

NOTICE OF RESTRICTION

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STATE OF TEXAS §
COUNTY OF ANDERSON §

KNOW ALL MEN BY THESE PRESENTS THAT:

Dr. Robert F. McFarlane is the owner of that real property more particularly described and shown in Exhibit "A," attached hereto and made a part hereof, and consisting of approximately 427.3 acres (hereinafter the "Property"). The Property is subject to that certain *Mitigation Banking Instrument, Big Woods on the Trinity Mitigation Bank, Anderson County, Texas*, including all revisions thereof (hereinafter the "MBI") between Dr. Robert F. McFarlane, as the Sponsor of the mitigation bank, and the Mitigation Bank Review Team, for which the Ft. Worth District of the U.S. Army Corps of Engineers (USACE) serves as the Chair. The Property is also subject to special conditions of USACE Nationwide Permit 27 for Project Number 199700495, dated April 25, 2002, or a revision thereof. One of the special conditions of the MBI and of the referenced permit requires restrictions be placed on the deed for the Property.

Accordingly, any purchaser of all or any part of the Property, or any person having an interest in or proposing to acquire an interest in all or part of the Property, or any person proposing to develop or improve all or any part of the Property, is hereby notified that development restrictions affecting the Property are as follows:

- (1) The Property is hereby dedicated in perpetuity as a wetlands preserve. The Property shall not be disturbed except by those USACE-approved activities that would not adversely affect the intended extent, condition, and function of the wetlands preserve or by those activities specifically provided for in the MBI or the referenced permit. Any other change, modification, or disturbance of the dedicated property shall require prior written approval by the District Engineer, USACE, Fort Worth District, or his/her duly authorized representative.
- (2) This restriction shall not be removed or revised except as authorized by the MBI and without obtaining a modification of the aforementioned USACE authorization and/or prior written approval of the USACE.

This Notice of Restriction does not grant any property rights or exclusive privileges.

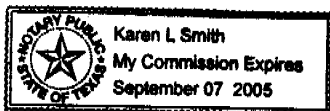
EXECUTED THIS 20 day of June, 2002.

BY: Robert F. McFarlane
Dr. Robert F. McFarlane

STATE OF TEXAS §
COUNTY OF ANDERSON §

This instrument was acknowledged before me this 20th day of June, 2002, by Dr. Robert F. McFarlane

Karen L. Smith
Notary Public in and for the State of Texas



KAREN L. SMITH
Notary's typed or printed name

F.D. MCBRIDE & ASSOCIATES, INC.



BOUNDARY SURVEYS
SUBDIVISIONS
WELL LOCATIONS
LEASE SURVEYS
PIPE LINES
CONSTRUCTION SURVEYS

RAYMOND E. (GENE) RUSSELL
REGISTERED PROFESSIONAL LAND SURVEYOR
ANDERSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYORS

605 AVENUE A
PALESTINE, TEXAS 75801
PHONE: (903) 723-3116
FAX: (903) 723-2859

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Description of a 423.742 acre tract
JUAN N. ACOSTA SURVEY, ABSTRACT NO. 1
Anderson County, Texas

ALL that certain tract or parcel of land, being a part of the JUAN N. ACOSTA SURVEY, ABSTRACT NO. 1, Anderson County, Texas, also being a part of that certain called 512.085 acre tract conveyed to Robert F. McFarlane, Trustee, by Victor Wunderlich et ux, August 1, 1996, recorded in Volume 1468, page 692 of the Deed Records of Anderson County, Texas, also being all of that certain called 48.635 acre Tract 1 conveyed to Robert F. McFarlane, Trustee, by Victor Wunderlich et ux, August 1, 1996, recorded in Volume 1468, page 715 of the Deed Records of Anderson County, Texas, and all of that certain called 2.065 acre tract conveyed to Robert F. McFarlane by Victor Wunderlich et ux, January 24, 2001, recorded in Volume 1654, page 607 of the Deed Records of Anderson County, Texas, and being more completely described as follows, to-wit:

BEGINNING at the Northwest corner of the residue of the above mentioned 512.085 acre tract and the upper Southwest corner of a called 148.172 acre tract described in Volume 1468, page 707 of the Deed Records of Anderson County, Texas, on the East bank of the Trinity River, from which a set 1/2" Iron Rod Brs. S 89° 59' 52" E - 97.77 feet.

THENCE S 89° 59' 52" E with the upper South line of said 148.172 acre tract a distance of 1314.67 feet to a 1/2" Iron Rod found for corner at an interior corner of said 148.172 acre tract.

THENCE S 38° 16' 30" E with the upper Southwest line of said 148.172 acre tract a distance of 882.51 feet to a 1/2" Iron Rod found for corner at an interior corner of said 148.172 acre tract.

THENCE S 1° 25' 03" E with the West line of said 148.172 acre tract a distance of 3255.13 feet to a 1/2" Iron Rod found for corner at the lower Southwest corner of said 148.172 acre tract.

THENCE S 49° 07' 48" E with the lower Southwest line of said 148.172 acre tract, at 260.53 feet passing the lower Southeast corner of said 148.172 acre tract and the Northwest corner of the above mentioned 2.065 acre tract, in the East line of said 512.085 acre tract and the West line of a called 150 acre Tract Three described in Volume 989, page 444 of the Deed Records of Anderson County, Texas, continuing with the Northeast line of said 2.065 acre tract a total distance of 868.44 feet to a 1/2" Iron Rod found for corner at the East corner of said 2.065 acre tract and the Northwest corner of the above mentioned 48.635 acre tract.

THENCE N 89° 48' 20" E with the North line of said 48.635 acre tract and the South line of said 150 acre tract a distance of 1344.13 feet to a 1/2" Iron Rod found for corner at the Northeast corner of said 48.635 acre tract and the Southeast corner of said 150 acre tract, in the West line of a called 24.686 acre Tract as shown on a plat recorded in Volume 762, page 625 of the Deed Records of Anderson County, Texas, from which a 24" Elm \bar{x} Brs. S 29° W - 63.65 feet.