

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (this "Declaration") is made on this the 30th of January, 2014, by PERRY ESTATE, LLC, a Texas limited liability Company ("Declarant").

W I T N E S S E T H:

A. WHEREAS, Declarant is the fee simple owner of that certain 9.86-acre tract of land, more or less, out of Outlot 14, Division "C", in the City of Austin, being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof (the "Property").

B. WHEREAS, the Property is comprised of three tracts of land referred to herein as "Tract 1", "Tract 2", and "Tract 3." Tract 1 is comprised of two tracts of land referred to herein as "Tract 1A" and "Tract 1B", and Tracts 1A and 1B combined are together referred to herein as Tract 1. Tract 1A is an approximately 1.219 acre tract of land, more or less, more particularly described by metes and bounds in Exhibit "B" attached hereto and made a part hereof ("Tract 1A"). Tract 1B is an approximately 2.743 acre tract of land, more or less, more particularly described by metes and bounds in Exhibit "C" attached hereto and made a part hereof ("Tract 1B"). Tract 2 is an approximately 1.73 acre tract of land, more or less, more particularly described by metes and bounds in Exhibit "D" attached hereto and made a part hereof ("Tract 2"). Tract 3 is an approximately 2.046 acre tract of land, more or less, being more particularly described by metes and bounds in Exhibit "E" attached hereto and made a part hereof ("Tract 3").

C. WHEREAS, the Property is currently zoned SF-3-CO-NP (Family Residence-Conditional Overlay-Neighborhood Plan). The Property is shown as "Civic" on the Future Land Use Map ("FLUM") of the Central Austin Combined Neighborhood Plan adopted by Ordinance No. 040826-56 ("CACNP").

D. WHEREAS, Declarant has filed zoning application No. C14-2013-0040 with the City of Austin requesting a change in zoning as follows: Tract 1A: GR-MU-CO-H-NP, Tract 1B and Tract 2: GR MU-CO-NP (the "Zoning Case"), as shown on the proposed zoning exhibit attached hereto and made a part hereof as Exhibit "F". Declarant is seeking an amendment to the FLUM for the CACNP from "Civic" to "Mixed Use" for Tract 1 and Tract 2 pursuant to City Case File No. NPA -2013-0019.01 (the "FLUM Amendment").

E. WHEREAS, fee simple property owners as more particularly described on Exhibit "G" own a combined total of twenty one (25) tracts comprised of (a) nineteen (19) tracts immediately adjacent to and abutting the north and west Property, and (b) six (6) additional tracts within 200' of the Property (collectively, the "Adjoining Landowners" and individually an "Adjoining Landowner"). The term "supermajority" in this Declaration shall mean the combined owners of at least fifteen (15) tracts owned by Adjoining Landowners (the "Supermajority Adjoining Landowners").

F. WHEREAS, Declarant has agreed that the Property should be impressed with certain covenants and restrictions described herein to be established with respect to the Property for the exclusive benefit of the Declarant and the Adjoining Landowners and their successors and assigns.

NOW, THEREFORE, for good and valuable consideration (including the support of the Zoning Case and FLUM Amendment by some or all of the Adjoining Landowners) and in accordance with the doctrine of restrictive covenants, Declarant intending to bind itself, its assigns and successors, respectively, and all other persons hereafter having interest in the Property, does hereby declare, impose and subject the Property as follows:

DECLARATION

I. Covenants, Conditions and Restrictions

1.1 Provided that the Zoning Case and FLUM Amendment are finally approved by the Austin City Council and Tract 1 and Tract 2 are developed or otherwise used as a mixed use project as authorized pursuant to the Zoning Case and FLUM Amendment (the "Project"), the Property shall be subject to the following covenants, conditions, and restrictions:

A. Restrictive Covenants Applicable to the Property

1. The existing perimeter stone wall located on the east and south of the Property will be restored and preserved.
2. Following issuance of City permits for construction of residential and/or hotel units, a new 8' high stone wall will be constructed along north and west Property line except in the floodplain. A similar wall or fence will be constructed along the portion of the north Property line that is in the floodplain to the extent it will not impede stormwater flows or alter the existing floodplain and as permitted by the City of Austin.
3. Construction of new wall will be completed as a construction first phase priority within one hundred eighty (180) days following commencement of construction of new hotel and/or residential units.
4. Declarant will install a sidewalk, street trees, and landscaping along the north side of 41st Street from Red River St. to the west Property line, subject to City approval, prior to issuance of certificate of occupancy of new hotel or residential units. Parallel parking may be incorporated along this same area of 41st Street if available public right-of-way will accommodate it, subject to City approval.
5. Any street trees installed shall be a minimum of five caliper inches (5") in diameter measured four and one-half feet (4 ½') above natural grade, and shall be watered for a minimum two years following installation. Any tree that dies within two years of initial installation will be replaced by tree of minimum five caliper inches (5") in diameter measured four and one-half feet (4 ½') above natural grade.
6. Declarant will seek a license agreement from the City of Austin to allow to irrigate, landscape, and maintain the public right-of-way adjacent to the property on 41st Street and Red River Street.

B. Restrictive Covenants Applicable to Both Tracts 1 and 2:

1. Height, number/size.

- a. Massing of residential buildings within seventy-five feet (75') of the northern zoning boundary line (one hundred feet (100') of the north property line):
 - i. Buildings shall maintain single-family detached, rowhouse or townhouse massing and scale; units may share common walls.
 - ii. Buildings shall avoid use of continuous or unbroken wall plane along northern building faces.
 - iii. First tier of buildings along north property line must be not more than 80 feet wide, as measured along the side of the buildings that are most parallel to the north property line.
 - iv. Buildings shall not exceed a maximum building size of ten thousand square feet (10,000 s.f.) per building and individual buildings shall not contain more than four (4) residential units.
- b. Hotel units shall each contain a minimum of four hundred square feet (400 s.f.) of conditioned space per unit.
- c. Residential units shall contain a maximum of four thousand five hundred square feet (4,500 s.f.) of conditioned space per unit.
- d. Buildings (hotel and residential) shall be maximum of two (2) stories, and shall not exceed thirty feet (30') high from finished grade, measured in accordance with typical City methodology.

2. Buffering, screening, roofdeck.

- a. A twenty five foot (25') vegetative buffer shall be established along the north Property line. Notwithstanding the foregoing, the following improvements shall be permitted in the vegetative buffer: existing structures, utilities, and other structures or improvements required by the City of Austin.
- b. All non-residential mechanical equipment shall be located a minimum of fifty feet (50') from any off-site single-family lot and ground level mechanical equipment shall be screened by a solid wall at least as tall as the equipment or placed on the opposite side of a building from an adjacent single-family lot. All non-residential roof-mounted/elevated mechanical equipment will be screened from view from any adjacent off-site single-family property.
- c. Any roof deck will be oriented so that occupants do not have views to residences along Park Blvd. and Peck.

3. Noise.

- a. Primary demolition and excavation work for new construction will be conducted on an accelerated schedule and completed within one hundred twenty (120) days following commencement of construction of new hotel and/or residential units to reduce the period of time that such noise will be generated.
- b. All trash will be picked up during daytime, between the hours of 8:00 a.m. to 8:00 p.m.

4. Signage.

- a. Signs proposed for the areas of the site zoned Historic are subject to review by the Historic Landmark Commission. Subject to further review/modification by that Commission where applicable, signs visible from Red River and/or 41st Street shall be subject to the following limitations and design standards:
 - i. The site will be entitled to signs visible from the public streets at the following locations with the corresponding restrictions set forth below:
 1. Red River service entrance – wall sign mounted flush or projecting from wall or pole
 2. Red River main entrance – two wall signs mounted flush or projecting from wall or pole
 3. Corner of 41st Street and Red River – existing pole sign
 4. 41st Street mansion sidewalk entrance – wall sign mounted flush or projecting from wall
 5. 41st Street entrances – two wall signs mounted flush or projecting from wall
 - ii. With the exception of the existing pole sign at the corner of 41st Street and Red River, all signs along 41st Street shall be mounted flush or projecting from the wall (i.e., no pole signs). With the exception of the existing pole sign at the corner of 41st Street and Red River, no signs along 41st Street shall be illuminated except for the wall sign at the 41st Street mansion pedestrian entrance, which may be illuminated with landscape and/or indirect lighting.
 - iii. Wall signs shall not exceed twenty square feet (20 s.f.) each. Projecting signs shall not exceed 16 square feet each. The maximum letter height shall be twenty inches (20’). The top of any pole or wall sign shall not exceed fourteen feet (14’) above street grade. The bottom of any projecting sign shall be at least eight feet (8’) above the ground and the top of any projecting sign shall not exceed fourteen feet (14’) above the ground.
 - iv. Sign color and design shall be moderate and in keeping with the architectural character of the property and the residential neighborhood.
 - v. Signs shall be constructed of wood, metal, and/or glass – no plastic shall be allowed. No sign shall blink, flash, revolve, move, vary in intensity, or appear to be in motion. Sign illumination shall be evenly distributed and, with the exception of neon tubing, shall be concealed from view.

5. Other.

- a. No pole-mounted parking lot or site lights will be used, and no service lights that project onto adjacent property will be used.
- b. All non-residential service functions will occur inside a gated service court and service building that will be located no more than fifty feet (50’) west of Red River Street.
- c. All non-residential deliveries and removals will occur inside the gated service court during daytime hours using bob-tail or smaller vehicles and trash containers will be “swapped” rather than dumped.

- d. All non-residential trash will be stored inside the air-conditioned service building.
- e. Only Type 1 owner-occupied short term rental is allowed, Type 2 non-owner occupied STR and Type 3 STR are prohibited.
- f. Timeshares (defined as a shared property ownership where rights vest in more than one owner to use property for specified period each year, *e.g.*, two weeks each year) shall be prohibited.
- g. There shall be a maximum of 125 surface parking spaces on Tracts 1 and 2 combined.
- h. The interior wall located between Tract 1 and 2 shall be preserved, except as needed for access, utilities, or as otherwise required by the City of Austin.
- i. All parking for employees of owner(s) of the Property or for construction workers on the Property shall be located on the Property, or on offsite property designated specifically for such use.

C. Restrictive Covenants Applicable only to Tract 1:

1. Events.

- a. Maximum number of attendees (including event participants, guests, and employees) at an event held at the property will not exceed the following:
 - i. For evening events occurring/continuing 7:00pm and later and attended by 100-250 people, limited to 104 events per year.
 - ii. Unlimited number of events for events (1) ending before 7:00pm and attended by less than 250 people, or (2) involving less than 100 people.
 - iii. For events occurring at any time, a maximum 10 days per year of events attended by 250-350 people.
- b. Hours for outdoor events shall begin no earlier than 10:00am and end no later than 9:00 pm Sunday through Thursday, and 10:00 pm on Friday and Saturday.
- c. Set up for outdoor events shall begin no earlier than 8:00am daily, and breakdown for outdoor events shall end no later than 10:00 pm Sunday through Thursday, and 11:00 pm on Friday and Saturday.
- d. Event areas are limited to inside the Mansion and chapel; and the south terrace, south lawn, and sunken garden
- e. Space sufficient for on-site queuing of at least ten (10) vehicles must be provided on site. Adequate on-site parking must be provided to accommodate, or agreements for sufficient overflow off-site parking spaces must be entered into, or other arrangements must be provided (*e.g.* shuttle van/bus/carpool) to accommodate maximum projected attendees

2. Wedding and related outdoor activities, noise. Outdoor amplified sound and outdoor non-amplified music sound shall be allowed subject to the conditions and restrictions provided below:

- a. Declarant will undertake detailed sound monitoring by a qualified acoustical engineer of all events for a six month period beginning upon issuance of the first certificate of occupancy on Tract 1. Following the initial six month period, the results of the monitoring will be shared with the Adjoining Landowner's Designee and applicant's use of outdoor amplified sound and outdoor non-amplified music sound shall be reviewed for compliance with standards established hereinbelow,

and shall be adjusted and modified if necessary to achieve the standards. Declarant and the Adjoining Landowner's Designee will meet every six months thereafter to review performance during the previous six months for compliance with agreed standards.

- b. No outdoor amplified sound or outdoor non-amplified music sound will occur on the property except in the following locations:
 - i. on the south patio of the Mansion, and
 - ii. in the sunken garden.
- c. All outdoor amplified sound shall be played through a "house" sound system equipped with programmable, automated noise limiting or sound level management capability that monitors and limits A-weighted noise (dBA) and C-weighted noise (dBC) to the levels listed in Table 1.
- d. All outdoor non-amplified music sound shall be monitored by a "house" sound monitoring system equipped with sound logging capability that monitors A-weighted noise (dBA) and C-weighted noise (dBC) for comparison with the levels listed in Table 1.
- e. Outdoor amplified sound and non-amplified music sound levels shall be measured at two or more different locations, each at a fixed distance from the amplified source(s) and non-amplified stage equaling one or more of the distance values listed in Table 1. Periodic sound data shall be continuously logged over the duration of events to indicate A-weighted noise (dBA) and C-weighted noise (dBC) levels comply with the levels in Table 1. The logging period used for sampling data during continuous monitoring shall be no less than thirty (30) seconds and no greater than three (3) minutes. Logged data shall include the recorded levels of LeqA, LmaxA, LeqC and LmaxC, the time of day, the logging period, the averaging time constant (fast/slow), a description of the microphone location, and the distance from microphone to the nearest amplified sound or music sound source. Logged data shall be stored and kept for a minimum of three hundred sixty five (365) days after it is recorded.
- f. Outdoor noise from indoor amplified sound and non-amplified music sound shall be monitored similarly for comparison with outdoor noise limits.
- g. Non-amplified music instruments that shall be disallowed include the following: brass instruments (trumpet, trombone, french horn, etc.), drums of all types, cymbals, bagpipes, and other instruments that exceed an average level of eighty-five (85) dBA or ninety-five (95) dBC measured at a distance of three feet (3') during loud (fortissimo) play.
- h. Non-amplified music instruments that are allowed include the following: piano, acoustic guitar, symphonic strings (violin, viola, cello, upright bass), harp, drums played with brushes, woodwinds and brass instruments played with mutes, and other instruments achieving an average noise level of eighty-five (85) dBA and ninety five (95') dBC at a distance of three feet (3') during loud (fortissimo) play.
- i. The size of ensembles or groups performing non-amplified music shall be no more than five (5) performers at the same time.
- j. Amplified outdoor sound, including voice, and outdoor non-amplified music sound shall not exceed the following noise levels:

Table 1: Allowable Average (Leq) Noise Levels

Distance from loudspeaker or performance source/stage	Day (10:00am-7:00pm)		Evening (7:00pm- 10:00pm)	
	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
7'	75	85	70	82
17'	70	80	65	77
30'	65	75	60	72
50'	60	70	55	67
100'	55	65	50	62
250'	50	60	45	57

- k. Noise levels in Table 1 are intended to be measured as an equivalent average (Leq) with a ANSI Type 1 or Type 2 sound level meter set to "Fast" averaging (a 1/8-second time constant) for a duration of at least thirty (30) seconds, or up to three (3) minutes, as needed to measure sound that accurately represents continuous and recurring event noise in excess of background sounds that may come from off-site. Peak noise levels (Lmax) may be allowed to exceed the Leq levels in Table 1 by no more than ten (10) dB. If the sound level meter or monitoring device to be used does not have a "Fast" averaging setting and can only be set to "Slow" averaging (a 1-second time constant) the allowable values shall be reduced by three (3) dB.
 - l. Hours for outdoor amplified sound shall be no earlier than 10:00am and no later than the following: 8:00 pm Sunday through Thursday, 10:00 pm on Friday and Saturday.
 - m. The operator of Tract 1 will incorporate language in its agreements with clients/users that provides for forfeiture of security deposits in the event of violations of sound limits provided for hereinabove.
 - n. No waivers on restrictions regarding indoor and outdoor amplified sound will be allowed during any music or film festivals held in Travis County, Texas.
 - o. All outdoor amplified sound must be transmitted through directional speakers, except for backward facing monitor speakers. Any adjustments or modifications to outdoor amplified sound operation and use that are necessary to comply with agreed upon standards shall include temporary directional shells to direct sound away from north and west residential.
3. Restaurant
- a. Maximum indoor and outdoor combined seating capacity shall be two hundred fifty (250) total at restaurant, hotel, pool, and the Perry Mansion.
 - b. No one restaurant venue will exceed 150 total indoor and outdoor seats.
 - c. Maximum restaurant outdoor seating capacity is limited to 100 total at restaurant, hotel, pool, and the Perry Mansion.

- d. Any outdoor seating at the restaurant shall be located on south side of building.
 - e. The primary restaurant venue location is limited to the area east of middle wall, and no less than one-hundred fifty feet (150') south of north property line (except that restaurant location may include the Carriage House and LaBelle Hall, despite the fact those two structures may fall partially within the one-hundred fifty feet (150') limitation).
4. Other.
- a. Only residential uses are allowed within one-hundred feet (100') of the north property line, except for the easternmost one-hundred fifty feet (150') of Tract 1, as shown on Exhibit "H".
 - b. Non-residential service vehicles will enter/exit exclusively on Red River.
 - c. Access to 41st street from Tract 1 shall be limited to a crash gate for secondary emergency access as required by City Code.
 - d. Crowd noise, garbage collection, deliveries, and other commercial-related noise issues shall be included in discussion and review by the Adjoining Landowner's Designee and Declarant every six (6) months.
- D. Restrictive Covenants Applicable Only to Tract 2:
1. Hotel Use Limitation.
- a. Only residential uses are allowed within two-hundred feet (200') of north property line of Tract 2, as shown on Exhibit "H". Notwithstanding the foregoing, subterranean parking is allowed in the area between one-hundred foot (100') to two-hundred foot (200') in the residential buffer of the north property line of Tract 2, but is prohibited within one-hundred feet (100') of the north property line of Tract 2.
2. Noise.
- a. Outdoor amplified sound is prohibited on Tract 2.
3. Other.
- a. Service vehicles for hotel uses will enter/exit exclusively on Red River; service vehicles for residential uses will enter/exit from 41st Street.
 - b. Access to 41st street from Tract 2 for hotel uses shall be limited to a crash gate for secondary emergency access as required by City Code; access to 41st Street from Tract 2 for residential uses is permitted.
- E. Restrictive Covenants Applicable Only to Tract 3:
1. Height, number/size, uses.
- a. Maximum number of residential units on Tract 3 shall be nine (9).
 - b. No residential units may share a common wall.
 - c. Massing of residential buildings along western property line:
 - i. Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with Land Development Code Subchapter F, Sections 3.4 through 3.5 as in effect January 2014 (see attached Exhibit "G").

- ii. Buildings shall maintain single-family massing and scale along west property line comparable to adjacent residences and surrounding neighborhood.
 - iii. Buildings shall maintain multiple sight lines from west property line to the east; and shall avoid use of continuous or unbroken wall plane along westernmost building faces.
 - iv. First tier of buildings along west property line must be not more than fifty feet (50') wide, as measured along the side of the buildings that are most parallel to the western property line.
 - v. Buildings along west property line must be at least ten feet (10') apart from another building, as measured from wall face to wall face, and shall face easterly.
- d. All commercial uses that are permitted or conditional uses pursuant to Section 25-2-491 of the Land Development Code Zoning Use Summary Table as in effect January 2014 are prohibited.

II. Conditions on Effect

2.1 Zoning Case. Notwithstanding any other provision of this Declaration to the contrary, the agreements of Declarant reflected herein are conditioned upon (a) final approval (i.e., third reading) of the Zoning Case by the City of Austin City Council (pursuant to any provision of the Land Development Code effective January 2014) in substantially the same form approved by Austin City Council on second reading on January 23, 2014, or other form as acceptable to Declarant, and (b) final approval of the FLUM Amendment.

III. General Provisions

3.1 Enforcement of Declaration. If Declarant shall violate this Declaration, it shall be lawful for a Supermajority Adjoining Landowners as their sole and exclusive remedy, to enforce this Declaration through a claim for injunctive relief against the Declarant. Notwithstanding the foregoing, the Supermajority Adjoining Landowners may not file any claim for injunctive relief to enforce their remedies until the Supermajority Adjoining Landowners have delivered a written notice signed by a representative of the Supermajority Adjoining Landowners (the "Supermajority Adjoining Landowner Designee") to the Declarant informing Declarant of the alleged violations of this Declaration. The notice must provide the Supermajority Adjoining Landowner Designee's name and address. Within twenty (20) days after receiving such a notice of violation, the Declarant shall send a written response to the Supermajority Adjoining Landowner Designee informing the Designee of what actions, if any, it plans to take in order to remedy the alleged violation(s). If the Declarant notifies the Supermajority Adjoining Landowner Designee that it intends to cure the alleged violation, then the Declarant shall have a reasonable period of time, not to exceed thirty (30) days from the date of receiving initial notice of violation from the Supermajority Adjoining Landowner Designee (or if such violation can not be cured within thirty (30) days despite the Declarant's commercially reasonable efforts, then as long as reasonably necessary) in which to cure the alleged violation, during which period, if the Declarant timely commences the cure and is using commercially reasonable efforts to cure the violation, then the Supermajority Adjoining

Landowners shall not enforce any remedy under this Declaration. If the Declarant fails to cure the default alleged by Supermajority Adjoining Landowners within the 30-day or extended period, as applicable, then the Supermajority Adjoining Landowners may enforce their remedies as provided herein. The prevailing party in any litigation hereunder shall be entitled to reasonable attorney's fees actually incurred in the enforcement or defense of this Declaration. Except for the Declarant and the Adjoining Landowners and their respective successors and assigns, this Declaration shall not be enforceable by any other person or entity. Notwithstanding the provisions of this Section 3.1, the enforcement rights and related provisions of this Section 3.1 shall not apply to Section 1.1(C)(2) of this Declaration (which contains in Section 1.1(C)(2)(a) review and enforcement provisions applicable to Section 1.1(C)(2)). Nothing herein shall be deemed to waive any right, action or remedy any Adjoining Landowner may have that does not arise under this Declaration.

3.2 Letter of Credit. As security for the performance of its obligations under this Declaration, Declarant, no later than sixty (60) days following the effective date of this Declaration, has placed a \$50,000.00 Letter of Credit (the "LOC") in an escrow account held by Independence Title, attention Kandy Nichols, Commercial Escrow Agent, Phone: 512-931-2126 the "Escrow Agent"). Declarant shall provide annual evidence to the Adjoining Landowner Designee that it has renewed the LOC no later than 30 days before expiration of the current LOC. If Declarant has failed to provide such evidence in a timely manner, the Adjoining Landowner Designee shall deliver written notice to Declarant, informing it of the alleged failure to provide evidence of the LOC. Within ten (10) days after receiving any such written notice from the Adjoining Landowner Designee, the Declarant shall provide written notice containing evidence of the LOC to the Adjoining Landowner Designee. If, as the result of a breach by Declarant under this Declaration as alleged by the Supermajority Adjoining Landowner, subject to applicable notice and cure periods, the Supermajority Adjoining Landowner institutes legal proceedings to enforce its claim that Declarant is in breach hereunder and provides the Escrow Agent written notice thereof, then the Supermajority Adjoining Landowner Designee (on behalf of the Supermajority Adjoining Landowner) may draw on the LOC from time to time thereafter to pay invoices for the actual out-of-pocket expenses it has incurred (but not required to be paid) as a direct result of instituting and pursuing such legal proceedings, including reasonable attorneys' and other consultants' fees and court costs by submitting a written request for reimbursement to the Escrow Agent along with copies of such invoices for such expenses (the amounts paid by the Escrow Agent to the Supermajority Adjoining Landowner Designee hereunder, the "Paid Costs"); provided, however, that if the Supermajority Adjoining Landowner's claim that Declarant is in breach hereunder is not successful in such legal proceedings, the Declarant reserves the right to seek recoupment of fifty percent (50%) of the amount of the Paid Costs plus statutory interest calculated from the date or dates such Paid Costs were paid to the Supermajority Adjoining Landowner by the Escrow Agent.

3.3 Notices. Except as set forth in Sections 3.1 and 3.2 above, Declarant shall satisfy its notice obligations under this Declaration by providing any required notice to the Adjoining Landowners' Designee. Declarant designates Allan H. Cole, Jr. as the initial Adjoining Landowners' Designee. The Adjoining Landowners may change the Designee by written notice to Declarant, including the name and address of the new Adjoining Landowner

Designee. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be sent by either facsimile, with verification that the facsimile has been received, or mailed by certified or registered mail, postage prepaid, overnight delivery by a national delivery company, or express mail, addressed as follows:

If to Declarant: Perry Estate, LLC
Attn: Clark E. Lyda
P.O. Box 1757
Georgetown, Texas 78627

With Copy to: Smith, Robertson, Elliott & Douglas, L.L.P.
Attn: David Hartman
221 West Sixth Street, Suite 1100
Austin, Texas 78701
dhartman@smith-robertson.com

If to (initial) Adjoining Landowner Designee:

Allan H. Cole, Jr.
803 Park Boulevard
Austin, Texas 78751

With Copy to: _____

- 3.4 Partial Invalidity. If any part of this Declaration is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Declaration, and such remaining portion of this Declaration shall remain in full effect.
- 3.5 Modification. This Declaration may be modified, amended, or terminated only by joint action of both (a) the Supermajority Adjoining Landowners, and (b) by the owner(s) of the portion of the Property affected by such modification, amendment, or termination at the time of such modification, amendment, or termination.
- 3.6 Binding Effect. All provisions of this Declaration, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the heirs, assigns, licensees, invitees, successors, tenants and subtenants of the parties.
- 3.7 Counterparts. This Declaration may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document.

3.8 Controlling Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Texas.

3.9 No Third Party Beneficiaries. The provisions of this Declaration are for the exclusive benefit of the Declarant and the Adjoining Landowners and their successors and assigns, and not for the benefit of any third person, nor shall this Declaration be deemed to have conferred any rights, express or implied, upon any third person or the public.

3.10 No Liability Adjoining Landowner Designee, Notice of Successor. The Adjoining Landowner Designee shall not incur any personal liability to other Adjoining Landowners arising under this Declaration. The Adjoining Landowner Designee shall provide written notice to Declarant (including the address) of any successor Adjoining Landowner Designee, with a copy to all Adjoining Landowners.

EXHIBIT LIST

Exhibit A - Property Legal Description
Exhibit B - Tract 1A Legal Description
Exhibit C - Tract 1B Legal Description
Exhibit D - Tract 2 Legal Description
Exhibit E - Tract 3 Legal Description
Exhibit F - Proposed Zoning Exhibit
Exhibit G - List of 25 Tracts Comprising Adjoining Landowners
Exhibit H - Land Development Code Subchapter F, Sections 3.4 through 3.5 as in effect January 2014

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EXECUTED this 30th day of January, 2014.

DECLARANT:

PERRY ESTATE, LLC, a Delaware limited liability company

By: Peyton Riley No. 3, LLC, a Texas limited liability company, Manager

By: 
Clark E. Lyda, Manager

THE STATE OF TEXAS

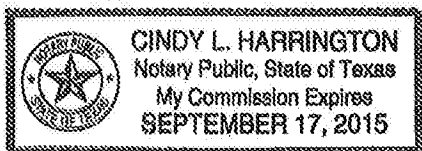
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 30th day of January 2014, by Clark E. Lyda, Manager of Peyton Riley No. 3, LLC, a Texas limited liability company, the general partner of PERRY ESTATE, LLC, a Delaware limited liability company, on behalf of said limited company.

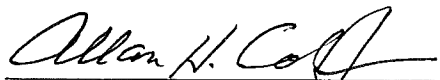



Notary Public, State of _____

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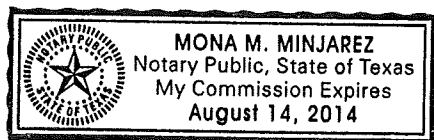
**SUBJECT TO SECTION 3.10, I ACKNOWLEDGE THAT DECLARANT
HAS DESIGNATED ME AS THE
INITIAL ADJOINING LANDOWNER DESIGNEE.**

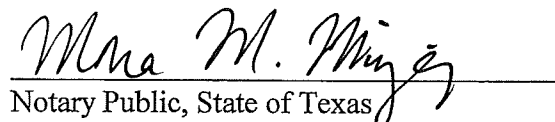


Allan H. Cole, Jr., as initial Adjoining
Landowner Designee

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 5th day of ~~January~~ ^{February} 2014, by
Allan H. Cole, Jr. as initial Adjoining Landowner Designee, on behalf of Adjoining Landowners.




Notary Public, State of Texas

After Recording, Please Return to:

Smith, Robertson, Elliott & Douglas, L.L.P.
Attn: David Hartman
221 West Sixth Street, Suite 1100
Austin, Texas 78701

Exhibit A

Property Legal Description



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724

Fax: 512-389-0948

3500 McCall Lane
Austin, Texas 78744

**9.862 ACRES
PORTION OF OUTLOT 14, DIVISION "C"
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 9.862 ACRES (APPROXIMATELY 429,608 SQ. FT.) OF LAND, BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING ALL OF A CALLED 9.86 ACRE TRACT, DESCRIBED IN A SPECIAL WARRANTY DEED TO ATMA VIDYA EDUCATIONAL FOUNDATION, DATED DECEMBER 29, 1984 AND RECORDED IN VOLUME 12343, PAGE 112 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AS A 10.58 TRACT OF LAND SAVE AND EXCEPT WARRANTY DEEDS CONVEYED BY ST. MARY'S ACADEMY IN VOLUME 913, PAGE 33, VOLUME 912, PAGE 240; VOLUME 915, PAGE 47, VOLUME 909, PAGE 423, VOLUME 916, PAGE 249, VOLUME 914, PAGE 257, VOLUME 923, PAGE 623, VOLUME 915, PAGE 416, VOLUME 1152, PAGE 544, VOLUME 1612, PAGE 17 AND VOLUME 1109, PAGE 86 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 9.862 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the north right-of-way line of East 41st Street (60' right-of-way width) for the southwest corner of said 9.86 acre tract, same being the southeast corner of a tract described in a deed of record in Volume 12627, Page 1577 of the Real Property Records of Travis County, Texas, conveyed to Karen Killeen in a deed of record in Document No. 2002043761 of the Official Public Records of Travis County, Texas;

THENCE North 33°12'36" East, with the west line of said 9.86 acre tract, same being the east line of said Killeen tract, at a distance of 150.45 feet passing 0.50 feet left of a 1/2" rebar found for the called northeast corner of said Killeen tract, same being the called southeast corner of a 0.214 acre tract described in a deed to Carlos M. Carvalho of record in Document No. 2010061363 of the Official Public Records of Travis County, Texas, and continuing with the east line of said 0.214 acre tract, at a distance of 210.77 feet passing 0.97 feet left of a 1/2" rebar found for the called northeast corner of said 0.214 acre tract, same being the called southeast corner of a 0.221 acre tract described in a deed of record in Volume 12882, Page 2736 of the Real Property Records of Travis County, Texas, conveyed to Thomas Vance McMahan, Jr. in a deed of record in Volume 13060, Page 2156 of the Official Public Records of Travis County, Texas, and continuing with the east line of said 0.221 acre

tract, for a total distance of 222.22 feet to a 1/2" rebar found for an angle point;

THENCE North 27°31'39" East, continuing with the west line of said 9.86 acre tract, same being the east line of said 0.221 acre tract and the east line of a tract described in Volume 13276, Page 128 of the Real Property Records of Travis County, Texas, conveyed to Henderson Living Trust in a deed of record in Document No. 2008132043 of the Official Public Records of Travis County, Texas, at a distance of 102.53 feet passing 0.61 feet left of a 1/2" iron pipe found for the called northeast corner of said Henderson tract, same being the southeast corner of a 29,456 square foot tract described in a deed of record in Volume 3388, Page 29 of the Deed Records of Travis County, Texas, conveyed to Henderson Living Trust, Dated May 3, 2008 in a deed of record in Document No. 2008132040 of the Official Public Records of Travis County, Texas, and continuing with the east line of said 29,456 square foot tract, at a distance of 237.29 feet passing 0.33 feet right of a 3" iron pipe found, and continuing for a total distance of 245.00 feet to a 1" iron pipe found for the northwest corner of said 9.86 acre tract, same being the northeast corner of said 29,456 square foot tract, also being the southeast corner of Lot 20, Block 23, Perry Estates, a subdivision of record in Volume 3, Page 152 of the Plat Records of Travis County, Texas, also being in the west margin of Waller Creek as shown on said plat, also being in the south line of tract described as the east 7.5 feet of Lot 18 and all of Lots 19 and 20, together with the adjacent west half of Waller Creek, Block 23, Perry Estates, in a deed to Henderson Living Trust, Dated May 3, 2008 of record in Document No. 2008132042 of the Official Public Records of Travis County, Texas;

THENCE with the north line of said 9.86 acre tract, the following eleven (11) courses and distances:

1. South 63°05'06" East, crossing Waller Creek with the south line of the aforementioned Henderson Living Trust, Dated May 3, 2008 tract, and the south line of a tract described as Lots 21 and 22 and the west 5 feet of Lot 23, together with the east 1/2 of Waller Creek, Block 23, Perry Estates, in a deed to Bruce H. Fairchild and wife, Cathy M. Fairchild of record in Volume 7234, Page 42 of the Deed Records of Travis County, Texas, a distance of 45.52 feet to a 1/2" iron pipe found for the common south corner of said Lots 21 and 22, same being the northwest corner of said tract described in said deed of record in Volume 914, Page 257 of the Deed Records of Travis County, called Tract Two and conveyed to Bruce H. Fairchild and wife, Cathy M. Fairchild in a deed of record in Volume 7234, Page 42 of the Deed Records of Travis County, Texas;
2. South 25°17'56" West, with the west line of the aforementioned Fairchild tract, a distance of 42.61 feet to a 1/2" iron pipe found for the southwest corner of the aforementioned Fairchild tract;
3. South 62°20'29" East, with the south line of the aforementioned Fairchild tract,

the south line of a tract described in a deed of record in Volume 2566, Page 210 of the Deed Records of Travis County, Texas, called Second Tract and conveyed to George A. Elder, Jr. and Elizabeth R. Sansom Elder in a deed of record in Volume 11306, Page 333 of the Real Property Records of Travis County, Texas, and the south line of a tract called Second Tract and described in a deed to Laverne Henderson of record in Volume 11101, Page 965 of the Real Property Records of Travis County, Texas, being the same tract described in said Volume 915, Page 416 of the Deed Records of Travis County, Texas, a distance of 188.55 feet to a 1/2" iron pipe found for the southeast corner of said Laverne Henderson tract, same being the southwest corner of a tract described in a deed to Russell E. Schulz of record in Volume 13181, Page 1946 of the Real Property Records of Travis County, Texas, being the same tract described in said Volume 1109, Page 86 of the Deed Records of Travis County, Texas;

4. South 62°28'12" East, with the south line of said Schulz tract and the south line of a tract described in Volume 10760, Page 610 of the Real Property Records of Travis County, Texas, called Tract 2 and conveyed to Lea C. Noelke and spouse, Holly C. Noelke in a deed of record in Document No. 2007102194 of the Official Public Records of Travis County, Texas, a distance of 129.54 feet to a 3/8" rebar found for the southeast corner of said Noelke tract, same being the southwest corner of a 14,446 square foot tract described in a deed to Pattye Henderson of record in Volume 10035, Page 165 of the Real Property Records of Travis County, Texas, being the same tract described in said Volume 913, Page 33 of the Deed Records of Travis County, Texas;
5. South 62°28'41" East, with the south line of said 14,446 square foot tract, a distance of 75.35 feet to a 3/8" rebar found for the southeast corner of said 14,446 square foot tract, same being the southwest corner of a tract described in Volume 8334, Page 173 of the Deed Records of Travis County, Texas, called Tract II and conveyed to Hal F. Morris and wife, Lorie Friend in a deed of record in Volume 12239, Page 1633 of the Real Property Records of Travis County, Texas, being the same tract described in said Volume 915, Page 249 of the Deed Records of Travis County, Texas;
6. South 63°25'03" East, with the south line of said Morris tract, a distance of 86.65 feet to a 3/8" iron pipe found for the southeast corner of said Morris tract, same being the southwest corner of a tract called Tract Two and described in a deed to Allan Hugh Cole, Jr. and spouse, Tracey M. Cole of record in Document No. 2003179008 of the Official Public Records of Travis County, Texas, being the same tract described in said Volume 909, Page 423 of the Deed Records of Travis County, Texas;
7. South 62°23'58" East, with the south line of said Cole tract, a distance of

69.74 feet to a 3/8" iron pipe found for the southeast corner of said Cole tract, same being the southwest corner of a tract called Tract Two and described in a deed to Daniel Lester Smith and wife, Laura Heath Smith of record in Volume 8077, Page 85 of the Deed Records of Travis County, Texas, being the same tract described in said Volume 915, Page 47 of the Deed Records of Travis County, Texas;

8. South 62°13'21" East, with the south line of said Smith tract, a distance of 59.97 feet to a 3/8" iron pipe found for the southeast corner of said Smith tract, same being the southwest corner of a tract described in a deed to Mayrene Henderson of record in Volume 7978, Page 982 of the Deed Records of Travis County, Texas, being the same tract described in said Volume 912, Page 240 of the Deed Records of Travis County, Texas;
9. South 62°40'54" East, with the south line of said Mayrene Henderson tract and the south line of a tract called Second Tract and described in a deed to Michael Donald Kitley of record in Document No. 2003122977 of the Official Public Records of Travis County, Texas, being the same tract described in said Volume 1152, Page 544 of the Deed Records of Travis County, Texas, a distance of 129.91 feet to a 3/4" iron pipe found for the southeast corner of said Kitley tract;
10. North 27°21'46" East, with the east line of said Kitley tract, a distance of 42.95 feet to a 3/4" iron pipe found for the northeast corner of said Kitley tract, same being the southeast corner of Lot 32, Block 23, Perry Estates, also being the southwest corner of Lot 33, Block 23, Perry Estates;
11. South 62°32'40" East, with the south line of said Lot 33, at a distance of 59.92 feet passing 0.10 feet right of a 3/4" iron pipe found for the called southeast corner of said Lot 33, same being the called southwest corner of Lot 34, Block 23, Perry Estates, and continuing with the south line of said Lot 34, for a total distance of 164.69 feet to a 1/2" iron pipe found in the west right-of-way line of East Red River Street (80' right-of-way width) for the northeast corner of said 9.86 acre tract, same being the southeast corner of said Lot 34;

THENCE with the west right-of-way line of East Red River Street, same being the east line of said 9.86 acre tract, the following two (2) courses and distances:

1. South 21°46'50" West, a distance of 42.77 feet to a 3/4" iron pipe found;
2. South 20°15'40" West, a distance of 430.13 feet to a found 1/2" hole drilled in the concrete cap of a rock post in the north right-of-way line of East 41st Street, for the southeast corner of said 9.86 acre tract;

THENCE with the north right-of-way line of East 41st Street, same being the south

line of said 9.86 acre tract, the following two (2) courses and distances:

1. North $62^{\circ}30'20''$ West, a distance of 561.46 feet to a 1/2" rebar with Chaparral cap set;
2. North $62^{\circ}19'14''$ West, a distance of 470.67 feet to the **POINT OF BEGINNING**, containing 9.862 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-BASE.

EJ 3/03/2011

Eric J. Dannheim
Registered Professional Land Surveyor
State of Texas No. 6075

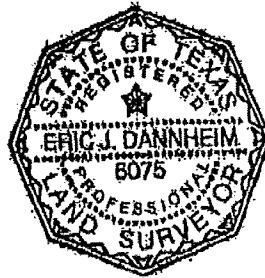


Exhibit B

Tract 1A Legal Description



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**2.743 ACRES
ZONING DESCRIPTION
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 2.743 ACRES (APPROXIMATELY 119,481 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.743 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a found 1/2" hole drilled in the concrete cap of a rock post, for the southeast corner of said 9.862 acre tract, same being the southeast corner of said Outlot 14, also being the intersection of the north right-of-way line of East 41st Street (60' right-of-way width) and the west right-of-way line of East Red River Street (80' right-of-way width);

THENCE North 62°30'20" West, with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 307.00 feet to a calculated point for the southernmost corner of the herein described tract of land, and the true **POINT OF BEGINNING** hereof;

THENCE North 62°30'20" West, continuing with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 104.44 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap set for an angle point in the aforementioned line bears North 62°30'20" West, a distance of 150.02 feet;

THENCE over and across said 9.862 acre tract, the following six (6) courses and distances:

1. North 19°19'54" East, a distance of 405.32 feet to a calculated point;
2. South 62°23'58" East, a distance of 56.02 feet to a calculated point;
3. South 62°13'21" East, a distance of 60.03 feet to a calculated point;
4. South 62°40'54" East, a distance of 154.99 feet to a calculated point;

09°32'05", an arc length of 62.65 feet, and a chord which bears North 34°28'00" East, a distance of 62.57 feet to a calculated point;

7. North 27°21'50" East, a distance of 34.45 feet to a calculated point;
8. With a curve to the right, having a radius of 12.22 feet, a delta angle of 48°29'07", an arc length of 10.34 feet, and a chord which bears North 08°18'14" West, a distance of 10.03 feet to a calculated point;
9. North 61°48'02" West, a distance of 18.79 feet to a calculated point;
10. With a curve to the right, having a radius of 30.17 feet, a delta angle of 75°23'22", an arc length of 39.69 feet, and a chord which bears North 23°28'33" West, a distance of 36.89 feet to a calculated point;
11. North 14°13'09" East, a distance of 24.86 feet to a calculated point;
12. North 27°22'55" East, a distance of 31.59 feet to a calculated point;
13. North 62°37'05" West, a distance of 18.55 feet to a calculated point;
14. North 27°22'55" East, a distance of 11.63 feet to a calculated point;
15. North 62°37'05" West, a distance of 1.75 feet to a calculated point;
16. North 27°22'55" East, a distance of 9.22 feet to a calculated point;
17. South 62°37'05" East, a distance of 1.75 feet to a calculated point;
18. North 27°22'55" East, a distance of 11.53 feet to a calculated point;
19. South 62°34'54" East, a distance of 19.37 feet to a calculated point;
20. South 27°22'55" West, a distance of 22.99 feet to a calculated point;
21. South 63°15'54" East, a distance of 17.07 feet to a calculated point;
22. North 27°23'51" East, a distance of 3.85 feet to a calculated point;
23. With a curve to the right, having a radius of 1.94 feet, a delta angle of 88°40'29", an arc length of 3.00 feet, and a chord which bears North 71°44'06"

- East, a distance of 2.71 feet to a calculated point;
24. South $62^{\circ}36'12''$ East, a distance of 20.60 feet to a calculated point;
 25. North $27^{\circ}23'48''$ East, a distance of 1.70 feet to a calculated point;
 26. North $72^{\circ}23'48''$ East, a distance of 6.68 feet to a calculated point;
 27. South $62^{\circ}42'02''$ East, a distance of 8.56 feet to a calculated point;
 28. North $27^{\circ}17'58''$ East, a distance of 3.40 feet to a calculated point;
 29. South $62^{\circ}42'02''$ East, a distance of 23.82 feet to a calculated point;
 30. South $27^{\circ}17'58''$ West, a distance of 3.40 feet to a calculated point;
 31. South $62^{\circ}42'02''$ East, a distance of 8.56 feet to a calculated point;
 32. South $17^{\circ}49'17''$ East, a distance of 6.71 feet to a calculated point;
 33. South $27^{\circ}28'51''$ West, a distance of 1.70 feet to a calculated point;
 34. South $62^{\circ}31'09''$ East, a distance of 20.58 feet to a calculated point;
 35. With a curve to the right, having a radius of 1.91 feet, a delta angle of $90^{\circ}00'00''$, an arc length of 3.01 feet, and a chord which bears South $17^{\circ}31'09''$ East, a distance of 2.71 feet to a calculated point;
 36. South $27^{\circ}28'51''$ West, a distance of 3.91 feet to a calculated point;
 37. South $62^{\circ}31'09''$ East, a distance of 17.93 feet to a calculated point;
 38. South $27^{\circ}37'04''$ West, a distance of 82.12 feet to a calculated point;
 39. South $62^{\circ}16'04''$ East, a distance of 116.29 feet to a calculated point;
 40. With a curve to the right, having a radius of 7.54 feet, a delta angle of $84^{\circ}41'44''$, an arc length of 11.14 feet, and a chord which bears North $74^{\circ}13'44''$ East, a distance of 10.15 feet to a calculated point;
 41. South $62^{\circ}06'42''$ East, a distance of 10.59 feet to a calculated point;

42. With a curve to the right, having a radius of 7.19 feet, a delta angle of $93^{\circ}19'33''$, an arc length of 11.71 feet, and a chord which bears South $20^{\circ}19'06''$ East, a distance of 10.46 feet to a calculated point;

43. South $62^{\circ}05'07''$ East, a distance of 55.53 feet to a calculated point in the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract, from which, a $3/4$ " iron pipe found for angle point in same line bears North $20^{\circ}15'40''$ East, a distance of 286.09 feet;

THENCE South $20^{\circ}15'40''$ West, with the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract, a distance of 144.04 feet to the **POINT OF BEGINNING**, containing 1.219 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z4.

EJ 1/28/13

Eric J. Dannheim
Registered Professional Land Surveyor
State of Texas No. 6075



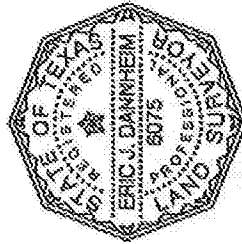
A SKETCH TO ACCOMPANY A DESCRIPTION OF 1.219 ACRES OF LAND (APPROXIMATELY 53,092 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	TANGENT
C1	8.00'	86°42'40"	12.10'	N70°42'59"E	10.98'	7.55'
C2	376.44'	9°32'05"	62.85'	N34°28'00"E	62.57'	31.40'
C3	12.22'	48°29'07"	10.34'	N08°18'14"W	10.03'	5.50'
C4	30.17'	75°23'22"	39.69'	N23°28'33"W	36.89'	23.31'
C5	1.94'	88°40'29"	3.00'	N71°44'06"E	2.71'	1.89'
C6	1.91'	90°00'00"	3.01'	S17°31'09"E	2.71'	1.91'
C7	7.54'	84°41'44"	11.14'	N74°13'44"E	10.15'	6.87'
C8	7.19'	93°19'33"	11.71'	S20°19'06"E	10.46'	7.62'

LEGEND

- △ CALCULATED POINT
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- 1/2" REBAR WITH CHAPARRAL CAP SET
- ⊗ FOUND 1/2" DRILLED HOLE IN CONCRETE CAP OF ROCK POST
- () RECORD INFORMATION



Eric J. Dannheim
1/28/13

LINE TABLE

LINE	BEARING	DISTANCE
L1	N27°19'03"E	2.70'
L2	S63°31'55"E	2.24'
L3	N26°55'55"E	10.92'
L4	N39°14'57"E	10.91'
L5	N27°21'50"E	34.45'
L6	N61°48'02"W	18.79'
L7	N14°13'09"E	24.86'
L8	N27°22'55"E	31.59'
L9	N62°37'05"W	18.55'
L10	N27°22'55"E	11.53'
L11	N62°37'05"W	1.75'
L12	N27°22'55"E	9.22'
L13	S62°37'05"E	1.75'
L14	N27°22'55"E	11.53'
L15	S62°34'54"E	19.37'
L16	S27°22'55"W	22.99'
L17	S63°15'54"E	17.07'
L18	N27°23'51"E	3.85'
L19	S62°36'12"E	20.60'

LINE TABLE

LINE	BEARING	DISTANCE
L20	N27°23'48"E	1.70'
L21	N72°23'48"E	6.68'
L22	S62°42'02"E	8.56'
L23	N27°17'58"E	3.40'
L24	S62°42'02"E	23.82'
L25	S27°17'58"W	3.40'
L26	S62°42'02"E	8.56'
L27	S17°49'17"E	6.71'
L28	S27°28'51"W	1.70'
L29	S62°31'09"E	20.58'
L30	S27°28'51"W	3.91'
L31	S62°31'09"E	17.93'
L32	S27°37'04"W	82.12'
L33	S62°16'04"E	116.29'
L34	S62°06'42"E	10.59'
L35	S62°05'07"E	55.53'

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-24

DATE OF SURVEY: 03/03/11
 PLOT DATE: 01/25/13
 DRAWING NO.: 793-001-24
 PROJECT NO.: 793-001
 DRAWN BY: CWW
 SHEET 1 OF 2

Chaparral

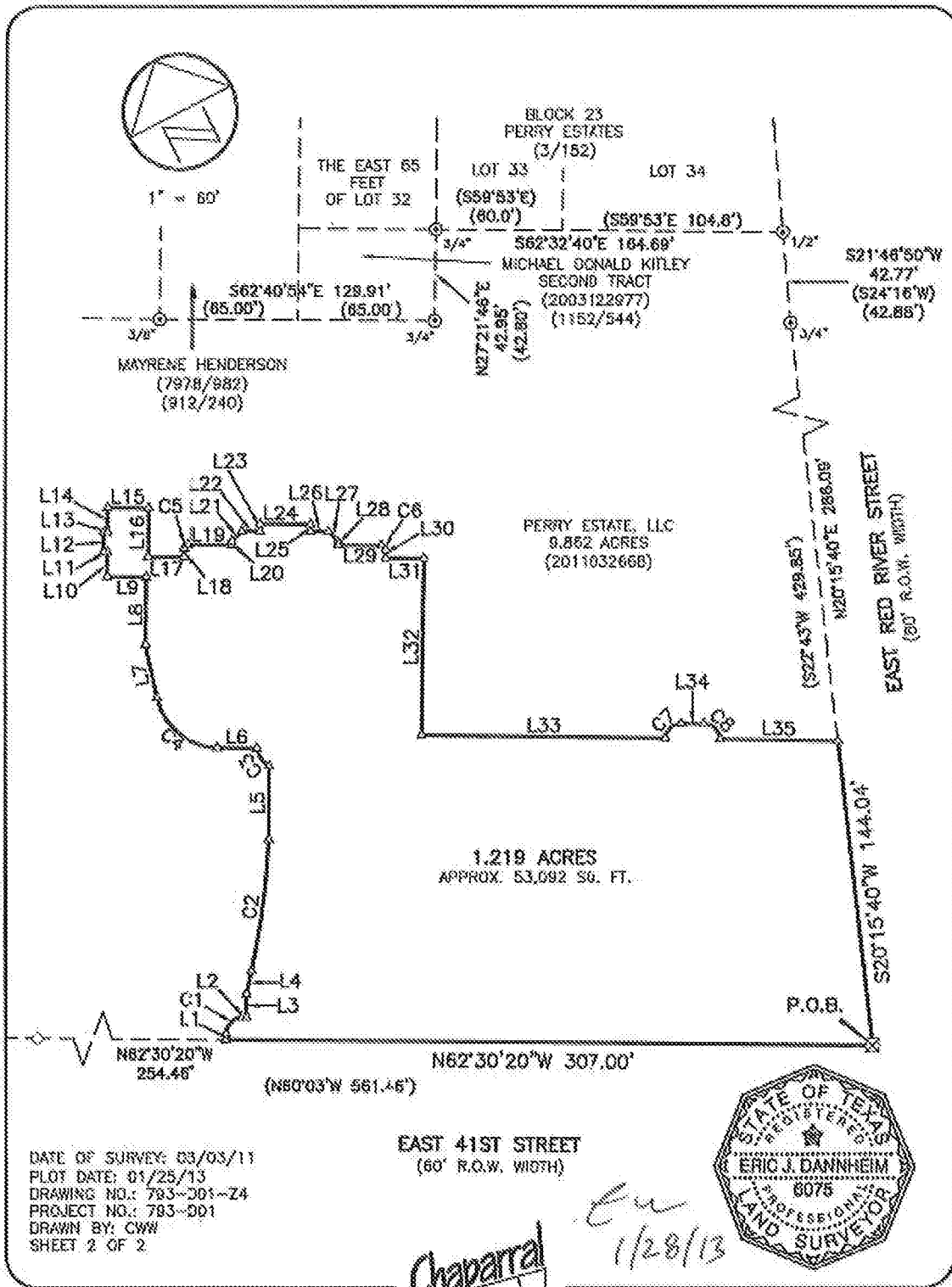


Exhibit C

Tract 1B Legal Description



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0843

3500 McCall Lane
Austin, Texas 78744

**2.743 ACRES
ZONING DESCRIPTION
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 2.743 ACRES (APPROXIMATELY 119,481 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.743 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a found 1/2" hole drilled in the concrete cap of a rock post, for the southeast corner of said 9.862 acre tract, same being the southeast corner of said Outlot 14, also being the intersection of the north right-of-way line of East 41st Street (60' right-of-way width) and the west right-of-way line of East Red River Street (80' right-of-way width);

THENCE North 62°30'20" West, with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 307.00 feet to a calculated point for the southernmost corner of the herein described tract of land, and the true **POINT OF BEGINNING** hereof;

THENCE North 62°30'20" West, continuing with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 104.44 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap set for an angle point in the aforementioned line bears North 62°30'20" West, a distance of 150.02 feet;

THENCE over and across said 9.862 acre tract, the following six (6) courses and distances:

1. North 19°19'54" East, a distance of 405.32 feet to a calculated point;
2. South 62°23'58" East, a distance of 56.02 feet to a calculated point;
3. South 62°13'21" East, a distance of 60.03 feet to a calculated point;
4. South 62°40'54" East, a distance of 154.99 feet to a calculated point;

5. North 27°21'46" East, a distance of 42.89 feet to a calculated point;
6. South 62°32'40" East, a distance of 142.14 feet to a calculated point in the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract and the east line of said Outlot 14, from which a 1/2" iron pipe found for the northeast corner of said 9.862 acre tract bears North 21°46'50" East, a distance of 25.12 feet;

THENCE with the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract and the east line of said Outlot 14, the following two (2) courses and distances:

1. South 21°46'50" West, a distance of 17.64 feet to a 3/4" iron pipe found for an angle point;
2. South 20°15'40" West, a distance of 286.09 feet to a calculated point, from which said 1/2" hole drilled in the concrete cap of a rock post bears South 20°15'40" West, a distance of 144.04 feet;

THENCE over and across said 9.862 acre tract, the following forty-three (43) courses and distances:

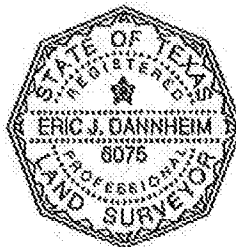
1. North 62°05'07" West, a distance of 55.53 feet to a calculated point;
2. With a curve to the left, having a radius of 7.19 feet, a delta angle of 93°19'33", an arc length of 11.71 feet, and a chord which bears North 20°19'06" West, a distance of 10.46 feet to a calculated point;
3. North 62°06'42" West, a distance of 10.59 feet to a calculated point;
4. With a curve to the left, having a radius of 7.54 feet, a delta angle of 84°41'44", an arc length of 11.14 feet, and a chord which bears South 74°13'44" West, a distance of 10.15 feet to a calculated point;
5. North 62°16'04" West, a distance of 116.29 feet to a calculated point;
6. North 27°37'04" East, a distance of 82.12 feet to a calculated point;
7. North 62°31'09" West, a distance of 17.93 feet to a calculated point;
8. North 27°28'51" East, a distance of 3.91 feet to a calculated point;
9. With a curve to the left, having a radius of 1.91 feet, a delta angle of 90°00'00", an arc length of 3.01 feet, and a chord which bears North 17°31'09" West, a distance of 2.71 feet to a calculated point;

10. North 62°31'09" West, a distance of 20.58 feet to a calculated point;
11. North 27°28'51" East, a distance of 1.70 feet to a calculated point;
12. North 17°49'17" West, a distance of 6.71 feet to a calculated point;
13. North 62°42'02" West, a distance of 8.56 feet to a calculated point;
14. North 27°17'58" East, a distance of 3.40 feet to a calculated point;
15. North 62°42'02" West, a distance of 23.82 feet to a calculated point;
16. South 27°17'58" West, a distance of 3.40 feet to a calculated point;
17. North 62°42'02" West, a distance of 8.56 feet to a calculated point;
18. South 72°23'48" West, a distance of 6.68 feet to a calculated point;
19. South 27°23'48" West, a distance of 1.70 feet to a calculated point;
20. North 62°36'12" West, a distance of 20.60 feet to a calculated point;
21. With a curve to the left, having a radius of 1.94 feet, a delta angle of 88°40'29", an arc length of 3.00 feet, and a chord which bears South 71°44'06" West, a distance of 2.71 feet to a calculated point;
22. South 27°23'51" West, a distance of 3.85 feet to a calculated point;
23. North 63°15'54" West, a distance of 17.07 feet to a calculated point;
24. North 27°22'55" East, a distance of 22.99 feet to a calculated point;
25. North 62°34'54" West, a distance of 19.37 feet to a calculated point;
26. South 27°22'55" West, a distance of 11.53 feet to a calculated point;
27. North 62°37'05" West, a distance of 1.75 feet to a calculated point;
28. South 27°22'55" West, a distance of 9.22 feet to a calculated point;
29. South 62°37'05" East, a distance of 1.75 feet to a calculated point;
30. South 27°22'55" West, a distance of 11.63 feet to a calculated point;
31. South 62°37'05" East, a distance of 18.55 feet to a calculated point;

32. South 27°22'55" West, a distance of 31.59 feet to a calculated point;
33. South 14°13'09" West, a distance of 24.86 feet to a calculated point;
34. With a curve to the left, having a radius of 30.17 feet, a delta angle of 75°23'22", an arc length of 38.69 feet, and a chord which bears South 23°28'33" East, a distance of 36.89 feet to a calculated point;
35. South 61°46'02" East, a distance of 18.79 feet to a calculated point;
36. With a curve to the left, having a radius of 12.22 feet, a delta angle of 48°29'07", an arc length of 10.34 feet, and a chord which bears South 08°18'14" East, a distance of 10.03 feet to a calculated point;
37. South 27°21'50" West, a distance of 34.45 feet to a calculated point;
38. With a curve to the right, having a radius of 376.44 feet, a delta angle of 09°32'05", an arc length of 62.65 feet, and a chord which bears South 34°28'00" West, a distance of 62.57 feet to a calculated point;
39. South 39°14'57" West, a distance of 10.91 feet to a calculated point;
40. South 26°55'55" West, a distance of 10.92 feet to a calculated point;
41. North 63°31'55" West, a distance of 2.24 feet to a calculated point;
42. With a curve to the left, having a radius of 8.00 feet, a delta angle of 86°42'40", an arc length of 12.10 feet, and a chord which bears South 70°42'59" West, a distance of 10.98 feet to a calculated point;
43. South 27°19'03" West, a distance of 2.70 feet to the **POINT OF BEGINNING**, containing 2.743 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z12.

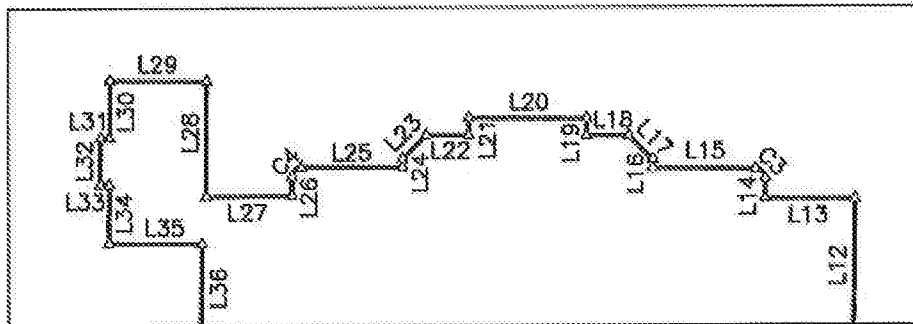
EJ 9/05/2013
 Eric J. Dannheim
 Registered Professional Land Surveyor
 State of Texas No. 6075



SKETCH TO ACCOMPANY A DESCRIPTION OF 2.743 ACRES (APPROXIMATELY 119,481 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-Z12



DETAIL B
(1"=30')

LEGEND

- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- △ CALCULATED POINT
- ⊗ FOUND 1/2" HOLE DRILLED IN THE CONCRETE CAP OF A ROCK POST
- ⊗ PROPERTY OWNER INFORMATION

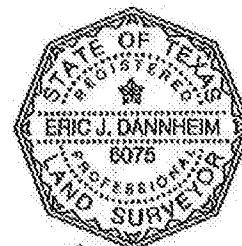
(N)
HAL F. MORRIS AND
WIFE, LORIE FRIEND
TRACT II
(12239/1633)
(DESCRIBED IN 8334/173)
(915/249)

(Q)
MAYRENE HENDERSON
(7978/982)
(912/246)

(O)
ALLAN HUGH COLE, JR.
AND TRACEY M. COLE
TRACT TWO
(2003179008)
(909/423)

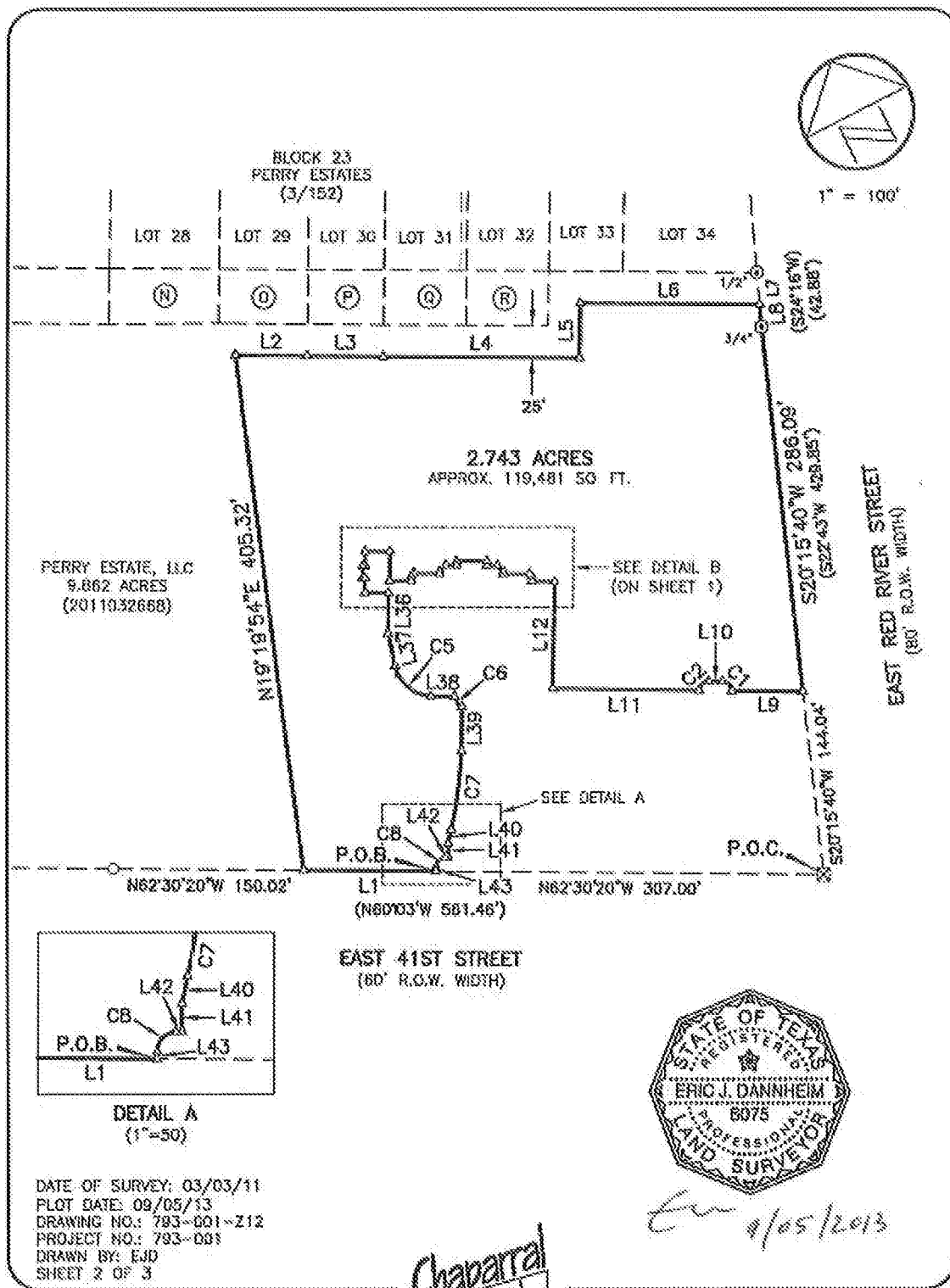
(W)
MICHAEL DONALD KITLEY
SECOND TRACT
(2003122977)
(1152/544)

(P)
DANIEL LESTER SMITH
AND LAURA HEATH SMITH
TRACT TWO
(8077/85)
(915/47)



DATE OF SURVEY: 03/03/11
PLOT DATE: 08/05/13
DRAWING NO.: 793-001-Z12
PROJECT NO.: 793-001
DRAWN BY: EJD
SHEET 1 OF 3

Chaparral



CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	7.19'	93°19'33"	11.71'	N20°19'06"W	10.46'
C2	7.54'	84°41'44"	11.14'	S74°13'44"W	10.15'
C3	1.81'	90°00'00"	3.01'	N17°31'09"W	2.71'
C4	1.94'	88°40'29"	3.00'	S71°44'06"W	2.71'
C5	30.17'	75°23'22"	38.69'	S23°28'33"E	36.89'
C6	12.22'	48°29'07"	10.34'	S08°18'14"E	10.03'
C7	376.44'	9°32'05"	62.65'	S34°28'00"W	62.57'
C8	8.00'	86°42'40"	12.10'	S70°42'59"W	10.98'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N62°30'20"W	104.44'
L2	S62°23'58"E	56.02'
L3	S62°13'21"E	80.03'
L4	S62°40'54"E	154.99'
L5	N27°21'46"E	42.86'
L6	S62°32'40"E	142.14'
L7	N21°46'50"E	25.12'
L8	S21°46'50"W	17.64'
L9	N62°05'07"W	55.53'
L10	N62°06'42"W	10.59'
L11	N62°16'04"W	116.29'
L12	N27°37'04"E	82.12'
L13	N62°31'09"W	17.93'
L14	N27°28'51"E	3.91'
L15	N62°31'09"W	20.56'
L16	N27°28'51"E	1.70'
L17	N17°49'17"W	6.71'
L18	N62°42'02"W	8.56'
L19	N27°17'58"E	3.40'
L20	N62°42'02"W	23.82'
L21	S27°17'58"W	3.40'
L22	N62°42'02"W	8.56'
L23	S72°23'48"W	6.68'
L24	S27°23'48"W	1.70'
L25	N62°36'12"W	20.60'

LINE TABLE		
LINE	BEARING	DISTANCE
L26	S27°23'51"W	3.85'
L27	N63°15'54"W	17.07'
L28	N27°22'55"E	22.99'
L29	N62°34'54"W	19.37'
L30	S27°22'55"W	11.53'
L31	N62°37'05"W	1.75'
L32	S27°22'55"W	9.22'
L33	S62°37'05"E	1.75'
L34	S27°22'55"W	11.63'
L35	S62°37'05"E	18.55'
L36	S27°22'55"W	31.59'
L37	S14°13'08"W	24.86'
L38	S61°48'02"E	18.79'
L39	S27°21'50"W	34.45'
L40	S39°14'57"W	10.91'
L41	S26°55'55"W	10.92'
L42	N63°31'55"W	2.24'
L43	S27°19'03"W	2.70'

DATE OF SURVEY: 03/03/11
PLOT DATE: 09/05/13
DRAWING NO.: 793-201-212
PROJECT NO.: 793-201
DRAWN BY: EJD
SHEET 3 OF 3

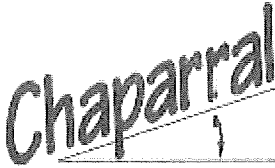


Er 9/05/2013

Chaparral

Exhibit D

Tract 2 Legal Description



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**1.730 ACRES
ZONING DESCRIPTION
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 1.730 ACRES (APPROXIMATELY 75,345 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.730 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap set for an angle point in the north right-of-way line of East 41st Street (60' right-of-way width), same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, from which a 1/2" rebar found for the southwest corner of said 9.862 acre tract, same being the southeast corner of a tract described in a deed recorded in Volume 12627, Page 1577 of the Real Property Records of Travis County, Texas, and conveyed to Karen Killeen in a deed recorded in Document No. 2002043751 of the Official Public Records of Travis County, Texas, bears North 62°19'14" West, a distance of 470.67 feet;

THENCE over and across said 9.862 acre tract, the following twenty-two (22) courses and distances:

1. North 09°13'25" West, a distance of 18.31 feet to a calculated point;
2. North 27°23'33" East, a distance of 42.52 feet to a calculated point;
3. North 14°57'13" East, a distance of 17.49 feet to a calculated point;
4. North 04°52'47" East, a distance of 20.12 feet to a calculated point;
5. North 24°52'40" East, a distance of 27.54 feet to a calculated point;
6. North 14°14'45" East, a distance of 57.42 feet to a calculated point;
7. North 02°45'08" East, a distance of 53.61 feet to a calculated point;

8. North 31°06'04" West, a distance of 28.66 feet to a calculated point;
9. North 04°27'21" East, a distance of 14.82 feet to a calculated point;
10. North 28°25'03" East, a distance of 35.29 feet to a calculated point;
11. North 23°31'14" West, a distance of 17.18 feet to a calculated point;
12. North 04°34'46" East, a distance of 15.28 feet to a calculated point;
13. North 21°32'20" West, a distance of 17.73 feet to a calculated point;
14. North 03°52'39" West, a distance of 28.67 feet to a calculated point;
15. North 17°40'08" West, a distance of 18.29 feet to a calculated point;
16. North 31°09'31" West, a distance of 35.33 feet to a calculated point;
17. North 27°32'30" West, a distance of 33.03 feet to a calculated point;
18. South 62°28'12" East, a distance of 123.75 feet to a calculated point;
19. South 62°28'41" East, a distance of 75.56 feet to a calculated point;
20. South 63°25'03" East, a distance of 86.64 feet to a calculated point;
21. South 62°23'58" East, a distance of 13.46 feet to a calculated point;
22. South 19°19'54" West, a distance of 405.32 feet to a calculated point in the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, from which a found 1/2" hole drilled in the concrete cap of a rock post, for the southeast corner of said 9.862 acre tract, same being the intersection of the north right-of-way line of East 41st Street and the west right-of-way line of East Red River Street (80' right-of-way width), bears South 62°30'20" East, a distance of 411.44 feet;

THENCE North 62°30'20" West, with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 150.02 feet to the **POINT OF BEGINNING**, containing 1.730 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z10.

EW 8/15/2013

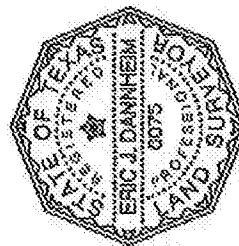
Eric J. Dannheim
Registered Professional Land Surveyor
State of Texas No. 6075



SKETCH TO ACCOMPANY A DESCRIPTION OF 1.730 ACRES (APPROXIMATELY 75,345 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032868 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-210



EW
8/15/2013

LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
○	1/2" REBAR WITH "CHAPARRAL" CAP SET
△	CALCULATED POINT
⊗	FOUND 1/2" HOLE DRILLED IN THE CONCRETE CAP OF A ROCK POST
⊗	PROPERTY OWNER INFORMATION, SEE SHEET 3 OF 3

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N09°13'25"W	18.31'
L2	N27°23'33"E	42.52'
L3	N14°57'13"E	17.49'
L4	N04°52'47"E	20.12'
L5	N24°52'40"E	27.54'
L6	N14°14'45"E	57.42'
L7	N02°45'08"E	53.61'
L8	N31°06'04"W	28.66'
L9	N04°27'21"E	14.82'
L10	N28°25'03"E	35.29'
L11	N23°31'14"W	17.18'
L12	N04°34'45"E	15.28'
L13	N21°32'20"W	17.73'
L14	N03°52'38"W	28.67'
L15	N17°40'08"W	18.29'
L16	N31°09'31"W	35.33'
L17	N27°32'30"W	33.03'
L18	S62°28'12"E	123.75'
L19	S62°28'41"E	75.56'
L20	S63°25'03"E	86.84'
L21	S62°23'55"E	13.46'
L22	S19°19'54"W	405.32'
L23	N62°30'20"W	150.02'

DATE OF SURVEY: 03/03/11
 PLOT DATE: 08/15/13
 DRAWING NO.: 793-001-210
 PROJECT NO.: 793-001
 DRAWN BY: CWW & EJD
 SHEET 1 OF 3

Chaparral

<p>(A) THE EAST 7.5 FEET OF LOT 18 AND ALL OF LOTS 19 AND 20, TOGETHER WITH ADJACENT WEST HALF OF WALLER CREEK HENDERSON LIVING TRUST DATED MAY 3, 2008 (2008132042)</p>	<p>(I) GEORGE A. ELDER, JR. AND ELIZABETH R. SANSON ELDER SECOND TRACT (11308/333) (DESCRIBED IN 2568/210)</p>	<p>(N) KAL F. MORRIS AND WIFE, LORIE FRIEND TRACT II (12235/1633) (DESCRIBED IN 8334/173) (915/249)</p>
<p>(B) HENDERSON LIVING TRUST DATED MAY 3, 2008 29,456 SQUARE FEET (DOC. NO. 2008132040) (DESCRIBED IN 3358/25)</p>	<p>(J) LAVERNE HENDERSON SECOND TRACT (11101/985) (915/416)</p>	<p>(O) ALLAN HUGH COLE, JR. AND TRACEY M. COLE TRACT TWO (2003179008) (908/423)</p>
<p>(F) KAREN KILLEEN (2002043761) (DESCRIBED IN 12527/1577)</p>	<p>(K) RUSSELL E. SCHULZ (13181/1946) (1109/56)</p>	<p>(P) DANIEL LESTER SMITH AND LAURA HEATH SMITH TRACT TWO (8077/85) (915/47)</p>
<p>(G) LOTS 21 AND 22 AND THE WEST 5 FEET OF LOT 23, TOGETHER WITH THE EAST 1/2 OF WALLER CREEK BRUCE H. FAIRCHILD AND WIFE, CATHY M. FAIRCHILD (7234/42)</p>	<p>(L) LEA C. NOELKE AND SPOUSE, HOLLY C. NOELKE TRACT 2 (2007102194) (DESCRIBED IN 10760/810)</p>	<p>(R) ERIC J. DANNHEIM 6075 SQUARE FEET (10035/165) (813/33)</p>
<p>(H) BRUCE H. FAIRCHILD AND WIFE, CATHY M. FAIRCHILD TRACT TWO (7234/42) (914/257)</p>	<p>(M) RAYVE HENDERSON 14,446 SQUARE FEET (10035/165) (813/33)</p>	<p>(S) LAND SURVEYOR ERIC J. DANNHEIM 6075 SQUARE FEET (10035/165) (813/33)</p>

DATE OF SURVEY: 03/03/11
PLOT DATE: 08/15/13
DRAWING NO.: 793-001-210
PROJECT NO.: 793-001
DRAWN BY: CWN & EJD
SHEET 3 OF 3

8/15/2013

Chaparral

Exhibit E

Tract 3 Legal Description



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-388-8843

3600 McCall Lane
Austin, Texas 78744

**2.046 ACRES
ZONING DESCRIPTION
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 2.046 ACRES (APPROXIMATELY 89,125 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.046 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the north right-of-way line of East 41st Street (80' right-of-way width), same being the south line of said Outlot 14, also being the southwest corner of said 9.862 acre tract, also being the southeast corner of a tract described in a deed recorded in Volume 12627, Page 1577 of the Real Property Records of Travis County, Texas, and conveyed to Karen Killeen in a deed recorded in Document No. 2002043761 of the Official Public Records of Travis County, Texas;

THENCE North 33°12'36" East, with the west line of said 9.862 acre tract, in part being the east line of said Killeen tract, in part being the east line of a 0.214 acre tract described in a deed to Carlos M. Carvalho recorded in Document No. 2010061363 of the Official Public Records of Travis County, Texas, and in part being the east line of a 0.221 acre tract described in a deed recorded in Volume 12882, Page 2736 of the Real Property Records of Travis County, Texas, and conveyed to Thomas Vance McMahan, Jr. in a deed recorded in Volume 12060, Page 2156 of the Real Property Records of Travis County, Texas, a distance of 222.22 feet to a 1/2" rebar found for an angle point in the common line of said 9.862 acre tract and said 0.221 acre tract;

THENCE North 27°31'39" East, continuing with the west line of said 9.862 acre tract, in part being the east line of said 0.221 acre tract, in part being the east line of a tract described in a deed recorded in Volume 13276, Page 128 of the Real Property Records of Travis County, Texas, and conveyed to Henderson Living Trust Dated May 3, 2008, in a deed recorded in Document No. 2008132043 of the Official Public Records of Travis County, Texas, and in part being the east line of a 29,456 square foot tract described in a deed recorded in Volume 3388, Page 29 of the Deed Records of Travis County, Texas, and conveyed to Henderson Living Trust Dated May 3, 2008, in a deed recorded in Document No. 2008132040 of the Official Public Records of Travis County, Texas, a

distance of 245.00 feet to a 1" iron pipe found in the approximate west bank of Waller Creek, for the northwest corner of said 9.862 acre tract, same being the northeast corner of said 29,456 square foot tract, also being the southeast corner of Lot 20, Block 23, Perry Estates, a subdivision recorded in Volume 3, Page 152 of the Plat Records of Travis County, Texas, also being in the south line of a tract described as the east 7.5 feet of Lot 18 and all of Lots 19 and 20, Block 23, Perry Estates, together with adjacent west half of Waller Creek, in a deed to Henderson Living Trust Dated May 3, 2008, recorded in Document No. 2008132042 of the Official Public Records of Travis County, Texas;

THENCE South 63°05'06" East, with the north line of said 9.862 acre tract, same being the south line of the aforementioned Henderson Living Trust Dated May 3, 2008 tract, a distance of 22.76 feet to a calculated point in the center of Waller Creek, for the southeast corner of the aforementioned Henderson Living Trust Dated May 3, 2008 tract, same being the southwest corner of a tract described as Lots 21 and 22 and the west 5 feet of Lot 23, Block 23, Perry Estates, together with the east 1/2 of Waller Creek, in a deed to Bruce H. Fairchild and wife, Cathy M. Fairchild, recorded in Volume 7234, Page 42 of the Deed Records of Travis County, Texas, from which a 1/2" iron pipe found in the approximate east bank of Waller Creek, for the south corner of said Lot 21, same being the southwest corner of said Lot 22, bears South 63°05'06" East, a distance of 22.76 feet;

THENCE crossing said 9.862 acre tract, with the center of Waller Creek, the following twelve (12) courses and distances:

1. South 22°23'01" West, a distance of 87.11 feet to a calculated point;
2. South 23°16'38" West, a distance of 36.63 feet to a calculated point;
3. South 11°44'24" East, a distance of 77.07 feet to a calculated point;
4. South 24°10'39" East, a distance of 32.39 feet to a calculated point;
5. South 29°19'29" East, a distance of 142.86 feet to a calculated point;
6. South 29°49'55" East, a distance of 174.35 feet to a calculated point;
7. South 02°11'15" West, a distance of 12.68 feet to a calculated point;
8. South 13°22'51" East, a distance of 25.16 feet to a calculated point;
9. South 02°37'10" East, a distance of 34.43 feet to a calculated point;
10. South 38°48'49" West, a distance of 9.38 feet to a calculated point;
11. South 57°03'28" West, a distance of 12.65 feet to a calculated point;

12. South $66^{\circ}23'25''$ West, a distance of 15.21 feet to a calculated point in the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, from which a 1/2" rebar with "Chaparral" cap set for an angle point in the aforementioned line bears South $62^{\circ}19'14''$ East, a distance of 53.17 feet;

THENCE North $62^{\circ}19'14''$ West, with the aforementioned line, a distance of 417.50 feet to the **POINT OF BEGINNING**, containing 2.046 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z6.

EJ 2/20/13

Eric J. Dannheim
Registered Professional Land Surveyor
State of Texas No. 6075



- * 1/2" REBAR FOUND
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- △ CALCULATED POINT
- ⊗ PROPERTY OWNER INFORMATION, SEE SHEET 2 OF 2

2.046 ACRES
APPROX. 89,125 SQ. FT.

N62°19'14"W 417.50'
(N59°53'W 470.19')

582'18'14"E
55.17'

EAST 41ST STREET
(60' R.O.W. WIDTH)

DATE OF SURVEY: 03/03/11
PLOT DATE: 02/20/13
DRAWING NO.: 793-001-26
PROJECT NO.: 793-001
DRAWN BY: CWV
SHEET 1 OF 2

Chaparral

(A)
THE EAST 7.5 FEET OF LOT 18 AND ALL OF
LOTS 18 AND 20, TOGETHER WITH ADJACENT
WEST HALF OF WALLER CREEK
HENDERSON LIVING TRUST DATED MAY 3, 2008
(2008132042)

(B)
HENDERSON LIVING TRUST DATED MAY 3, 2008
28,456 SQUARE FEET
(DOC. NO. 2008132040)
(DESCRIBED IN 3388/29)

(C)
HENDERSON LIVING TRUST DATED MAY 3, 2008
(2008132043)
(DESCRIBED IN 13276/128)

(D)
THOMAS VINCE McMAHAN, JR.
0.221 ACRES
(13060/2156)
(DESCRIBED 12882/2736)

(E)
CARLOS M. CARVALHO
0.214 ACRES
(2010061363)

(F)
KAREN KILLEEN
(2002043761)
(DESCRIBED IN 12627/1577)

(G)
LOTS 21 AND 22 AND THE
WEST 5 FEET OF LOT 23,
TOGETHER WITH THE
EAST 1/2 OF WALLER CREEK

BRUCE H. FAIRCHILD
AND WIFE, CATHY M. FAIRCHILD
(7234/42)

(H)
BRUCE H. FAIRCHILD
AND WIFE, CATHY M. FAIRCHILD
TRACT TWO
(7234/42)
(814/257)

(I)
GEORGE A. ELDER, JR. AND
ELIZABETH N. SANSON ELDER
SECOND TRACT
(11308/333)
(DESCRIBED IN 2566/210)

(J)
LAVERNE HENDERSON
SECOND TRACT
(11101/985)
(915/416)

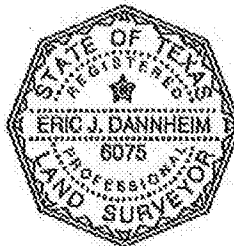
(K)
RUSSELL E. SCHULZ
(13181/1946)
(1109/86)

(L)
LEA C. NOELKE AND SPOUSE,
HOLLY C. NOELKE
TRACT 2
(2007102194)
(DESCRIBED IN 10760/610)

LINE TABLE			
LINE	BEARING	DISTANCE	
L1	S63°05'06"E	22.76'	(559°53'E 48.1')
L2	S63°05'06"E	22.76'	(559°53'E 48.1')
L3	S22°23'01"W	87.11'	
L4	S23°16'38"W	36.63'	
L5	S11°44'24"E	77.07'	
L6	S24°10'39"E	32.39'	
L7	S29°19'29"E	142.86'	
L8	S29°49'55"E	174.35'	
L9	S02°11'15"W	12.68'	
L10	S13°22'51"E	25.16'	
L11	S02°37'10"E	34.43'	
L12	S38°48'49"W	9.38'	
L13	S57°03'28"W	12.65'	
L14	S66°23'25"W	15.21'	
L15	S25°17'56"W	42.61'	(42.76')

BEARING BASIS: THE TEXAS COORDINATE
SYSTEM OF 1983, CENTRAL ZONE, BASED ON
GPS SOLUTIONS FROM THE NATIONAL
GEODETIC SURVEY (NGS) ON-LINE
POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 793-001-26



Ew
2/20/13

DATE OF SURVEY: 03/03/11
PLOT DATE: 02/20/13
DRAWING NO.: 793-001-26
PROJECT NO.: 793-001
DRAWN BY: CWW
SHEET 2 OF 2

Chaparral

Exhibit F

Proposed Zoning Exhibit

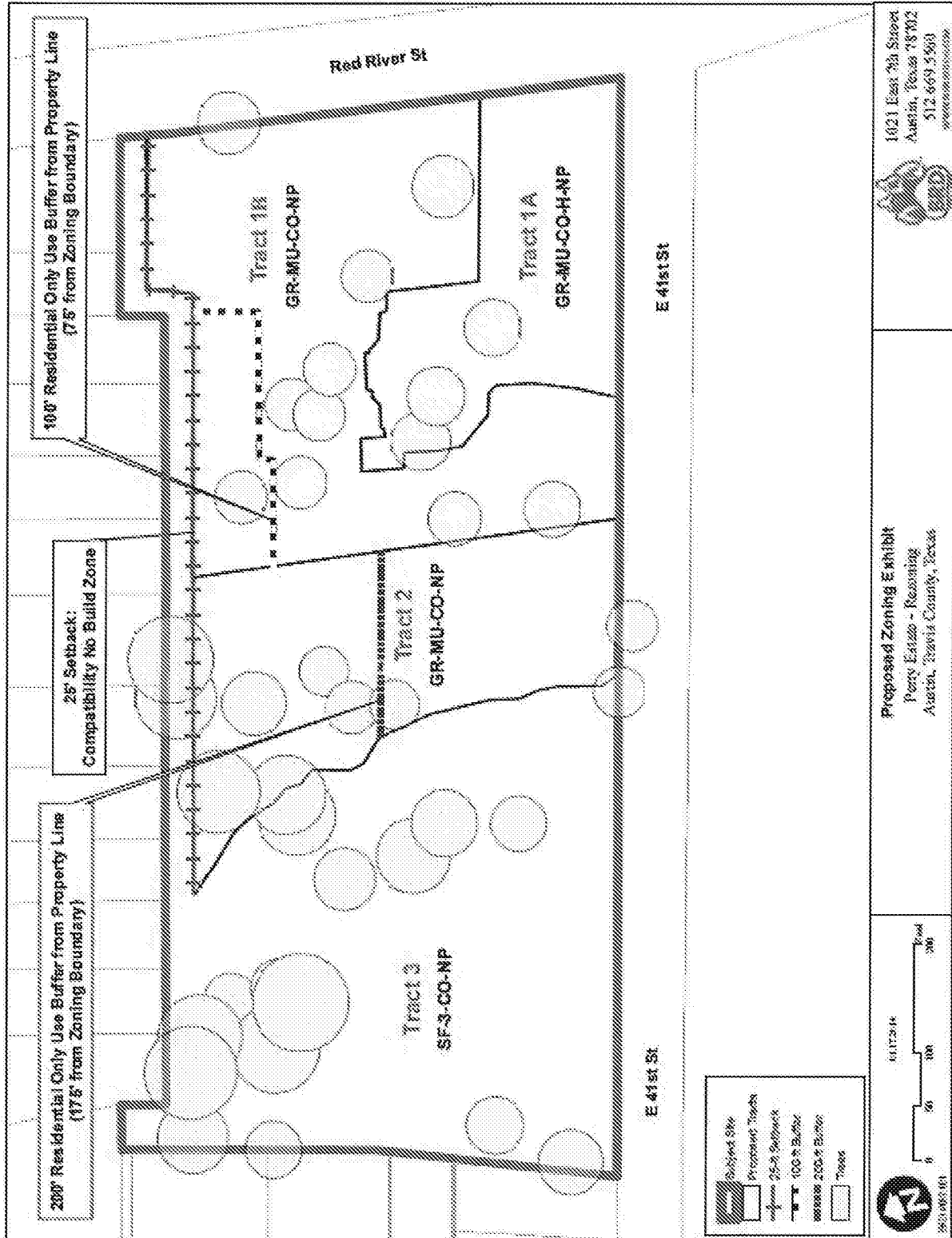


Exhibit G

List of 25 Tracts Comprising Adjoining Landowners

Tract Number	Travis Central Appraisal District Property ID Number	Property Address
1	214881	702 E 41 st St., Austin, TX 78751
2	214882	700 E 41 st St., Austin, TX 78751
3	214883	4107 Peck Ave., Austin, TX 78751
4	214884	4109 Peck Ave., Austin, TX 78751
5	214885	4111 Peck Ave., Austin, TX 78751
6	214886	E 42 nd St., Austin, TX 78751
7	214862	703 Park Blvd., Austin, TX 78751
8	214863	709 Park Blvd., Austin, TX 78751
9	214864	711 Park Blvd., Austin, TX 78751
10	214865	713 Park Blvd., Austin, TX 78751
11	214866	719 Park Blvd., Austin, TX 78751
12	214867	721 Park Blvd., Austin, TX 78751
13	214868	723 Park Blvd., Austin, TX 78751
14	214869	801 Park Blvd., Austin, TX 78751
15	214871	803 Park Blvd., Austin, TX 78751
16	214873	805 Park Blvd., Austin, TX 78751
17	214874	807 Park Blvd., Austin, TX 78751
18	214875	809 Park Blvd., Austin, TX 78751
19	214876	811 Park Blvd., Austin, TX 78751
20	214877	813 Park Blvd., Austin, TX 78751
21	214851	609 E 42 nd St., Austin, TX 78751
22	214861	611 Park Blvd., Austin, TX 78751
23	214887	610 E 42 nd St., Austin, TX 78751
24	214853	608 E 41 st St., Austin, TX 78751
25	214852	4102 Peck Ave., Austin, TX 78751

Exhibit "H"

Land Development Code Subchapter F, Sections 3.4 through 3.5 as in effect January 2014

§ 3.4. HEIGHT.

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows:

3.4.1. Height shall be measured vertically from the average of the highest and lowest grades adjacent to the building to:

- A. For a flat roof, the highest point of the coping;
- B. For a mansard roof, the deck line;
- C. For a pitched or hip roof, the gabled roof or dormer with the highest average height; or
- D. For other roof styles, the highest point of the building.

3.4.2. The grade used in the measurement of height for a building or setback plane shall be the lower of natural grade or finished grade, except height shall be measured from finished grade if:

- A. The site's grade is modified to elevate it out of the 100-year floodplain; or
- B. The site is located on the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.

3.4.3. For a stepped or terraced building, the height of each segment is determined individually.

3.4.4. The height of a structure other than a building is measured vertically from the ground level immediately under the structure to the top of the structure. The height of a fence on top of a retaining wall is measured from the bottom of the retaining wall.

3.4.5. A maximum height is limited by both number of feet and number of stories if both measurements are prescribed, regardless of whether the measurements are conjoined with "or" or "and."

3.4.6. The habitable portion of a basement that is below natural grade and the habitable portion of an attic do not count toward the number of stories for purposes of Section 25-2-773(B)(5) (*Duplex Residential Use*) if the area satisfies the requirements for an exemption from gross floor area under subsections 3.3.2.B-C of this Subchapter.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 3.5. NATURAL GRADE.

3.5.1. In this Subchapter, NATURAL GRADE is:

- A. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature; or
- B. For a site with a grade that was legally modified before October 1, 2006, the grade that existed on October 1, 2006.

3.5.2. Natural grade is determined by reference to an on-ground survey, City-approved topographic map, or other information approved by the director. The director may require an applicant to provide a third-party report that shows the natural grade of a site.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

February 05 2014 01:44 PM

FEE: \$ 210.00 **2014017126**