

ACCESS EASEMENT AGREEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

MORRIS C. JERNIGAN, and JANELL JERNIGAN, husband and wife, for and in consideration of the covenants contained in and the conveyance made in this instrument, have GRANTED, CONFIRMED, and CONVEYED, and by these presents do GRANT, CONFIRM, and CONVEY to RGB DEVELOPMENT LLC, a California limited liability company, an easement appurtenant for use as a right-of-way upon and across the following described property of MORRIS C. JERNIGAN, and JANELL JERNIGAN, husband and wife:

Sixty (60) foot wide strip of land out of the Robert Meadows Survey No. 802, Abstract No. 1001, Kendall County, Texas, being a portion of a 6.72 acre tract as described in deed recorded in Volume 895, Page 862, Kendall County Official Records; said strip being more particularly described on Exhibit "A", which is attached hereto and made a part hereof.

This easement is granted for the benefit of the following described real property owned by RGB DEVELOPMENT LLC, a California limited liability company:

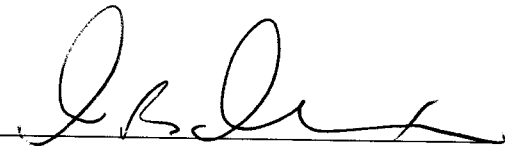
Being a 15.12 acre, more or less, tract of land out of the Robert Meadows Survey No. 802, Abstract No. 1001, Kendall County, Texas; said 15.12 acres being more particularly described on Exhibit "B", which is attached hereto and made a part hereof.

Agreed to and Accepted by:

RGB DEVELOPMENT LLC, a California limited liability company


MORRIS C. JERNIGAN


JANELL JERNIGAN

By: 
Name: GARY R ALEXANDER
Title: MANAGING PARTNER

STATE OF TEXAS §
COUNTY OF KENDALL §

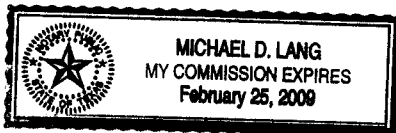
This instrument was acknowledged before me on the 18 day of JANUARY, 2008, by MORRIS C. JERNIGAN and JANELL JERNIGAN.



Michael D. Lang
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF KENDALL §

This instrument was acknowledged before me on the 16 day of JANUARY, 2008, by GARY R. ALEXANDER, MANAGING PARTNER of RGB DEVELOPMENT LLC, a California limited liability company, on behalf of said limited liability company.



Michael D. Lang
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

RGB Development LLC
234 W Bandera RD #336
Boerne, TX 78006

GRANTOR'S MAILING ADDRESS:

Morris C. Jernigan.
Janell Jernigan

210 D WALNUT GROVE RD
BOERNE, TX 78006

STRIP OUT OF JERNIGAN TRACT

STATE OF TEXAS #

COUNTY OF KENDALL #

Field notes of a sixty (60') foot wide strip of land out of the Robert Meadows Survey No. 802, Abstract No. 1001, Kendall County, Texas, being a portion of a 6.72 acre tract as described in deed recorded in Volume 895, Page 862, Kendall County Official Records; said strip being more fully described as follows:

Beginning at a steel rod set in a northeastern line of the above referenced 6.72 acre tract for the northwest corner of this strip, said steel rod being N 72° 21' 05" E 405.96 feet, S 58° 26' 58" E 135.21 feet and S 31° 33' 03" W 60.00 feet from an existing steel rod at the southwest corner of a 6.01 acre tract described on an Affidavit of Land Location recorded in Volume 947, Page 582, Kendall County Official Records;

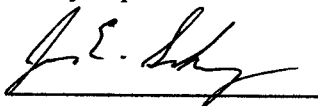
Thence, through the interior of said 6.72 acre tract, S 31° 33' 03" W¹ 60.00 feet to a steel rod set in a southeast line of said 6.72 acre tract, this steel rod also being in a northwest line of a 15.12 acre tract described on an Affidavit of Land Location recorded in Volume 947, Page 591, Kendall County Official Records;

Thence, with the southwest lines of this tract and northeast lines of said 15.12 acre tract, S 58° 26' 57" E 36.14 feet to an existing steel rod and S 37° 22' 59" E 23.14 feet to a steel rod set;

Thence, through the interior of said 6.72 acre tract, N 52° 37' 01" E 60.00 feet to a steel rod set;

Thence, with northeast lines of this tract and of said 6.72 acre tract, N 37° 22' 59" W 34.29 feet to an existing steel rod and N 58° 26' 57" W 47.30 feet to the place of beginning.²

I, James E. Schwarz, a Registered Professional Land Surveyor, hereby certify that the above field notes are of a survey made on the ground under my supervision on December 22, 2006.



James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 06-388

Schwarz Engineering & Surveying, Inc. 723 N. Main St., Boerne, TX 78006 830-249-8907

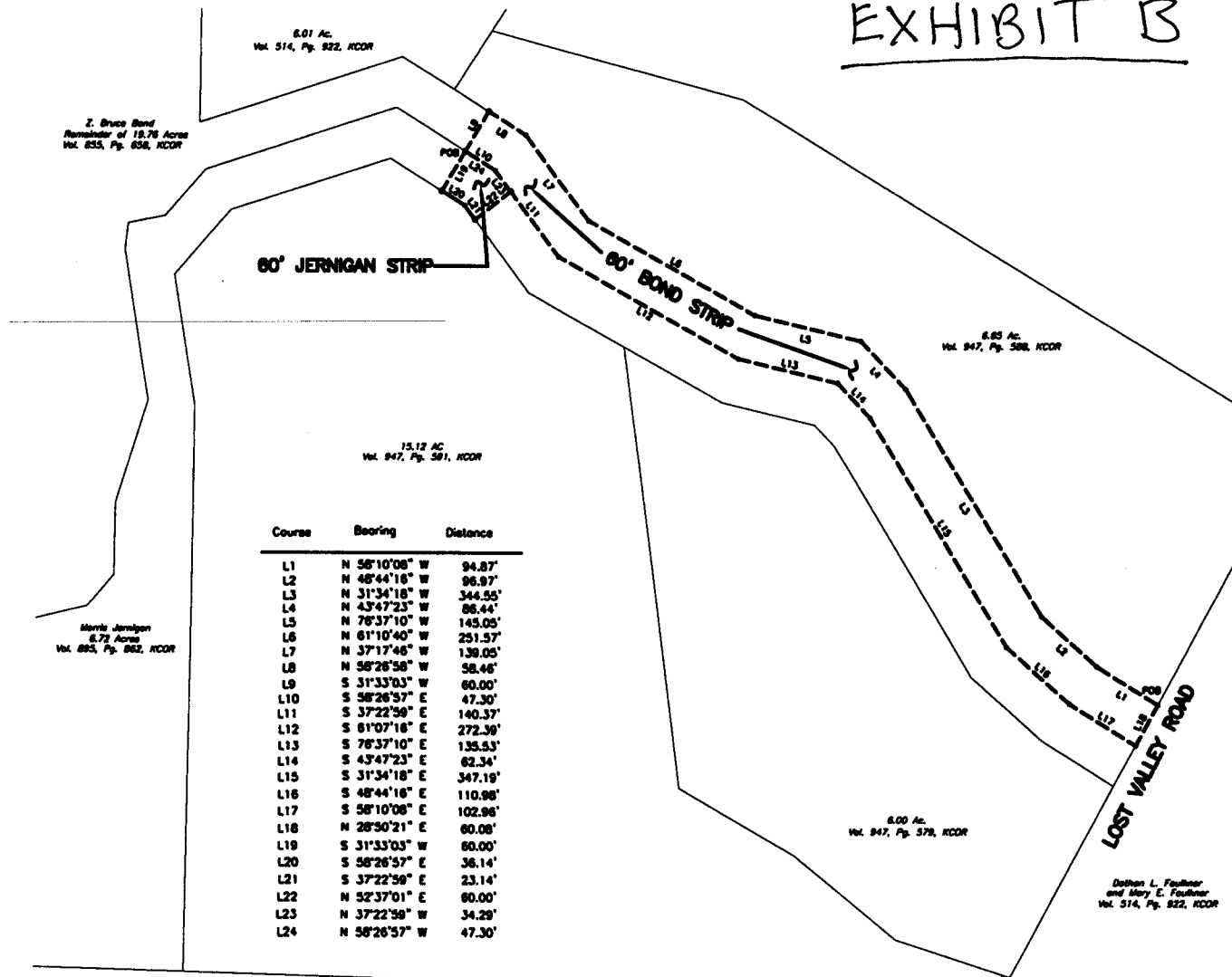
1. The bearing used as the bearing basis for this survey is from deed recorded in Volume 474, Page 677, Kendall County Official Records having a calculated bearing of S 24° 58' 04" W between steel pins found at the northeast and southeast corner of the 97.00 acre tract.

2. A plat of this tract was prepared.

A SIXTY (60') FOOT WIDE STRIP OF LAND LOCATED WITHIN THE ROBERT MEADOWS SURVEY NO. 802, ABSTRACT NO. 1001, KENDALL COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A 19.76 ACRE TRACT DESCRIBED IN A DEED RECORDED IN VOLUME 855, PAGE 658, KENDALL COUNTY OFFICIAL RECORDS AND

A SIXTY (60') FOOT WIDE STRIP OF LAND LOCATED WITHIN THE ROBERT MEADOWS SURVEY NO. 802, ABSTRACT NO. 1001, KENDALL COUNTY, TEXAS, BEING A PORTION OF A 6.72 ACRE TRACT AS DESCRIBED IN A DEED RECORDED IN VOLUME 895, PAGE 862, KENDALL COUNTY OFFICIAL RECORDS

EXHIBIT "B"



Course	Bearing	Distance
L1	N 58°10'08" W	94.87'
L2	N 48°44'18" W	96.97'
L3	N 31°34'18" W	344.55'
L4	N 43°47'23" W	86.44'
L5	N 78°37'10" W	145.05'
L6	N 61°10'40" W	251.57'
L7	N 37°17'46" W	139.05'
L8	N 58°26'58" W	58.46'
L9	S 31°33'03" W	60.00'
L10	S 58°26'57" E	47.30'
L11	S 37°22'59" E	140.37'
L12	S 61°07'18" E	272.39'
L13	S 78°37'10" E	135.53'
L14	S 43°47'23" E	62.34'
L15	S 31°34'18" E	347.19'
L16	S 48°44'18" E	110.98'
L17	S 58°10'08" E	102.96'
L18	N 28°50'21" E	60.08'
L19	S 31°33'03" W	60.00'
L20	S 58°26'57" E	36.14'
L21	S 37°22'59" E	23.14'
L22	N 52°37'01" E	60.00'
L23	N 37°22'59" W	34.29'
L24	N 58°26'57" W	47.30'

Dorhan L. Foutner
and Mary E. Foutner
Vol. 514, Pg. 822, KCDR

- Notes:
1. \odot indicates 1/2" steel rod set, unless otherwise noted.
 2. * indicates 1/2" steel rod found.
 3. KCDR = Kendall County Deed Records.
 4. KCDR = Kendall County Official Records.
 5. The bearing heads for this survey is from deed recorded in Vol. 474, Pg. 877, KCDR, being a subdivided bearing of S 24°28'04" W, between steel pins found at the southeast and southwest corners of the 87.000 acre tract.
 6. Field notes of these tracts have been prepared.
 7. The private roadway easement called Lost Valley Road shown herein was established in Court No. 53-258, District Court of Kendall County, Texas, reported in Vol. 48, Pgs. 445-444.
 8. POB indicates the beginning point of a field notes (notes and bounds) description prepared of this tract.



I certify that this plot is of a survey made on the ground under my supervision on December 18 & 22, 2008 and that there are no viable easements or encroachments except as shown.

J.E. Schwarz
James E. Schwarz
Registered Professional
Land Surveyor No. 4760



This plot is the property of Schwarz Engineering and Surveying, Inc. and may not be reproduced, whole or in part, without prior written consent from Schwarz Engineering and Surveying, Inc.

SCHWARZ ENGINEERING & SURVEYING, INC.
723 N. MAIN BOERNE, TEXAS 78008
830-248-8907 FAX: 830-248-3921

Filed for Record in:
Kendall County
Darlene Herrin
County Clerk

On: Jan 18, 2008 at 02:48P

Document Number: 00228590
Total Fees : 23.00

Receipt Number - 106904
By Deputy: Paula Pfeiffer

This Document has been received by this Office
for Recording into the Official Public Records.
We do hereby swear that we do not discriminate
due to Race, Creed, Color, Sex or National
Origin.

KAC

STATE OF TEXAS, COUNTY OF KENDALL
I hereby certify that this instrument was filed in File
Number Sequence on the date and at the time
stamped hereon and was duly recorded in the
Official Records of Kendall County, Texas on:

JAN 22 2008



DARLENE HERRIN, County Clerk
Kendall County, Texas

By: *APM* Deputy