

2004-013561

516-10-1863

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MEMORANDUM OF AGREEMENT

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This Memorandum of Agreement is executed concurrently with a Development Agreement between the CITY OF MONTGOMERY, TEXAS (the "City") and LEFCO INVESTMENTS, INC., PHILLIP LEFEVRE and HOLLY LEFEVRE (collectively, the "Developers") and relates to the real property (the "Property") described in Exhibit "A" which is attached hereto and made a part hereof.

The Development Agreement and City Ordinance No. 2004-01 (the "Ordinance") passed by the City Council of the City in conjunction with the Development Agreement impose certain obligations on the Developers, and their respective successors and assigns, respecting the subdivision, development and sale of the Property. Additionally, the Development Agreement and Ordinance impose certain covenants, conditions and restrictions on the Property and define the permitted uses thereof.

Copies of the Development Agreement and Ordinance are available at the City Hall of Montgomery, Texas.

EXECUTED this 26th day of January, 2004.



CITY OF MONTGOMERY, TEXAS

By: Mary Sue Timmerman
Mary Sue Timmerman, Mayor

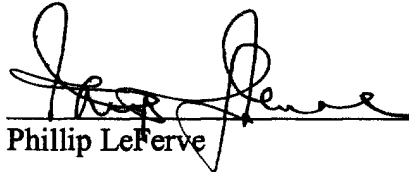
ATTEST:

By: Carol Langley
Carol Langley, City Secretary

LEFCO INVESTMENTS, INC.,
a Texas corporation

By: Phillip Lefevre
Phillip Lefevre, President

516-10-1864

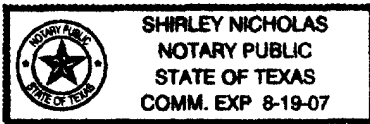

Phillip LeFerve

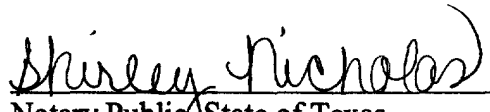

Holly LeFerve

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 27 day of January, 2004, by MARY SUE TIMMERMAN and CAROL LANGLEY, as Mayor and City Secretary, respectively, of CITY OF MONTGOMERY, TEXAS, a body politic.

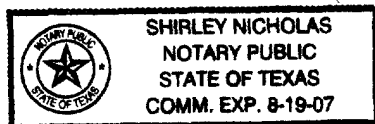


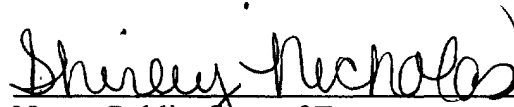

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 5th day of ~~January~~ Feb, 2004, by PHILLIP LEFEVRE, President of LEFCO INVESTMENTS, INC., a Texas corporation, on behalf of said corporation.

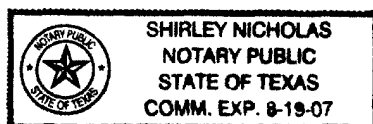


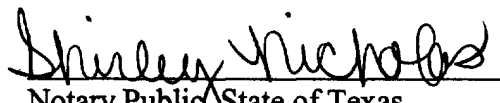

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on February 5, 2004, by HOLLY LEFEVRE and PHILLIP LEFEVRE.




Notary Public, State of Texas

516-10-1865



SURVEYORS

PLANNERS

"A LAND SURVEYING COMPANY"

July 8, 2003
A36&A8AC734.49

BEING a 734.49 acre tract of land located within the Owen Shannon Survey, A-36, and the John Corner Survey, A-8, Montgomery County, Texas. Said 734.49 acre tract recorded under Clerk's File No. 99058838, Real Property Records, Montgomery County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found for the Southwest corner of the 734.49 acre tract by re-survey as recorded under Clerk's File No. 99058838, and also being the Southeast corner of a 5.195 acre tract recorded in Clerk's File No. 9807122, Real Property Records, Montgomery County, Texas;

THENCE N 00 deg. 05' 48" W, for a distance of 3772.68 feet to a ¼" iron pipe found for corner;

THENCE S 85 deg. 44' 12" W, for a distance of 357.08 feet to a 5/8" iron rod set for corner;

THENCE S 89 deg. 37' 12" W, for a distance of 833.30 feet to a ½" iron rod found for corner;

THENCE N 01 deg. 11' 40" W, for a distance of 592.71 feet to a ½" iron rod found for corner;

THENCE S 88 deg. 20' 34" E, for a distance of 64.27 to a ¼" iron rod found for corner;

THENCE N 02 deg. 52' 56" E, for a distance of 74.42 feet to a 5/8" iron rod found for corner. Said iron rod being in the south right-of-way line of F.M. 1097 (80 foot right-of-way);

THENCE S 89 deg. 03' 00" E, continuing along said south right-of-way line, for a distance of 630.23 feet to a 5/8" iron rod set for corner;

THENCE S 89 deg. 42' 00" E, along said south right-of-way line, for a distance of 380.03 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

516-10-1866

THENCE along said south right-of-way line, with a curve to the left, having a radius of 5769.00 feet, an arc length of 330.59 feet, a delta of 03 deg. 17' 00", a chord bearing of N 88 deg. 39' 30" E, a chord distance of 330.55 feet to a 5/8" iron rod set for corner;

THENCE N 87 deg. 01' 00" E, along said south right-of-way line, for a distance of 713.70 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along said south right-of-way line, with a curve to the left, having a radius of 613.00 feet, an arc length of 528.85 feet, a delta of 49 deg. 25' 50", a chord bearing of N 61 deg. 56' 21" E, a chord distance of 512.60 feet to a 5/8" iron rod set for corner;

THENCE N 37 deg. 27' 00" E, along said south right-of-way line, for a distance of 602.40 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along said south right-of-way line, with a curve to the left, having a radius of 5688.87 feet, an arc length of 266.43 feet, a delta of 02 deg. 41' 00", a chord bearing of N 38 deg. 47' 30" E, a chord distance of 266.41 feet to a 5/8" iron set for corner;

THENCE N 40 deg. 08' 00" E, along said south right-of-way line, for a distance of 593.20 feet to a 5/8" iron rod set for corner;

THENCE along said south right-of-way line, with a curve to the right, having a radius of 914.73 feet, an arc length of 254.37 feet, a delta of 15 deg. 55' 58", a chord bearing of N 48 deg. 06' 00" E, and a chord distance of 253.55 feet to a 5/8" iron rod set for corner;

THENCE N 56 deg. 04' 00" E, along said south right-of-way line, for a distance of 630.20 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along said south right-of-way line, with a curve to the right, having a radius of 1000.34 feet, an arc length of 336.33 feet, a delta of 19 deg. 15' 50", a chord bearing of N 46 deg. 22' 55" E, and a chord distance of 334.75 feet to a 60 d nail found for corner;

THENCE S 00 deg. 55' 37" E, leaving the said south right-of-way line, for a distance of 1254.98 feet to an axle end for corner;

THENCE S 80 deg. 12' 50" E, for a distance of 1082.39 feet to a 5/8" iron rod set for corner;

THENCE S 86 deg. 18' 10" E, for a distance of 794.44 feet to a 1/2" iron rod found for corner;

THENCE N 00 deg. 40' 52" W, for a distance of 2010.16 feet to a 3/4" iron rod found for corner;

516-10-1867

THENCE N 89 deg. 37' 14" E, for a distance of 1406.84 feet to a 5/8" iron rod found for corner;

THENCE S 00 deg. 29' 39" W, for a distance of 6116.79 feet to a 5/8" iron rod found for corner;

THENCE S 89 deg. 14' 05" W, for a distance of 2042.13 feet to an axle found for corner;

THENCE S 00 deg. 38' 12" W, for a distance of 131.45 feet to a 5/8" iron rod found for corner;

THENCE S 89 deg. 50' 56" W, for a distance of 3628.59 feet to a 5/8" iron rod found for corner;

THENCE S 00 deg. 15' 53" E, for a distance of 828.75 feet to an axle found for corner. Said axle in the north right-of-way line of a prescriptive right-of-way known as Clepper Street;

THENCE N 88 deg. 59' 52" W, along said north right-of-way line, for a distance of 776.95 feet to the POINT OF BEGINNING and containing 734.49 acres of land, more or less.

SAVE AND EXCEPT

BEING a 3.00 acre tract of land situated in the John Corner Survey, A-8, Montgomery County, Texas. Said 3.00 tract being out of and a part of that certain 734.721 acre tract recorded under Clerk's File No. 99058838, Real Property Records, Montgomery County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found for the Southwest corner of the said 734.721 acre tract recorded under Clerk's File No. 99058838, Real Property Records, Montgomery County, Texas;

THENCE N 00 deg. 06' 59" W, along the west line of the said 734.721 acre tract, a distance of 7.47 feet to a 5/8" iron rod;

THENCE S 88 deg. 39' 04" E, leaving said west line, a distance of 23.65 feet to a 5/8" iron rod set. Said iron rod being a point of curvature;

THENCE along a curve to the left, having a radius of 25.00 feet, an arc length of 14.73 feet and a delta of 33 deg. 45' 41" to a 5/8" iron rod;

516-10-1868

THENCE N 57 deg. 35' 15" E, for a distance of 22.19 feet to a 5/8" iron rod. Said iron rod also being a point of curvature;

THENCE along a curve to the right, having a radius of 25.00 feet, an arc length of 14.45 feet and a delta of 33 deg. 06' 50" to a 5/8" iron rod;

THENCE S 89 deg. 17' 55" E, for a distance of 89.27 feet to a 5/8" iron rod. Said iron rod being a point of curvature;

THENCE along a curve to the left, having a radius of 25.00 feet, an arc length of 39.27 feet and a delta of 90 deg. 00' 00" to a 5/8" iron rod;

THENCE N 00 deg. 42' 05" E, for a distance of 65.02 feet to a 5/8" iron rod. Said iron rod being a point of curvature;

THENCE along a curve to the right, having a radius of 200.00 feet, an arc length of 19.93 feet and a delta of 05 deg. 42' 38" to a 5/8" iron rod;

THENCE N 06 deg. 24' 43" E, for a distance of 80.55 feet to a 5/8" iron rod; Said iron rod being a point of curvature;

THENCE along a curve to the left, having a radius of 200.00 feet, an arc length of 19.93 feet and a delta of 05 deg. 42' 38" to a 5/8" iron rod;

THENCE N 00 deg. 42' 05" E, a distance of 581.09 feet to a 5/8" iron rod;

THENCE S 89 deg. 17' 55" E, for a distance of 80.00 feet to a 5/8" iron rod set for corner and being the POINT OF BEGINNING of the herein described 3.00 acre tract;

THENCE continuing S 89 deg. 17' 55" E, for a distance of 224.39 feet to a 5/8" iron rod set for corner;

THENCE S 00 deg. 42' 05" W, for a distance of 581.09 feet to a 5/8" iron rod set for corner;

THENCE N 89 deg. 17' 55" W, for a distance of 224.39 feet to a 5/8" iron rod set for corner;

THENCE N 00 deg. 42' 05" E, for a distance of 581.09 feet to the POINT OF BEGINNING and containing 3.00 acres of land, more or less.

516-10-1869

BEING a 2.03 acre tract of land situated in the John Corner Survey, A-8, Montgomery County, Texas. Said 2.03 tract being out of and a part of that certain 734.721 acre tract recorded under Clerk's File No. 99058838, Real Property Records, Montgomery County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found for the Southwest corner of the said 734.721 acre tract recorded under Clerk's File No. 99058838, Real Property Records, Montgomery County, Texas, and being the Southwest corner of the herein described 2.03 acre tract;

THENCE N 00 deg. 06' 59" W, along the west line of the said 734.721 acre tract, a distance of 7.47 feet to a 5/8" iron rod set for corner;

THENCE S 88 deg. 39' 04" E, leaving said west line, a distance of 23.65 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along a curve to the left, having a radius of 25.00 feet, an arc length of 14.73 feet and a delta of 33 deg. 45' 41" to a 5/8" iron rod set for corner;

THENCE N 57 deg. 35' 15" E, for a distance of 22.19 feet to a 5/8" iron rod set for corner. Said iron rod also being a point of curvature;

THENCE along a curve to the right, having a radius of 25.00 feet, an arc length of 14.45 feet and a delta of 33 deg. 06' 50" to a 5/8" iron rod set for corner;

THENCE S 89 deg. 17' 55" E, for a distance of 89.27 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along a curve to the left, having a radius of 25.00 feet, an arc length of 39.27 feet and a delta of 90 deg. 00' 00" to a 5/8" iron rod set for corner;

THENCE N 00 deg. 42" 05" E, for a distance of 65.02 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along a curve to the right, having a radius of 200.00 feet, an arc length of 19.93 feet and a delta of 05 deg. 42' 38" to a 5/8" iron rod set for corner;

THENCE N 06 deg. 24' 43" E, for a distance of 80.55 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along a curve to the left, having a radius of 200.00 feet, an arc length of 19.93 feet and a delta of 05 deg. 42' 38" to a 5/8" iron rod set for corner;

516-10-1870

THENCE N 00 deg. 42' 05" E, for a distance of 581.09 feet to a 5/8" iron rod set for corner;

THENCE S 89 deg. 17' 55" E, for a distance of 80.00 feet to a 5/8" iron rod set for corner;

THENCE S 00 deg. 42' 05" W, for a distance of 581.09 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along a curve to the left, having a radius of 200.00 feet, an arc length of 19.93 feet and a delta of 05 deg. 42' 38" to a 5/8" iron rod set for corner;

THENCE S 05 deg. 00' 33" E, for a distance of 80.55 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

THENCE along a curve to the right, having a radius of 200.00 feet, an arc length of 19.93 feet and a delta of 05 deg. 42' 38" to a 5/8" iron rod set for corner;

THENCE S 00 deg. 42' 05" W, for a distance of 65.02 feet to a 5/8" iron rod set for corner. Said iron rod being a point of curvature;

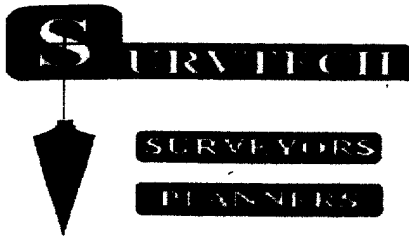
THENCE along a curve to the left, having a radius of 25.00 feet, an arc length of 39.27 feet and a delta of 90 deg. 00' 00" to a 5/8" iron rod set for corner;

THENCE S 89 deg. 17' 55" E, for a distance of 467.41 feet to a 5/8" iron rod set for corner in the west line of the James C. Rumpy tract, a 259.95 acre tract recorded under File Code No. 573-01-1331, Real Property Records, Montgomery County, Texas;

THENCE S 00 deg. 14' 13" E, along said west line, for a distance of 31.91 feet to an axle found for corner. Said axle being in the south line of the said 734.721 acre tract of land.

THENCE N 88 deg. 58' 12" W, for a distance of 776.95 feet to the POINT OF BEGINNING and containing 2.03 acres of land, more or less.

516-10-1871



"A Land Surveying Company"

August 28, 2003
A8-A31AC131.81

BEING a 131.81-acre tract of land situated in the John Corner Survey, A-8, and the Benjamin Rigsby Survey, A-31, Montgomery County, Texas, being out of and a part of a called 132-acre tract recorded by deed under Volume 478, Page 585, Real Property Records, Montgomery County, Texas. Said 131.81-acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found for the most easterly Southeast corner of the 132-acre tract recorded by deed under Volume 478, Page 585, Real Property Records, Montgomery County, Texas;

THENCE N 80 deg. 14' 38" W, a distance of 304.33 feet to a ¾" iron rod found for corner;

THENCE N 80 deg. 13' 32" W, a distance of 288.92 feet to a 5/8" iron rod found for corner;

THENCE N 80 deg. 50' 33" W, a distance of 364.54 feet to a fence corner found for corner;

THENCE S 02 deg. 00' 22" W, a distance of 316.92 feet to a fence corner found for corner;

THENCE S 85 deg. 50' 34" W, a distance of 228.67 feet to a fence corner found for corner;

THENCE S 00 deg. 58' 04" W, a distance of 541.11 feet to a fence corner found for corner. Said fence corner being in the north right-of-way line of Clepper Street, a prescriptive right-of-way;

Page I of III

516-10-1872

THENCE S 89 deg 47' 18" W, along said north right-of-way, a distance of 207.88 feet to a 5/8" iron rod set for corner. Said rod being in a curve at the intersection of Clepper Street and the east right-of-way line of F.M. 149 (right-of-way varies);

THENCE leaving said north right-of-way line of Clepper Street, and following along the east right-of-way line of F.M. 149, with a curve to the left, having a radius of 319.43 feet, an arc length of 68.23 feet, a central angle of 12 deg. 14' 20", a chord bearing of N 35 deg. 45' 09" W, a chord distance of 68.10 feet to a 5/8" iron rod set for corner;

THENCE N 41 deg. 52' 19" W, continuing along said east right-of-way line, a distance of 102.90 feet to a 5/8" iron rod set for corner. Said rod being in the beginning of a curve;

THENCE continuing along said east right-of-way line, with a curve to the right, having a radius of 287.70 feet, an arc length of 147.38 feet, a central angle of 29 deg. 21' 00", a chord bearing of N 27 deg. 11' 49" W, a chord distance of 145.77 feet to a 5/8" iron rod set for corner;

THENCE N 12 deg. 31' 19" W, continuing along said east right-of-way line of F.M. 149, a distance of 339.88 feet to a fence corner found for corner;

THENCE N 87 deg. 00' 39" E, leaving said east right-of-way line, a distance of 202.09 feet to a fence corner found for corner;

THENCE N 12 deg. 22' 36" W, a distance of 500.00 feet to a 5/8" iron rod set for corner;

THENCE N 13 deg. 06' 45" W, a distance of 500.00 feet to a 5/8" iron rod set for corner;

THENCE N 12 deg. 31' 13" W, a distance of 500.00 feet to a 5/8" iron rod set for corner;

THENCE N 10 deg. 28' 06" W, a distance of 200.00 feet to a 5/8" iron rod set for corner;

THENCE N 12 deg. 14' 24" W, a distance of 492.95 feet to a 5/8" iron rod set for corner;

THENCE S 57 deg. 57' 58" W, a distance of 236.00 feet to a 5/8" iron rod set for corner. Said rod being in the east right-of-way line of F.M. 149 (right-of-way varies);

THENCE N 11 deg. 52' 19" W, along the said east right-of-way line, a distance of 219.13 feet to a 5/8" iron rod set for corner;

THENCE N 78 deg. 07' 41" E, continuing along said east right-of-way line, a distance of 10.00 feet to a 5/8" iron rod set for corner. Said rod being set in the beginning of a curve;

516-10-1873

THENCE continuing along said east right-of-way line, with a curve to the right, having a radius of 731.85 feet, an arc length of 191.60 feet, a central angle of 15 deg. 00' 00", a chord bearing of N 04 deg. 22' 19" W, a chord distance of 191.05 feet to a 5/8" iron rod set for corner;

THENCE N 03 deg. 07' 41" E, continuing along said east right-of-way line, a distance of 48.65 feet to a 5/8" iron rod set for corner;

THENCE N 88 deg. 04' 03" E, leaving the east right-of-way line of F.M. 149, a distance of 147.40 feet to a 1/2" iron rod found for corner;

THENCE N 01 deg. 14' 30" W, a distance of 760.63 feet to a 1/2" iron pipe found for corner;

THENCE S 77 deg. 36' 44" E, a distance of 492.49 feet to a 5/8" iron rod set for corner;

THENCE S 86 deg. 27' 01" E, a distance of 294.58 feet to a 5/8" iron rod set for corner;

THENCE N 89 deg. 37' 12" E, a distance of 899.01 feet to a 5/8" iron rod found for corner;

THENCE N 85 deg. 44' 12" E, a distance of 357.08 feet to a bent 1/2" iron pipe found for corner;

THENCE S 00 deg. 06' 58" E, a distance of 3040.42 feet to the POINT OF BEGINNING and containing 131.81-acres of land, more or less.



516-10-1874

SURVEYORS

PLANNERS

"A Land Surveying Company"

December 16, 2003

A8AC5.20

BEING a 5.20-acre tract of land situated in the John Corner Survey, A-8, Montgomery County, Texas, being out of and a part of a called 5.195 acre tract recorded by deed in Clerk's File No. 9807122, Real Property Records, Montgomery County, Texas. Said 5.20-acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found for the Southeast corner of 132-acre tract recorded by deed in Volume 478, Page 585, Real Property Records, Montgomery County, Texas;

THENCE S 00 deg. 05' 50" E, along east property line of said 5.20-acre tract, for a distance of 732.44 feet to a ½" iron rod found for corner. Said rod found in the north line of Clepper Street (prescriptive right-of-way);

THENCE N 89 deg. 19' 59" W, along said right-of-way line, for a distance of 300.43 feet to a 1" iron rod found for corner;

THENCE N 80 deg. 50' 33" E, leaving said right-of-way line, for a distance of 780.33 feet to a 5/8" iron rod found for corner;

THENCE S 80 deg. 14' 38" E, along the south property line of said 132-acre tract, for a distance of 303.28 feet to the POINT OF BEGINNING and containing 5.20-acres of land, more or less.

P.O. BOX 1080 / CONROE, TEXAS 77305 / 936-539-5444

survcorp@cox-internet.com

AFTER RECORDING RETURN TO:

BRYAN P. FOWLER

300 WEST DAVIS, STE. 510

CONROE, TEXAS 77301

P.O. BOX 1080 / CONROE, TEXAS 77305 / 936-539-5444

survcorp@cox-internet.com

516-10-1875

FILED FOR RECORD

2004 FEB -9 AM 10:30

Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in
File Number Sequence on the date and at the time
stamped herein by me and was duly RECORDED in
the Official Public Records of Real Property at
Montgomery County, Texas.

FEB - 9 2004



Mark Turnbull

County Clerk
Montgomery County, Texas

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.