

TRV 2003069174
6 PGS

11-GF# 22527 NOG
RETURN TO HERITAGE TITLE
99 SAN JACINTO BLVD., STE. 400
AUSTIN, TEXAS 78701
THE STATE OF TEXAS
COUNTY OF TRAVIS

MODIFICATION OF EASEMENT
(Lot 10, Block B, Section 9, Shadowridge Crossing)

§
§
§
KNOW ALL BY THESE PRESENTS

This Modification of Easement is made the day and year set forth below by Weekley Homes, L.P. d/b/a David Weekley Homes ("Weekley"), and Ron and Jacqueline Waters ("Waters"), with regard to the following real property

Lot Ten (10), Block "B" of the Amended Plat of Shadowridge Crossing Section 9, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 102, Pages 271-272, Plat Records of Travis County, Texas ("Lot 10")

RECITALS

A By various instruments recorded in Volume 1992, Page 119, Volume 2503, Page 373, Volume 2714, Page 275, Volume 2542, Page 282, Volume 8154, Page 544, and Volume 2978, Page 1002, all of the Deed Records of Travis County, Texas, and the map or plat of record in Volume 102, Pages 271-272, Plat Records of Travis County, Texas (the "Subdivision Plat"), and certain unrecorded agreements with MTV as the prior owner of Lot 10, Waters is the beneficial owner of a thirty feet wide easement across Lot 10 (the "Existing Easement Interest") for ingress and egress to their property, described on the attached Exhibit B ("Waters Property") and referred to herein as the "Benefited Tract"

B Weekley is the current owner of Lot 10. In consideration of the agreements contained herein, and other good, valuable and sufficient consideration, the parties have reached the following agreement

- 1 The Existing Easement Interest is hereby modified as depicted on the attached Exhibit A (the "Modified Lot 10 Easement") The remainder of the Existing Easement Interest is hereby vacated
- 2 Weekley or the subsequent owner of Lot 10 shall have the right, but not the obligation to maintain a paved driveway across the Modified Lot 10 Easement, from the back of Lot 10 to the intersection of Rotan Drive
- 3 The Modified Lot 10 Easement shall be a covenant running with the land for the owners of the Benefited Tract, and neither Waters nor any subsequent owners of the Benefited Tract may grant, convey or assign rights in the Modified Lot 10 Easement Area, or grant any permission to anyone else to use the Modified Lot 10 Easement, except for 1) family members, guests, invitees and licensees going to and from the Benefited Tract, or 2) a conveyance of all or part of the Benefited Tract to a subsequent purchaser, subject to the terms and conditions contained herein To the extent necessary, Weekley, as owner of Lot 10, grants an access easement over the Modified Lot 10 Easement

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto declare, acknowledge, confirm and agree, for themselves and their successors and assigns that the Existing Easement Interest is modified and replaced by the Modified Lot 10 Easement as described above, subject to the terms and conditions set forth herein, and any and all rights or claims to any easement on any remaining portion of Lot 10 are hereby waived, released and vacated Except as modified herein, the owners of Benefited Tract shall continue to have rights and privileges in the Modified Lot 10 Easement as they did in the Existing Easement Interest

EXECUTED this the 26th day of November, 2002

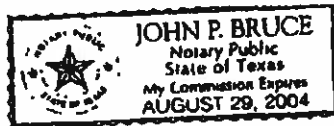
By [Signature]
Ron Waters

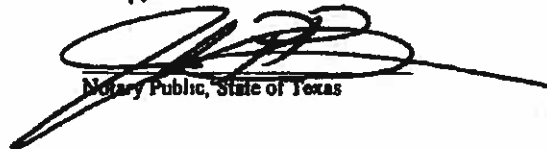
By [Signature]
Jacqueline Waters

By [Signature]
Ken Sausber, Division President
Weekley Homes, L.P. d/b/a David Weekley Homes

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 26 day of November, 2002, by Ron and Jacqueline Waters




Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 25th day of November, 2002, by Ken Swisher, Division President Weekley Homes, L.P. d/b/a David Weekley Homes, on behalf of said limited partnership



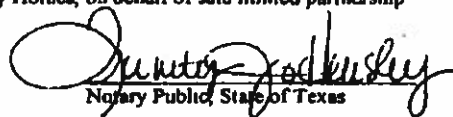

Notary Public, State of Texas

EXHIBIT A

ACCESS EASEMENT

FIELD NOTES DESCRIBING AN ACCESS EASEMENT BEING OVER AND ACROSS A PORTION OF LOT 10, BLOCK B, AMENDED PLAT OF LOT 10, BLOCK B, SHADOWRIDGE CROSSING, SECTION 9, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 102, PAGES 271-272, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on the West right-of-way line of Hot Springs Drive, being a point at the common front corner of the above said Lot 10 and Lot 9, Block F of Shadowridge Crossing, Section 9, as recorded in Vol 96, Pgs 116-118, Plat Records of Travis County, Texas, said point being the most Easterly corner of the herein described easement and the **PLACE OF BEGINNING** hereof

THENCE S 33° 58' 02" W, along said right-of-way line and with the East line of said Lot 10, a distance of 26 81 ft. to a point for the Southeast corner hereof,

THENCE over and across said Lot 10 the following three (3) courses and distances

- (1) N56° 01' 54" W, 136 42 ft to a point
- (2) S77° 07' 37" W, 15 14 ft to a point and
- (3) N 57° 52' 28" W, 49.59 ft. to the West line of Lot 10 for the most Westerly corner thereof

THENCE continuing with the West line of Lot 10, N 34° 51' 08" E, 15 54 ft to a 1/2" iron rod found at the Northerly corner hereof,

THENCE with the North line of said Lot 10, the following two (2) courses and distances

- (1) S 57° 52' 28" E, a distance of 40 04' to a 1/2" iron rod found for an inside ell corner hereof
- (2) N 29° 47' 31" E, a distance of 22 73 ft to a 1/2" iron rod found at the common rear corner of said Lots 9 and 10 for outside ell corner

THENCE along the dividing line of said Lots 9 and 10, S56° 01' 02" E, 157 74 ft to the **PLACE OF BEGINNING**.


DAVID BELL - REGISTERED PROFESSIONAL
LAND SURVEYOR No. 3994
Job No. 09B21001

Plat: 09B21001 10 A Access Easement New FIELD NOTES doc

11-25-02
DATE



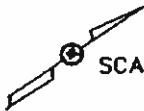
SKETCH TO ACCOMPANY FIELD NOTES

AILEEN M HOOKS & ROY DONLEY
Vol. 12804, Pg. 984

MTV INVESTMENTS, L.P.
Vol. 11835, Pg. 888

RONALD S. & J.B. WATERS
Vol. 12634, Pg. 3404

LOT 11, BLOCK B, SHADOWRIDGE CROSSING SECTION 9, Vol. 96, Pgs 116-118



SCALE: 1"=20'

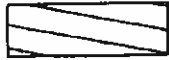
LOT 10

BLOCK "B"

AMENDED PLAT OF LOT
10, BLOCK B,
SHADOWRIDGE
CROSSING

Vol. 102, Pg. 217-272
PLAT RECORDS OF TRAVIS COUNTY, TEXAS

LEGEND



ACCESS EASEMENT



6733 HOT SPRINGS DRIVE
(60' R.O.W.)

S 33°58'02"E 26.81'

PLACE OF BEGINNING



LANDATA
INC. AUSTIN DIVISION
6115 440-0071 FAX 440-0700
611 South Longview Avenue
Austin, Texas 78704

11-25-02

FILE G \ 12824702(JC)

EXHIBIT B - WATERS PROPERTY

11.324 acres of land, more or less, out the JESSE WILLIAMS SURVEY No 62, in Travis County, Texas, and being the same property conveyed by John P Houston and wife, Blanca R Houston to Ronald S Waters and wife, Jacqueline B Waters, in a deed dated September 27, 1995, recorded in Vol 12534, Page 3403, of the Real Property Records of Travis County, Texas

BEGINNING at a ½" iron rod found in the North line of a 30' wide access adjustment as described in Volume 1992 Page 119, Volume 2503 Page 373, & Volume 2970 Page 1002 of the Deed Records of Travis County, Texas, and being at the Southwest corner of that certain (11 20 acre) tract of land conveyed to John P & Blanca R Houston in a deed as recorded in Volume 10106 Page 36 of the Real Property Records of Travis County, Texas, and having in the Northwest line of that certain Save and Except Tract Two 11,3316 acre) tract described in a deed to MTV investments as recorded in volume 11835 Page 688 of the Real Property Records of Travis County, Texas, and being for the Southwest corner of this tract.

THENCE, with the Northwest line of the Houston tract, N 29 deg , 47' 32" E 505 93 feet to a ½" iron rod found,

THENCE, continuing with the Northwest line of the Houston tract, N 29 deg 40' 10" E 437 feet to a ½" iron rod found in a fence line along the Northeast line of the Houston tract, said rod being for the Northwest corner of this tract,

THENCE, with the common line of the Houston tract, and the MTV tract, the following five (5) calls

- 1) S 59 deg 19' 42" E 280 29 feet to a ½" iron rod found in a fence,
- 2) S 59 deg 42' 36" E 101.35 feet to a ½" iron rod found in a fence,
- 3) S 59 deg 14' 52" E. 325 34 feet to a ½" iron rod found in a fence,
- 4) S 50 deg 15' 37" E 301 00 feet to a ½" iron rod found in a fence,
- 5) Ss 59 deg. 21' 29" E 92 24 feet to a ½" iron rod found at a fence corner post, being for the Northeast corner of this tract,

THENCE, WITH A FENCE ALONG THE west line at the Houston tract, S 29 deg 49'20" W 420.72 feet to a ½" iron rod found at the line most Easterly Southeast corner of this tract,

THENCE, common line of the Houston tract, and the MTV tract, N 60 deg 16' 11" W 1059 04 feet to an ½" iron rod found at an interior corner of this tract

THENCE, with the East line of the Houston tract S 59 deg 48' 23" W 505 90 feet to a ½" iron rod found at the most Southerly Southeast corner of this tract,

THENCE, with the North line of said access monument, N 57 deg 55' 50" W 40.04 feet to the PLACE OF BEGINNING, in all containing 11 324 acres of land

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

04-22-2003 02:44 PM 2003080174
PREDEST \$10.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS