

LEGAL DESCRIPTION

ALL OF LOT 1 OF WAL-MART NO. 437 SUBDIVISION AS RECORDED IN VOL. 1, PG. 59 OF THE AUSTIN COUNTY, TEXAS MAP RECORDS AND A 0.926 ACRE TRACT AS DESCRIBED IN VOL. 720, PG. 686 OF THE O.P.R.R.P.A.C.T., BOTH SITUATED IN THE SAN FELIPE DE AUSTIN TOWN TRACT, A-5 IN AUSTIN COUNTY, TEXAS.

All that certain tract or parcel containing 1.6950 acres of land situated in the San Felipe De Austin Town Tract, A-5, in Austin County, Texas, same being comprised of all of Lot 1 of Wal-Mart No. 437 Subdivision, a subdivision in Austin County, Texas according to the map or plat thereof filed for record in Volume 1, Page 59 of the Austin County Map Records and all of that certain call 0.926 acre tract of land as described in a deed filed for record in Volume 720, Page 686 of the Official Records of Real Property in Austin County, Texas, (O.R.R.P.A.C.T.), said 1.6950 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a "crows foot" in concrete (found) in the Westerly right-of-way line of State Highway 36, (100 feet in width), marking the Southeast corner of that certain call 1.193 acre tract of land as described in a deed filed for record under Austin County Clerk's File No. 048201, the Northeast corner of said 0.926 acre tract of land and the Northeast corner of the herein described 1.6950 acre tract of land, from which point a 5/8" iron rod (found) bears S 85°41'26" W, 0.36 feet;

THENCE S 20°36'30" E, a distance of 208.81 feet, (call 209.13 feet), along the Westerly right-of-way line of said State Highway 36 to a 1/2" iron pipe (found) marking the Easterly-Northeast corner of Lot 2 of said Wal-Mart No. 437 Subdivision, the Southeast corner of said 0.926 acre tract of land, and the Southeast corner of the herein described 1.6950 acre tract of land;

THENCE S 46°36'40" W, a distance of 216.90 feet, (call S 46°40'04" W, 217.00 feet), along the common line of said 0.926 acre tract and said Lot 2 to a 5/8" iron rod with E.I.C. cap (found) for angle point marking the Southwest corner of said 0.926 acre tract of land and the Southeast corner of said Lot 1, from which point a 1/2" iron pipe (found) bears S 05°57'32" E, 2.23 feet;

THENCE S 71°35'26" W, a distance of 135.53 feet along the common line of said Lot 1 and said Lot 2 to an "x" on curb (found) for angle point, from which point a 1/2" pinched iron pipe in asphalt (found) bears S 11°07'45" E, 0.50 feet;

THENCE S 82°00'23" W, a distance of 93.00 feet along the common line of said Lot 1 and said Lot 2 to a 5/8" iron rod with E.I.C. cap (found) marking an interior corner of said Lot 2, the Southwest corner of said Lot 1, and the Southwest corner of the herein described 1.6950 acre tract of land, from which point a "punch mark" in concrete (found) bears S 80°14'49" W, 26.72 feet;

THENCE N 18°07'09" W, a distance of 78.00 feet along the common line of said Lot 1 and said Lot 2 to a 5/8" iron rod with E.I.C. cap (found) in the South line of that certain call 2.4752 acre tract of land as described in a deed filed for record under Austin County Clerk's File No. 084827 marking the Northerly-Northeast corner of said Lot 2, the Northwest corner of said Lot 1, and the Northwest corner of the herein described 1.6950 acre tract of land;

THENCE N 45°15'51" E, (call N 45°13'53" E), along the common line of said Lot 1 and said 2.4752 acre tract of land, passing at 10.29 feet a 5/8" iron rod (found) marking the Southeast corner of said 2.4752 acre tract of land and the Southwest corner of that certain call 1.00 acre tract of land as referenced under Austin County Clerk's File No. 038230 and as described in Volume 650, Page 478 of the O.P.R.R.P.A.C.T., from this point a 1/2" iron pipe (found) bears S 69°59'43" E, 1.40 feet, also passing at 254.00 feet a 5/8" iron rod (found) marking the Northeast corner of said Lot 1 and the Northwest corner of said 0.926 acre tract of land, a total distance of 463.25 feet to the POINT OF BEGINNING and containing 1.6950 acres of land.

E.I.C. Job No. 11-192-04

The basis of bearing is S 20°36'30" E along the Westerly Right-of-way line of State Highway 36 per recorded plat of Wal-Mart No. 437 Subdivision.

SUBJECT TO :

- © 2011, All Rights Reserved.
- Survey is valid only if print has original Impression Seal and signature of surveyor on it. Declaration is made to original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
- Fences as shown.
- Canopy and Gas pump into and over 16 feet Utility Easement as shown.
- All inlets full of water at time of survey - unable to determine size, type and direction of flow lines.

ALTA/ACSM LAND TITLE SURVEY

FOR: 2100 INTERSTATE HIGHWAY 36
(STORE NO. 123)

To Sun Development, LP, Capital One, National Association, individually, as a Revolving Credit Lender and as Revolving Credit Administrative Agent for the Revolving Credit Lenders, and individually, as a Term Lender and as Term Loan Administrative Agent for the Term Lenders, its successors and assigns, and Stewart Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 13, 16, 17, 18, 19 and 21 of Table A thereof. The field work was completed on April 20, 2011.

May 13, 2011
Original Signature Date

Craig A. Laney, R.P.L.S. No. 4507

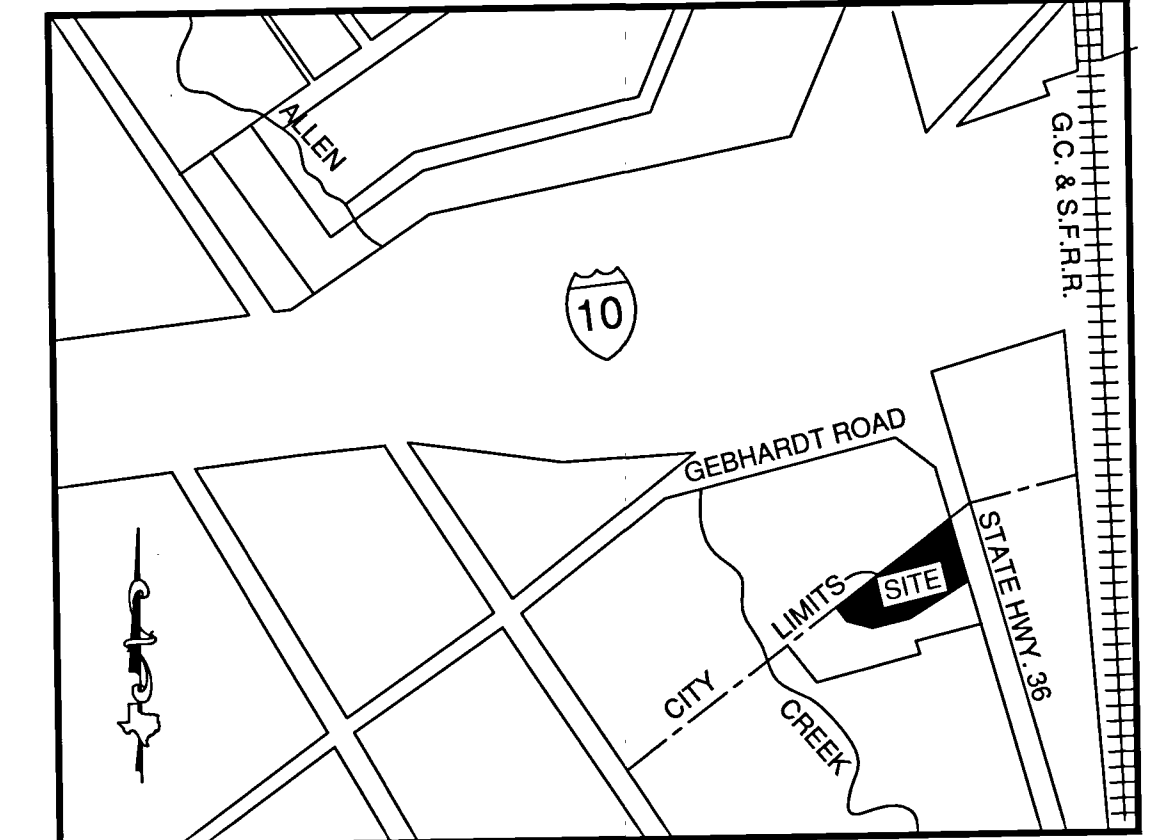
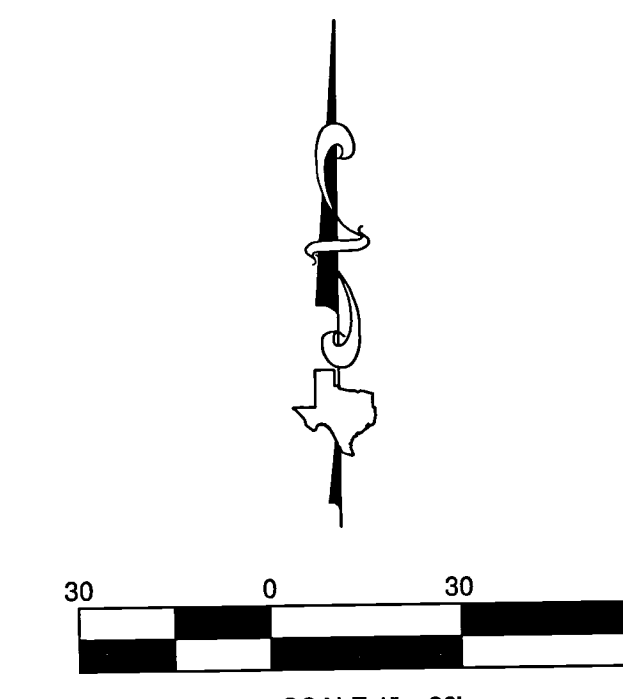
Revised Signature Date

PRELIMINARY
This document shall not be recorded for any purpose. To be used for informational purposes only. Not a certified copy without original seal and signature.

Impression Seal

A Division of Everything in Christ Services, Inc.

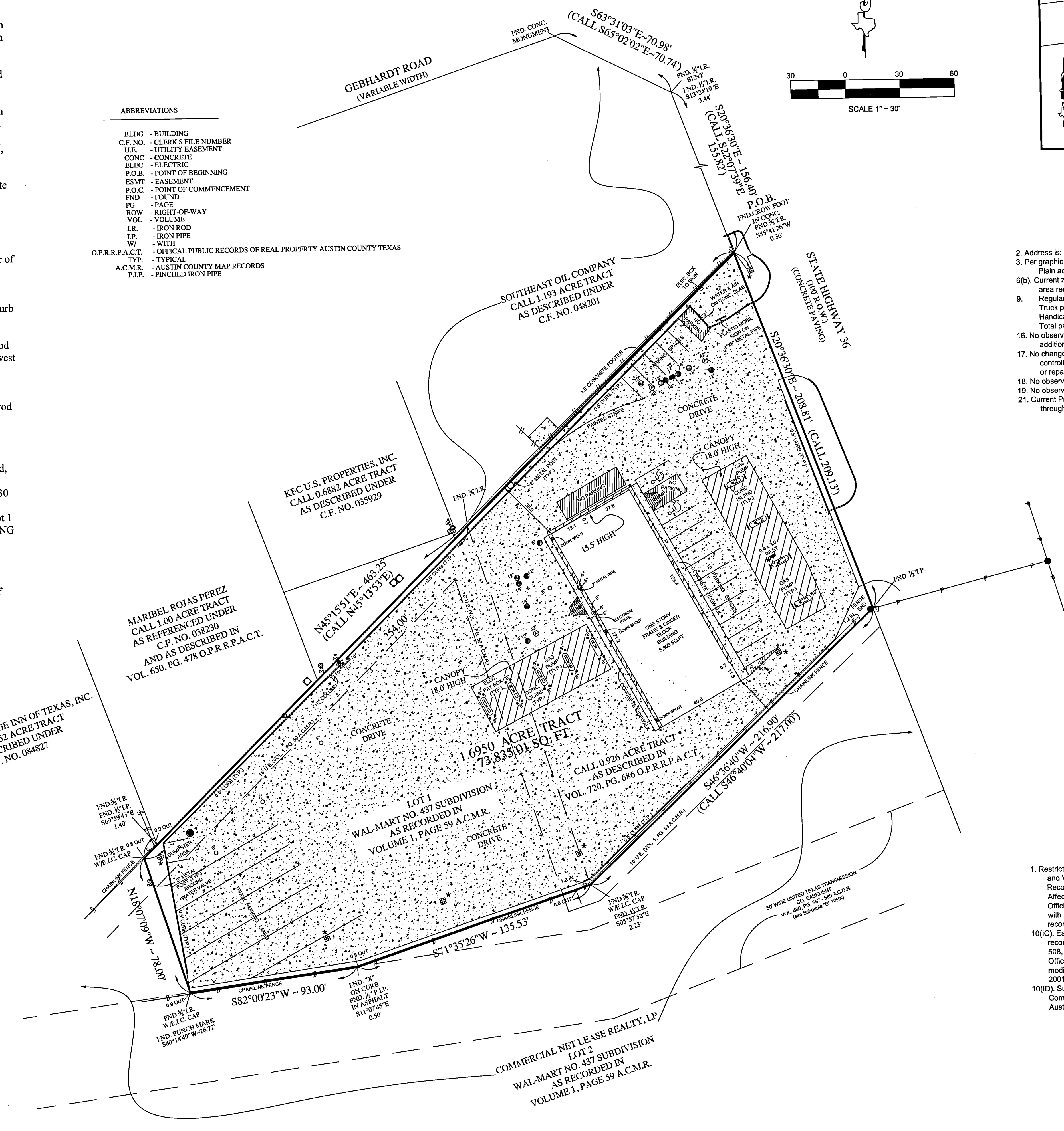
EIC SURVEYING COMPANY
12345 JONES ROAD
SUITE 270
HOUSTON, TX 77070
(281) 955-2772



VICINITY MAP
(NOT TO SCALE)

ABBREVIATIONS

BLDG	- BUILDING
C.F. NO.	- CLERK'S FILE NUMBER
U.E.	- UTILITY EASEMENT
CONC	- CONCRETE
ELEC	- ELECTRIC
P.O.B.	- POINT OF BEGINNING
ESMT	- EASEMENT
P.O.C.	- POINT OF COMMENCEMENT
FND	- FOUND
PG	- PAGE
ROW	- RIGHT-OF-WAY
VOL	- VOLUME
I.R.	- IRON ROD
I.P.	- IRON PIPE
W/	- WITH
O.P.R.R.P.A.C.T.	- OFFICIAL PUBLIC RECORDS OF REAL PROPERTY AUSTIN COUNTY TEXAS
TYP.	- TYPICAL
A.C.M.R.	- AUSTIN COUNTY MAP RECORDS
P.I.P.	- PINCHED IRON PIPE



**TABLE A
OF MINIMUM STANDARD DETAIL REQUIREMENTS
FOR ALTA/ACSM LAND TITLE SURVEYS**

- Address is: 2100 Interstate Highway 36; Sealy, TX 77474
- Per graphic scaling, Subject Property is located in ZONE "X", OUT of the 100 Year Flood Plain according to Community Panel No. 4800170320E, dated September 3, 2010.
- Current zoning classification and building setback requirements, height and floor space area restricted as set forth in that classification. (None)
- Regular parking spaces = 15
Truck parking spaces = 6
Handicapped parking spaces = 2
Total parking spaces = 23
- No observable evidence of current earth moving work, building construction or building additions.
- No changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction. No observable evidence of recent street or sidewalk construction or repairs.
- No observable evidence of site use as a solid waste dump, sump or sanitary landfill.
- No observable location of wetland areas.
- Current Professional Liability Insurance certificate was given to the client to be effective throughout the contract term only.

LEGEND

⊠	= 0.8 x 0.8 Metal Support Column
⊙	= Back Flow Valve
✕	= Fire Hydrant
⊕	= Water Valve
⊖	= Power Pole
⊗	= Gas Pipeline Marker
⊙	= Water Meter Box
⊠	= Southwestern Bell Cable Box
○	= 6" Clean Out
●	= Diameter Metal Bollard
—	= 4" Pipe Bollard
⊠	= Manhole
⊙	= Metal Lid
⊙	= Fiberglass Lid
⊙	= Monitor Well
—	= Handicap Parking Space
—	= Overhead Power Line
—	= Guy Wire
—	= Wood Fence
—	= Chainlink Fence
⊠	= No Parking Area
⊠	= Covered Area
⊠	= Concrete Paving

**SCHEDULE "B" EXCEPTIONS
FOR GF# 1120133525A (TRACT 43)**

- Restrictive Covenants as recorded in Volume 465, Page 197 of the Austin County Deed Records and Volume 508, Page 741; Volume 519, Page 802 and Volume 724, Page 642 of the Official Records of Austin County, Texas, amended by 2007 Amendment to Easements with Covenants Affecting Land, dated June 27, 2008, filed July 8, 2008, recorded in File No. 083633 of the Official Records of Austin County, Texas; amended by 2007 Second Amendment to Easements with Covenants and Restrictions Affecting Land, dated June 27, 2008, filed July 8, 2008, recorded in File No. 083634 of the Official Records of Austin County, Texas.
- (C) Easements, covenants, conditions, restrictions and encumbrances set forth in Agreement recorded in Volume 465, Page 197 Deed Records; amended by Agreement recorded in Volume 508, Page 741 Official Records; modified by Agreement recorded in Volume 519, Page 802 Official Records; modified by Agreement recorded in Volume 724, Page 642 Official Records; modified by 2007 Amendment recorded under File No. 083633 Official Records; modified by 2001 Second Amendment recorded under File No. 083634 Official Records.
- (D) Surface Lease of 0.002 acre from Lillie Kersten, et vir, to United Texas Transmission Company, dated October 23, 1974, recorded in Volume 367, Page 240 of the Deed Records of Austin County, Texas. (Does not cross subject tract).