

EASEMENT

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF SAN PATRICIO

§

WHEREAS, Jerry E. Fischer, Betty Fischer Harris, Lillie Linkenhoger and Lillie Linkenhoger, Trustee under the Trust created by the Will of Edgar M. Linkenhoger, all of Nueces County, Texas, hold either title to, or the right and power to grant easements on, over and across, the following described tracts of land situated in Portland, San Patricio County, Texas, to-wit:

Parcel One

Lot One (1), Unit E, Portland Plaza, being a subdivision of the City of Portland, Texas, according to the map or plat thereof recorded in Envelope A132, Tube 27-3, of the Map Records of San Patricio County, Texas, reference to which is hereby made for all purposes.

Parcel Two

Lot Two (2), Unit E, Portland Plaza, being a subdivision of the City of Portland, Texas, according to the map or plat thereof recorded in Envelope A132, Tube 27-3, of the Map Records of San Patricio County, Texas, reference to which is hereby made for all purposes.

Parcel Three

Lot Three (3), Unit E, Portland Plaza, being a subdivision of the City of Portland, Texas, according to the map or plat thereof recorded in Envelope A132, Tube 27-3, of the Map Records of San Patricio County, Texas, reference to which is hereby made for all purposes.

Parcel Four

That certain portion of Tract B-2, Portland Plaza, being a subdivision of the City of Portland, San Patricio County, Texas, according to the map or plat thereof recorded in Volume 7, at Page 16, of the Map Records of San Patricio County, Texas, to which reference is hereby made for all purposes, that was not included in the replat of Tract A, Tract B-1 and a portion of Tract B-2, as shown on the map of such replat recorded in Envelope A96-A97, Tube 26-3, of the Map Records of San Patricio County, Texas, reference to which is again hereby made, which replat depicts and refers to that certain portion of Lot B-2 not included in such replat as Tract D, Portland Plaza.

WHEREAS, Christos Papaioannou, the owner of the land above described as Parcel Four, desires a non-exclusive easement over and across the above described tracts of land for the purpose of providing for his customers, clients, agents and employees, a convenient route for pedestrian and/or vehicular traffic to, from and between Lot 3, Portland Plaza Unit D, and Daniel Moore Drive, in Portland, Texas;

NOW THEREFORE, for and in consideration of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby

491604

678824

acknowledged, the said Jerry E. Fischer, Betty Fischer Harris, Lillie Linkenhoger and Lillie Linkenhoger, Trustee under the Trust created by the Will of Edgar M. Linkenhoger (hereinafter called "Grantors"), have GRANTED, and by these presents do GRANT, unto the said Christos Papaioannou (hereinafter called "Grantee"), whose mailing address is shown below (on page 4 hereof), an easement, for the purpose above stated, on, over and across the above described land, to-wit:

BEGINNING at a point on the Northwest right-of-way line of U. S. Highway 181 for the South corner of Tract C, Portland Plaza, a map of which is recorded in Envelope A96-A97, Tube 26-3, Map Records of San Patricio County, Texas, and the East corner of this easement;

THENCE WITH SAID Northwest right-of-way line of U. S. Highway 181, South 50° 29' 00" West, parallel to the centerline thereof and 95.00 feet distant therefrom, measured at right angles thereto, 331.26 feet to a point for the East corner of Lot 3, Portland Plaza Unit D, a map of which is recorded in Volume 9, Page 28, Map Records of San Patricio County, Texas, and the South corner of this easement;

THENCE with the Northeast boundary line of said Lot 3, Portland Plaza Unit D, North 39° 36' 00" West, 30.00 feet to a point for the most Southerly West corner of this easement;

THENCE North 50° 29' 00" East, parallel to the Northwest right-of-way line of said U. S. Highway 181 thereof and 30.00 feet distant therefrom, measured at right angles thereto, across Parcels One and Two, 301.26 feet to a point on Parcel Three for an inside corner of this easement;

THENCE North 39° 31' 00" West, parallel to the Southwest boundary line of said Tract C and 30.00 feet distant therefrom, measured at right angles thereto, 143.24 feet to a point for a corner of this easement;

THENCE North at 47.15 feet past the Southwest boundary line of Parcel Four, in all a distance of 226.10 feet to a point on the South right-of-way line of Daniel Moore Drive for the most Northerly West corner of this easement from which point the Northwest corner of said Parcel Four (same also being the Northeast corner of Lot 25, Block 1, Sutherland Addition Unit 2, a map of which is recorded in Volume 6, Page 20, Map Records of San Patricio County, Texas) bears, along said South right-of-way line of Daniel Moore Drive, West a distance of 25.00 feet;

THENCE along said South right-of-way line of Daniel Moore Drive, East a distance of 30.00 feet to a point for the most Northerly East corner of this easement;

THENCE, parallel to said Southwest boundary line of Parcel Four, South 39° 31' 00" East at 37.46 feet past the inside South corner of said Parcel Four, same being the West corner of said Tract C and continuing along the Southwest boundary line of said Tract C, in all a distance of 162.46 feet to the POINT OF BEGINNING and containing 0.475 acres of land.

The easement herein granted is intended to cover the same land that is covered by the easement granted by Jerry E. Fischer, Trustee, to Portland Savings and Loan Association et al by instrument dated February 20, 1976, and recorded in Volume 523, Pages 388 - 392, of the Real

Property Records of San Patricio County, Texas, reference to which is hereby made for all purposes.

The easement herein granted shall be non-exclusive, and Grantors hereby reserve for themselves, their successors and assigns, the following rights:

- 1) to utilize the said easement in connection with the use and enjoyment of the above described tracts of land,
- 2) to grant other persons easements over and across the land, or any part thereof, covered by the easement herein granted, and,

In consideration of the easement herein granted, Grantee, by accepting the same, hereby covenants and agrees as follows:

- 1) to maintain from time to time (in concert with any other person or persons to whom there has been granted, and who then currently holds or hold, an easement on, over and across the above described land, or any part thereof) said easement and all paving, curbs and sidewalks, if any, situated thereon in good repair and condition,
- 2) to be responsible from time to time (in concert with any other person or persons to whom there has been granted, and who then currently holds or hold, an easement on, over and across the above described land, or any part thereof) for the direction and control of traffic on and across such easement, and
- 3) to indemnify and hold Grantors harmless from any and all claims and expenses which may arise or be incurred by Grantors by virtue of the existence of said easement or the use of same by any person or persons whomsoever.

TO HAVE AND TO HOLD the above described easement unto Grantee, its successors and assigns, for so long as the said land above described as Parcel One is owned by Grantee, its successors and assigns, and such easement shall be utilized for the above stated purpose and be maintained by Grantee, as above provided, or until the same is terminated as hereinafter provided.

In the event any portion of the above described tracts of land shall be paved and dedicated as a public drive, road, street or alley which may be reasonably utilized for the same purpose for which said easement is granted, then Grantors may, at their election, terminate this easement by filing for record in the Deed Records of San Patricio County, Texas, a written instrument referring to the public record by which such dedication was effectuated and declaring the easement herein granted to be terminated. However, Grantors, for themselves, their successors and assigns, hereby agree to give Grantee written notice of their intention to terminate said easement at least thirty (30) days before such instrument terminating the same is filed for record.

WITNESS MY HAND this 12th day of January, 2001.

Jerry E. Fischer
Jerry E. Fischer

Betty Fischer Harris
Betty Fischer Harris

Lillie Linkenhoger
Lillie Linkenhoger

Lillie Linkenhoger, Trustee under the Trust
created by the Will of Edgar M.
Linkenhoger, Deceased

NAME AND MAILING ADDRESS OF GRANTEE:

Christos Papaioannou
1200 Wildcat Drive
Portland, Texas 78374

STATE OF TEXAS §
COUNTY OF NUECES §

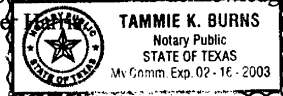
This instrument was acknowledged before me on this 12th day of January, 2001, by
Jerry E. Fischer



Tammie K. Burns
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF NUECES §

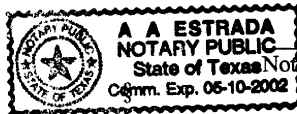
This instrument was acknowledged before me on this 12th day of January, 2001, by
Betty Fischer



Tammie K. Burns
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF NUECES §

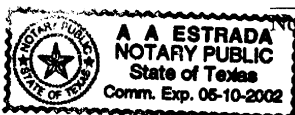
This instrument was acknowledged before me on this 25th day of January, 2001, by
Lillie Linkenhoger.



STATE OF TEXAS
COUNTY OF NUECES

A. A. Estrada
Notary Public, State of Texas

This instrument was acknowledged before me on this 25th day of January, 2001, by
Lillie Linkenhoger, Trustee under the Trust created by the Will of Edgar M. Linkenhoger,
Deceased.



A. A. Estrada
Notary Public, State of Texas

491604

678827

After Recording Return to:
First American Title Co.
5934 S. Staples, suite 230
Corpus Christi, TX 78413

GF # 95887SS
FIRST AMERICAN TITLE INSURANCE

COMPARED

491604

FILE NO



THE STATE OF TEXAS, I HEREBY CERTIFY
COUNTY OF SAN PATRICK
THAT THIS INSTRUMENT WAS FILED ON THE DATE AND
TIME STAMPED HEREON BY ME AND WAS DULY RECORDED

ON THE 31 DAY OF Jan 2001 FILE NO.

491604 OF THE REAL PROPERTY RECORDS
OF SAN PATRICK COUNTY, TEXAS.

BY Jamie Franke COUNTY CLERK
DEPUTY SAN PATRICK
COUNTY, TEXAS

FILED FOR RECORD
at 10 o'clock AM

JAN 31 2001

DOTTIE MALEY
CLERK COUNTY COURT SAN PATRICK CO., TEX
BY Jamie Franke Deputy

Filed for Record 31st Day of January 2001 At 8:00 A M.
Compared 1st Day of February 2001 At 2:00 P M.
Real Property File Number 491604

491604

By Jamie Franke, Deputy

DOTTIE MALEY, County Clerk
San Patricio County, Texas

678828