".

THENCE with the arc of the said curve 250.06 feet, the long chord of which bears N 07°06'53" E 249.57 feet, to an iron pin set for the PT of the said curve.

THENCE N 00°55'21" E 387.36 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 28°21'21".

THENCE with the arc of the said curve 247.45 feet, the long chord of which bears N 13°15'20" W 244.93 feet, to an iron pin set for the PT of the said curve.

THENCE N 27°26'00" W 419.98 feet to an iron pin set for the West corner of this tract.

THENCE S 74°23'46" E 958.55 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 270.01 feet, and a central angle of 59°39'02".

THENCE with the arc of the said curve 281.11 feet, the long chord of which bears N 75°46'43" E 268.58 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 930.93 feet, and a central angle of 18°52'55".

THENCE with the arc of the said curve 306.79 feet, the long chord of which bears N 55°23'40" E 305.41 feet, to an iron pin set for the PT of the said curve.

THENCE N 64°50'08" E 181.97 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 126.22 feet, and a central angle of 65°19'06".

THENCE with the arc of the said curve 143.89 feet, the long chord of which bears N 32°10'35" E 136.23 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 306.18 feet, and a central angle of 29°36'13".

THENCE with the arc of the said curve 158.19 feet, the long chord of which bears N 14°19'08" E 156.44 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 1025.64 feet, and a central angle of 21°34'23".

THENCE with the arc of the said curve 386.18 feet, the long chord of which bears N 39°54'26" E 383.90 feet, to an iron pin set for the PT of the said curve.

THENCE N 50°41'38" E 312.61 feet to an iron pin set for an angle point of this tract.

THENCE N 62°33'36" E 578.86 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 56°38'00".

THENCE with the arc of the said curve 296.53 feet, the long chord of which bears S 89°07'24" E 284.61 feet, to an iron pin set for the PT of the said curve.

THENCE S 60°48'24" E 324.35 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 72°57'34".

THENCE with the arc of the said curve 382.01 feet, the long chord of which bears N 82°42'49" E 356.72 feet, to an iron pin set for the PT of the said curve.

THENCE N 53°31'42" E 656.59 feet to an iron pin set for an angle point of this tract.

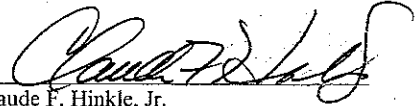
THENCE N 76°29'05" E 997.39 feet to an iron pin set for an angle point of this tract.

THENCE S 29°27'01" E 417.70 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 84°20'49" E 244.49 feet to the POINT OF BEGINNING, containing 172.181 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
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FEB 18 2005

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AUSTIN, TEXAS 78718

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(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 28.083 ACRES**

**Tract 80**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 39°44'55" E 2317.09 feet, N 46°53'03" E 4292.97 feet, S 10°04'36" E 1009.19 feet, N 58°50'10" E 3508.84 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 39°44'55" W 1199.91 feet to an iron pin set for the West corner of this tract.

THENCE N 66°50'05" E 1379.89 feet to an iron pin set for the North corner of this tract and the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 09°03'42".

THENCE with the arc of the said curve 79.08 feet, the long chord of which bears S 28°30'54" E 78.99 feet, to an iron pin set for the PT of the said curve.

THENCE S 23°59'03" E 195.87 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 40°01'59".

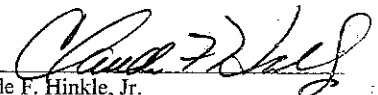
THENCE with the arc of the said curve 349.35 feet, the long chord of which bears S 44°00'03" E 342.29 feet, to an iron pin set for the PT of the said curve.

THENCE S 64°01'02" E 107.42 feet to an iron pin set for the East corner of this tract from which iron pin the North corner of Section 113 bears N 62°19'37" E 765.13 feet and N 27°40'23" W 10962.96 feet.

THENCE S 45°53'43" W 1327.25 feet to the POINT OF BEGINNING, containing 28.083 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

**FEB 18 2005**

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AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 39.485 ACRES****Tract 81**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 109, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 39°44'55" E 1383.75 feet, N 46°53'03" E 4292.97 feet, S 10°04'36" E 1009.19 feet, N 58°50'10" E 3508.84 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 39°44'55" W 966.34 feet to an iron pin set for the West corner of this tract.

THENCE N 45°53'43" E 1327.25 feet to an iron pin set for the North corner of this tract

THENCE S 64°01'02" E 98.08 feet to an iron pin set for an angle point of this tract.

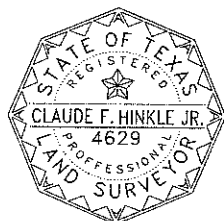
THENCE N 80°22'12" E 572.35 feet, to an iron pin set for an angle point of this tract.

THENCE N 85°50'50" E 179.91 feet, to an iron pin set for the East corner of this tract from which iron pin the North corner of Section 113 bears N 27°41'03" W 11291.03 feet

THENCE S 05°29'39" W 831.79 feet to an iron pin set for an angle point of this tract.

THENCE S 50°14'44" W 1414.45 feet to the POINT OF BEGINNING, containing 39.485 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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(512) 454-6605

Accompaniment to plat 1176-ph1

**FIELD NOTES FOR 18.161 ACRES****Tract 82**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 869.20 feet and N 27°50'20" W 7971.30 feet.

THENCE N 30°25'26" E 219.63 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 1200.00 feet and a central angle of 15°39'00".

THENCE with the arc of the said curve 327.78 feet, the long chord of which bears N 22°35'56" E 326.76 feet, to an iron pin set for the PT of the said curve.

THENCE N 14°46'26" E 342.98 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 500.00 feet, and a central angle of 22°59'33".

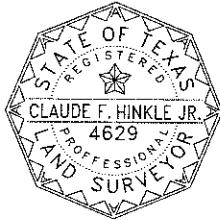
THENCE with the arc of the said curve 200.65 feet, the long chord of which bears N 26°16'13 E 199.30 feet, to an iron pin set for the PT of the said curve and the North corner of this tract.

THENCE S 38°34'04" E 1340.29 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 692.77 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 59°34'34" W 688.55 feet to the POINT OF BEGINNING, containing 18.161 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

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**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 38.063 ACRES****Tract 93**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 173 and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears S 62°19'37" W 1068.16 feet and N 27°40'23" W 9987.61 feet and a spindle set in a rock mound found in the North corner of Section 170 bears N 62°18'37" E 4220.16 feet and N 27°41'23" W 10001.74 feet.

THENCE N 55°29'24" E 974.50 feet to an iron pin set for an angle point of this tract.

THENCE N 08°02'47" E 30.00 feet to an iron pin set for the North corner of this tract and the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 24°42'10".

THENCE with the arc of the said curve 99.16 feet, the long chord of which bears S 69°36'08" E 98.40 feet, to an iron pin set for the PT of the said curve.

THENCE S 57°15'03" E 92.46 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 52°38'27".

THENCE with the arc of the said curve 275.63 feet, the long chord of which bears S 83°34'16" E 266.03 feet, to an iron pin set for the PT of the said curve.

THENCE N 70°06'30" E 178.78 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 37°44'30".

THENCE with the arc of the said curve 151.50 feet, the long chord of which bears N 88°58'45" E 148.78 feet, to an iron pin set for the PT of the said curve.

THENCE S 72°09'00" E 108.56 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 15°45'23".

THENCE with the arc of the said curve 63.25 feet, the long chord of which bears S 64°16'19" E 63.05 feet, to an iron pin set for the PT of the said curve.

THENCE S 56°23'37" E 197.93 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 28°57'37".

THENCE with the arc of the said curve 116.25 feet, the long chord of which bears S 41°54'49" E 115.02 feet, to an iron pin set for the PT of the said curve.

THENCE S 27°26'00" E 75.48 feet to an iron pin set for the East corner of this tract.

THENCE S 71°05'39" W 103.34 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 250.00 feet, and a central angle of 77°01'42".

THENCE with the arc of the said curve 336.10 feet, the long chord of which bears S 32°34'48" W 311.35 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 25°57'03".

THENCE with the arc of the said curve 104.17 feet, the long chord of which bears S 07°02'28" W 103.29 feet, to an iron pin set for the PT of the said curve.

THENCE S 20°01'00" W 360.71 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 54°47'10".

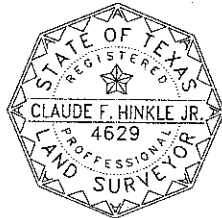
THENCE with the arc of the said curve 219.93 feet, the long chord of which bears S 47°24'35" W 211.64 feet, to an iron pin set for the PT of the said curve.

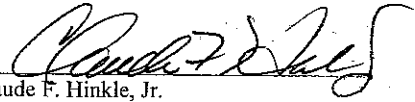
THENCE S 74°48'10" W 278.85 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 400.00 feet, and a central angle of 33°11'14".

THENCE with the arc of the said curve 231.69 feet, the long chord of which bears S 58°12'33" W 228.47 feet, to an iron pin set for the PT of the said curve and the South corner of this tract..

THENCE N 48°23'04" W 1303.29 feet to the POINT OF BEGINNING, containing 38.063 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-1p

## FIELD NOTES FOR 16.569 ACRES

## Tract 95

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northeast corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 10°40'58" E 1543.61 feet and N 27°49'28" W 2043.08 feet.

THENCE S 16°05'20" E 949.20 feet to an iron pin set for the South corner of this tract.

THENCE S 73°54'40" W 207.47 feet to the PC of a curve to the left, said curve having a radius of 603.29 feet, and a central angle of 11°24'47".

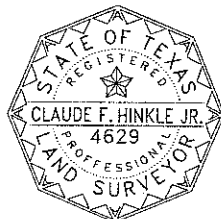
THENCE with the arc of the said curve 120.17 feet, the long chord of which bears S 68°12'17" W 119.97 feet, to an iron pin set for the PT of the said curve.

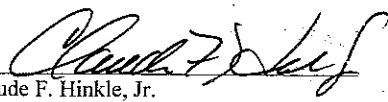
THENCE S 62°29'53" W 430.19 feet to an iron pin set for the South corner of this tract.

THENCE N 29°50'20" W 777.59 feet to an iron pin set for the West corner of this tract.

THENCE N 56°35'53" E 977.65 feet to the POINT OF BEGINNING, containing 16.569 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

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**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1

**FIELD NOTES FOR 13.923 ACRES**  
**Tract 96**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract, from which iron pin the Northeast corner of the above mentioned Section 112 and the Northwest corner of Section 113 bears N 10°40'58" E 764.98 feet, N 27°49'28" W 2043.08 feet.

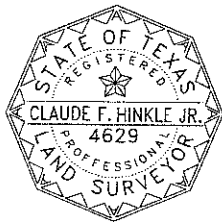
THENCE S 10°40'58" W 778.63 feet to an iron pin set for the South corner of this tract.

THENCE S 56°35'53" W 488.82 feet to an iron pin set for the West corner of this tract.

THENCE N 16°34'20" W 1139.64 feet to an iron pin set for the North corner of this tract.

THENCE N 86°12'52" E 879.39 feet to the POINT OF BEGINNING, containing 13.923 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
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**FEB 18 2005**  
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## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1

## FIELD NOTES FOR 77.433 ACRES

## Tract 99

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 172 and 173, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a spindle set in rock mound found for the North corner of Section 170 bears N 62°18'37" E 237.77 feet and N 27°41'23" W 6192.82 feet.

THENCE S 26°42'46" E 536.99 feet to an iron pin set for the East corner of this tract.

THENCE S 49°50'01" W 850.00 feet to an iron pin set for an angle point of this tract.

THENCE S 49°55'47" W 3456.13 feet to an iron pin set for an angle point of this tract.

THENCE S 38°42'24" W 30.04 feet to an iron pin set for the South corner of this tract.

THENCE N48°26'16" W 295.64 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 17°15'08".

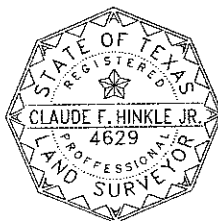
THENCE with the arc of the said curve 150.55 feet the long chord of which bears N 57°03'50" W 149.99 feet to the PT of the said curve

THENCE N 65°41'24" W 168.86 feet to an iron pin set for the West corner of this tract.

THENCE N 37°57'55" E 1793.90 feet to an iron pin set for an angle point of this tract.

THENCE N 58°28'24" E 2896.74 feet to the POINT OF BEGINNING containing 77.433 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

15 Mar 05  
1176rev.doc

Exhibit B

*[Drawing of the Property]*

See attached page

**SIERRA**  
*La Brea*  
**FLANA**  
A CELESTIAL PROPERTY

**PHASE 1**

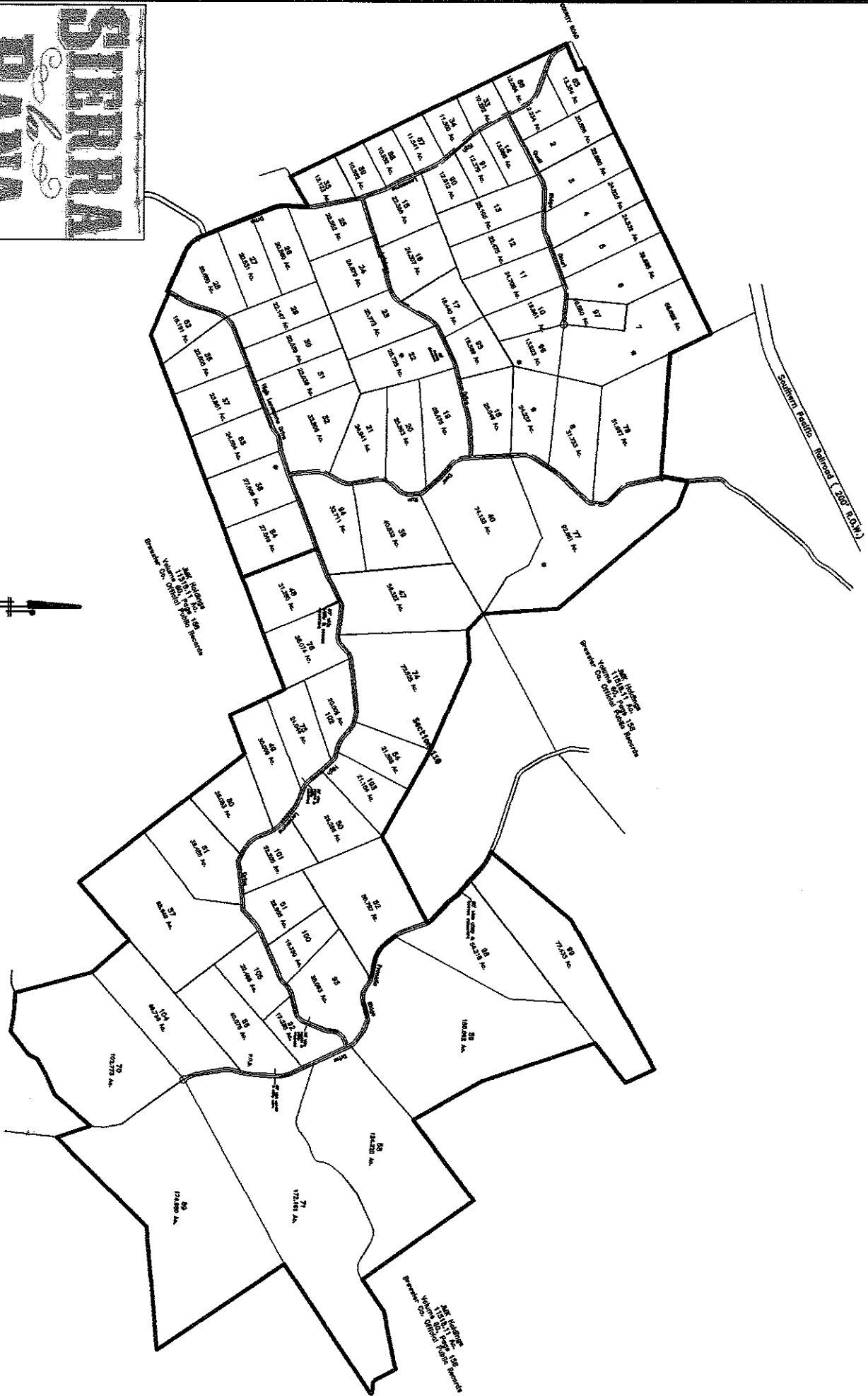
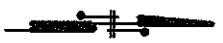


Exhibit C

*Legal Description*

See attached description of Tract 101

P.O. BOX 180243  
 AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
 (512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 20.200 ACRES**

**Tract 101**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 83.36 feet and N 27°40'23" W 9827.87 feet.

THENCE S 24°47'08" E 1365.02 feet to an iron pin set for an angle point of this tract.

THENCE S 06°53'29" E 30.03 feet to an iron pin set for the Southeast corner of this tract

THENCE N 80°22'12" W 572.35 feet to an iron pin set for an angle point of this tract.

THENCE N 64°01'02" W 205.51 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 40°01'59".

THENCE with the arc of the said curve 349.35 feet, the long chord of which bears N 44°00'03" W 342.29 feet to an iron pin set for the PT of the said curve.

THENCE N 23°59'03" W 195.87 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 28°34'51".

THENCE with the arc of the said curve 249.41 feet, the long chord of which bears N 38°16'28" W 246.84 feet to an iron pin set for the PT of the said curve.

THENCE N 52°33'54" W 180.00 feet to an iron pin set for the West corner of this tract.

THENCE N 55°12'22" E 957.60 feet to the POINT OF BEGINNING, containing 22.200 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
 Claude F. Hinkle, Jr.  
 R.P.L.S. No. 4629

**FEB 18 2005**

Date 1176rev.doc

Exhibit D

*Legal Description*

See attached description of Tract 50R

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 29.266 ACRES  
Tract 50**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 24.47 feet and N 27°40'23" W 8660.29 feet.

THENCE S 24°47'08" E 1169.06 feet to an iron pin set for the East corner of this tract.

THENCE S 55°12'22" W 957.60 feet to an iron pin set for the South corner of this tract.

THENCE N 52°33'54" W 184.14 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 19°06'48".

THENCE with the arc of the said curve 100.08 feet, the long chord of which bears N 62°07'18" W 99.61 feet, to an iron pin set for the PT of the said curve.

THENCE N 71°40'42" W 216.46 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 360.44 feet, and a central angle of 31°55'44".

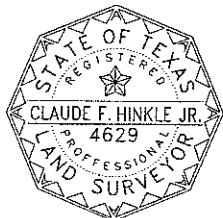
THENCE with the arc of the said curve 200.86 feet, the long chord of which bears N 55°42'50" W 198.27 feet to an iron pin set for the PT of the said curve.

THENCE N 39°44'58" W 254.62 feet to an iron pin set for the West corner of this tract.

THENCE N 46°58'11" E 30.05 feet to an iron pin set for an angle point of this tract.

THENCE N 44°39'23" E 1480.71 feet to the POINT OF BEGINNING, containing 29.266 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

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Exhibit E

*Legal Description*

See attached description of Tract 100

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-L51rev

**FIELD NOTES FOR 16.750 ACRES**

**Tract 100**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109, 110, 173, and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears S 62°19'37" W 613.61 feet and N 27°40'23" W 10042.11 feet and the North corner of Section 170 bears N 62°18'37" E 4674.62 feet and N 27°41'21" W 10056.15 feet.

THENCE N 55°29'24" E 457.80 feet to an iron pin set for the North corner of this tract.

THENCE S 48°23'04" E 1303.29 feet to an iron pin set for the East corner of this tract.

THENCE S 41°36'56" W 57.07 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 22°16'47".

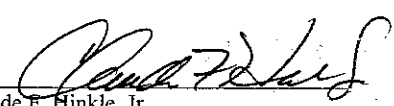
THENCE with the arc of the said curve 89.44 feet, the long chord of which bears S 52°45'19" W 88.87 feet, to an iron pin set for the PT of the said curve.

THENCE S 63°53'43" W 579.29 feet to an iron pin set for the South corner of this tract.

THENCE N 37°02'45" W 1199.69 feet to the POINT OF BEGINNING containing 16.750 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

**FEB 18 2005**

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Exhibit F

*Legal Description*

See attached description of Tract 51R

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 22.605 ACRES****Tract 51**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109, 110, 173, and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears S 62°19'37" W 98.47 feet and N 27°40'23" W 10127.49 feet and the North corner of Section 170 bears N 62°18'37" E 5386.85 feet and N 27°41'23" W 10141.28 feet.

THENCE N 55°29'24" E 717.20 feet to an iron pin set for the North corner of this tract.

THENCE S 37°02'45" E 1199.69 feet to an iron pin set for the East corner of this tract.

THENCE S 63°53'43" W 295.76 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 475.79 feet, and a central angle of 19°23'17".

THENCE with the arc of the said curve 161.00 feet, the long chord of which bears S 54°12'05" W 160.23 feet, to an iron pin set for the PT of the said curve.

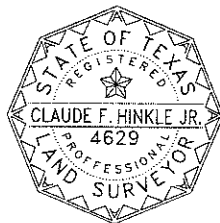
THENCE S 44°30'26" W 283.39 feet to an iron pin set for an angle point of this tract.

THENCE S 85°50'50" W 270.17 feet, to an iron pin set for the South corner of this tract.

THENCE N 06°53'29" W 30.03 feet to an iron pin set for an angle point of this tract.

THENCE N 24°47'08" W 1065.02 feet to the POINT OF BEGINNING containing 22.605 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
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Exhibit G

*Legal Description*

See attached description of Tract 103

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 21.184 ACRES****Tract 103**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 24.47 feet and N 27°40'23" W 8660.29 feet.

THENCE S 44°39'23" W 1480.71 feet to an iron pin set for an angle point of this tract.

THENCE S 46°58'11" W 30.05 feet to an iron pin set for the South corner of this tract.

THENCE N 46°18'39" W 250.56 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 255.13 feet, and a central angle of 36°56'57".

THENCE with the arc of the said curve 164.53 feet, the long chord of which bears N 64°47'07" W 161.70 feet, to an iron pin set for the PT of the said curve and the West corner of this tract.

THENCE N 06°44'21" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 25°43'59" E 1345.54 feet to an iron pin set for the North corner of this tract.

THENCE S 62°55'54" E 901.13 feet to the POINT OF BEGINNING, containing 21.184 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

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Exhibit H

*Legal Description*

See attached description of Tract 54R

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 21.588 ACRES****Tract 54**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 544.67 feet and N 27°40'23" W 7924.47 feet.

THENCE S 25°43'59" W 1345.54 feet to an iron pin set for an angle point of this tract.

THENCE S 06°44'21" W 30.00 feet to an iron pin set for the South corner of this tract and the PC of a curve to the right said curve having a radius of 558.58 feet and a central angle of 37°23'06".

THENCE with the arc of the said curve 364.47 feet, the long chord of which bears N 64°34'03" W 358.04 feet, to an iron pin set for the PT of the said curve

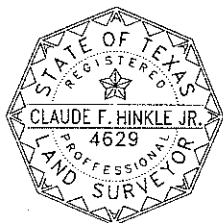
THENCE N 45°52'30" W 13.99 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 26°09'42".

THENCE with the arc of the said curve 228.30 feet, the sub-chord of which bears N 58°57'21" W 226.33 feet to an iron pin set for the West corner of this tract.

THENCE N 17°57'48" E 1381.14 feet to an iron pin set for the North corner of this tract.

THENCE S 62°55'54" E 773.83 feet to the POINT OF BEGINNING, containing 21.588 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

**FEB 18 2005**

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Exhibit I

*Legal Description*

See attached description of Tract 104

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-PhI

**FIELD NOTES FOR 49.736 ACRES****Tract 104**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 and Section 109, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 09°10'25" E 971.87 feet, N 58°53'17" E 3564.77 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 13°18'25" W 153.32 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 250.00 feet and a central angle of 24°38'02".

THENCE with the arc of the said curve 107.49 feet the long chord of which bears S 00°59'24" W 106.66 feet to an iron pin set for the PT of the said curve.

THENCE S 11°19'37" E 503.88 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 524.27 feet and a central angle of 25°15'46".

THENCE with the arc of the said curve 231.16 feet the long chord of which bears S 23°57'30" E 229.29 feet to an iron pin set for the PT of the said curve and the East corner of this tract.

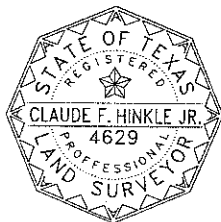
THENCE S 46°53'03" W 2392.46 feet to an iron pin set for the South corner of this tract.

THENCE N 43°06'57" W 831.26 feet to an iron pin set for the West corner of this tract.

THENCE N 46°53'03" E 2918.52 feet to an iron pin set for an angle point of this tract.

THENCE S 76°41'35" E 30.00 feet to the POINT OF BEGINNING, containing 49.736 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

Date

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Exhibit J

*Legal Description*

See attached description of Tract 70R

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

## FIELD NOTES FOR 102.773 ACRES

## Tract 70

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 20°10'40" E 603.95 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 39°20'18" W 808.58 feet to an iron pin set for an angle point of this tract.

THENCE S 63°51'40" W 378.56 feet to an iron pin set for an angle point of this tract.

THENCE S 57°24'41" W 289.43 feet to an iron pin set for an angle point of this tract.

THENCE S 24°58'55" W 164.44 feet to an iron pin set for an angle point of this tract.

THENCE S 49°59'00" W 500.08 feet to an iron pin set for an angle point of this tract.

THENCE N 81°41'20" W 385.81 feet to an iron pin set for an angle point of this tract.

THENCE S 89°15'38" W 269.19 feet to an iron pin set for the South corner of this tract.

THENCE N 16°59'10" W 1342.70 feet to an iron pin set for the West corner of this tract.

THENCE N 46°53'03" E 2392.46 feet to an iron pin set for the North corner of this tract.

THENCE S 37°19'56" E 1021.70 feet to an iron pin set for an angle point of this tract.

THENCE S 39°43'52" E 266.37 feet to an iron pin set for an angle point of this tract.

THENCE S 12°36'28" E 319.66 feet to an iron pin set for an angle point of this tract.

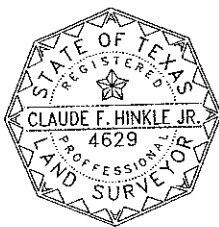
102.773 ACRES

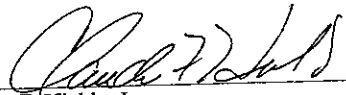
TRACT 70

PAGE 2 OF 2

THENCE S 03°37'24" W 224.23 feet to the POINT OF BEGINNING,  
containing 102.773 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

15 Mar 05  
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Exhibit K

*Legal Description*

See attached description of Tract 102

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 20.009 ACRES****Tract 102**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northwest corner of Section 113 bears S 62°15'13" W 2304.41 feet and N 27°44'47" W 8718.00 feet and from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 7778.26 feet and N 27°50'20" W 8725.58 feet.

THENCE N 27°26'57" W 837.75 feet to an iron pin set for an angle point of this tract.

THENCE N 08°34'02" W 30.00 feet to an iron pin set for the West corner of this tract.

THENCE N 81°25'58" E 842.35 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 52°41'32".

THENCE with the arc of the said curve 459.83 feet, the long chord of which bears S 72°13'16" E 443.79 feet, to an iron pin set for the PT of the said curve.

THENCE S 45°52'30" E 13.99 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 558.58 feet, and a central angle of 37°23'06".

THENCE with the arc of the said curve 364.47 feet, the long chord of which bears S 64°34'03" E 358.04 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 255.13 feet, and a central angle of 36°56'57".

THENCE with the arc of the said curve 164.53 feet, the long chord of which bears S 64°47'07" E 161.70 feet to an iron pin set for the PT of the said curve and the East corner of this tract.

THENCE S 43°41'21" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 68°58'08" W 1418.34 feet to the POINT OF BEGINNING, containing 20.009 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

Date

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Exhibit L

*Legal Description*

See attached description of Tract 49R

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-PhI

**FIELD NOTES FOR 30.009 ACRES****Tract 49**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin the Northwest corner of the above mentioned 11518.11 acre tract bears N 27°26'57" W 707.03 feet, S 62°09'40" W 7778.26 feet and N 27°50'20" W 8725.58 feet and from which point an iron pin set in a rock mound found for the West corner of Section 113 bears S 62°15'13" W 2300.74 feet and N 27°44'47" W 9425.02 feet

THENCE N 66°50'05" E 1650.08 feet to an iron pin set for an angle point of this tract.

THENCE N 18°19'18" E 30.00 feet to an iron pin set for the North corner of this tract.

THENCE S 71°40'42" E 216.46 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 19°06'48".

THENCE with the arc of the said curve 100.08 feet, the long chord of which bears S 62°07'18" E 99.61 feet, to an iron pin set for the PT of the said curve.

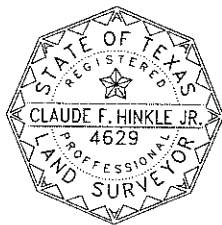
THENCE S 52°33'54" E 364.14 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 500.00 feet, and a central angle of 19°31'09".

THENCE with the arc of the said curve 170.34 feet, the long chord of which bears S 42°48'19" E 169.51 feet, to an iron pin set for the PT of the said curve and the East corner of this tract.

THENCE S 66°50'05" W 2079.89 feet to an iron pin set for the South corner of this tract.

THENCE N 27°26'57" W 677.18 feet to the POINT OF BEGINNING, containing 30.009 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

**FEB 18 2005**  
Date 1176rev.doc

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Exhibit M

*Legal Description*

See attached description of Tract 75R

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 24.044 ACRES****Tract 75**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northwest corner of Section 113 bears S 62°15'13" W 2304.41 feet and N 27°44'47" W 8718.00 feet and from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 7778.26 feet and N 27°50'20" W 8725.58 feet.

THENCE N 68°58'08" E 1418.34 feet to an iron pin set for a angle point of this tract.

THENCE N 43°41'21" E 30.00 feet to an iron pin set for the North corner of this tract.

THENCE S 46°18'39" E 250.56 feet to an iron pin set for an angle point of this tract.

THENCE S 39°44'58" E 254.62 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 360.44 feet, and a central angle of 31°55'44".

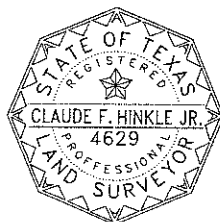
THENCE with the arc of the said curve 200.86 feet, the long chord of which bears S 55°42'50" E 198.27 feet to an iron pin set for the PT of the said curve and the East corner of this tract.

THENCE S 18°19'18" W 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 66°50'05" W 1650.08 feet to an iron pin set for the South corner of this tract.

THENCE N 27°26'57" W 707.03 feet to the POINT OF BEGINNING, containing 24.044 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

FEB 18 2005

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Exhibit N

*Legal Description*

See attached description of Tract 105

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 22.486 ACRES****Tract 105**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears N 46°53'03" E 1048.60 feet, S 07°36'00" E 2033.72 feet, N 58°53'07" E 3534.61 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 46°53'03" W 1264.80 feet to an iron pin set for the South corner of this tract from which iron pin an iron pin found in the West corner of Section 173 bears S 62°19'37" W 698.47 feet and N 27°40'23" W 12161.34 feet.

THENCE N 39°10'37" W 932.40 feet to an iron pin set for an angle point of this tract.

THENCE N 26°06'17" W 30.00 feet to an iron pin set for the West corner of this tract.

THENCE N 63°53'43" E 875.05 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 22°16'47".

THENCE with the arc of the said curve 89.44 feet, the long chord of which bears N 52°45'19" E 88.87 feet, to an iron pin set for the PT of the said curve.

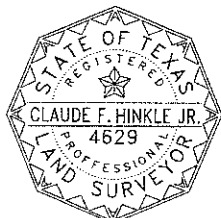
THENCE N 41°36'56" E 57.07 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 400.00 feet, and a central angle of 33°11'14".

THENCE with the arc of the said curve 231.69 feet, the long chord of which bears N 58°12'33" E 228.47 feet, to an iron pin set for the PT of the said curve and the North corner of this tract.

THENCE S 15°11'46" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 43°06'57" E 627.65 feet to the POINT OF BEGINNING, containing 22.486 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

FEB 18 2005

Date

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Exhibit O

*Legal Description*

See attached description of Tract 92R

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 17.235 ACRES****Tract 92**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 07°36'00" E 2033.72 feet, N 58°53'07" E 3534.61 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 46°53'03" W 1048.60 feet to an iron pin set for the South corner of this tract from which iron pin an iron pin found in the West corner of Section 170 bears S 62°19'37" W 1917.63 feet and N 27°40'23" W 11824.55 feet.

THENCE N 43°06'57" W 627.65 feet to an iron pin set for an angle point of this tract.

THENCE N 15°11'46" W 30.00 feet to an iron pin set for the West corner of this tract.

THENCE N 74°48'10" E 278.85 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 54°47'10".

THENCE with the arc of the said curve 219.93 feet, the long chord of which bears N 47°24'35" E 211.64 feet, to an iron pin set for the PT of the said curve.

THENCE N 20°01'00" E 360.71 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 25°57'03".

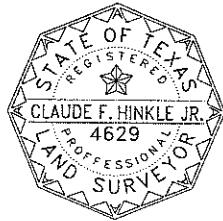
THENCE with the arc of the said curve 104.17 feet, the long chord of which bears N 07°02'28" E 103.29 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 250.00 feet, and a central angle of 77°01'42".

THENCE with the arc of the said curve 336.10 feet, the long chord of which bears N 32°34'48" E 311.35 feet, to an iron pin set for the PT of the said curve.

THENCE N 71°05'39" E 103.34 feet to an iron pin set for the North corner of this tract.

THENCE S 27°26'00" E 815.76 feet to the POINT OF BEGINNING, containing 17.235 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
 Claude F. Hinkle, Jr.  
 R.P.L.S. No. 4629

**FEB 18 2005**

Date 1176rev.doc

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**STATE OF TEXAS  
 COUNTY OF BREWSTER**

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Brewster County, Texas.



*Berta Rios Martinez*

County Clerk, Brewster County, Texas

VOL. 179 PAGE 715

RECORDED 4-6-2005

Doc# 74866  
 # Pages 55  
 04/05/2005 02:48:02 PM  
 Filed & Recorded in  
 Official Records of  
 BREWSTER COUNTY  
 BERTA RIOS MARTINEZ  
 COUNTY CLERK  
 Fees \$122.00

TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS

**THIRD AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**

Doc# 70823

This THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of May 1, 2006, by SIERRA LA RANA, LTD. (together with its successors and assigns "Declarant").

**RECITALS**

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347 of the Real Property Records of Brewster County, Texas, as amended by Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715 of the Real Property Records of Brewster County, Texas (the "Declaration").
- B. Declarant wishes to amend the Declaration and bring additional property within the governance of the Declaration, subject to the terms and conditions of this Amendment.
- C. Declarant has now subdivided Tracts 48 and 76 to create an additional Tract. The new tract is to be known as Tract 106, and the remainder of original Tracts 48 and 76 will be known as 48R and 76R.

**AMENDMENTS**

1. **Definitions-Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Additional Property.** Pursuant to Article 13.9 of the Declaration, Declarant hereby subjects the following additional property to the Declaration and all of the Restrictions set forth therein:

Tract 53, further described by metes and bounds on Exhibit A attached hereto and incorporated herein by this reference.

3. **Revised Property Drawing.** Exhibit B of the Declaration is deleted in its entirety and replaced with Exhibit B attached hereto and incorporated herein by this reference.

4. **Tract 48R.** Declarant hereby revises the metes and bounds description of Tract 48 to reflect the subdivision of said tract. New Tract 48R is further described by metes and bounds on Exhibit C attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

5. **Tract 76R.** Declarant hereby revises the metes and bounds description of Tract 76 to reflect the subdivision of said tract. New Tract 76R is further described by metes and bounds on Exhibit D attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

6. **Tract 106.** Tract 106, which Tract is further described by metes and bounds on Exhibit E attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

7. **Tract 107.** Tract 107, which Tract is further described by metes and bounds on Exhibit F attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

8. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LTD., a Texas limited partnership

By: JH-Del-GP, Inc., a Delaware corporation, its  
general partner

By: 

Name: Cathy Snoddy

Title: Secretary

Exhibit A

*Legal Description*

See attached description of Tract 53

**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-1P

**FIELD NOTES FOR 40.000 ACRES****Tract 53**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 110 and 173, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 24.47 feet and N 27°40'23" W 8660.29 feet.

THENCE N 62°55'54" W 821.73 feet to an iron pin set for the West corner of this tract.

THENCE N 42°13'56" E 1785.73 feet to an iron pin set for the North corner of this tract.

THENCE S 48°26'16" E 295.64 feet to an iron pin set for an angle point of this tract.

THENCE S 54°08'55" E 301.50 feet to an iron pin set for an angle point of this tract.

THENCE S 40°05'12" E 206.55 feet to an iron pin set for an angle point of this tract.

THENCE S 48°26'16" E 423.57 feet to an iron pin set for in the PC of a curve to the right said curve having a radius of 230.00 feet and an central angle of 18°23'33".

THENCE with the arc of the said curve 73.83 feet the sub-chord of which bears S 39°14'30" E 73.52 feet to an iron pin set for the East corner of this tract.

THENCE S 59°57'17" W 1652.62 feet to the POINT OF BEGINNING, containing 40.000 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2005 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JUL 19 2006  
Date 1176rev.doc

Exhibit B

*[Drawing of the Property]*

See attached page

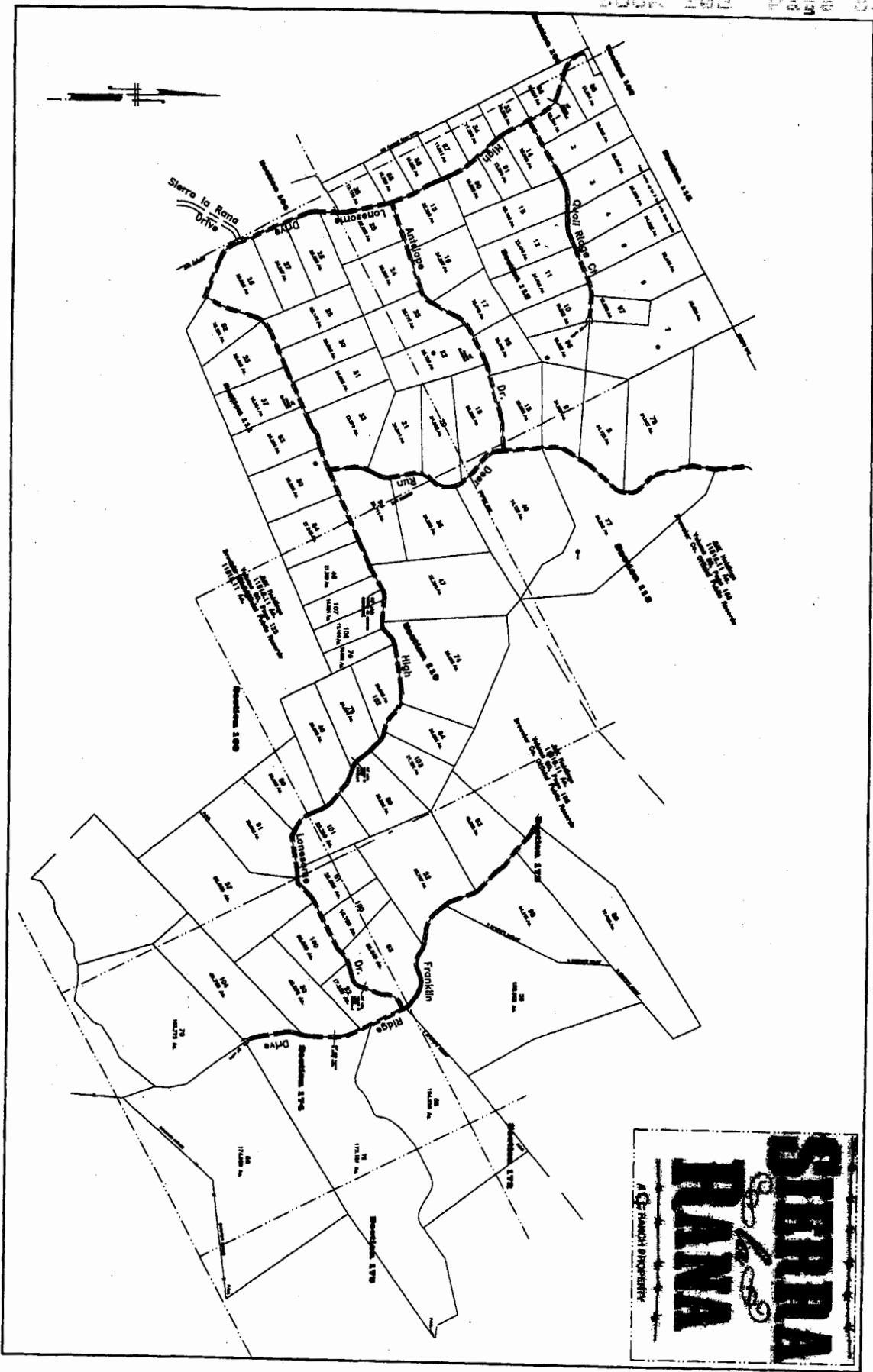


Exhibit C

*Legal Description*

See attached description of Tract 48R

BOOK 282 Page 330

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-P1

**FIELD NOTES FOR 21.360 ACRES**  
**Tract 48 R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract from which iron pin an iron pin set in a rock mound found for the West corner of Section 113 bears S 61°58'05" W 355.48 feet and N 28°01'55" W 7573.90 feet and the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5868.94 feet and N 27°50'20" W 7576.53 feet.

THENCE N 66°49'05" E 479.67 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 06°29'15".

THENCE with the arc of the said curve 56.61 feet, the long chord of which bears N 63°34'28" E 56.58 feet, to an iron pin set for the PT of the said curve.

THENCE N 60°19'50" E 129.24 feet to an iron pin set for the Northeast corner of this tract.

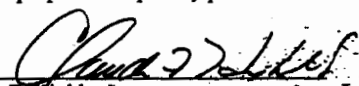
THENCE S 24°53'49" E 1373.59 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 706.08 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°09'55" W 1354.97 feet to the POINT OF BEGINNING, containing 21.360 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 26 Apr 06 1176rev.doc

Exhibit D

*Legal Description*

See attached description of Tract 76R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-P1

### FIELD NOTES FOR 10.002 ACRES

#### Tract 76 R

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northwest corner of Section 113 bears S 61°58' 05" W 1971.84 and N 28°01'55" W 7834.85 feet.

THENCE with the arc of a curve to the left 64.87 feet, said curve having a radius of 230.00 feet, a central angle of 16°09'38", and a sub-chord which bears N 54°28'14" E 64.66 feet to an iron pin set for the PT of the said curve.

THENCE N 46°23'25" E 162.06 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 200.00 feet, and a central angle of 35°02'34".

THENCE with the arc of the said curve 122.32 feet, the long chord of which bears N 65°54'41" E 120.42 feet to an iron pin set for the North corner of this tract.

THENCE S 08°34'02" E 30.00 feet to an iron pin set for an angle point of this tract.

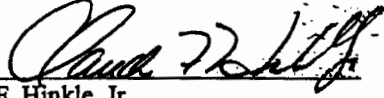
THENCE S 27°26'57" E 1204.08 feet to an iron pin set for the East corner of this tract.

THENCE S 66°50'05" W 396.70 feet to an iron pin set for the South corner of this tract.

THENCE N 24°12'25" W 1153.35 feet to the POINT OF BEGINNING, containing 10.002 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

24 April  
1176rev.doc

Exhibit E

*Legal Description*

See attached description of Tract 106

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-P1

## FIELD NOTES FOR 13.151 ACRES

## Tract 106

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northwest corner of Section 113 bears S 61°58' 05" W 1483.82 feet and N 28°01'55" W 7663.98 feet.

THENCE S 85°42'06" E 395.72 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 230.00 feet, and a central angle of 31°44'52".

THENCE with the arc of the said curve 127.44 feet, the sub chord of which bears N 78°25'28" E 125.82 feet to an iron pin set for the PT of the said curve and the North corner of this tract.

THENCE S 24°12'25" E 1153.35 feet to an iron pin set for the East corner of this tract.

THENCE S 66°50'05" W 454.20 feet to an iron pin set for the South corner of this tract.

THENCE N 24°53'49" W 1361.56 feet to the POINT OF BEGINNING, containing 13.151 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date JUN 30 2006

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Exhibit F

*Legal Description*

See attached description of Tract 107

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1-P1

## FIELD NOTES FOR 14.921 ACRES

## Tract 107

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract, from which iron pin an iron pin set in a rock mound found for the Northwest corner of Section 113 bears S 61°58' 05" W 1019.18 feet and N 28°01'55" W 7612.35 feet.

THENCE N 60°19'50" E 311.68 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 180.00 feet, and a central angle of 33°58'04".

THENCE with the arc of the said curve 106.71 feet, the sub-chord of which bears N 77°18'52" E 105.16 feet to an iron pin set for the PT of the said curve.

THENCE S 85°42'06" E 61.16 feet to an iron pin set for the North corner of this tract.

THENCE S 24°53'49" E 1361.56 feet to an iron pin set for the East corner of this tract.

THENCE S 66°50'05" W 466.98 feet to an iron pin set for the South corner of this tract.

THENCE N 24°53'49" W 1373.59 feet to the POINT OF BEGINNING, containing 14.921 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JUN 30 2006

Date 1176rev.doc

© Austin Surveyors 2005

STATE OF TEXAS  
COUNTY OF BREWSTER

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Brewster County, Texas.



*Berta Rios Martinez*  
Berta Rios Martinez

County Clerk, Brewster County, Texas

VOL. 202 PAGE 829

RECORDED 8-8-2006

Doc# 76023

# Pages 14

06/04/2006 04:30:32 PM

Filed & Recorded in  
Official Records of  
BREWSTER COUNTY  
BERTA RIOS MARTINEZ  
COUNTY CLERK  
FEES \$100.00

**CORRECTED**  
**FOURTH AMENDMENT TO**  
**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND**  
**EASEMENTS**

Doc# 81970

This CORRECTED FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of April \_\_, 2008, by SIERRA LA RANA, LLC. (together with its successors and assigns "Declarant"). This Corrected Fourth Amendment is being recorded solely for the purpose of correcting the Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements dated effective February 25, 2008, recorded at Volume 228, Page 223, of the Real Property Records of Brewster County, Texas, which Fourth Amendment inadvertently omitted references to the prior Amendments.

RECITALS

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347 of the Real Property Records of Brewster County, Texas, as amended by Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715 of the Real Property Records of Brewster County, Texas, as amended by Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829 of the Real Property Records of Brewster County, Texas (the "Declaration").
- B. Declarant has now subdivided Tract 15 to create an additional Tract. The new tract is to be known as Tract 60 and the remainder of original Tract 15 will be known as 15R.
- C. Declarant has now subdivided Tract 16 to create an additional Tract. The new tract is to be known as Tract 61, and the remainder of original Tract 16 will be known as 16R.
- D. Declarant has now subdivided Tract 23 to create an additional Tract. The new tract is to be known as Tract 62, and the remainder of original Tract 23 will be known as 23R.
- E. Declarant has now subdivided Tract 24 to create an additional Tract. The new tract is to be known as Tract 63, and the remainder of original Tract 24 will be known as 24R.
- F. Declarant has now subdivided Tract 25 to create an additional Tract. The new tract is to be known as Tract 64, and the remainder of original Tract 25 will be known as 25R.
- G. Declarant has now subdivided Tract 40 to create an additional Tract. The new tract is to be known as Tract 65, and the remainder of original Tract 40 will be known as 40R.

- H. Declarant has now subdivided Tract 58 to create an additional Tract. The new tract is to be known as Tract 66, and the remainder of original Tract 58 will be known as 58R.
- I. Declarant has now subdivided Tract 74 to create an additional Tract. The new tract is to be known as Tract 68, and the remainder of original Tract 74 will be known as 74R.

#### AMENDMENTS

1. **Definitions—Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Revised Property Drawing.** Exhibit B of the Declaration is deleted in its entirety and replaced with the property drawing shown on Exhibit A attached hereto and incorporated herein by this reference.

3. **Tract 60.** Tract 60, which Tract is further described by metes and bounds on Exhibit B attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

4. **Tract 15R.** Declarant hereby revises the metes and bounds description of Tract 15 to reflect the subdivision of said tract. New Tract 15R is further described by metes and bounds on Exhibit C attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

5. **Tract 61.** Tract 61, which Tract is further described by metes and bounds on Exhibit D attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

6. **Tract 16R.** Declarant hereby revises the metes and bounds description of Tract 16 to reflect the subdivision of said tract. New Tract 16R is further described by metes and bounds on Exhibit E attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

7. **Tract 62.** Tract 62, which Tract is further described by metes and bounds on Exhibit F attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

8. **Tract 23R.** Declarant hereby revises the metes and bounds description of Tract 23 to reflect the subdivision of said tract. New Tract 23R is further described by metes and bounds on Exhibit G attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

9. Tract 63. Tract 63, which Tract is further described by metes and bounds on Exhibit H attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

10. Tract 24R. Declarant hereby revises the metes and bounds description of Tract 24 to reflect the subdivision of said tract. New Tract 24R is further described by metes and bounds on Exhibit I attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

11. Tract 64. Tract 64, which is further described by metes and bounds on Exhibit J attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

12. Tract 25R. Declarant hereby revises the metes and bounds description of Tract 25 to reflect the subdivision of said tract. New Tract 25R is further described by metes and bounds on Exhibit K attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

13. Tract 65. Tract 65, which is further described by metes and bounds on Exhibit L attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

14. Tract 40R. Declarant hereby revises the metes and bounds description of Tract 40 to reflect the subdivision of said tract. New Tract 40R is further described by metes and bounds on Exhibit M attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

15. Tract 66. Tract 66, which is further described by metes and bounds on Exhibit N attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

16. Tract 58R. Declarant hereby revises the metes and bounds description of Tract 58 to reflect the subdivision of said tract. New Tract 58R is further described by metes and bounds on Exhibit O attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

17. Tract 68. Tract 68, which is further described by metes and bounds on Exhibit P attached hereto and incorporated herein by this reference, is and shall for all purposes be one of the Tracts.

18. Tract 74R. Declarant hereby revises the metes and bounds description of Tract 74 to reflect the subdivision of said tract. New Tract 74R is further described by metes and bounds on Exhibit Q attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

19. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LLC, a Texas limited liability company

By: Cathy Snoddy  
Name: Cathy Snoddy  
Title: Secretary

STATE OF TEXAS       §  
                                      §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on April 4, 2008 by Cathy Snoddy, Secretary of Sierra La Rana, LLC, a Texas limited liability company, on behalf of the company.

My Commission Expires: 8/23/2009  
Rachel A. Gentry  
Notary Public, State of Texas  
Rachel A. Gentry  
(Print or type name)

After recording, return to:  
JMK Holdings Management Co, Ltd.  
Attn: Cathy Snoddy  
4800 Bryant Irvin Court  
Fort Worth, Texas 76107

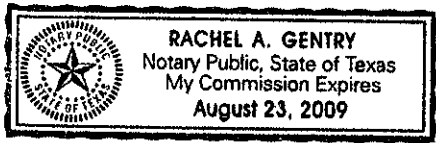


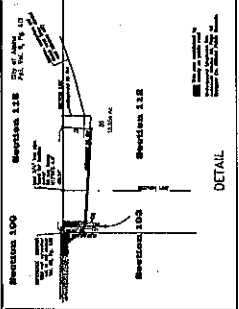
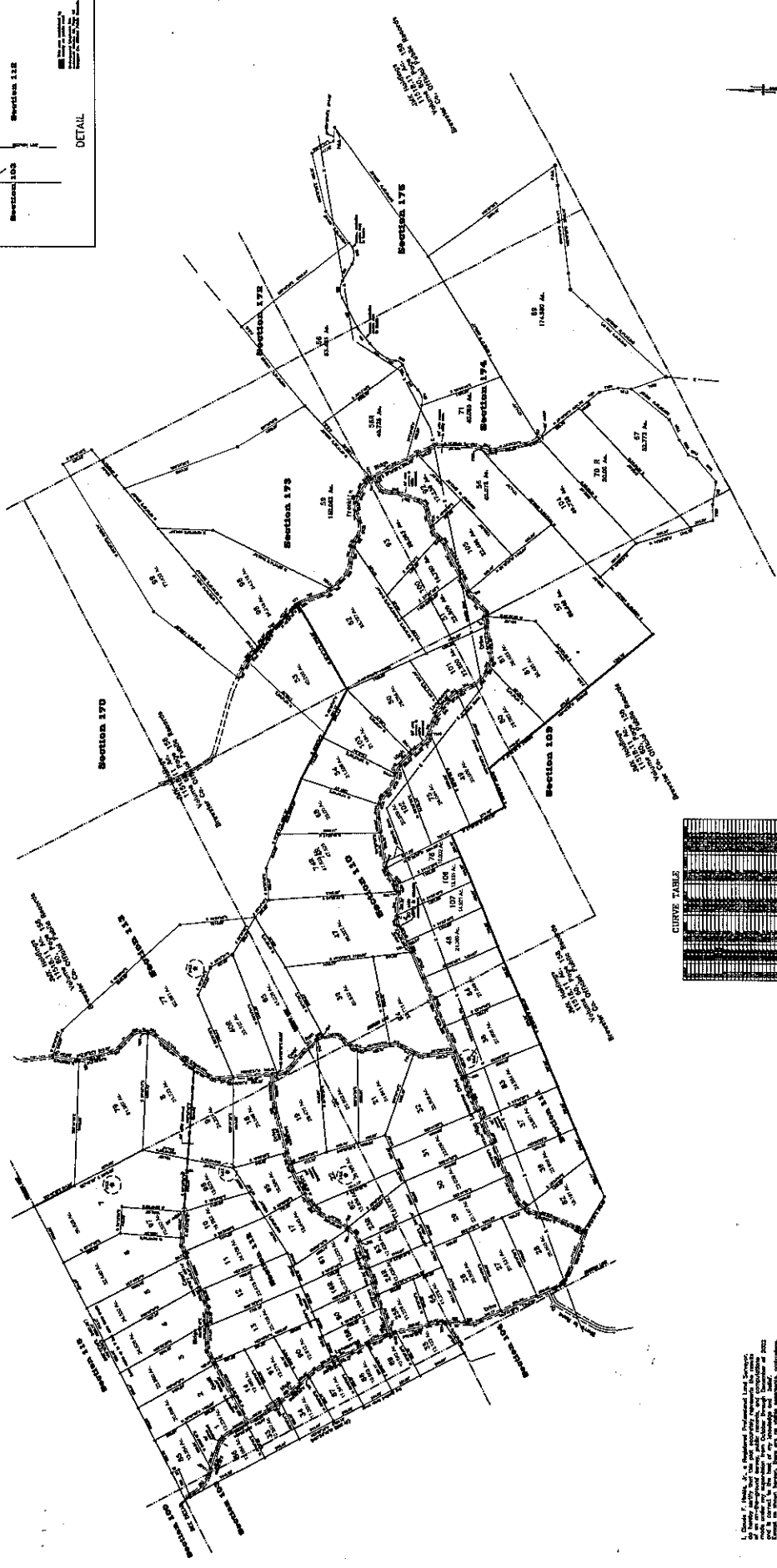
Exhibit A

*[Drawing of the Property]*

See attached page

**SIERRA LA RANA  
PHASE I**

Survey plat showing 86 tracts of land in Sections 103, 109, 110, 111, 112, 113, 172, 173, 174, and 175, Block 9, G.H. & S.A. Railway Co. Surveys, Brewster County, Texas



INK TABLE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86
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CURVE TABLE

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CURVE TABLE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86
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I, Charles F. Smith, a Registered Professional Land Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey plat on file in my office, and that the same was duly recorded in Book 228, Page 635, of the Public Records of Brewster County, Texas, on the 10th day of January, 1925.

Recorded January 10, 1925



**AUSTIN SURVEYORS**  
2202 Capital Square, Suite 8105  
Austin, Texas 78707  
Tel. 525-4000

Surveyed by	Charles F. Smith
Witnessed by	John A. Smith
Recorded by	John A. Smith
Date	January 10, 1925

Exhibit B

*Legal Description*

See attached description of Tract 60

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

## FIELD NOTES FOR 11.184 ACRES Tract 60

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 66°43'09" W 452.96 feet, S 62°09'40" W 888.47 feet and N 27°50'20" W 3263.07 feet.

THENCE N 66°43'09" E 435.93 feet to an iron pin set for the Northeast corner of this tract.

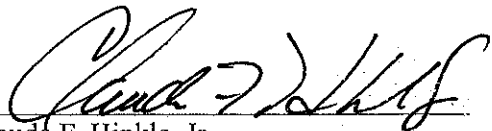
THENCE S 25°50'20" E 1133.75 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 70°39'40" W 438.31 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 25°50'20" W 1103.59 feet to the POINT OF BEGINNING, containing 11.184 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

Date 1176rev.doc

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Exhibit C

*Legal Description*

See attached description of Tract 15R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

**FIELD NOTES FOR 11.184 ACRES**  
**Tract 15R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas, and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 888.47 feet and N 27°50'20" W 3263.07 feet.

THENCE N 66°43'09" E 452.96 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 25°50'20" E 1103.59 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 70°39'40" W 458.69 feet to an iron pin set for the Southwest corner of this tract and the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 06°30'00".

THENCE with the arc of the said curve 56.72 feet, the long chord of which bears N 22°35'20" W 56.69 feet, to an iron pin set for the PT of the said curve.

THENCE N 25°50'20" W 50.00 feet to an iron pin set for an angle point of this tract.

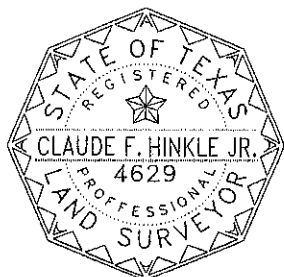
THENCE N 20°54'05" W 287.07 feet to an iron pin set for an angle point of this tract.

THENCE N 31°26'42" W 341.89 feet to an iron pin set for an angle point of this tract.

THENCE N 23°50'23" W 249.17 feet to an iron pin set for an angle point of this tract.

THENCE N 25°50'20" W 90.00 feet to the POINT OF BEGINNING, containing 11.184 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*

Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date JAN 23 2008  
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Exhibit D  
*Legal Description*

See attached description of Tract 61

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

**FIELD NOTES FOR 12.033 ACRES**  
**Tract 61**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 66°43'09" W 469.95 feet, S 62°09'40" W 1774.55 feet and N 27°50'20" W 3333.71 feet.

THENCE N 66°43'09" E 359.10 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 34°07'18" E 1090.14 feet to an iron pin set for an angle point of this tract.

THENCE S 62°20'20" E 30.00 feet to an iron pin set for the Southeast corner of this tract and the PC of a curve to the right, said curve having a radius of 400.00 feet, and a central angle of 43°00'00".

THENCE with the arc of the said curve 300.20 feet, the long chord of which bears S 49°09'40" W 293.20 feet, to an iron pin set for the PT of the said curve.

THENCE S 70°39'40" W 261.11 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 25°23'46" W 1165.28 feet to the POINT OF BEGINNING, containing 12.033 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*

Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

Date 1176rev.doc

Exhibit E

*Legal Description*

See attached description of Tract 16R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

**FIELD NOTES FOR 12.274 ACRES**  
**Tract 16R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1774.55 feet and N 27°50'20" W 3333.71 feet.

THENCE N 66°43'09" E 469.95 feet to an iron pin set for the Northeast corner of this tract.

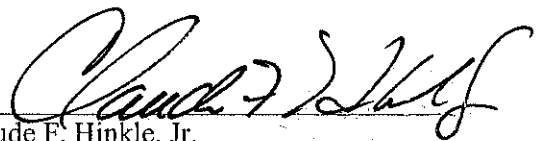
THENCE S 25°23'46" E 1165.28 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 70°39'40" W 463.45 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 25°50'20" W 1133.75 feet to the POINT OF BEGINNING, containing 12.274 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008  
\_\_\_\_\_  
Date 1176rev.doc

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Exhibit F

*Legal Description*

See attached description of Tract 62

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

## FIELD NOTES FOR 13.858 ACRES

## Tract 62

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2737.27 feet and N 27°50'20" W 4507.92 feet.

THENCE N 27°39'40" E 529.99 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 466.42 feet, and a central angle of 22°05'53".

THENCE with the arc of the said curve 179.89 feet, the sub-chord of which bears N 38°42'37" E 178.78 feet, to an iron pin set for the Northeast corner of this tract.

THENCE S 23°41'57" E 1611.17 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 233.25 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 38°57'57" W 1216.95 feet to an iron pin set for an angle point of this tract.

THENCE N 62°20'20" W 30.00 feet to the POINT OF BEGINNING, containing 13.858 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

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Exhibit G

*Legal Description*

See attached description of Tract 23R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

**FIELD NOTES FOR 11.915 ACRES**

**Tract 23R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract and the PC of a curve to the left, said curve having a radius of 400.00 feet, and a central angle of 43°00'00", from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2451.58 feet and N 27°50'20" W 4573.88 feet.

THENCE with the arc of the said curve 300.20 feet, the long chord of which bears N 49°09'40" E 293.20 feet, to an iron pin set for the PT of the said curve and the Northeast corner of this tract..

THENCE S 62°20'20" E 30.00 feet to an iron pin set for an angle point of this tract.

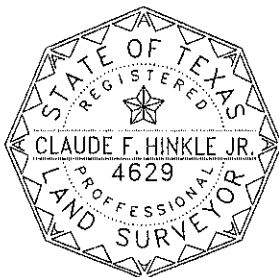
THENCE S 38°57'57" E 1216.94 feet to an iron pin set for the Southeast corner of this tract.

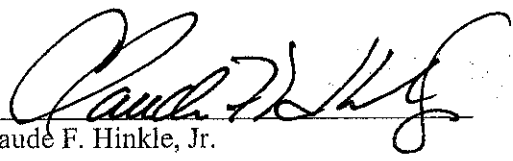
THENCE S 66°18'03" W 600.00 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 24°50'43" W 1081.32 feet to an iron pin set for an angle point of this tract.

THENCE N 19°20'20" W 30.00 feet to the POINT OF BEGINNING, containing 11.915 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

Date 1176rev.doc

Exhibit H

*Legal Description*

See attached description of Tract 63

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

FIELD NOTES FOR 12.439 ACRES  
Tract 63

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1986.13 feet and N 27°50'20" W 4504.31 feet.

THENCE N 70°39'40" E 470.62 feet to an iron pin set for the Northeast corner of this tract.

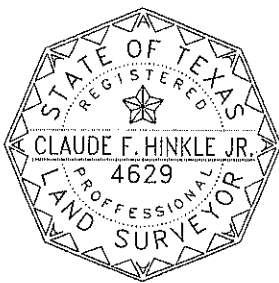
THENCE S 19°20'20" E 30.00 feet to an iron pin set for an angle point of this tract.

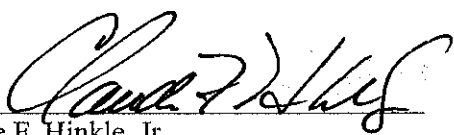
THENCE S 24°50'43" E 1081.32 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 493.66 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°26'47" W 1146.81 feet to the POINT OF BEGINNING, containing 12.439 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

Date 1176rev.doc

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Exhibit I

*Legal Description*

See attached description of Tract 24R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

**FIELD NOTES FOR 12.439 ACRES**  
**Tract 24R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 1524.76 feet and N 27°50'20" W 4435.36 feet.

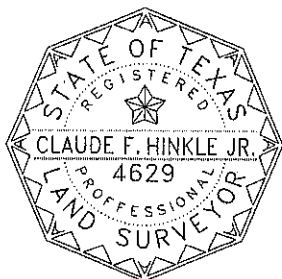
THENCE N 70°39'40" E 466.50 feet to an iron pin set for the Northeast corner of this tract.

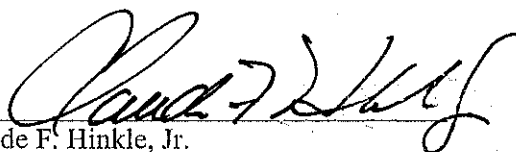
THENCE S 23°26'47" E 1146.81 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°18'03" W 465.31 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°26'47" W 1182.28 feet to the POINT OF BEGINNING, containing 12.439 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

Date 1176rev.doc

Exhibit J

*Legal Description*

See attached description of Tract 64

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

FIELD NOTES FOR 11.276 ACRES  
Tract 64

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111 and 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 678.77 feet and N 27°50'20" W 4977.61 feet.

THENCE N 70°39'40" E 804.03 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°26'47" E 519.23 feet to an iron pin set for the Southeast corner of this tract.

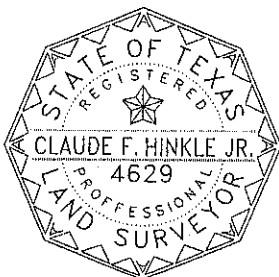
THENCE S 66°18'03" W 1011.16 feet to an iron pin set for the Southwest corner of this tract.

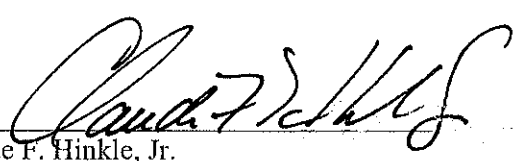
THENCE N 01°09'40" E 346.19 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 14°00'00".

THENCE with the arc of the said curve 122.17 feet, the long chord of which bears N 05°50'20" W 121.87 feet, to an iron pin set for the PT of the said curve.

THENCE N 12°50'20" W 152.98 feet to the POINT OF BEGINNING, containing 11.276 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

Date 1176rev.doc

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Exhibit K

*Legal Description*

See attached description of Tract 25R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

**FIELD NOTES FOR 11.276 ACRES**  
**Tract 25R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 112, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 847.85 feet and N 27°50'20" W 4334.19 feet.

THENCE N 70°39'40" E 684.42 feet to an iron pin set for the Northeast corner of this tract.

THENCE S 23°26'47" E 663.05 feet to an iron pin set for the Southeast corner of this tract.

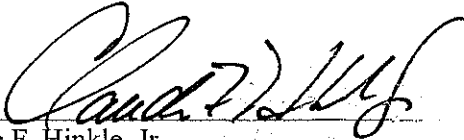
THENCE S 70°39'40" W 804.03 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 12°50'20" W 608.66 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 06°30'00".

THENCE with the arc of the said curve 56.72 feet, the long chord of which bears N 16°05'20" W 56.69 feet, to the PT of the said curve and the POINT OF BEGINNING, containing 11.276 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
JAN 23 2008  
Date 1176rev.doc

Exhibit L

*Legal Description*

See attached description of Tract 65

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

**FIELD NOTES FOR 41.026 ACRES  
TRACT 65**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract and the PC of a curve to the left, said curve having a radius of 130.00 feet, and a central angle of  $36^{\circ}36'29''$ , from which point the Northwest corner of the above mentioned 11518.11 acre tract bears  $S 62^{\circ}09'40'' W$  5782.00 feet and  $N 27^{\circ}50'20'' W$  5609.87 feet and the Northwest corner of the above mentioned Section 113 bears  $S 62^{\circ}15'21'' W$  302.92 feet and  $N 27^{\circ}44'39'' W$  5602.94 feet.

THENCE with the arc of the said curve 83.06 feet, the long chord of which bears  $N 24^{\circ}59'43'' W$  81.66 feet, to an iron pin set for the PT of the said curve.

THENCE  $N 43^{\circ}17'58'' W$  337.62 feet to an iron pin set for an angle point of this tract.

THENCE  $N 51^{\circ}11'34'' W$  295.37 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 360.00 feet, and a central angle of  $46^{\circ}08'43''$ .

THENCE with the arc of the said curve 289.94 feet, the long chord of which bears  $N 28^{\circ}07'12'' W$  282.17 feet, to an iron pin set for the Northwest corner of this tract.

THENCE  $N 84^{\circ}57'10'' E$  30.00 feet to an iron pin set for an angle point of this tract.

THENCE  $N 68^{\circ}34'01'' E$  2107.89 feet to an iron pin set for the Northeast corner of this tract.

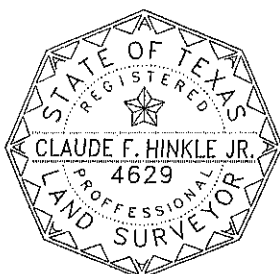
THENCE  $S 58^{\circ}59'06'' E$  726.71 feet to an iron pin set for the East corner of this tract.

THENCE  $S 57^{\circ}28'17'' W$  988.81 feet to an iron pin set for an angle point of this tract.

THENCE  $S 61^{\circ}11'53'' W$  1280.53 feet to an iron pin set for an angle point of this tract.

THENCE  $S 83^{\circ}18'32'' W$  30.00 feet to the POINT OF BEGINNING, containing 41.026 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*

Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

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Exhibit M

*Legal Description*

See attached description of Tract 40R

# AUSTIN SURVEYORS

Book 228 Page 659

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-rev07

## FIELD NOTES FOR 33.107 ACRES

### TRACT 40~~9~~

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5577.58 feet and N 27°50'20" W 4649.57 feet and the Northwest corner of the above mentioned Section 113 bears S 62°15'21" W 96.91 feet and N 27°44'39" W 4642.97 feet.

THENCE N 05°02'51" W 753.45 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 66°30'35" E 1490.73 feet to an iron pin set for the Northeast corner of this tract.

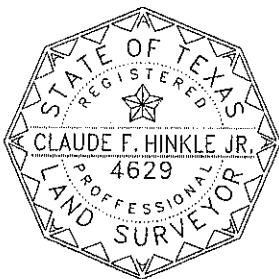
THENCE S 66°29'24" E 513.54 feet to an iron pin set for an angle point of this tract.

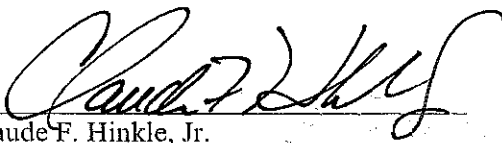
THENCE S 30°57'51" E 427.96 feet to an iron pin set for the East corner of this tract.

THENCE S 68°34'01" W 2107.89 feet to an iron pin set for an angle point of this tract.

THENCE S 84°57'10" W 30.00 feet to the POINT OF BEGINNING, containing 33.107 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

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Exhibit N

*Legal Description*

See attached description of Tract 66

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-P1-rev07

**FIELD NOTES FOR 83.485 ACRES**

**Tract 66**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, 173, 172, and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears S 62°17'39" W 902.36 feet and N 27°42'21" W 9910.71 feet.

THENCE S 37°46'23" E 2303.24 feet to an iron pin set for the East corner of this tract and the PC of a curve to the right, said curve having a radius of 300.00 feet, and a central angle of 72°57'34".

THENCE with the arc of the said curve 382.01 feet, the long chord of which bears S 82°42'49" W 356.72 feet, to an iron pin set for the PT of the said curve.

THENCE N 60°48'24" W 324.35 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 300.00 feet, and a central angle of 56°38'00".

THENCE with the arc of the said curve 296.53 feet, the long chord of which bears N 89°07'24" W 284.61 feet, to an iron pin set for the PT of the said curve.

THENCE S 62°33'36" W 578.86 feet to an iron pin set for an angle point of this tract.

THENCE S 50°41'38" W 312.61 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 1025.64 feet, and a central angle of 21°34'23".

THENCE with the arc of the said curve 386.18 feet, the long chord of which bears S 39°54'26" W 383.90 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the left, said curve having a radius of 306.18 feet, and a central angle of 29°36'13".

THENCE with the arc of the said curve 158.19 feet, the long chord of which bears S 14°19'08" W 156.44 feet, to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 126.22 feet, and a central angle of 65°19'06".

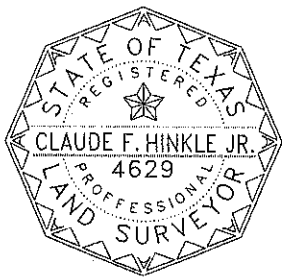
THENCE with the arc of the said curve 143.89 feet, the long chord of which bears S 32°10'35" W 136.23 feet to an iron pin set for the South corner of this tract.

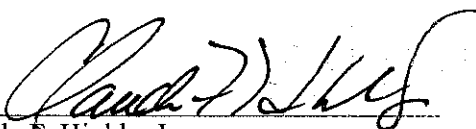
THENCE N 36°13'40" W 1698.16 feet to an iron pin set for the West corner of this tract.

THENCE N 47°17'29" E 421.30 feet to an iron pin set for an angle point of this tract.

THENCE N 50°49'42" E 1700.00 feet to the POINT OF BEGINNING, containing 83.485 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
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JAN 23 2008

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Exhibit O

*Legal Description*

See attached description of Tract 58R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-P1-rev07

## FIELD NOTES FOR 40.735 ACRES

### Tract 58R

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, 173, 172, and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1170.66 feet and N 27°42'21" W 10357.70 feet.

THENCE S 36°13'40" E 1698.16 feet to an iron pin set for the East corner of this tract.

THENCE S 64°50'08" W 181.97 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 930.93 feet, and a central angle of 18°52'55".

THENCE with the arc of the said curve 306.79 feet, the long chord of which bears S 55°23'40" W 305.41 feet to an iron pin set for the PT of the said curve and the PC of a curve to the right, said curve having a radius of 270.01 feet, and a central angle of 59°39'02".

THENCE with the arc of the said curve 281.11 feet, the long chord of which bears S 75°46'43" W 268.58 feet, to an iron pin set for the PT of the said curve.

THENCE N 74°23'46" W 958.55 feet to an iron pin set for the South corner of this tract.

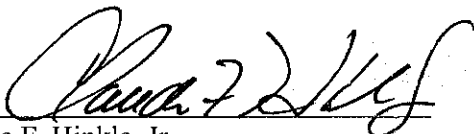
THENCE N 27°26'00" W 677.50 feet to an iron pin set for the West corner of this tract.

THENCE N 62°34'00" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE N 47°17'29" E 1199.68 feet to the POINT OF BEGINNING, containing 40.735 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008  
\_\_\_\_\_  
Date 1176rev.doc

Exhibit P

*Legal Description*

See attached description of Tract 68

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-P1-rev07

**FIELD NOTES FOR 25.00 ACRES**

**Tract 68**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 991.37 feet and N 27°40'23" W 7292.60 feet.

THENCE S 17°57'48" W 1381.14 feet to an iron pin set for the Southeast corner of this tract and the PC of a curve to the left, said curve having a radius of 500.00 feet, and a central angle of 26°31'49".

THENCE with the arc of the said curve 231.52 feet, the sub-chord of which bears N 85°18'07" W 229.46 feet to an iron pin set for the PT of the said curve.

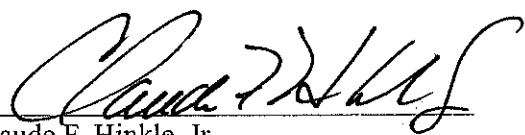
THENCE S 81°25'58" W 250.00 feet to an iron pin set for the West corner of this tract.

THENCE N 01°08'46" W 1699.71 feet to an iron pin set for the North corner of this tract.

THENCE S 68°34'51" E 1005.28 feet to the POINT OF BEGINNING, containing 25.00 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

Date 1176rev.doc

Exhibit Q

*Legal Description*

See attached description of Tract 74R

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-P1-rev07

**FIELD NOTES FOR 47.525 ACRES**

**Tract 74R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found for the West corner of Section 170 bears N 62°19'37" E 1649.68 feet and N 27°40'23" W 6532.85 feet.

THENCE S 01°08'46" E 1699.71 feet to an iron pin set for the South corner of this tract.

THENCE S 81°25'58" W 592.35 feet to an iron pin set in the PC of a curve to the left, said curve having a radius of 200.00 feet, and a central angle of 35°02'34".

THENCE with the arc of the said curve 122.32 feet, the long chord of which bears S 63°54'41" W 120.42 feet, to an iron pin set for the PT of the said curve.

THENCE S 46°23'25" W 162.06 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 230.00 feet, and a central angle of 47°54'30".

THENCE with the arc of the said curve 192.32 feet, the long chord of which bears S 70°20'39" W 186.76 feet, to an iron pin set for the PT of the said curve and the Southwest corner of this tract.

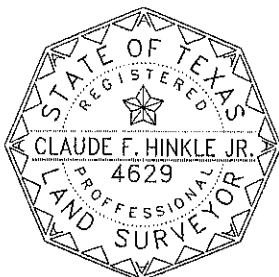
THENCE N 04°17'54" E 30.00 feet to an iron pin set for an angle point of this tract.

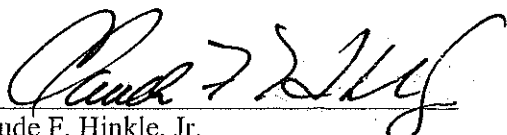
THENCE N 04°08'33" W 2165.23 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 84°29'06" E 534.47 feet to an iron pin set for an angle point of this tract.

THENCE S 68°34'51" E 617.986 feet to the POINT OF BEGINNING, containing 47.525 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JAN 23 2008

\_\_\_\_\_  
Date 1176rev.doc  
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**FIFTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**

Doc# 86169

This FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of July 15, 2009, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

**RECITALS**

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347 of the Real Property Records of Brewster County, Texas, as amended by Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715 of the Real Property Records of Brewster County, Texas, as amended by Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829 of the Real Property Records of Brewster County, Texas, as amended by Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223 of the Real Property Records of Brewster County, Texas, and corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630 of the Real Property Records of Brewster County, Texas (the "Declaration").
- B. Declarant has now subdivided Tracts 40 and 65 to create an additional Tract. The new tract is to be known as Tract 108, and the remainder of original Tracts 40 and 65 will be known as 40R and 65R.
- C. Declarant has now subdivided Tracts 58 and 71 to create additional Tracts. The new tracts are to be known as Tracts DS1, DS2, DS3, DS4, DS5, DS6, DS7, DS8, and DS9.
- D. Declarant has established the Sierra La Rana Lighting Guidelines which will be incorporated into the Declaration and will revise the existing lighting requirements.
- E. Declarant has re-surveyed the following tracts and will amend the Declaration to revise the metes and bounds description for those tracts: Tracts: 70R, 104, and 69. The Tracts will now be known as Tracts 70R1, 104R, and 69R.
- F. Declarant wishes to amend the Declaration to recognize Tracts 108, 40R, 65R, DS1, DS2, DS3, DS4, DS5, DS6, DS7, DS8, and DS9 as tracts subject to the governance of the

Declaration, incorporate the Sierra La Rana Lighting Guidelines into the Declaration, revise the existing lighting requirements, and revise the metes and bounds descriptions for Tracts 70R, 104, and 69, subject to the terms and conditions of this Amendment.

#### AMENDMENTS

1. **Definitions—Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Article 4.9 Lighting.** Article 4.9 (b) is hereby amended to read as follows (italics indicates amended language):

“Specifically, all outdoor lighting shall comply with the *Sierra La Rana Lighting Guidelines as adopted by the Sierra La Rana Homeowners Association, on July 15, 2009*, as may be amended from time to time.”

3. **Article 4.9 Lighting.** The Declaration is amended to add a new subsection 4.9(c) which shall read as follows:

“The Association has promulgated and published the Sierra La Rana Lighting Guidelines. The Lighting Guidelines are incorporated into this Declaration by this reference. A copy of the Lighting Guidelines will be furnished to any Owner on request. Such Lighting Guidelines will supplement this Declaration and may make other and further provisions as to the lighting requirements. Such Lighting Guidelines may be amended from time to time.”

4. **Revised Property Drawing.** Exhibit B of the Declaration is deleted in its entirety and replaced with the property drawing shown on Exhibit A attached hereto and incorporated herein by this reference.

5. **Tract 108.** Tract 108, which Tract is further described by metes and bounds on Exhibit B attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

6. **Tract 40R.** Declarant hereby revises the metes and bounds description of Tract 40 to reflect the subdivision of said tract. New Tract 40R is further described by metes and bounds on Exhibit C attached hereto and incorporated herein by this reference, and shall for all purposes be one of the Tracts.

7. **Tract 65R.** Declarant hereby revises the metes and bounds description of Tract 65 to reflect the subdivision of said tract. New Tract 65R is further described by metes and

bounds on Exhibit D attached hereto and incorporated herein by this reference, and shall for all purposes be one of the Tracts.

8. **Tract DS1.** Tract DS1, which Tract is further described by metes and bounds on Exhibit E attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

9. **Tract DS2.** Tract DS2, which Tract is further described by metes and bounds on Exhibit F attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

10. **Tract DS3.** Tract DS3, which Tract is further described by metes and bounds on Exhibit G attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

11. **Tract DS4.** Tract DS4, which Tract is further described by metes and bounds on Exhibit H attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

12. **Tract DS5.** Tract DS5, which Tract is further described by metes and bounds on Exhibit I attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

13. **Tract DS6.** Tract DS6, which Tract is further described by metes and bounds on Exhibit J attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

14. **Tract DS7.** Tract DS7, which Tract is further described by metes and bounds on Exhibit K attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

15. **Tract DS8.** Tract DS8, which Tract is further described by metes and bounds on Exhibit L attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

16. **Tract DS9.** Tract DS9, which Tract is further described by metes and bounds on Exhibit M attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

17. **Revised Property Description – Tract 70R.** Declarant hereby revises the metes and bounds description of Tract 70R, which tract will now be known as Tract 70R1. Tract 70R1 is further described by metes and bounds on Exhibit N attached hereto and incorporated herein by reference.

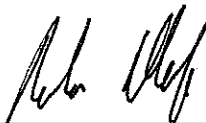
18. **Revised Property Description – Tract 104.** Declarant hereby revises the metes and bounds description of Tract 104, which tract will now be known as Tract 104R. Tract 104R is further described by metes and bounds on Exhibit O attached hereto and incorporated hereby reference.

19. **Revised Property Description – Tract 69.** Declarant hereby revises the metes and bounds description of Tract 69, which tract will now be known as Tract 69R. Tract 69R is further described by metes and bounds on Exhibit P attached hereto and incorporated hereby reference.

20. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

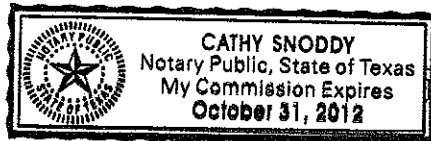
IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:** SIERRA LA RANA, LLC., a Texas limited liability company

By:   
Mike Micallef, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on Aug 7, 2009 by Mike Micallef, President of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.



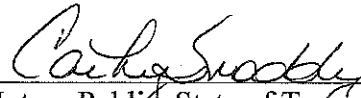
  
Notary Public, State of Texas

Exhibit A

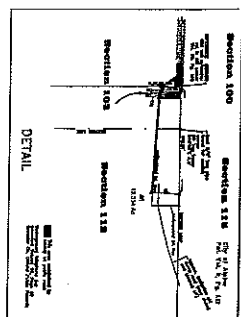
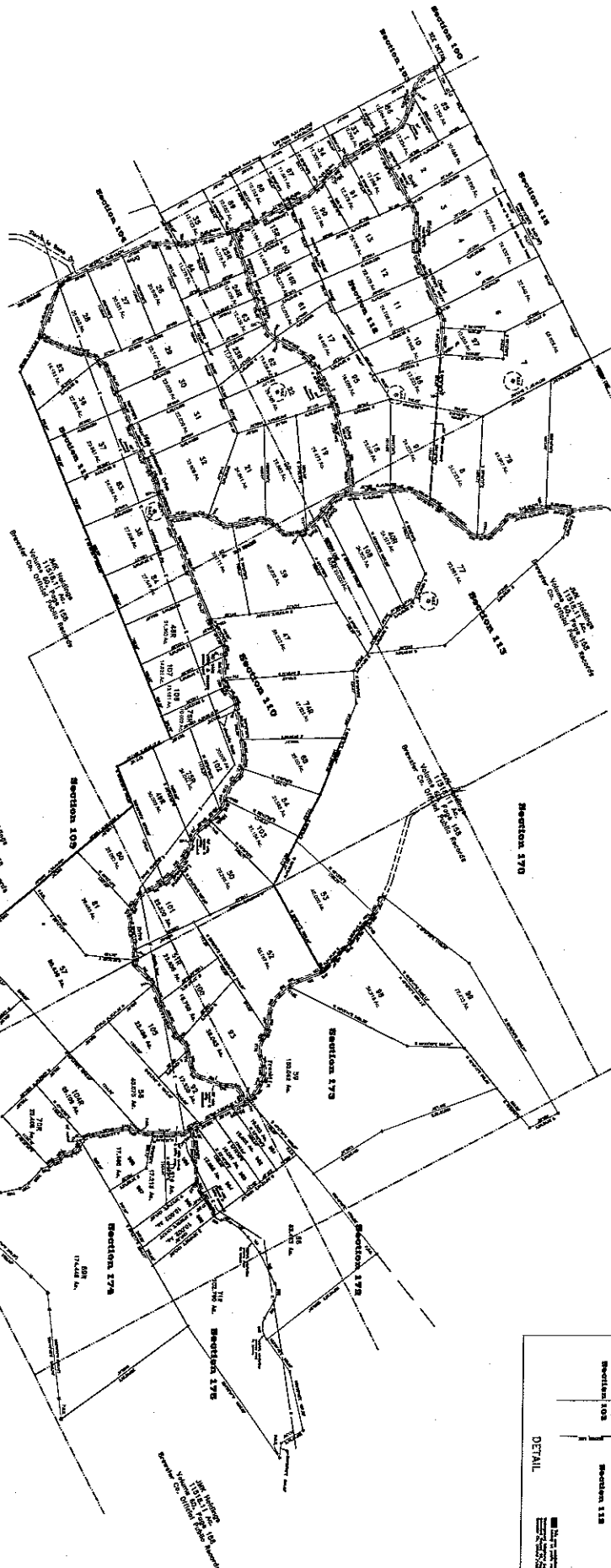
*[Drawing of the Property]*

See attached page

# SIERRA LA RANA

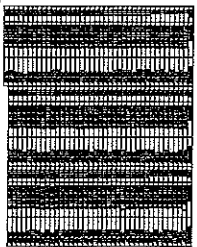
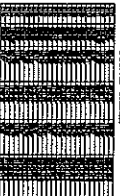
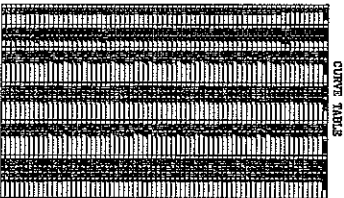
## PHASE 1

Survey plat showing 105 tracts of land in Sections 103, 109, 110, 111, 112, 113, 172, 173, 174, and 175, Block 9, G.H. & S.A. Railway Co. Surveys, Brewster County, Texas



Revised January 2008

I, Charles E. Hatcher, Jr., Registered Professional Land Surveyor, State of Texas, No. 11111, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly licensed and registered professional land surveyor in the State of Texas. I further certify that the foregoing plat was prepared in accordance with the laws and regulations of the State of Texas and that it is a true and correct copy of the original plat as the same appears on the records of the Surveyors' Office of the State of Texas.



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AUSTIN SURVEYORS  
1000 South Loop West  
Austin, Texas 78703  
512-476-9200

NO.	DATE	DESCRIPTION	BY	CHECKED
1	1/1/08	SIERRA LA RANA	CHAS. E. HATCHER, JR.	

Scale 1" = 800  
LEGEND  
0' = 0'  
1" = 100'

Exhibit B

*Legal Description*

See attached description of Tract 108

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 769

Accompaniment to plat 1176-ph1-rev09

## FIELD NOTES FOR 24.553 ACRES

### TRACT 108

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5611.76 feet and N 27°50'20" W 4568.21 feet and the Northwest corner of the above mentioned Section 113 bears S 62°15'21" W 130.96 feet and N 27°44'39" W 4561.55 feet.

THENCE N 63°58'02" E 2074.88 feet to an iron pin set for the North corner of this tract.

THENCE S 30°57'51" E 263.16 feet to an iron pin set for an angle point of this tract.

THENCE S 58°59'06" E 236.25 feet to an iron pin set for the East corner of this tract.

THENCE S 62°03'00" W 2169.35 feet to an iron pin set for the South corner of this tract.

THENCE N 51°11'34" W 186.30 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 360.00 feet and a central angle of 46°08'43".

THENCE with the arc of the said curve 289.94 feet the long chord of which bears N 28°07'12" W 282.17 feet to an iron pin set for the PT of the said curve.

THENCE N 05°02'51" W 88.26 feet to the POINT OF BEGINNING, containing 24.553 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and August of 200 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176rev.doc

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Exhibit C

*Legal Description*

See attached description of Tract 40R

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 771

Accompaniment to plat 1176-ph1-rev09

## FIELD NOTES FOR 24.579 ACRES

### TRACT 40R

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Southwest corner of this tract from which iron pin the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 5869.45 feet and N 27°50'20" W 3954.95 feet and the Northwest corner of the above mentioned Section 113 bears S 62°15'21" W 387..63 feet and N 27°44'39" W 3947.87 feet.

THENCE N 66°30'35" E 1490.73 feet to an iron pin set for the Northeast corner of this tract.

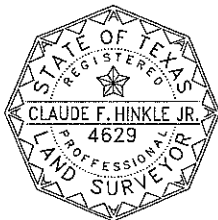
THENCE S 66°29'24" E 513.54 feet to an iron pin set for an angle point of this tract.

THENCE S 30°57'51" E 164.81 feet to an iron pin set for the East corner of this tract.

THENCE S 63°58'02" W 2074.88 feet to an iron pin set for the South corner of this tract.

THENCE N 05°02'51" W 665.20 feet to the POINT OF BEGINNING, containing 24.579 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and August of 2009 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176rev.doc

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Exhibit D

*Legal Description*

See attached description of Tract 65R

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to sketch 1176-65R

**Book 249 Page 773**

**FIELD NOTES FOR 25.000 ACRES  
TRACT 65R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 110 and 113, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract and the PC of a curve to the left, said curve having a radius of 130.00 feet, and a central angle of  $36^{\circ}36'29''$ , from which iron pin Northwest corner of the above mentioned 11518.11 acre tract bears S  $62^{\circ}09'40''$  W 5782.00 feet and N  $27^{\circ}50'20''$  W 5609.87 feet and the Northwest corner of the above mentioned Section 113 bears S  $62^{\circ}15'21''$  W 302.92 feet and N  $27^{\circ}44'39''$  W 5602.94 feet.

THENCE with the arc of the said curve 83.06 feet, the long chord of which bears N  $24^{\circ}59'43''$  W 81.66 feet, to an iron pin set for the PT of the said curve.

THENCE N  $43^{\circ}17'58''$  W 337.62 feet to an iron pin set for an angle point of this tract.

THENCE N  $51^{\circ}11'34''$  W 109.08 feet to an iron pin set for the West corner of this tract.

THENCE N  $62^{\circ}03'00''$  E 2169.35 feet to an iron pin set for the North corner of this tract.

THENCE S  $58^{\circ}59'06''$  E 490.46 feet to an iron pin set for the East corner of this tract.

THENCE S  $57^{\circ}28'17''$  W 988.81 feet to an iron pin set for an angle point of this tract.

THENCE S  $61^{\circ}11'53''$  W 1280.53 feet to an iron pin set for an angle point of this tract.

THENCE S  $83^{\circ}18'32''$  W 30.00 feet to the POINT OF BEGINNING, containing 25.000 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2009 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
Date 1176rev.doc  
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Exhibit E

*Legal Description*

See attached description of Tract DS1

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6665

Accompaniment to plat 1176dark3

**Book 249 Page 775**

**FIELD NOTES FOR 10.003 ACRES**

**Tract DS1**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 173, and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1170.66 feet and N 27°42'21" W 10357.70 feet.

THENCE S 36°13'40" E 420.64 feet to an iron pin set for the East corner of this tract.

THENCE S 53°46'20" W 1266.50 feet to an iron pin set for the South corner of this tract.

THENCE N 27°26'00" W 293.27 feet to an iron pin set for the West corner of this tract.

THENCE N 47°17'29" E 1199.68 feet to the POINT OF BEGINNING, containing 10.003 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176dark.doc

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Exhibit F

*Legal Description*

See attached description of Tract DS2

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 777

Accompaniment to plat 1176dark3

## FIELD NOTES FOR 10.002 ACRES

### Tract DS2

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1108.32 feet and N 27°42'21" W 10773.70 feet.

THENCE S 36°13'40" E 337.07 feet to an iron pin set for the East corner of this tract.

THENCE S 53°46'20" W 1318.64 feet to an iron pin set for the South corner of this tract.

THENCE N 27°26'00" W 341.08 feet to an iron pin set for the West corner of this tract.

THENCE N 53°46'20" E 1266.50 feet to feet to the POINT OF BEGINNING, containing 10.002 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



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Date 1176dark.doc

Exhibit G

*Legal Description*

See attached description of Tract DS3

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176dark3

**FIELD NOTES FOR 10.001ACRES**

**Tract DS3**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1058.36 feet and N 27°42'21" W 10107.05 feet.

THENCE S 36°13'40" E 324.21 feet to an iron pin set for the East corner of this tract.

THENCE S 53°46'20" W 1368.80 feet to an iron pin set for the South corner of this tract.

THENCE N 27°26'00" W 328.06 feet to an iron pin set for the West corner of this tract.

THENCE N 53°46'20" E 1318.64 feet to the POINT OF BEGINNING, containing 10.001 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176dark.doc

Exhibit H

*Legal Description*

See attached description of Tract DS4

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 781

Accompaniment to plat 1176dark3

## FIELD NOTES FOR 13.598 ACRES

### Tract DS4

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1010.32 feet and N 27°42'21" W 11427.68 feet.

THENCE S 36°13'40" E 616.24 feet to an iron [pin set for the East corner of this tract.

THENCE S 64°50'08" W 181.97 feet to an iron pin set for an angle point of this tract.

THENCE S 54°07'19" W 272.56 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 29°52'16".

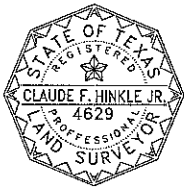
THENCE with the arc of the said curve 156.41 feet, the long chord of which bears S 69°03'27" W 154.64 feet to an iron pin set for the PT of the said curve.

THENCE S 83°59'35" W 904.35 feet to an iron pin set for the South corner of this tract.

THENCE N 27°26'00" W 84.69 feet to an iron pin set for the West corner of this tract.

THENCE N 53°46'20" E 1368.80 feet to the POINT OF BEGINNING, containing 13.598 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176dark.doc

Exhibit I

*Legal Description*

See attached description of Tract DS5

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 783

Accompaniment to plat 1176dark3

## FIELD NOTES FOR 10.002 ACRES

### Tract DS5

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1236.97 feet and N 27°42'21" W 12048.60 feet.

THENCE S 37°29'51" E 1317.72 feet to an iron pin set for the East corner of this tract.

THENCE S 58°53'17" W 347.85 feet to an iron pin set for the South corner of this tract.

THENCE N 36°13'40" W 1347.26 feet to an iron pin set for the West corner of this tract.

THENCE N 83°59'35" E 38.33 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 29°52'16".

THENCE with the arc of the said curve 156.41 feet the long chord of which bears N 69°03'27" E 154.64 feet to an iron pin set for the PT of the said curve.

THENCE N 54°07'19" E 134.97 feet to the POINT OF BEGINNING, containing 10.002 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176dark.doc

Exhibit J

*Legal Description*

See attached description of Tract DS6

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

**Book 249 Page 785**

Accompaniment to plat 1176dark3

**FIELD NOTES FOR 11.614 ACRES**

**Tract DS6**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1559.77 feet and N 27°42'21" W 12035.40 feet.

THENCE S 36°13'40" E 638.61 feet to an iron pin set for the South corner of this tract.

THENCE S 87°25'37" W 1163.61 feet to an iron pin set for the West corner of this tract.

THENCE N 00°55'21" E 193.68 feet to the PC of a curve to the left, said curve having a radius of 500.00 feet and a central angle of 28°21'21".

THENCE with the arc of the said curve 247.45 feet the long chord of which bears N 13°15'20" W 244.93 feet to an iron pin set for the PT of the said curve.

THENCE N 27°26'00" W 50.36 feet to an iron pin set for the West corner of this tract.

THENCE N 83°59'35" E 66.02 feet to the POINT OF BEGINNING, containing 11.614 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
Date 1176dark.doc

Exhibit K

*Legal Description*

See attached description of Tract DS7

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

**Book 249 Page 787**

Accompaniment to plat 1176dark3

**FIELD NOTES FOR 17.213 ACRES**

**Tract DS7**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northeast corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1465.12 feet and N 27°42'21" W 12666.97 feet.

THENCE S 36°13'40" E 708.65 feet to an iron pin set for the East corner of this tract

THENCE S 58°53'17" W 747.27 feet to an iron pin set for the South corner of this tract.

THENCE N 31°06'43" W 707.38 feet to an iron pin set for an angle point of this tract,

THENCE N 79°05'53" W 559.17 feet to an iron pin set for an angle point of this tract.

THENCE N 89°04'39" W 30.00 feet to an iron pin set for the West corner of this tract.

THENCE N 00°55'21" E 193.68 feet to an iron pin set for the Northwest corner of this tract.

THENCE N 87°25'37" E 1163.61 feet to the POINT OF BEGINNING, containing 17.213 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
Date 1176dark.doc

Exhibit L

*Legal Description*

See attached description of Tract DS8

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 789

Accompaniment to plat 1176dark3

## FIELD NOTES FOR 17.690 ACRES

### Tract DS8

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 2106.06 feet and N 27°42'21" W 113412.19feet.

THENCE S 58°53'17" W 958.41 feet to an iron pin set for the South corner of this tract.

THENCE with the arc of a curve to the right 231.16 feet, said curve having a radius of 524.27 feet, a central angle of 25°15'46", and a long chord which bears N 23°57'30" W 229.29 feet to an iron pin set for the PT of the said curve .

THENCE N 11°19'37" W 503.88 feet to an iron pin set in the PC of a curve to the right said curve having a radius of 250.00 feet and a central angle of 24°38'02".

THENCE with the arc of the said curve 107.49 feet the long chord of which bears N 00°59'24" E 106.66 feet to an iron pin set for the PT of the said curve.

THENCE N 13°18'25" E 153.32 feet to a the PC of a curve to the left said curve having a radius of 1156.88 feet and a central angle of 12°23'04".

THENCE with the arc of the said curve 250.06 feet the long chord of which bears N 07°06'53" E 249.57 feet to an iron pin set for the North corner of this tract.

THENCE S 89°04'39" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 79°05'53" E 559.17 feet to a n iron pin set for an angle point of this tract.

THENCE S 31°06'43" E 707.38 feet to the POINT OF BEGINNING, containing 17.690 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176dark.doc

Exhibit M

*Legal Description*

See attached description of Tract DS9

**AUSTIN SURVEYORS**

P.O. BOX 189243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

**Book 249 Page 791**

Accompaniment to plat 1176dark3

**FIELD NOTES FOR 10.002 ACRES**

**Tract DS9**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 , Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 919.00 feet and N 27°42'21" W 12037.12 feet.

THENCE S 38°46'02" E 1313.83 feet to a n iron pin set for the East corner of this tract.

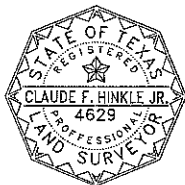
THENCE S 58°53'17" W 346.56 feet to an iron pin set for the South corner of this tract.

THENCE N 37°29'51" W 1317.72 feet to an iron pin set for the West corner of this tract.

THENCE N 54°07'19" E 137.58 feet to an angle point of this tract.

THENCE N 64°50'08" E 181.97 feet to the POINT OF BEGINNING, containing 10.002 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and April of 2008 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
Date 1176dark.doc

Exhibit N

*Legal Description*

See attached description of Tract 70R1

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 793

Accompaniment to plat 1176-P2-rev09

## FIELD NOTES FOR 20.408 ACRES

### Tract 70R]

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract bears S 37°19'56" E 324.82 feet, S 16°23'53" E 122.63 feet, S 47°17'19" E 329.40 feet S 31°33'58" E 166.43 feet, S 12°36'28" E 319.66 feet, S 03°37'24" W 224.23 feet, S 20°10'40" E 603.95 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 46°22'28" W 1134.15 feet to an iron pin set for the South corner of this tract.

THENCE N 43°06'57" W 758.33 feet to an iron pin set for the West corner of this tract.

THENCE N 47°19'09" E 1198.21 feet to an iron pin set for the North corner of this tract.

THENCE with the arc of a curve to the left 56.73 feet, said curve having a radius of 524.27 feet, a central angle of 06°21'00", and a sub-chord which bears S 33°29'23" E 56.70 feet to an iron pin set for the PT of the said curve.

THENCE S 78°33'56" E 100.18 feet to an iron pin set for an angle point of this tract.

THENCE S 42°57'29" E 139.95 feet to an iron pin set for an angle point of this tract

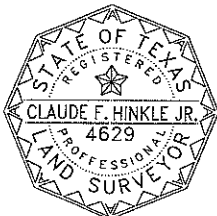
THENCE S 05°57'20" E 154.42 feet to an iron pin set for an angle point of this tract

THENCE S 56°04'11" E 110.11 feet to an iron pin set for an angle point of this tract

THENCE S 21°39'20" E 128.35 feet to an iron pin set for an angle point of this tract

THENCE S 44°46'14" E 111.91 feet to the POINT OF BEGINNING, containing 20.408 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and August of 2009 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176rev.doc  
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Exhibit O

*Legal Description*

See attached description of Tract 104R

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 795

Accompaniment to plat 1176-Ph2-rev09

## FIELD NOTES FOR 25.109 ACRES

### Tract 104

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the North corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears S 09°10'25" E 971.87 feet, N 58°53'17" E 3564.77 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 13°18'25" W 153.32 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 250.00 feet and a central angle of 24°38'02".

THENCE with the arc of the said curve 107.49 feet the long chord of which bears S 00°59'24" W 106.66 feet to an iron pin set for the PT of the said curve.

THENCE S 11°19'37" E 503.88 feet to an iron pin set in the PC of a curve to the left said curve having a radius of 524.27 feet and a central angle of 19°03'46".

THENCE with the arc of the said curve 174.43 feet the sub-chord of which bears S 20°51'30" E 173.62 feet to an iron pin set for the PT of the said curve and the East corner of this tract.

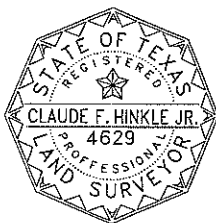
THENCE S 47°19'09" W 1198.21 feet to an iron pin set for the South corner of this tract.

THENCE N 43°06'57" W 766.26 feet to an iron pin set for the West corner of this tract.

THENCE N 46°53'03" E 1714.76 feet to an iron pin set for an angle point of this tract.

THENCE S 76°41'35" E 30.00 feet to the POINT OF BEGINNING, containing 25.109 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and August of 2009 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



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Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176rev.doc

Exhibit P

*Legal Description*

See attached description of Tract 69R

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 249 Page 797

Accompaniment to plat 1176-Ph1

## FIELD NOTES FOR 174.448 ACRES TRACT 69R

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the occupied Southeast line of the above mentioned 11518.11 acre tract for the East corner of this tract from which iron pin the East corner of the said 11518.11 acre tract bears N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 82°49'25" W with the occupied Southeast line of the said 11518.11 acre tract 2095.70 feet to a fence post found for an angle point of this tract.

THENCE S 42°24'13" W with the occupied Southeast line of the said 11518.11 acre tract 2152.00 feet to a fence post found for the South corner of this tract.

THENCE N 20°10'40" W 603.95 feet to an iron pin set for an angle point of this tract.

THENCE N 03°37'24" E 224.23 feet to an iron pin set for an angle point of this tract.

THENCE N 12°36'28" W 319.66 feet to an iron pin set for an angle point of this tract.

THENCE N 31°33'58" W 164.42 feet to an iron pin set for an angle point of this tract.

THENCE N 47°17'19" W 329.40 feet to an iron pin set for an angle point of this tract.

THENCE N 16°23'53" W 122.63 feet to an iron pin set for an angle point of this tract.

THENCE N 44°46'14" W 111.91 feet to an iron pin set for an angle point of this tract.

THENCE N 21°39'20" W 128.35 feet to an iron pin set for an angle point of this tract.

THENCE N 56°04'11" W 110.11 feet to an iron pin set for an angle point of this tract.

THENCE N 05°57'20" W 154.42 feet to an iron pin set for an angle point of this tract.

THENCE N 42°57'29" W 139.95 feet to an iron pin set for an angle point of this tract.

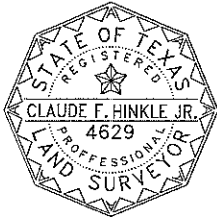
THENCE N 78°33'56" W 100.18 feet to an iron pin set for the West corner of this tract.

THENCE N 58°53'17" E 3564.77 feet to an iron pin set for the North corner of this tract.

Book 249 Page 798

THENCE S 35°58'28" E 2608.42 feet to the POINT OF BEGINNING,  
containing 174.448 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and August of 2009 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



© Austin Surveyors 2009

\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
Date 1176.rev.doc

**STATE OF TEXAS  
COUNTY OF BREWSTER**

I hereby certify that this instrument was FILED on the  
date and at the time stamped hereon by me and was  
duly RECORDED in the Volume and Page of the  
Official Public Records of Brewster County, Texas.



*Berta Rios Martinez*

County Clerk, Brewster County, Texas

VOL. 249 PAGE 762

RECORDED 8-12-2009

Doc# 86169

# Pages 37

08/11/2009 11:09AM

Filed &amp; Recorded in

Official Records of

BREWSTER COUNTY

BERTA RIOS MARTINEZ

COUNTY CLERK

Fees \$160.00

TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS

**SIXTH AMENDMENT TO**  
**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND**  
**EASEMENTS** Doc# 88456

This SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of July 30, 2010, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

RECITALS

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by the following, all recorded in the Real Property Records of Brewster County, Texas: First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347; Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715; Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829; Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223; Corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630; and Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 15, 2009, recorded at Volume 249 Page 762 (collectively, the "Declaration").
- B. Declarant has re-surveyed Tract DS6 in order to create a new 1.114 acre tract which will be referred to as the Telescope Tract and will become part of the Common Properties. The remainder of the original Tract DS6 will be known as DS6R.
- C. Declarant wishes to amend the Declaration to add a definition of Common Properties and provisions related thereto and to add a definition and legal description of the Telescope Tract.
- D. Declarant will establish an easement over and across a portion of the Property for access and utilities to the Telescope Tract.

## AMENDMENTS

1. **Definitions—Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Tract DS6.** Declarant hereby revises the metes and bounds description of Tract DS6, which tract will now be known as Tract DS6R. New Tract DS6R is further described by metes and bounds on Exhibit A attached hereto and incorporated herein by reference, and is and shall for all purposes be one of the Tracts.

3. **Revised Property Drawing.** The Declaration is hereby amended to delete Exhibit B of the Declaration in its entirety and replace it with the property drawing shown on Exhibit B attached hereto and incorporated herein by this reference.

4. **Section 1.2. Definitions – Common Properties.** Article 1.2 of the Declaration is hereby amended to add a definition of Common Properties which shall read as follows:

“Common Properties” shall mean, but shall not be limited to, the Telescope Tract, the Roads, equestrian easements, entry signs into the Property and related landscaping and improvements, entry gates into the Property, and any and all other areas of land within the Property which are described or designated as common areas, recreational easements, open spaces intended for or devoted to the common use and enjoyment of the Owners, and including all equipment, accessories and machinery used in the operation or maintenance of any of such Common Properties and any additions to or replacements of such Common Properties. Declarant may hold record title to all or part of the Common Properties, consistent with the objectives envisioned herein and subject to the easement rights herein of the Owners to use and enjoy the Common Properties, for an indefinite period of time, and at such time as Declarant cedes control of the Association to the Members, or at such earlier time as Declarant may choose, Declarant shall deed to the Association title to the Common Properties. Declarant reserves the right to effect redesigns or reconfigurations of the Common Properties and execute any open space declarations applicable to the Common Properties which may be permitted by law in order to reduce property taxes. Declarant (or the Association if the Declarant has ceded control of the Association to the Members) may from time to time adopt such rules and regulations regarding use of the Common Properties as Declarant deems necessary and desirable.”

5. **Section 1.2. Definitions – Telescope Tract.** Article 1.2 of the Declaration is hereby amended to add a definition of the Telescope Tract which shall read as follows:

“That 1.114 acre tract of land more particularly described by metes and bounds on Exhibit G attached hereto and incorporated herein by this reference, which tract shall include a concrete pad site and be used as a staging area for telescopes.”

6. **Article 10.1 – Roads, Utility, and Other Easements.** Article 10.1 of the Declaration is hereby amended to add a new subsection (f) which shall read as follows:

“An easement for access and utilities to the Telescope Tract is hereby reserved to Declarant, the Association, and all Owners, fifty feet (50’) in width and more particularly described by metes and bounds on Exhibit H attached hereto and incorporated herein by this reference. No Owner shall do anything to obstruct the use and enjoyment of such easement.”

7. **Article 10. Other Easements and Rights – Owner’s Easements of Enjoyment.** The Declaration is hereby amended to add a new Article 10.4 Owner’s Easements of Enjoyment which shall read as follows:

“Owner’s Easements of Enjoyment. Subject to the provisions of Article 10.5, every Owner who resides on a Tract and is a Member in good standing, and each individual who resides with an Owner on such Tract shall have a right and easement of use, recreation and enjoyment in and to the Common Properties, and such easement shall be appurtenant to and shall pass with the title of every Tract, provided, however, such easement shall not give such person the right to make alterations, additions or improvements to the Common Properties.”

8. **Article 10. Other Easements and Rights – Extent of Owner’s Easements.** The Declaration is hereby amended to add a new Article 10.5 Extent of Owner’s Easements which shall read as follows:

“Extent of Owner’s Easements. The rights and easements of use, recreation and enjoyment created hereby shall be subject to the following:

(a) The right of the Association to prescribe rules and regulations governing, and to charge fees and or deposits related to, the use, operation and maintenance of the Common Properties;

(b) Any liens or mortgages placed against all or any portion of the Common Properties with respect to any monies borrowed by Declarant to develop and improve the Property or by the Association to improve or maintain the Common Properties;

(c) The right of the Association to enter into and execute contracts with any party (including, without limitation, Declarant) for the purpose of providing maintenance or such other materials or services consistent with the purposes of the Association;

(d) The right of Declarant or the Association to take such steps as are reasonably necessary to protect the Common Properties against foreclosure;

(e) The right of Declarant or the Association to suspend the right of any individual to use or enjoy any of the Common Properties for any period during which any assessment (including without limitation "fines") against a Tract resided upon by such individual remains unpaid, and for any period deemed reasonable by the Association for an infraction of any rules and regulations;

(f) The right of Declarant or the Association to dedicate or transfer all or any part of the Common Properties to any public agency, authority, or utility company; and

(g) The right of Declarant or the Association to convey, sell or lease all or part of the Common Properties."

9. **Exhibits – New Exhibit G.** The Declaration is amended to add a new Exhibit G, Telescope Tract, which will include the legal description of the Telescope Tract. Exhibit G to the Declaration is attached hereto as Exhibit C and incorporated herein by this reference.

10. **Exhibits – New Exhibit H.** The Declaration is amended to add a new Exhibit H, which will include the legal description of the fifty foot (50') easement to the Telescope Tract. Exhibit H to the Declaration is attached hereto as Exhibit D and incorporated herein by this reference.

11. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

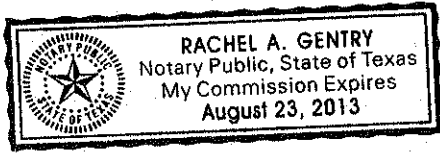
SIERRA LA RANA, LLC, a Texas limited liability company

By: 

Mike Micallef, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF TARRANT   §

This instrument was acknowledged before me on July 29, 2010 by Mike Micallef, President of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.



Rachel A. Gentry  
Notary Public, State of Texas

After recording return to:  
JMK Holdings Management Co., Ltd.  
Attention: Cathy Snoddy  
4800 Bryant Irvin Court  
Fort Worth, Texas 76107

Exhibit A

*Legal Description*

See attached description of Tract DS6R

## AUSTIN SURVEYORS

Book 261 Page 241

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176dark3

## FIELD NOTES FOR 10.500 ACRES

## Tract DS6

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 83°59'35" E 168.57 feet, N 62°17'39" E 1559.77 feet, and N 27°42'21" W 12035.40 feet.

THENCE S 06°00'25" E 195.45 feet to an iron pin set for an angle point of this tract.

THENCE EAST 302.53 feet to an iron pin set for an angle point of this tract.

THENCE S 36°13'40" E 375.78 feet to an iron pin set for the South corner of this tract.

THENCE S 87°25'37" W 1163.61 feet to an iron pin set for the West corner of this tract.

THENCE N 00°55'21" E 193.68 feet to the PC of a curve to the left, said curve having a radius of 500.00 feet and a central angle of 28°21'21".

THENCE with the arc of the said curve 247.45 feet the long chord of which bears N 13°15'20" W 244.93 feet to an iron pin set for the PT of the said curve.

THENCE N 27°26'00" W 50.36 feet to an iron pin set for the West corner of this tract.

THENCE N 83°59'35" E 697.45 feet to the POINT OF BEGINNING, containing 10.500 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2010 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

JUL 16 2010  
Date 1176dark.doc

Exhibit B

*Drawing of the Property*

See attached page

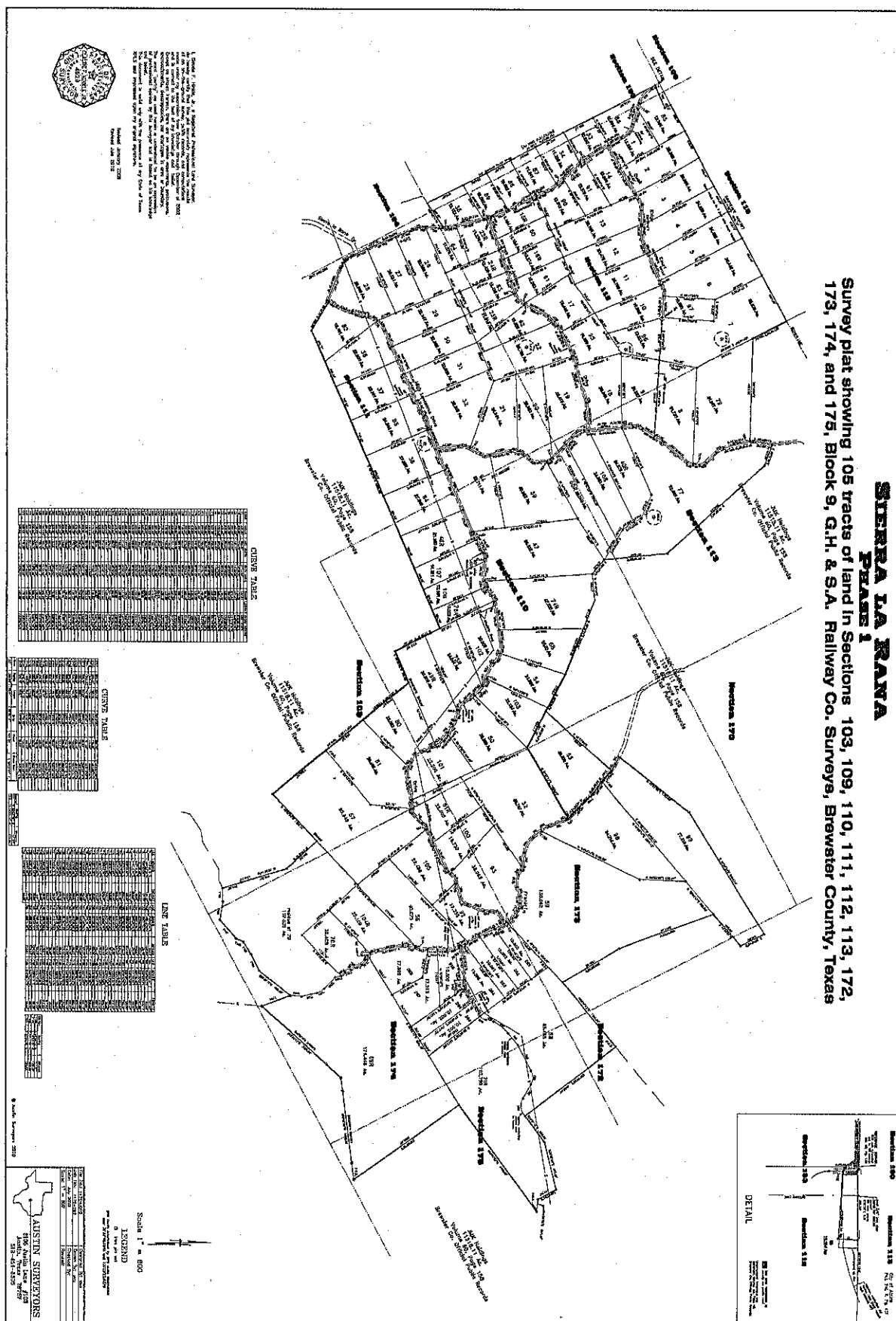


Exhibit C

*Exhibit G to Declaration*

*Legal Description of Telescope Tract*

See attached description of Telescope Tract

## AUSTIN SURVEYORS

Book 261 Page 245

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176dark3

## FIELD NOTES FOR 1.114 ACRES

## Telescope Tract

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a cotton spindle set in a rock mound found for the North corner of Section 170 bears N 62°17'39" E 1559.77 feet and N 27°42'21" W 12035.40 feet.

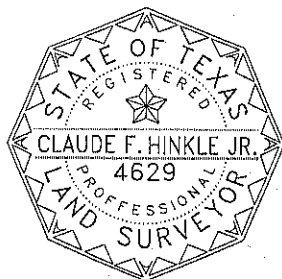
THENCE S 36°13'40" E 262.83 feet to an iron pin set for the South corner of this tract.

THENCE WEST 302.53 feet to an iron pin set for the West corner of this tract.

THENCE N 06°00'25" W 195.45 feet to an iron pin set for the West corner of this tract.

THENCE N 83°59'35" E 168.57 feet to the POINT OF BEGINNING, containing 1.114 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2010 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons any other purpose is expressly prohibited.



---

Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

---

Date 1176dark.doc

Exhibit D

*Exhibit H to Declaration*

*Legal Description of 50' Easement to Telescope Tract*

See attached description of Easement

## AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

## FIELD NOTES FOR A FIFTY (50) FOOT WIDE ACCESS AND UTILITY EASEMENT

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

TWENTY-FIVE (25) FEET TO BOTH SIDES OF AND PARALLEL TO THE FOLLOWING DESCRIBED LINE:

BEGINNING at an iron pin set on the centerline of an existing sixty (60) foot wide access and utility easement for the West terminus of this easement from which iron pin a rock mound found in the West corner of Section 170 bears S 62°19'37" W 2729.71 feet and N 27°40'23" W 11701.20 feet.

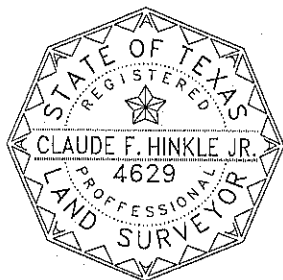
THENCE N 83°59'35" E 904.35 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 29°52'16".

THENCE with the arc of the said curve 156.41 feet the long chord of which bears N 69°03'27" E 154.64 feet to the PT of the said curve.

THENCE N 54°07'19" E 272.56 feet to an angle point of this easement.

THENCE N 64°50'08" E 181.97 feet to the East terminus of this easement from which point a cotton spindle set in a rock mound found in the North corner of Section 170 bears N 62°09'38" E 947.07 feet and N 27°50'22" W 12034.94 feet.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and January of 2005 and are correct to the best of my knowledge and belief. These field notes are to be used only as the description of an access and utility easement Any use by any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176darkease.doc

TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS

Doc# 92134

**SEVENTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**

This SEVENTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of May 1, 2012, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

**RECITALS**

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by the following, all recorded in the Real Property Records of Brewster County, Texas: First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347; Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715; Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829; Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223; Corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630; Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 15, 2009, recorded at Volume 249 Page 762; and Sixth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective July 30, 2010, recorded at Volume 261, Page 235 (collectively, the "Declaration").
- B. Declarant wishes to amend the Declaration to prohibit specifically any use of the Property as a wind farm.

**AMENDMENTS**

1. **Definitions—Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Section 1.2. Definitions – Wind Farm.** Article 1.2 of the Declaration is hereby amended to add a definition of Wind Farm which shall read as follows:

“Wind Farm” shall mean any aggregation of two or more electrical generating windmills, whether designed for on-site usage or off-site consumption, and whether for residential or commercial applications.

3. **Article 3.20 – No Wind Farms.** Article 3.20 of the Declaration is hereby added which shall read as follows:

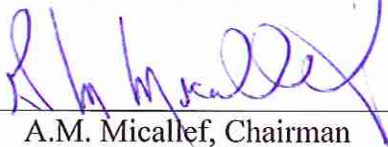
3.20 “No Wind Farms. No portion of any Tract may be used as a Wind Farm and no single electricity generating windmill shall be constructed, erected, or installed on any Tract without the prior written approval of the ARC.”

4 **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

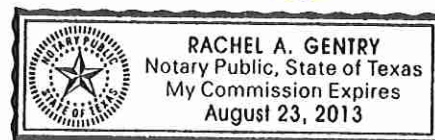
SIERRA LA RANA, LLC, a Texas limited liability company

By:   
A.M. Micallef, Chairman

STATE OF TEXAS       §  
                                  §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on April 26, 2012 by A.M. Micallef, Chairman of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.

  
Notary Public, State of Texas



After recording return to:  
JMK Holdings Management Co., Ltd.  
Attention: Cathy Snoddy  
1401 N. Bowie Drive  
Weatherford, Texas 76086

308700.1 RE AFTER RECORDING RETURN TO:

ELLYSON ABSTRACT  
P.O. BOX 418  
PINE, TX 79831

LF#

Recorded 2012 09 14 69

TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS  
Doc# 93409

**EIGHTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**

This EIGHTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of December 1, 2012, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

**RECITALS**

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by the following, all recorded in the Real Property Records of Brewster County, Texas: First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347; Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715; Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829; as amended by Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223; Corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630; Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 15, 2009, recorded at Volume 249 Page 762; Sixth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 30, 2010, recorded at Volume 261 Page 235; and Seventh Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2012, recorded at Volume 279 Page 696 (the "Declaration").
- B. Declarant wishes to amend the Declaration to recognize Tracts 69R1 and 109 as tracts subject to the governance of the Declaration, subject to the terms and conditions of this Amendment.
- C. Declarant has established the Sierra La Rana Sign Guidelines which will be incorporated into the Declaration and will revise the existing sign requirements

**AMENDMENTS**

1. **Definitions--Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Article 3.14 Signs.** Article 3.14 (b) is hereby amended to read as follows (italics indicate amended language):

“Signs are not otherwise allowed on any Tract except as set forth herein. One sign per Tract will be allowed advertising a Tract for sale or lease and *shall comply with the Sierra La Rana Realtor Signage Guidelines as adopted by the Sierra La Rana Homeowners Association, on October 1, 2012 effective November 15, 2012, as may be amended from time to time.* Declarant is permitted to use more signs and larger signs and to erect permanent signs at each entrance to the Property. Signs advertising contractors, subcontractors, or suppliers are specifically prohibited. Political signs may be erected upon a Tract by the Owner of the Tract advocating the election of one or more political candidates or the sponsorship of a political party, issue, or proposal provided that such signs shall not exceed five square feet, shall be erected no more than ninety (90) days in advance of the election to which they pertain, and are removed within five (5) days after the election. Declarant or the Association shall have the right to remove any sign that does not comply with the above, and in doing so shall not be subject to any liability in connection with such removal.”

3. **Article 3.14 Signs.** The Declaration is amended to add a new subsection 3.14(c) which shall read as follows:

“The Association has published the Sierra La Rana Realtor Signage Guidelines. The Signage Guidelines are incorporated into this Declaration by this reference. A copy of the Signage Guidelines will be furnished to any Owner on request. Such Signage Guidelines will Supplement this Declaration and may be amended from time to time.”

4. **Article 4.2 Accessory Improvements.** Article 4.2 (b) is hereby amended to read as follows (italics indicate amended language):

“Storage buildings, shops, livestock barns, and other similar buildings and improvements constructed on a Tract that are more than 200 feet from the Residence and at least 50 feet behind the rear plane of the Residence, shall be allowed and need not conform to the size limitations described in (a) above provided *they are constructed of the same materials or similar materials as the Residence and* provided the Plans therefor are approved by the ARC and they otherwise conform with (c) below.”

5. **Revised Property Drawing.** Exhibit B of the Declaration is deleted in its entirety and replaced with the property drawing shown on Exhibit A attached hereto and incorporated herein by this reference.

6. **Tract 69R1.** Tract 69R1, which Tract is further described by metes and bounds on Exhibit B attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

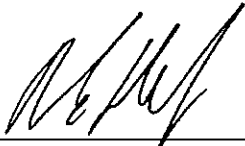
7. **Tract 109.** Tract 109, which Tract is further described by metes and bounds on Exhibit C attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.

8. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LLC, a Texas limited liability company

By:   
Mike Micallef, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on December 6, 2012 by Mike Micallef, President of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.




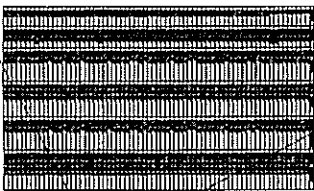
  
Notary Public, State of Texas

Exhibit A

*[Drawing of the Property]*

See attached page

THE UNIVERSITY OF CHICAGO PRESS

[illegible]

Scale 1" = 200'

## LEGEND

THE UNIVERSITY OF CHICAGO



**AUSTIN SURVEYORS**  
 2106 Joshua Lane 8103  
 Austin, Texas 78747  
 512-521-0005

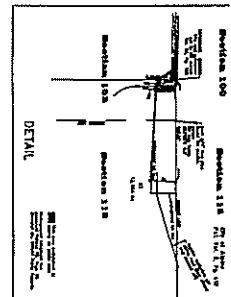


Exhibit B

*Legal Description*

See attached description of Tract 69R1

**Tract 69R1**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract bears S 20°10'40" E 603.95 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 16°23'53" E 122.63 feet to an iron pin set for an angle point of this tract.

THENCE S 47°17'19" E 329.40 feet to an iron pin set for an angle point of this tract.

THENCE S 31°33'58" E 164.43 feet to an iron pin set for an angle point of this tract.

THENCE S 12°36'28" E 319.66 feet to an iron pin set for an angle point of this tract.

THENCE S 03°37'24" W 224.23 feet to an iron pin set for an angle point of this tract.

THENCE S 39°20'18" W 142.45 feet to an iron pin set for an angle point of this tract.

THENCE N 03°53'13" E 132.73 feet to iron pin set for an angle point of this tract.

THENCE N 03°53'13" E 161.30 feet to iron pin set for an angle point of this tract.

THENCE N 07°40'55" W 111.04 feet to iron pin set for an angle point of this tract.

THENCE N 26°51'40" W 105.98 feet to iron pin set for an angle point of this tract.

THENCE N 25°22'57" W 163.00 feet to iron pin set for an angle point of this tract.

THENCE N 26°04'35" W 222.91 feet to an iron pin set for an angle point of this tract.

THENCE N 36°26'46" W 175.25 feet to an iron pin set for an angle point of this tract.

THENCE N 05°23'20" W 141.29 feet to the POINT OF BEGINNING containing 2.199 acres of land, more or less.

Exhibit C

*Legal Description*

See attached description of Tract 109

## Tract 109

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract bears N 39°20'18" E 142.45 feet, S 20°10'40" E 603.95 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 62°17'02" W 198.47 feet to an iron pin set for an angle point of this tract.

THENCE N 31°31'54" W 142.36 feet to an iron pin set for an angle point of this tract.

THENCE N 43°02'53" W 182.43 feet to an iron pin set for an angle point of this tract.

THENCE N 45°50'31" W 301.86 feet to a n iron pin set for an angle point of this tract.

THENCE N 46°22'28" E 1756.09 feet to an iron pin set for an angle point of this tract.

THENCE S 05°23'20" E 141.29 feet to an iron pin set for an angle point of this tract.

THENCE S 36°26'46" E 175.25 feet to an iron pin set for an angle point of this tract.

THENCE S 25°47'00" E 385.91 feet to an iron pin set for an angle point of this tract.

THENCE S 26°51'40" E 105.98 feet to an iron pin set for an angle point of this tract.

THENCE S 07°40'55" E 111.04 feet to an iron pin set for an angle point of this tract.

THENCE S 03°53'13" W 294.04 feet to an iron pin set for an angle point of this tract.

THENCE S 39°20'18" W 666.13 feet to an iron pin set for an angle point of this tract.

THENCE S 63°51'40" W 378.56 feet to an n iron pin set for an angle point of this tract.  
n iron pin set for an angle point of this tract..

THENCE S 55°37'02" W 122.41 feet to an iron pin set for an angle point of this tract.

THENCE N 52°57'23" W 181.46 feet to the POINT OF BEGINNING, containing 37.217 acres of land, more or less.

Doc# 93409  
# Pages 9  
12/10/2012 4:22PM  
Filed & Recorded in  
Official Records of  
BREWSTER COUNTY  
BERTA RIOS-MARTINEZ  
COUNTY CLERK  
Fees \$48.00

STATE OF TEXAS  
COUNTY OF BREWSTER  
I hereby certify that this Instrument was  
FILED on the date and at the time stamped  
hereon by me and was duly RECORDED in the  
Volume and Page of the Official Public  
Records of Brewster County, Texas  
VOL 286 PAGE 417

RECORDED : 12-11-2012

*Berta Rios-Martinez*  
County Clerk, Brewster County, Texas

**NINTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**

This NINTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of December 17, 2012, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

**RECITALS**

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by the following, all recorded in the Real Property Records of Brewster County, Texas: First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347; Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715; Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829; as amended by Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223; Corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630; Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 15, 2009, recorded at Volume 249 Page 762; Sixth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 30, 2010, recorded at Volume 261 Page 235; and Seventh Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2012, recorded at Volume 279 Page 696; and Eighth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective December 1, 2012, recorded at Volume 286 Page 417 (the "Declaration").
- B. Declarant wishes to amend the Declaration and bring additional property within the governance of the Declaration, subject to the terms and conditions of this Amendment.
- C. Declarant has re-surveyed tract 57 and will amend the Declaration to revise the metes and bounds description for Tract 57. The Tract will now be known as Tract 57R.

**AMENDMENTS**

- 1. **Definitions--Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are

incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Revised Property Drawing.** Exhibit B of the Declaration is deleted in its entirety and replaced with the property drawing shown on Exhibit A attached hereto and incorporated herein by this reference.

3. **Additional Property.** Pursuant to Article 13.9 of the Declaration, Declarant hereby subjects the following property to the Declaration and all of the Restrictions set forth therein:

Tract 110, further described by metes and bounds on Exhibit B attached hereto and incorporated herein by this reference.

Tract 111, further described by metes and bounds on Exhibit C attached hereto and incorporated herein by this reference.

Tract 112, further described by metes and bounds on Exhibit D attached hereto and incorporated herein by this reference.

Tract 113, further described by metes and bounds on Exhibit E attached hereto and incorporated herein by this reference.

Tract 114, further described by metes and bounds on Exhibit F attached hereto and incorporated herein by this reference.


4. **Tract 57R.** Declarant hereby revises the metes and bounds description of Tract 57 to reflect the subdivision of said tract. New Tract 57R is further described by metes and bounds on Exhibit G attached hereto and incorporated herein by this reference, and is and shall for all purposes be one of the Tracts.

4. **Revised Sierra la Rana Roads.** Exhibit D of the Declaration is deleted in its entirety and replaced with the roads, streets, or other right-of-ways described on Exhibit H attached hereto and incorporated herein by this reference.

5. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

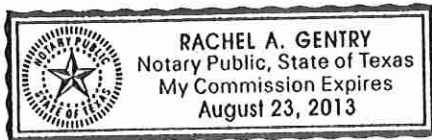
IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

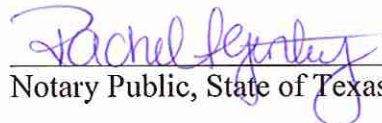
**Declarant:** SIERRA LA RANA, LLC., a Texas limited liability company

By:   
Mike Micallef, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF PARKER   §

This instrument was acknowledged before me on December 17, 2012 by Mike Micallef, President of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.



  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
ELLYSON ABSTRACT  
P.O. BOX 418  
ALPINE, TX 79831  
GF# 301 207111002

Exhibit A

*[Drawing of the Property]*

See attached page



Exhibit B

*Legal Description*

See attached description of Tract 110

**AUSTIN SURVEYORS Book 287 Page 28**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-2012

**FIELD NOTES FOR 15.544 ACRES**

**Tract 110**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys and the Isabella McLeod Survey #85, Block 352 and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post found in an angle point of the East line of the above mentioned 11518.11 acre tract for the East corner of this tract from which fence post a rock mound found in the East corner of the above mentioned 11518.11 acre tract and the East corner of Section 176, Block 9 bears N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 07°15'01" W with the East line of the said 11518.11 acre tract, as fenced and occupied, at 96 feet pass the approximate Southeast line of Section 174, at 409.4 pass the approximate North line of Survey 81, Block 352, and continue for a total of 1318.75 feet to an iron pin set for the South corner of this tract..

THENCE N 23°55'29" W 1367.19 feet to an iron pin set for the West corner of this tract..

THENCE N 39°20'18" E 808.58 feet to an iron pin found for the North corner of this tract..

THENCE S 20°10'40" E 603.95 feet to the POINT OF BEGINNING containing 15.544 acres of land, more or less

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2012 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
Date 1176jul2012.doc

Exhibit C

*Legal Description*

See attached description of Tract 111

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 287 Page 30

Accompaniment to plat 1176-2012

## FIELD NOTES FOR 27.456 ACRES

### Tract 111

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys and the Isabella McLeod Survey #85, Block 352 and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set on the East line of the above mentioned 11518.11 acre tract for the East corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract and the East corner of Section 176, Block 9 bears N 07°15'01" E 1318.75 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 07°15'01" W with the East line of the said 11518.11 acre tract, as fenced and occupied, 656.63 feet to an iron pin set for the Southeast corner of this tract..

THENCE S 89°29'28" W 416.22 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 21°59'45" W 1706.33 feet to an iron pin set for the West corner of this tract.

THENCE N 58°43'31" E 167.13 feet to an iron pin set for an angle point of this tract.

THENCE N 55°37'02" E 122.41 feet to an iron pin set for an angle point of this tract.

THENCE N 63°51'40" E 378.56 feet to an iron pin set for the North corner of this tract.

THENCE S 23°55'29" E 1367.19 feet to the POINT OF BEGINNING containing 27.456 acres of land, more or less

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2012 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176jul2012.doc

Exhibit D

*Legal Description*

See attached description of Tract 112

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-2012

**FIELD NOTES FOR 15.489 ACRES****Tract 112**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys and the Isabella McLeod Survey #85, Block 352 and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract and the East corner of Section 176, Block 9 bears N 89°29'28" E 416.22 feet, N 07°15'01" E 1318.75 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 89°29'28" W 298.05 feet to an iron pin set for an angle point of this tract.

THENCE S 68°00'15" W 174.33 feet to an iron pin set for the South corner of this tract.

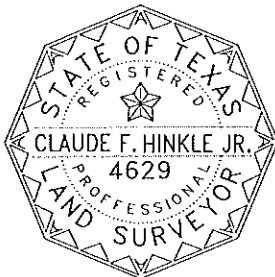
THENCE N 21°59'45" W 1377.14 feet to an iron pin set for the West corner of this tract.

THENCE N 49°59'00" E 348.55 feet to an iron pin set for an angle point of this tract.

THENCE N 24°58'55" E 164.44 feet to an iron pin set for an angle point of this tract.

THENCE S 21°59'45" E 1706.33 feet to the POINT OF BEGINNING containing 15.489 acres of land, more or less

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2012 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176jul2012.doc

Exhibit E

Legal Description

See attached description of Tract 113

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-2012

**FIELD NOTES FOR 15.394ACRES****Tract 113**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 174, Block 9, G.H. & S.A. Railway Company Surveys and the Isabella McLeod Survey #85, Block 352 and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract and the East corner of Section 176, Block 9 bears N 68°00'15" E 174.33 feet, N 89°29'28" E 714.27 feet, N 07°15'01" E 1318.75 feet, N 42°24'13" E 2152.00 feet, N 82°49'25" E 2095.70 feet, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE S 68°00'15" W 477.18 feet to an iron pin set for the South corner of this tract.

THENCE N 21°59'45" W 1524.95 feet to an iron pin set for the west corner of this tract.

THENCE S 81°41'20" E 385.81 feet to an iron pin set for an angle point of this tract.

THENCE N 49°59'00" E 151.53 feet to an iron pin set for the North corner of this tract.

THENCE S 21°59'45" E 1377.14 feet containing 15.394 acres of land, more or less

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2012 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



\_\_\_\_\_  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

\_\_\_\_\_  
Date 1176jul2012.doc

Exhibit F

Legal Description

See attached description of Tract 114

# AUSTIN SURVEYORS

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Book 287 Page 36

Accompaniment to plat 1176-HUD13

## FIELD NOTES FOR 14.798 ACRES

### Tract 114

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 and Section 109, Block 9, G.H. & S.A. Railway Company Surveys and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the West corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract and the East corner of Section 176, Block 9 bears S 27°53'14" E 1001.38 and N 62°06'46" E 1598.26 feet, and the North corner of Section 113 and the west corner of Section 170 bears N 62°17'18" E 39.80 feet and N 27°42'42" W 14903.76 feet.

THENCE N 73°44'08" E 860.438 feet to an iron pin set for the North corner of this tract.

THENCE S 31°31'54" E 142.36 feet to an iron pin set for an angle point of this tract.

THENCE S 62°17'02" E 198.47 feet to an iron pin set for an angle point of this tract.

THENCE S 52°57'23" E 181.46 feet to an iron pin set for the East corner of this tract.

THENCE S 58°43'31" W 167.13 feet to an iron pin set for an angle point of this tract.

THENCE S 24°58'55" W 164.44 feet to an iron pin set for an angle point of this tract.

THENCE S 49°59'00" W 500.08 feet to an iron pin set for an angle point of this tract.

THENCE N 81°41'20" W 385.81 feet. to an iron pin set for the South corner of this tract.

THENCE N 22°41'08" W 632.53 feet to the POINT OF BEGINNING containing 14.798 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and June of 2012 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176jul2012.doc

Exhibit G

Legal Description

See attached description of Tract 57R

**AUSTIN SURVEYORS Book 287 Page 38**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-Ph1

**FIELD NOTES FOR 25.923 ACRES**

**Tract 57R**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109 and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the East corner of this tract from which iron pin the East corner of the above mentioned 11518.11 acre tract bears N 46°53'03" E 1792.97 feet, S 10°04'36" E 1009.19 feet, N 58°50'10" E 3508.84 feet, S 35°58'28" E 2608.42 feet to a 60d nail set in a fence post, N 61°49'08" E 3708.10 feet, N 17°21'08" E 539.57 feet, N 57°41'19" E 706.88 feet, N 68°58'01" E 938.28 feet, N 61°41'37" E 1388.11 feet, S 89°28'36" E 445.94 feet, N 63°38'56" E 693.12 feet, N 69°37'52" E 1376.88 feet, and N 62°07'02" E 140.93 feet.

THENCE N 80°54'13" W 1642.98 feet to an iron pin set for the West corner of this tract.

THENCE N 05°29'39" E 831.79 feet to an iron pin set for an angle point of this tract.

THENCE N 85°50'50" E 90.26 feet, to an iron pin set for an angle point of this tract.

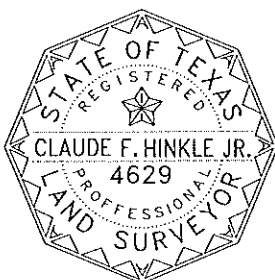
THENCE N 44°30'26" E 283.39 feet to an iron pin set in the PC of a curve to the right, said curve having a radius of 475.79 feet, and a central angle of 19°23'17".

THENCE with the arc of the said curve 161.00 feet, the long chord of which bears N 54°12'05" E 160.23 feet, to an iron pin set for the PT of the said curve and the North corner of this tract.

THENCE S 26°06'17" E 30.00 feet to an iron pin set for an angle point of this tract.

THENCE S 39°10'37" E 1758.44 feet to the POINT OF BEGINNING, containing 25.923 acres of land, more or less.

I, Claude F. Hinkle, Jr. , a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and December of 2012 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from Sierra la Rana. Any use by these or any other persons for any other purpose is expressly prohibited.



Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date 1176rev.doc

Exhibit H

Legal Description of Sierra la Rana Roads

See attached 10 Pages

## FIELD NOTES TO A SIXTY (60) FOOT WIDE UTILITY &amp; ACCESS EASEMENT

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 103, 109, 110, 111, 112, 113, 114, 169, 170, 171, 172, 173, 174, and 175, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

Thirty (30) feet to both sides of and parallel to the following described lines:

BEGINNING at a point on the South line of a county road for the Northern terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 30.00 feet and N 27°50'20" W 98.90 feet and from which point the West corner of the above mentioned Section 112 bears N 31°12'06" E 191.98 feet.

THENCE S 27°50'20" E 93.43 feet to the PC of a curve to the left, said curve having a radius of 500.00 feet and a central angle of 45°00'00".

THENCE with the arc of the said curve 392.70 feet the long chord of which bears S 50°20'20" E 382.68 feet to the PT of the said curve.

THENCE S 72°50'20" E 445.09 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 43°00'00".

THENCE with the arc of the said curve 375.25 feet the long chord of which bears S 51°20'20" E 366.50 feet to the PT of the said curve.

THENCE S 29°50'20" E 320.00 feet to POINT A and the South corner of Tract 1.

THENCE S 29°50'20" E 426.06 feet to the PC of a curve to the left said curve having a radius of 1000.00 feet and a central angle of 13°00'00".

THENCE with the arc of the said curve 226.89 feet the long chord of which bears S 36°20'20" E 226.41 feet to the PT of the said curve.

THENCE S 42°50'20" E 636.61 feet to the PC of a curve to the right said curve having a radius of 1000.00 feet and a central angle of 17°00'00".

THENCE with the arc of the said curve 296.71 feet the long chord of which bears S 34°20'20" E 295.62 feet to the PT of the said curve.

THENCE S 25°50'20" E at 188.30 feet pass the South corner of Tract 90 at 278.30 feet pass the East corner of Tract 87 and continue for a total of 1203.58 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 13°00'00".

THENCE with the arc of the said curve at 56.72 feet pass POINT B and the South corner of Tract 15 and continue for a total of 113.45 feet the long chord of which bears S 19°20'20" E 113.20 feet to the PT of the said curve.

THENCE S 12°50'20" E 761.64 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 14°00'00".

THENCE with the arc of the said curve 122.17 feet the long chord of which bears S 05°50'20" E 121.87 feet to the PT of the said curve and the East corner of Tract 35.

THENCE S 01°09'40" W 378.40 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 24°51'37".

THENCE with the arc of the said curve 216.95 feet the long chord of which bears S 11°16'08" E 215.25 feet to the PT of the said curve.

THENCE S 23°41'57" E at 390.17 feet pass the South corner of Tract 26 at 1015.57 feet pass the South corner of tract 27 and continue for a total of 1315.57 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 44°59'60".

THENCE with the arc of the said curve 392.70 feet the long chord of which bears S 46°11'57" E 382.68 feet to the PT of the said curve.

THENCE S 68°41'57" E 711.87 feet to POINT C and the South corner of Tract 28.

THENCE S 68°41'57" E 30.00 feet to the terminus of this centerline description from which point the West corner of the said Section 112 bears N 32°35'01" W 8039.48 feet.

Being a part of the above mentioned Section 112

BEGINNING again at the above mentioned POINT A, the South corner of Tract 1, for the western terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears N 50°59'28" W 1649.36 feet and from which point the West corner of the above mentioned Section 112 bears N 44°30'05" W 1582.85 feet.

THENCE N 60°09'40" E at 508.12 feet pass the South corner of Tract 2 at 1113.62 feet pass the South corner of Tract 3 and continue for a total of 1240.63 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 29°00'00".

THENCE with the arc of the said curve 253.07 feet the long chord of which bears N 74°39'40" E 250.38 feet to the PT of the said curve.

THENCE N 89°09'40" E at 320.80 feet pass the South corner of Tract 4 and continue for a total of 500.81 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 22°26'31".

THENCE with the arc of the said curve 195.84 feet the long chord of which bears N 77°56'24" E 194.59 feet to the PT of the said curve.

THENCE N 66°43'09" E at 258.96 feet pass the South corner of Tract 5, at 804.93 feet pass the South corner of Tract 6 and continue for a total of 898.65 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 27°03'59".

THENCE with the arc of the said curve 236.20 feet the long chord of which bears N 80°15'08" E 234.01 feet to the PT of the said curve.

THENCE S 86°12'52" E 443.52 feet to the common corner of Tracts 97, 7, 10, and 96 and the center of a 60 foot radius cul-de-sac from which point an iron pin set in a rock mound found for the North corner of the above mentioned Section 112 bears N 01°30'14" E 2501.39 feet.

Being a part of the above mentioned Section 112 and Section 113 Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at the above mentioned POINT B, the South corner of Tract 15 and the west corner of Tract 25, for the Western terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears N 38°54'27" W 4416.34 feet and from which point the West corner of the above mentioned Section 112 bears N 36°24'36" W 4383.00 feet.

THENCE N 70°39'40" E at 684.42 feet pass the North corner of Tract 25, at 896.98 feet pass the East corner of Tract 15 and continue for a total of 1621.54 feet to the East corner of Tract 16 and the PC of a curve to the left said curve having a radius of 400.00 feet and a central angle of 43°00'00".

THENCE with the arc of the said curve 300.20 feet the long chord of which bears N 49°09'40" E 293.20 feet to the PT of the said curve.

THENCE N 27°39'40" E 529.99 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 32°30'00".

THENCE with the arc of the said curve 170.17 feet the long chord of which bears N 43°54'40" E 167.90 feet to the PT of the said curve and the West corner of Tract 22.

THENCE N 60°09'40" E 677.27 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 13°44'60".

THENCE with the arc of the said curve 119.99 feet the long chord of which bears N 67°02'10" E 119.70 feet to the PT of the said curve and the common corner of Tracts 19, and 22.

THENCE N 73°54'40" E 896.39 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 11°02'29".

THENCE with the arc of the said curve 96.36 feet the long chord of which bears N 79°25'55" E 96.21 feet to the PT of the said curve.

THENCE N 84°57'09" E 556.08 feet to POINT F, the East corner of Tract 18 and the North corner of Tract 19, for the Eastern terminus of this easement from which point an iron pin set in a rock mound found for the North corner of the above mentioned Section 112 and the West corner of the above mentioned Section 113 bears N 29°23'24" W 4566.02 feet.

Being a part of the above mentioned Sections 109, 110, 111, and Section 174 Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at the above mentioned POINT C for the Western terminus of this centerline from which point the West corner of the above mentioned 11518.11 acre tract bears N 33°50'27" W 8033.42 feet and from which point the West corner of Section 112 bears N 32°27'26" W 8015.27 feet..

THENCE N 21°18'03" E at 30.00 feet pass the West corner of Tract 82 and continue for a total of 941.12 feet to the PC of a curve to the right, said curve having a radius of 500.00 feet and a central angle of 45°00'00".

THENCE with the arc of the said curve 392.70 feet, the long chord of which bears N 43°48'03" E 382.68 feet to the PT of the said curve.

THENCE N 66°18'03" E at 361.16 feet pass the East corner of Tract 28, at 660.28 feet pass the North corner of tract 36, at 961.16 feet pass the East corner of Tract 30, at 1561.16 feet pass the East corner of Tract 31 and continue for a total of 1772.64 feet to the PC of a curve to the left, said curve having a radius of 200.00 feet and a central angle of 16°49'09".

THENCE with the arc of the said curve 58.71 feet the long chord of which bears N 57°53'29" E 58.50 feet to the PT of the said curve.

THENCE N 49°28'54" E 86.36 feet to the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 31°12'16".

THENCE with the arc of the said curve 108.92 feet the long chord of which bears N 65°05'03" E 107.58 feet to the PT of the said curve.

THENCE N 80°41'11" E 140.67 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 11°41'45".

THENCE with the arc of the said curve 40.83 feet, the long chord of which bears N 74°50'18" E 40.76 feet to the PT of the said curve and the West corner of Tract 38.

THENCE N 68°59'26" E 420.79 feet to POINT D, the East corner of Tract 32 and the South corner of Tract 94.

THENCE N 66°49'05" E at 1349.44 feet pass the West corner of Tract 48 and continue for a total of 1829.11 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 06°29'15".

THENCE with the arc of the said curve 56.61 feet the long chord of which bears N 63°34'28" E 56.58 feet to the PT of the said curve.

THENCE N 60°19'50" E 440.92 feet to the PC of a curve to the right said curve having a radius of 180.00 feet and a central angle of 33°58'04".

THENCE with the arc of the said curve 106.71 feet the long chord of which bears N 77°18'52" E 105.16 feet to the PT of the said curve.

THENCE S 85°42'06" E 456.89 feet to the South corner of Lot 47 and the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 47°54'30".

THENCE with the arc of the said curve 192.32 feet the long chord of which bears N 70°20'39" E 186.76 feet to the PT of the said curve.

THENCE N 46°23'25" E 162.06 feet to the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 35°02'34".

THENCE with the arc of the said curve 122.32 feet the long chord of which bears N 63°54'41" E 120.42 feet to the PT of the said curve and the West corner of Tract 75.

THENCE N 81°25'58" E 842.35 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 52°41'32".

THENCE with the arc of the said curve 459.83 feet the long chord of which bears S 72°13'16" E 443.79 feet to the PT of the said curve.

THENCE S 45°52'30" E 13.99 feet to the PC of a curve to the left said curve having a radius of 558.58 feet and a central angle of 37°23'06".

THENCE with the arc of the said curve 364.47 feet the long chord of which bears S 64°34'03" E 358.04 feet to the PT of the said curve and the PC of a curve to the right, said curve having a radius of 230.00 feet and a central angle of 40°14'44".

THENCE with the arc of the said curve 161.56 feet the long chord of which bears S 63°08'14" E 158.25 feet to the PT of the said curve.

THENCE S 43°00'52" E 507.47 feet to the PC of a curve to the left said curve having a radius of 400.00 feet and a central angle of 28°39'50".

THENCE with the arc of the said curve 200.11 feet the long chord of which bears S 57°20'47" E 198.03 feet to the PT of the said curve.

THENCE S 71°40'42" E 216.46 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 19°06'48".

THENCE with the arc of the said curve 100.08 feet the long chord of which bears S 62°07'18" E 99.61 feet to the PT of the said curve.

THENCE S 52°33'54" E 364.14 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 28°34'51".

THENCE with the arc of the said curve 249.41 feet the long chord of which bears S 38°16'28" E 246.84 feet to the PT of the said curve.

THENCE S 23°59'03" E 195.87 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 40°01'59".

THENCE with the arc of the said curve 349.35 feet the long chord of which bears S 44°00'03" E 342.29 feet to the PT of the said curve.

THENCE S 64°01'02" E 195.87 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 73°28'05".

THENCE with the arc of the said curve 294.92 feet the long chord of which bears N 79°14'55" E 275.13 feet to the PT of the said curve and the PC of a curve to the right, said curve having a radius of 230.00 feet and a central angle of 77°21'41".

THENCE with the arc of the said curve 310.55 feet the long chord of which bears N 81°11'43" E 287.49 feet to the PT of the said curve and the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 71°14'40".

THENCE with the arc of the said curve 285.99 feet the long chord of which bears N 84°15'14" E 267.92 feet to the PT of the said curve.

THENCE N 48°37'54" E 319.27 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 15°15'49".

THENCE with the arc of the said curve 133.20 feet the long chord of which bears N 56°15'48" E 132.81 feet to the PT of the said curve and the North corner of Tract 57.

THENCE N 63°53'43" E 875.05 feet to the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 22°16'47".

THENCE with the arc of the said curve 89.44 feet the long chord of which bears N 52°45'19" E 88.87 feet to the PT of the said curve.

THENCE N 41°36'56" E 57.07 feet to the PC of a curve to the right, said curve having a radius of 400.00 feet and a central angle of 33°11'14".

THENCE with the arc of the said curve 231.69 feet the long chord of which bears N 58°12'33" E 228.47 feet to the PT of the said curve.

THENCE N 74°48'10" E 278.85 feet to the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 54°47'10".

THENCE with the arc of the said curve 219.93 feet the long chord of which bears N 47°24'35" E 211.64 feet to the PT of the said curve.

THENCE N 20°01'00" E 360.71 feet to the PC of a curve to the left, said curve having a radius of 230.00 feet and a central angle of 25°57'03".

THENCE with the arc of the said curve 104.17 feet the long chord of which bears N 07°02'28" E 103.29 feet to the PT of the said curve and the PC of a curve to the right, said curve having a radius of 250.00 feet and a central angle of 77°01'42".

THENCE with the arc of the said curve 336.10 feet the long chord of which bears N 32°34'48" E 311.35 feet to the PT of the said curve.

THENCE N 71°05'39" E 103.34 feet to POINT E and the Eastern terminus of this easement, said point being the North corner of Tract 92 and the East corner of Tract 93, from which point the West corner of Section 170 and the North corner of Section 113 bears N 42°56'59" W 11120.79 feet.

Being a part of the above mentioned Sections 110, 111, 113, 114, 169, 170, 171, 172, and Section 175 Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at the above mentioned POINT D for the Western terminus of this centerline, said point being the Southeast corner of Tract 32 and the Southwest corner of Tract 94, from which point the West corner of the above mentioned 11518.11 acre tract bears N 59°02'57" W 8730.502 feet and from which point the West corner of Section 170 bears N 12°10'24" E 9738.19 feet.

THENCE N 07°15'21" W 447.74 feet to the PC of a curve to the right said curve having a radius of 400.00 feet and a central angle of 33°58'56".

THENCE with the arc of the said curve 237.24 feet the long chord of which bears N 09°44'07" E 233.78 feet to the PT of the said curve and the South corner of Tract 21.

THENCE N 26°43'35" E 239.38 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 38°16'02".

THENCE with the arc of the said curve 200.37 feet the long chord of which bears N 07°35'34" E 196.66 feet to the PT of the said curve.

THENCE N 11°32'27" W 425.16 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 52°03'31".

THENCE with the arc of the said curve 272.58 feet the long chord of which bears N 14°29'19" E 263.30 feet to the PT of the said curve.

THENCE N 40°31'05" E 262.80 feet to the PC of a curve to the left said curve having a radius of 100.00 feet and a central angle of 89°53'05".

THENCE with the arc of the said curve 156.88 feet the long chord of which bears N 04°25'28" W 141.28 feet to the PT of the said curve.

THENCE N 49°22'01" W 131.19 feet to the Southwest corner of Tract 40 and the PC of a curve to the right said curve having a radius of 200.00 feet and a central angle of 33°11'27".

THENCE with the arc of the said curve 115.86 feet the long chord of which bears N 32°46'17" W 114.24 feet to the PT of the said curve.

THENCE N 16°10'33" W at 54.69 feet pass the South corner of Tract 19 and continue for a total of 179.42 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 35°01'00".

THENCE with the arc of the said curve 122.23 feet the long chord of which bears N 33°41'04" W 120.34 feet to the PT of the said curve.

THENCE N 51°11'34" W 295.37 feet to the PC of a curve to the right said curve having a radius of 360.00 feet and a central angle of 46°08'43".

THENCE with the arc of the said curve 289.94 feet the long chord of which bears N 28°07'12" W 282.17 feet to the PT of the said curve.

THENCE N 05°02'51" W at 88.26 feet pass the above mentioned POINT F for the South corner of Tract 18 and the East corner of Tract 19, and continue for a total of 985.38 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 36°30'56".

THENCE with the arc of the said curve 191.19 feet the long chord of which bears N 13°12'37" E 187.98 feet to the PT of the said curve.

THENCE N 31°28'05" E at 282.65 feet pass the East corner of tract 9 and the South corner of Tract 8 and continue for a total of 465.95 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 09°55'57".

THENCE with the arc of the said curve 52.01 feet the long chord of which bears N 36°26'04" E 51.94 feet to the PT of the said curve.

THENCE N 41°24'03" E 611.17 feet to the PC of a curve to the left said curve having a radius of 200.00 feet and a central angle of 37°41'01".

THENCE with the arc of the said curve 131.54 feet the long chord of which bears N 22°33'32" E 129.18 feet to the PT of the said curve.

THENCE N 03°43'02" E 130.13 feet to the PC of a curve to the left said curve having a radius of 170.00 feet and a central angle of 49°59'56".

THENCE with the arc of the said curve 148.35 feet the long chord of which bears N 21°16'56" W 143.69 feet to the PT of the said curve.

THENCE N 46°16'54" W 296.81 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 32°31'30".

THENCE with the arc of the said curve 170.30 feet the long chord of which bears N 30°01'09" W 168.02 feet to the PT of the said curve.

THENCE N 13°45'24" W 610.75 feet to the East corner of Tract 7, and the South corner of Tract 41, for an angle point of this easement.

THENCE N 08°48'01" E 387.96 feet to the terminus of this easement.

Being a part of the above mentioned Section 174 in Block 9 G.H. & S.A. Railway Company Surveys.

BEGINNING again at POINT E in the East corner of Tract 93 and the North corner of Tract 92.

THENCE S 27°26'00" E at 677.50 feet pass the West corner of Tract 71 and continue for a total of 1021.99 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 28°21'21".

THENCE with the arc of the said curve 247.45 feet the long chord of which bears S 13°15'20" E 244.93 feet to the PT of the said curve.

THENCE S 00°55'21" W at 574.68 pass the North corner of Tract 70 and continue for a total of 799.68 feet to the PC of a curve to the left said curve having a radius of 500.00 feet and a central angle of 12°50'50".

THENCE with the arc of the said curve 112.11 feet the long chord of which bears S 05°30'04" E 111.88 feet to the PT of the said curve.

THENCE S 11°55'29" E 678.12 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 25°27'44" said point being the South corner of Tract 71 and the West corner of Tract 69.

THENCE with the arc of the said curve 133.32 feet the long chord of which bears S 24°39'21" E 132.23 feet to the Southern terminus of this easement, the centerpoint of a 60 feet radius cul-de-sac, from which point the East corner of the said 11518.11 acre tract bears N 71°46'26" E 13808.87 feet and an angle point of the Southeast line of the said 11518.11 acre tract bears S 25°50'54" E 2244.18 feet.

Being a part of the above mentioned Sections 173 and 174 in Block 9 G.H. & S.A. Railway Company Surveys

BEGINNING again at POINT E in the East corner of Tract 93 and the North corner of Tract 92.

THENCE N 27°26'00" W 75.48 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 28°57'37".

THENCE with the arc of the said curve 116.25 feet the long chord of which bears N 41°54'49" W 115.02 feet to the PT of the said curve.

THENCE N 56°23'37" W 197.93 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 15°45'23".

THENCE with the arc of the said curve 63.25 feet the long chord of which bears N 64°16'19" W 63.05 feet to the PT of the said curve.

THENCE N 72°09'00" W 108.56 feet to the PC of a curve to the left said curve having a radius of 230.00 feet and a central angle of 37°44'30".

THENCE with the arc of the said curve 151.50 feet the long chord of which bears S 88°58'45" W 148.78 feet to the PT of the said curve.

THENCE S 70°06'30" W 178.78 feet to the PC of a curve to the right said curve having a radius of 300.00 feet and a central angle of 52°38'27".

THENCE with the arc of the said curve 275.63 feet the long chord of which bears N 83°34'16" W 266.03 feet to the PT of the said curve.

THENCE N 57°15'03" W 92.46 feet to the PC of a curve to the left right said curve having a radius of 230.00 feet and a central angle of 24°42'10".

THENCE with the arc of the said curve 99.16 feet the long chord of which bears N 69°36'08" W 98.40 feet to the PT of the said curve and the terminus of this easement.

## FIELD NOTES FOR A FIFTY (50) FOOT WIDE ACCESS AND UTILITY EASEMENT

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

TWENTY-FIVE (25) FEET TO BOTH SIDES OF AND PARALLEL TO THE FOLLOWING DESCRIBED LINE:

BEGINNING at an iron pin set on the centerline of an existing sixty (60) foot wide access and utility easement for the West terminus of this easement from which iron pin a rock mound found in the West corner of Section 170 bears S 62°19'37" W 2729.71 feet and N 27°40'23" W 11701.20 feet.

THENCE N 83°59'35" E 904.35 feet to the PC of a curve to the left said curve having a radius of 300.00 feet and a central angle of 29°52'16".

THENCE with the arc of the said curve 156.40 feet the long chord of which bears N 69°03'27" E 154.64 feet to the PT of the said curve.

THENCE N 54°07'19" E 272.56 feet to an angle point of this easement.

THENCE N 64°50'08" E 181.97 feet to the East terminus of this easement from which point a cotton spindle set in a rock mound found in the North corner of Section 170 bears N 62°09'38" E 947.07 feet and N 27°50'22" W 12034.94 feet.

**FIELD NOTES TO A SIXTY (60) FOOT WIDE UTILITY & ACCESS EASEMENT**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Sections 109, and 174, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

**Thirty (30) feet to both sides of and parallel to the following described lines:**

BEGINNING in the center point and Southern terminus of a an existing 60 foot radius cul-de-sac for the Northern terminus of this centerline from which point an iron pin set in the East corner of the above mentioned 11518.11 acre tract bears N 72°15'54" E 13849.61 feet and a fence post found in an angle point of the Southeast line of the said 11518.11 acre tract bears S 26°25'55" E 2367.32 feet.

THENCE S 78°33'56" E 100.18 feet to an angle point of this centerline.

THENCE S 42°57'29" E 139.95 feet to an angle point of this centerline.

THENCE S 05°57'20" E 154.42 feet to an angle point of this centerline.

THENCE S 56°04'11" E 110.11 feet to an angle point of this centerline.

THENCE S 21°39'20" E 128.35 feet to an angle point of this centerline.

THENCE S 44°46'14" E 111.91 feet to an angle point of this centerline.

THENCE S 05°23'20" E 141.29 feet to an angle point of this centerline.

THENCE S 36°26'46" E 175.25 feet to an angle point of this centerline.

THENCE S 26°04'35" E 222.91 feet to an angle point of this centerline.

THENCE S 25°22'57" E 163.00 feet to an angle point of this centerline.

THENCE S 26°51'40" E 105.98 feet to an angle point of this centerline.

THENCE S 07°40'55" E 111.04 feet to an angle point of this centerline.

THENCE S 03°53'13" W 294.04 feet to an angle point of this centerline.

THENCE S 39°20'18" W 666.13 feet to an angle point of this centerline.

THENCE S 63°51'40" W 378.56 feet to an angle point of this centerline.

THENCE S 55°37'02" W 122.41 feet to POINT F and an angle point of this centerline.

THENCE S 58°43'31" W 167.13 feet to an angle point of this centerline.

THENCE S 24°58'55" W 164.44 feet to an angle point of this centerline.

THENCE S 49°59'00" W 500.08 feet to an angle point of this centerline.

THENCE N 81°41'20" W 385.81 feet to the Western terminus of this centerline.

BEGINNING again at POINT F.

THENCE N 52°57'23" W 181.46 feet to an angle point of this centerline.

THENCE N 62°17'02" W 198.47 feet to an angle point of this centerline.

THENCE N 31°31'54" W 142.36 feet to an angle point of this centerline.

THENCE N 43°02'53" W 182.43 feet to an angle point of this centerline.

THENCE N 45°50'31" W 428.90 feet to the Northern terminus of this centerline.

Doc# 93502  
# Pages 28  
12/27/2012 11:24AM  
Filed & Recorded in  
Official Records of  
BREWSTER COUNTY  
BERTA RIOS-MARTINEZ  
COUNTY CLERK  
Fees \$124.00  
Ellyson

STATE OF TEXAS  
COUNTY OF BREWSTER  
I hereby certify that this Instrument was  
FILED on the date and at the time stamped  
hereon by me and was duly RECORDED in the  
Volume and Page of the Official Public  
Records of Brewster County, Texas  
VOL 287 PAGE 22  
RECORDED : 12-28-2012

*Berta Rios-Martinez*  
County Clerk, Brewster County, Texas

**TENTH AMENDMENT TO**  
**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND**  
**EASEMENTS**

Doc# 99667

This TENTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of January 1, 2016, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

RECITALS

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by the following, all recorded in the Real Property Records of Brewster County, Texas: First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347; Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715; Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829; as amended by Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223; Corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630; Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 15, 2009, recorded at Volume 249 Page 762; Sixth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 30, 2010, recorded at Volume 261 Page 235; and Seventh Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2012, recorded at Volume 279 Page 696; Eighth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective December 1, 2012, recorded at Volume 286 Page 417; and Ninth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective December 17, 2012, recorded at Volume 287 Page 22 (the "Declaration").
- B. Declarant wishes to amend the Declaration and will amend the Declaration to revise the metes and bounds description for Tract 37.

AMENDMENTS

1. **Definitions-Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Revised Property Description – Tract 37.** Declarant hereby revises the *metes and* bounds description of Tract 37. Tract 37 is further described by metes and bounds on Exhibit A attached hereto and incorporated herein by reference.

3. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LLC., a Texas limited liability company

By: \_\_\_\_\_

Mike Micallef, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF PARKER   §

This instrument was acknowledged before me on January 22, 2016 by Mike Micallef, President of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.

\_\_\_\_\_  
Rachel A. Gentry  
Notary Public, State of Texas



Exhibit A

Legal Description

See attached description of Tract 37

**AUSTIN SURVEYORS**

P.O. BOX 180243  
AUSTIN, TEXAS 78718

2105 JUSTIN LANE #103  
(512) 454-6605

Accompaniment to plat 1176-ph1-1p

**FIELD NOTES FOR 23.861 ACRES**  
**Tract 37**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 111, Block 9, G.H. & S.A. Railway Company Surveys, Brewster County, Texas and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the Northwest corner of this tract, from which point the Northwest corner of the above mentioned 11518.11 acre tract bears S 62°09'40" W 2573.51 feet and N 27°50'20" W 7300.81 feet.

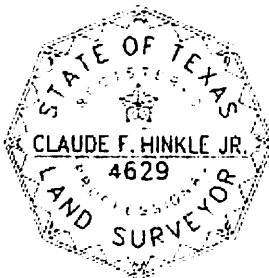
THENCE N 66°18'03" E 755.22 feet to an iron pin set for the North corner of this tract.

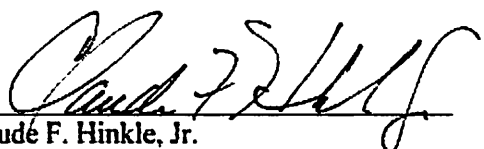
THENCE S 23°41'57" E 1368.35 feet to an iron pin set for the Southeast corner of this tract.

THENCE S 66°50'05" W 767.93 feet to an iron pin set for the Southwest corner of this tract.

THENCE N 23°09'55" W 1361.26 feet to the POINT OF BEGINNING, containing 23.861 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

03 Nov 03

Date

1176.doc

Doc# 99667  
4 Pages 4  
01/26/2016 8:04AM  
Filed & Recorded in  
Official Records of  
BREWSTER COUNTY  
BERTA RIOS-MARTINEZ  
COUNTY CLERK  
Fees \$38.00

STATE OF TEXAS  
COUNTY OF BREWSTER  
I hereby certify that this Instrument was  
FILED on the date and at the time stamp  
hereon by me and was duly RECORDED in t  
Volume and Page of the Official Public  
Records of Brewster County, Texas  
VOL 319 PAGE 503

RECORDED : \_\_\_\_\_

*Berta Rios-Martinez*  
County Clerk, Brewster County, Texas

*DAE DUMAS*  
*PO Box 1239*  
*Alpine TX 79831*

**TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS**

**ELEVENTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**

This ELEVENTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of May 1, 2017, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

**RECITALS**

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by the following, all recorded in the Real Property Records of Brewster County, Texas: First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347; Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715; Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829; as amended by Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223; Corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630; Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 15, 2009, recorded at Volume 249 Page 762; Sixth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 30, 2010, recorded at Volume 261 Page 235; and Seventh Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2012, recorded at Volume 279 Page 696; Eighth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective December 1, 2012, recorded at Volume 286 Page 417; Ninth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective December 17, 2012, recorded at Volume 287 Page 22; and Tenth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective January 1, 2016, recorded at Volume 319 Page 503 (the "Declaration").
- B. Declarant wishes to amend the Declaration and bring additional property within the governance of the Declaration, subject to the terms and conditions of this Amendment.
- C. Declarant wishes to amend the Declaration to recognize Tract 115 as a tract subject to the governance of the Declaration, subject to the terms and conditions of this Amendment.

## AMENDMENTS

1. **Definitions–Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.
2. **Revised Property Drawing.** Exhibit B of the Declaration is deleted in its entirety and replaced with the property drawing shown on Exhibit A attached hereto and incorporated herein by this reference.
3. **Tract 115.** Tract 115, which Tract is further described by metes and bounds on Exhibit B attached hereto and incorporated herein by reference is and shall for all purposes be one of the Tracts.
4. Tract 115 exception to Declaration in that Declarant shall not maintain ranch road to Tract or provide utilities
3. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LLC, a Texas limited liability company

By: \_\_\_\_\_

Mike Micallef, President

STATE OF TEXAS           §  
                                       §  
 COUNTY OF PARKER      §

This instrument was acknowledged before me on may 4, 2017 by Mike Micallef, President of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.



\_\_\_\_\_  
 Rachel A. Gentry  
 Notary Public, State of Texas

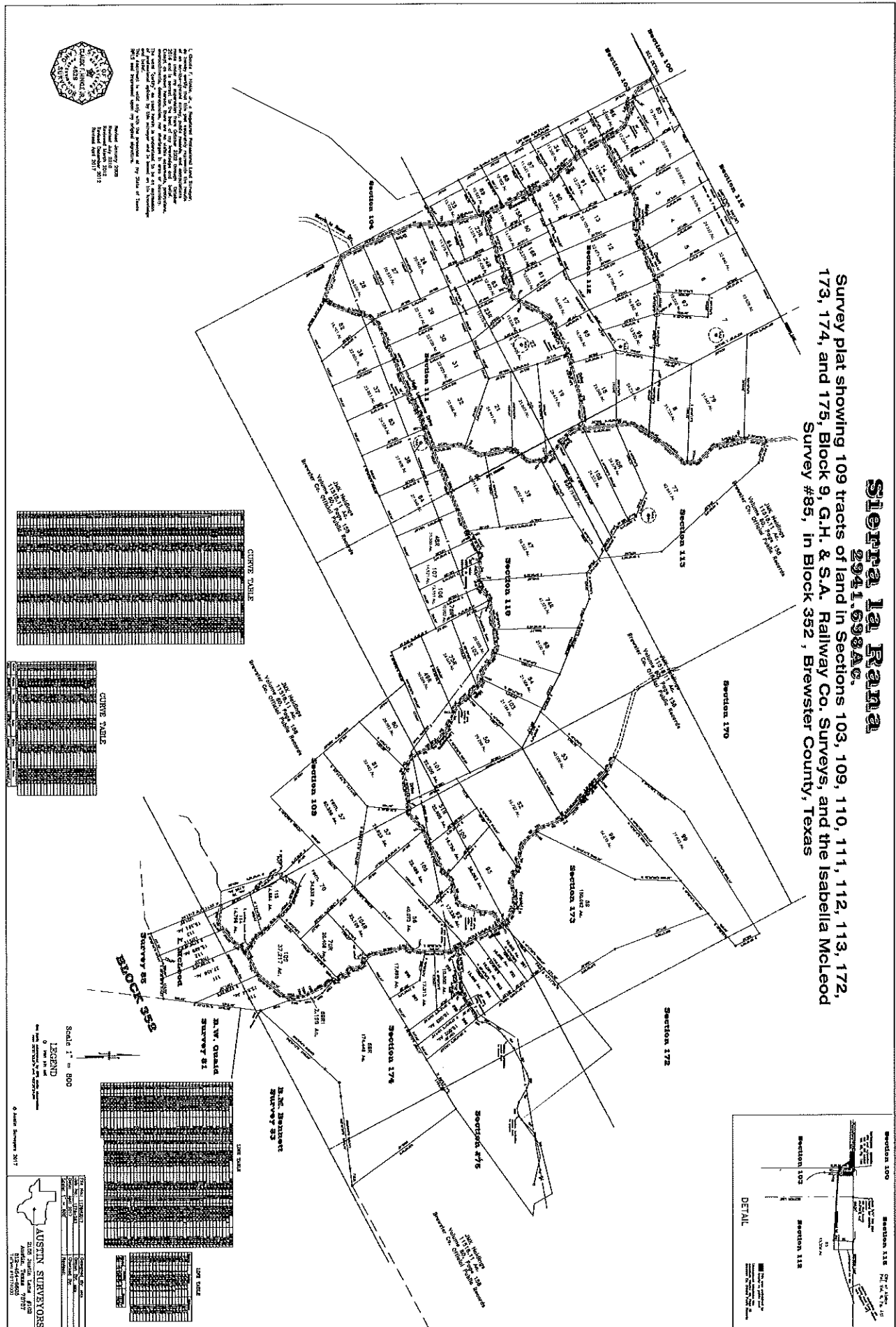
Exhibit A

[Drawing of the Property]

See attached page

**Stop! La Rama**  
2941.698AC.

Survey plat showing 109 tracts of land in Sections 103, 109, 110, 111, 112, 113, 172, 173, 174, and 175, Block 9, G.H. & S.A. Railway Co. Surveys, and the Isabella McLeod Survey #85, in Block 352, Brewster County, Texas



**AUSTIN SURVEYORS**P.O. BOX 180243  
AUSTIN, TEXAS 787182105 JUSTIN LANE #102  
(512) 454-6605

Accompaniment to plat 1176-2016

**FIELD NOTES FOR 14.684 ACRES**

All that certain tract or parcel of land situated in Brewster County, Texas, and being a part of Section 174 and Section 109, Block 9, G.H. & S.A. Railway Company Surveys and being also a part of a 11518.11 acre tract of land conveyed to JMK Holdings by deed recorded in Volume 60, Page 158 of the Official Property Records of Brewster County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this tract from which iron pin a rock mound found in the East corner of the above mentioned 11518.11 acre tract and the East corner of Section 176, Block 9 bears S 27°53'14" E 1001.38 and N 62°06'46" E 1598.26 feet, and the North corner of Section 113 and the west corner of Section 170 bears N 62°17'18" E 39.80 feet and N 27°42'42" W 14903.76 feet.

THENCE N 38°15'05" W 669.31 feet to an iron pin set for the West corner of this tract.

THENCE N 35°48'05" E 534.76 feet to an iron pin set for the North corner of this tract.

THENCE S 67°10'03" E 356.55 feet to an iron pin set for an angle point of this tract.

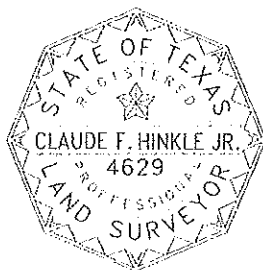
THENCE S 47°29'14" E 349.81 feet to an iron pin found in the West corner of a 37.217 acre tract for an angle point of this tract.

THENCE S 45°50'31" E 301.86 feet to an iron pin set for an angle point of this tract.

THENCE S 43°02'53" E 182.43 feet to the East corner of this tract.

THENCE S 73°44'08" W 860.43 feet to the POINT OF BEGINNING containing 14.684 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during October through December of 2002 and October of 2016 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title from JMK Holdings. Any use by these or any other persons for any other purpose is expressly prohibited.



*Claude F. Hinkle, Jr.*  
Claude F. Hinkle, Jr.  
R.P.L.S. No. 4629

Date

*28 Oct 16*  
1176oct2016.doc

Exhibit B

Legal Description

See attached description of Tract 115

**Doc#: 102887**

**# Pages: 7**

**06/07/2017 03:10PM**

**Filed & Recorded in**

**Official Records of**

**BREWSTER COUNTY**

**BERTA RIOS-MARTINEZ**

**COUNTY CLERK**

**Fees: \$46.00**

**STATE OF TEXAS**

**COUNTY OF BREWSTER**

I hereby certify that this Instrument was  
FILED on the date and at the time stamped  
hereon by me and was duly RECORDED in the  
Volume and Page of the Official Public  
Records of Brewster County, Texas  
**VOL: 0338 PAGE: 0790**

*Berta Rios-Martinez*

**County Clerk, Brewster County, Texas**

TO BE RECORDED IN  
BREWSTER COUNTY, TEXAS

**TWELFTH AMENDMENT TO**  
**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND**  
**EASEMENTS**

This TWELFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "Amendment") is made and entered into to be effective as of October 11, 2021, by SIERRA LA RANA, LLC (together with its successors and assigns "Declarant").

RECITALS

- A. Declarant entered into the Declaration of Covenants, Conditions, Restrictions, and Easements dated effective January 1, 2004, recorded at Volume 164, Page 107 of the Real Property Records of Brewster County, Texas, as amended by the following, all recorded in the Real Property Records of Brewster County, Texas: First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective August 10, 2004, recorded at Volume 171, Page 347; Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective March 18, 2005, recorded at Volume 179, Page 715; Third Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2006, recorded at Volume 202, Page 829; as amended by Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective February 25, 2008, recorded at Volume 228, Page 223; Corrected Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated effective April 4, 2008, recorded at Volume 228, Page 630; Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 15, 2009, recorded at Volume 249 Page 762; Sixth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective July 30, 2010, recorded at Volume 261 Page 235; and Seventh Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2012, recorded at Volume 279 Page 696; Eighth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective December 1, 2012, recorded at Volume 286 Page 417; Ninth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective December 17, 2012, recorded at Volume 287 Page 22; Tenth Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective January 1, 2016, recorded at Volume 319 Page 503; and Eleventh Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements, dated effective May 1, 2017 recorded at Volume 338 Page 790 (the "Declaration").
- B. Declarant wishes to amend the Declaration to update Article 3 General Restrictions Paragraph 3.6 No Subdividing.

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Brewster County

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C. Declarant wishes to amend the Declaration and will amend the Declaration to revise the metes and bounds description for Tract 54R and Tract 103.

### AMENDMENTS

1. **Definitions—Generally.** The terms used herein shall have the same meaning as set forth in the Declaration unless otherwise modified or defined herein. All terms herein defined are incorporated into the Declaration by this reference and shall be deemed to be a part of the Declaration for all purposes.

2. **Revised Property Descriptions.** Declarant hereby revises the metes and bounds description of the following tracts:

Tracts 54R and 103, now known as Tracts 54R2 and 103R which tracts are further described by the revised metes and bounds on Exhibit A attached hereto and incorporated herein by this reference.

3. **Article 3.6 – Subdividing.** Article 3.6 is hereby deleted and replaced as follows:

3.6 No Subdividing. (a) No Tract may be subdivided except as provided in Paragraph 9.2 below and as expressly set forth in subparts (b), (d) or (e) below.

(b) Any Tract of 200 acres or more may be subdivided into two separate tracts of land and each of the two separate tracts shall thereafter be considered a Tract under this Declaration; provided, however, no such subdivision shall be effective if any resulting tract of land or remaining tract of land is less than 50 acres. There shall be no further subdivision of the resulting Tract or the remaining Tract. No subdivision of any Tract shall be effective, and no deed shall be recorded conveying any part thereof, unless and until the Owner of the Tract to be subdivided has given Declarant and the Association written notice of the proposed subdivision, including a copy of a survey plat and accompanying field notes showing the Tract as a whole and each of the two separate tracts as they are proposed to be subdivided. The subdivided Tracts will be subject to subpart (c) below.

(c) Upon only the first sale by any Owner of a subdivided Tract, and as a condition precedent to such sale being effective, the Owner shall pay to Declarant an amount equal to the greater of: (i) 5% of the sales price or (ii) 5% of the fair market value of the land sold as determined by a bona fide appraisal prepared by an appraiser approved by Declarant. [ FOR EXAMPLE ONLY: A Tract of 200 acres is subdivided into two Tracts of 100 acres each. Thereafter, one of the subdivided Tracts is sold by the Owner thereof to an unrelated third party for \$100,000.00, and that is determined to be the fair market value thereof. The amount due to Declarant is \$5,000.00. Thereafter the other subdivided Tract is sold by the Owner thereof to a relative for \$50,000.00, though the fair market value thereof is determined to be \$100,000.00. The amount due to Declarant is \$5,000.00. Upon any subsequent sale of either subdivided Tract, no payment is due to Declarant.] The 5% amount payable to Declarant as set forth in this subpart (c) is to compensate and reimburse Declarant for the enhanced value created by Declarant's subdivision of the Property and to compensate Declarant for allowing for further

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subdivision of a Tract. It is acknowledged and agreed by each Owner to be a fair and reasonable sum.

(d) So long as Declarant owns at least two (2) Tracts, it shall, with respect a Tract or Tracts not owned by Declarant, have the right, in its sole and absolute discretion and on the application and at the expense of the owner(s) of the affected Tract(s), to permit the combination, subdivision, or further subdivision of all or part of a Tract or Tracts in order to cure encroachments and provide for utilities, infrastructure, and other facilities which will benefit the Property, one or more specific Tracts, or any portion of either.

(e) When Declarant does not own at least two (2) Tracts, the ARC may, in its sole discretion and on the application and at the expense of the owner(s) of the Tract(s), permit the combination, subdivision or further subdivision of all or part of such Tract(s) for any reason consistent with the Restrictions.

(f) Notwithstanding any other provision in these Restrictions, no subdivision or combination of Tracts shall be permitted that would create a Tract or reduce the size of any Tract or the remainder of any Tract not combined with another below the minimum size required by federal, state, or local laws or regulations, including but not limited to such laws or regulations governing minimum lot sizes required for the construction and maintenance of both water and septic systems on such Tract.

4. **Ratification.** Except as amended herein, the Declaration shall continue to be enforceable in accordance with its terms and is hereby ratified by the undersigned as amended.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

**Declarant:**

SIERRA LA RANA, LLC., a Texas limited liability company

By: \_\_\_\_\_

Mike Micallef, President

STATE OF TEXAS §

§

COUNTY OF PARKER §

This instrument was acknowledged before me on January 14, 2022 by Mike Micallef, President of SIERRA LA RANA, LLC, a Texas limited liability company, on behalf of the company.

Rachel Gentry  
Notary Public, State of Texas

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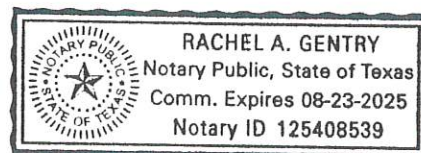


Exhibit A

Legal Description

See attached description of Tract 54R and Tract 103

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SAW TOOTH SURVEY  
FIRM NO. 10194432

SIERRA LA RANA  
BREWSTER COUNTY, TEXAS

210568-54

**TRACT 54R2**

**18.33 ACRES**

**METES AND BOUNDS DESCRIPTION OF 18.33 ACRES, BEING A PORTION OF TRACT 54, SIERRA LA RANA, AS DESCRIBED IN VOLUME 179, PAGE 715, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, SAID 18.33 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at an iron rod found for the northwest corner of said Tract 54 and **POINT OF BEGINNING** of the herein described tract;

**THENCE** with the north line of said Tract 54, **S 62°56'08" E**, a distance of **671.88 feet** to a capped iron rod [5911] found for the northeast corner of the herein described tract;

**THENCE** over and across said Tract 54 the following two (2) courses:

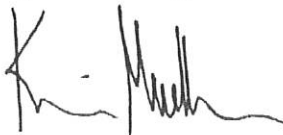
- 1) **S 25°45'09" W**, a distance of **1,372.10 feet** to a capped iron rod [MUELLER] set in the north line of High Lonesome Drive, being a 60-ft wide access and utility easement described in Volume 179, Page 715, Official Public Records of Brewster County, Texas, and
- 2) **S 18°06'00" W**, a distance of **30.01 feet** to a point calculated in the curving centerline of High Lonesome Drive for the southeast corner of the herein described tract;

**THENCE** with the center line of said High Lonesome Drive the following three (3) courses:

- 1) along said curve to the right, having a radius of 558.58 feet, an arc length of 253.54 feet, a chord bearing of **N 58°53'49" W**, and a chord distance of **251.37 feet** to a point calculated for the end of said curve,
- 2) **N 45°50'22" W**, a distance of **13.99 feet** to a calculated point for the beginning of a curve to the left, and
- 3) along said curve, having a radius of 500.00 feet, an arc length of 228.36 feet, a chord bearing of **N 58°57'21" W**, and a chord distance of **226.33 feet** to a point calculated for the southwest corner of said Tract 54;

**THENCE** with the west line of said Tract 54, **N 17°58'54" E**, a distance of **1,381.12 feet** to the **POINT OF BEGINNING**, containing **18.33 ACRES** of land, more or less.

I, Kevin Mueller, do hereby certify that this description was prepared from a survey performed under my supervision during December 2021, and is true and correct to the best of my knowledge.



1-14-2022



KEVIN MUELLER  
SAW TOOTH SURVEY  
P.O. BOX 1751  
ALPINE, TX 79831  
(432) 538-2115

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SAW TOOTH SURVEY  
FIRM NO. 10194432

SIERRA LA RANA  
BREWSTER COUNTY, TEXAS

210568-103

**TRACT 103R**

**24.45 ACRES**

**METES AND BOUNDS DESCRIPTION OF 24.45 ACRES, BEING ALL OF TRACT 103, AND 3.260 ACRES OUT OF TRACT 54, SIERRA LA RANA, AS DESCRIBED IN VOLUME 179, PAGE 715, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, SAID 24.45 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a capped iron rod [AS] found for the northeast corner of said Tract 103 and **POINT OF BEGINNING** of the herein described tract;

**THENCE** with the east line of said Tract 103 the following two (2) courses:

- 1) **S 44°40'01" W**, a distance of **1,481.01 feet** to a capped iron rod [AS] found monumenting the north line of High Lonesome Drive, being a 60-ft wide access and utility easement described in Volume 179, Page 715, Official Public Records of Brewster County, Texas, and
- 2) **S 46°58'49" W**, a distance of **30.05 feet** to a point calculated in the centerline of High Lonesome Drive for the southeast corner of said Tract 103;

**THENCE** with the center line of said High Lonesome Drive the following three (3) courses:

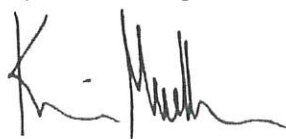
- 1) **N 46°19'43" W**, a distance of **250.66 feet** to a point calculated as the beginning of a curve to the left,
- 2) along said curve, having a radius of 255.13 feet, an arc length of 164.61 feet, a chord bearing of **N 64°42'25" W**, and a chord distance of **161.77 feet** to a calculated point of reverse curvature and southwest corner of said Tract 103, and
- 3) along said curve to the right, having a radius of 558.58 feet, an arc length of 110.91 feet, a chord bearing of **N 77°35'18" W**, and a chord distance of **110.73 feet** to a point calculated for the southwest corner of the herein described tract;

**THENCE** over and across said Tract 54 the following two (2) courses:

- 1) **N 18°06'00" E**, a distance of **30.01 feet** to a capped iron rod [5911] found monumenting the north line of said High Lonesome Drive, and
- 2) **N 25°45'09" E**, a distance of **1,372.10 feet** to a capped iron rod [5911] found for the northwest corner of the herein described tract;

**THENCE** with the north lines of said Tracts 54 and 103, **S 62°55'49" E**, a distance of **1,003.23 feet** to the **POINT OF BEGINNING**, containing **24.45 ACRES** of land, more or less.

I, Kevin Mueller, do hereby certify that this description was prepared from a survey performed under my supervision during December 2021, and is true and correct to the best of my knowledge.



1-14-2022

KEVIN MUELLER  
SAW TOOTH SURVEY  
P.O. BOX 1751  
ALPINE, TX 79831  
(432) 538-2115



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Brewster County

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**Doc#: 114377**

**# Pages: 7.0**

**01/18/2022 04:06PM**

**Filed & Recorded in**

**Official Records of**

**BREWSTER COUNTY**

**SARAH VASQUEZ**

**COUNTY CLERK**

**Fees: \$46.00**

**STATE OF TEXAS**

**COUNTY OF BREWSTER**

I hereby certify that this Instrument was  
FILED on the date and at the time stamped  
hereon by me and was duly RECORDED in the  
Volume and Page of the Official Public  
Records of Brewster County, Texas  
**VOL: 0416 PAGE: 0127**

*Sarah Vasquez*

**County Clerk, Brewster County, Texas**

STATE OF TEXAS

COUNTY OF BREWSTER

I, SARAH VASQUEZ, COUNTY CLERK, DO  
HEREBY CERTIFY THAT THIS IS A TRUE AND  
CORRECT COPY AS SAME APPEARS OF RECORD  
IN MY CUSTODY.

Witness my hand and seal of office on 1.18.22



**SARAH VASQUEZ, COUNTY CLERK**  
**BREWSTER COUNTY, TEXAS**

By *Sarah Vasquez* Deputy