

2002-009162

GF# 6222285-01

012-10-1987

**AFFIDAVIT OF COMMENCEMENT**

OWNER: JAMES T. GROSS and wife,  
DIANNA R. GROSS

OWNER'S ADDRESS: ~~63 APRIL WIND SOUTH~~  
~~MONTGOMERY, TEXAS 77356~~

2440 Carriage Ridge Lane  
Conroe, Texas, 77384

CONTRACTOR: BESS CONSTRUCTION INC.

CONTRACTOR'S ADDRESS: 10431 WEST FM 1097  
WILLIS, TEXAS 77318

PROPERTY:

**TRACT ONE (1):**

**BEING PART OF LOT SIX (6), IN BLOCK ONE (1), OF TRES, A SUBDIVISION IN MONTGOMERY COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT CABINET G, SHEET 39A, OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A-1" ATTACHED HERETO AND MADE A PART HEREOF.**

**TRACT TWO (2):**

**BEING THE EAST 0.1890 ACRE TRACT OF LAND OUT OF RESERVE "B", IN BLOCK ONE (1), OF TRES, A SUBDIVISION IN MONTGOMERY COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT CABINET G, SHEET 39A, OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A-2" ATTACHED HERETO AND MADE A PART HEREOF.**

GENERAL DESCRIPTION OF IMPROVEMENTS:

CONSTRUCTION OF A SINGLE FAMILY DWELLING

COMMENCEMENT DATE: November 1, 2001

BEFORE ME, the undersigned authority, personally appeared Owner (whether one or more) and Contractor both well known to me who, being by me first duly sworn, under oath stated that the following statements are within their personal knowledge and true:

- "1. Owner owns the Property.
2. Owner and Contractor entered into an original contract for the furnishing of labor, services, and/or materials for construction of the Improvements on the Property.
3. Contractor is the only general contractor known to Owner at this time who is furnishing labor, services, or materials for construction of the Improvements.

**AFTER RECORDING PLEASE RETURN TO:**

NORTH AMERICAN TITLE COMPANY  
ATTENTION: LYNDA SHARP  
2200 POST OAK BLVD. #100  
HOUSTON, TEXAS 77058  
GF# 6222285-27

4. Work on the Improvements actually commenced on the Commencement Date.

5. This Affidavit is executed and recorded jointly by Owner and Contractor pursuant to Texas Property Code Section 53.124."

Executed this 28<sup>th</sup> day of September, 2001.

**CONTRACTOR:**  
**BESS CONSTRUCTION, INC.**

BY: [Signature]  
**NAME: KIRK BESS**  
**TITLE: PRESIDENT**

**OWNERS:**

[Signature]  
**JAMES T. GROSS**

[Signature]  
**DIANNA R. GROSS**

RECORDER'S MEMORANDUM:  
At the time of recordation this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.

THE STATE OF TEXAS ()

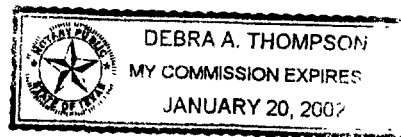
COUNTY OF MONTGOMERY ()

This instrument was subscribed, sworn to, and acknowledged before me this the 28<sup>th</sup> day of September, 2001, by KIRK BESS, President of BESS CONSTRUCTION, INC., on behalf of said BESS CONSTRUCTION, INC.

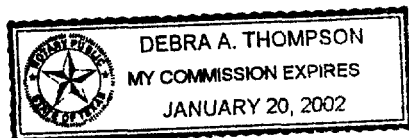
[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS ()

COUNTY OF MONTGOMERY ()



This instrument was subscribed, sworn to, and acknowledged before me this the 28<sup>th</sup> day of September, 2001, by JAMES T. GROSS and wife, DIANNA R. GROSS.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

August 24, 2001

## METES &amp; BOUNDS DESCRIPTION

Exhibit "A"

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1/14/22 KIN

BEING 0.8110 of one acre of land in the Elijah Collard Survey, A 7, Montgomery County, Texas out of Lot 6, Block 1 of Tres Subdivision, map of which is recorded in Cabinet G, Page 39A of Montgomery County Map Records, said Lot 6 also being described in deed to Walter King recorded under film code #231-00-1808 of the Real Property Records of Montgomery County, Texas (RPRMCT), said 0.8110 of one acre being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the southwest corner of said Lot 6 and the southeast corner of Reserve "D" of Tres Subdivision, in the north line of Lake Conroe Drive on a curve to the left, for the southwest corner of herein described tract;

THENCE N.13°38'03"E, (Call N.13°21'10"E., 173.57') along the west line of Lot 6 and the east line of Reserve "B" for a distance of 173.83 feet to a 5/8" iron rod found for their northwest and northeast corners respectively, also the southeast corner of Earl Williams 0.510 acre tract described in deed recorded in Volume 1113, Page 516 of Montgomery County Deed Records (MCDR) and the southwest corner of the Ross Family Trust 17.4982 acre tract described in deed recorded under film code #230-00-1316 RPRMCT, for the northeast corner of herein described tract;

THENCE N.83°30'10"E., (Call N.83°30'10"E., 418.76') along the north line of Lot 6 and the south line of said 17.4982 acres for a distance of 151.76 feet to a capped 1/2" iron rod set for the northeast corner of herein described tract;

THENCE S.07°44'19"E., crossing said Lot 6 for a distance of 199.03 feet to a capped 1/2" iron rod set for the southeast corner of herein described tract in the south line of said Lot 6 and in the north line of Lake Conroe Drive.

THENCE S.81°52'10"W., (Call S.81°52'10"W., 335.69') along the south line of Lot 6 and the north line of Lake Conroe Drive for a distance of 68.36 feet to a 1/2" iron rod found for the P. C. of a curve to the right;

THENCE in a westerly direction continuing along the south line of Lot 6 and the north line of Lake Conroe Drive on a curve to the right having a radius of 140.66 feet and a central angle of 29°27'22" (Call R=140.66' Arc = 72.31') for a distance of 72.31 feet, chord bears N.83°24'10"W., 71.52 feet, to a 1/2" iron rod found for the end of said curve and the beginning of a curve to the left;

THENCE continuing in a westerly direction along the south line of Lot 6 and the north line of Lake Conroe Drive on a curve to the left having a radius of 187.46 feet and a central angle of 24°54'10" (Call R = 187.46' Arc = 81.50') for a distance of 81.48 feet, chord bears N.81°07'32"W., 80.84 feet, to the POINT OF BEGINNING and containing 0.8110 of one acre of land.

This description was prepared in conjunction with a boundary survey and plat prepared this date by C & G Land Surveyors to which further reference is hereby made

\\nsww\documents\0 8110 Acre Tract Tres Subdivision

31-4 D'Amico

August 24, 2001

## METES &amp; BOUNDS DESCRIPTION

Exhibit "A-2"

Page 1 of 1 Page

BEING 0.1890 of one acre of land in the Elijah Collard Survey, A-7, Montgomery County, Texas and being out of and a part of Reserve "B" of Tres Subdivision, map of which is recorded in Cabinet G, Sheet 39A of Montgomery County Map Records, said 0.1890 of one acre being more particularly described as follows:

BEGINNING at a 1/2" iron rod found marking the southeast corner of said Reserve "B" and the southwest corner of Lot 6, Block 1 of Tres Subdivision, in the north line of Lake Conroe Drive on a curve to the left, based on a 60' right of way, for the southeast corner of herein described tract;

THENCE in a westerly direction along the south line of Reserve "B" and the north line of Lake Conroe Drive on a curve to the left, having a radius of 187.46' and a central angle of 06°54'10" (Call R=187.46' Arc = 22.56') for a distance of 22.58 feet to a 1/2" iron rod found for the end of said curve;

THENCE S.79°22'46"W., (Call S.79°22'46"W., 77.77') continuing along the south line of Reserve "B" and the north line of Lake Conroe Drive for a distance of 19.95 feet to a capped 1/2" iron rod set for the southwest corner of herein described tract;

THENCE N.08°19'55"E., crossing Reserve "B" for a distance of 170.55 feet to a capped 1/2" iron rod set for the northwest corner of herein described tract in the north line of Reserve "B" and the south line of Earl Williams 0.510 acre tract described in deed recorded in Volume 1113, Page 516 of Montgomery County Deed Records (MCDR):

THENCE N.83°25'21"E., (Call N.83°32'01"E., 109.22') along the north line of Reserve "B" and the south line of said 0.510 acre tract for a distance of 58.68 feet to a 5/8" iron rod found marking the northeast corner of said Reserve "B", the southeast corner of said 0.510 acre, the southwest corner of the Ross Family Trust 17.4982 acre tract described in deed recorded under film code #230-00-1316 of the Real Property Records of Montgomery County, Texas (RPRMCT), and the northwest corner of said Lot 6, for the northeast corner of herein described tract;

THENCE S.13°38'03"W., (Call S.13°21'10"W., 173.57') along the east line of Reserve "B" and the west line of Lot 6 for a distance of 173.93 feet to the POINT OF BEGINNING and containing 0.1890 of one acre of land.

This description was prepared in conjunction with a boundary survey and plat prepared this date by C & G Land Surveyors to which further reference is hereby made.

\\msivks\documents\0.1890 Acre Tract Tres Subd.

FILED FOR RECORD

2002 JAN 30 AM 10:50

Mark J. Tuball  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY  
I hereby certify this instrument was filed in  
File Number Sequence on the date and at the time  
stamped herein by me and was duly RECORDED in  
the Official Public Records of Real Property at  
Montgomery County, Texas

JAN 30 2002



Mark J. Tuball  
County Clerk  
Montgomery County, Texas