STATE OF TEXAS COUNTY OF MONTGOMERY

RELEASE OF **EXCLUSIVE RIGHT TO** SELL AGREEMENT

On the 28th day of September, 2001, Bill D'Amico, as Trustee, conveyed one acre of land in the Elijah Collard Survey, A-7, Montgomery County, Texas, as described by metes and bounds on Exhibits "A-1" and "A-2" of said Deed recorded under Clerk's Document #2001-088346 and as described on Exhibit "A" attached hereto, conveyed from Walter I. King and wife, Barbara J. King, to Grantees, James T. Gross and wife, Dianna R. Gross.

In said Deed on Exhibit "G", attached thereto and made a part thereof, an Exclusive Right to Sell Agreement was signed by the parties, save and except in regard to the assigns of Bill D'Amico. Reference is here made to said Exhibit and Agreement and incorporated herein.

Bill D'Amico died during the first week of June 2008, a resident of Montgomery County, Texas. Bill D'Amico was survived by a son, Bill Gray D'Amico, Jr., who was and is the only family member of Bill D'Amico to be a current licensed realtor by the State of Texas.

James T. Gross and wife, Dianna R. Gross, have entered into an Earnest Money Contract for the sale of the one acre tract of land referenced herein, together with all improvements thereon, to Kendall Farrar, and a title commitment has been issued by First American Title Company of Conroe, Texas. First American Title Company requests that the Exclusive Right to Sell Agreement be released by the proper party by executing this Release.

Bill Gray D'Amico, Jr., being the only heir, assignor, or family member to have a current Texas Real Estate License, has agreed and does hereby agree to release any and all rights that may have succeeded to him by virtue of the Exclusive Right to Sell Agreement, and as evidence thereof executes this Release.

NOW, THEREFORE, BILL GRAY D'AMICO, JR., as evidenced by his signature below, DOES HEREBY RELEASE AND RELINQUISH any and all rights, if any, acquired by him by virtue of the Exclusive Right to Sell Agreement referenced above to receive any monetary consideration from the sale of the above-referenced one acre tract of land by James T. Gross and wife, Dianna R. Gross to Kendall Farrar, or to any other third party.

DATED this the 2/5 day of July

STATE OF TEXAS ORLYON

COUNTY OF MONTGOMERY JACKSUN

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 21 GRAY D'AMICO, Jr.

NOTARY PUBLIC IN AND FOR

THE STATE OF

AFTER RECORDING, PLEASE RETURN TO:

After recording, return to: First American Title Co. ESS Dept. 1500 3. Dalfy Ashrord, Sume 300 EMENT Houston, TX 77077

OFFICIAL SEAL JULIE A AUSTAD NOTARY PUBLIC - OREGON COMMISSION NO. 457957 MY COMMISSION EXPIRES JUNE 21, 2015

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43.1597183

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE

## **EXHIBIT 'A'**

ALL THAT CERTAIN 0.9994 ACRE (43,535 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE ELIJAH COLLARD SURVEY, A-7, MONTGOMERY COUNTY, TEXAS, BEING OUT OF AND PART OF LOT SIX (6) AND RESERVE "B", IN BLOCK ONE (1) OF TRES SUBDIVISION, A SUBDIVISION IN MONTGOMERY COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET G, SHEET 39A OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS; SAID 0.9994 ACRE TRACT BEING ALL OF A CALLED 0.8110 ACRE TRACT AND ALL OF A CALLED 0.1890 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO JAMES T GROSS, ET UX RECORDED UNDER CLERK'S FILE NO. 2001-088346 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A ½ INCH IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY LINE OF LAKE CONROE DRIVE (60 FEET WIDE), MARKING THE SOUTHWEST CORNER OF THE SAID 0.8110 ACRE TRACT SAME BEING THE SOUTHWEST CORNER OF SAID LOT 6 AND THE SOUTHEAST CORNER OF THE SAID 0.1890 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID RESERVE "B";

THENCE, ALONG THE NORTH RIGHT-OF-WAY LINE OF LAKE CONROE DRIVE AND THE SOUTH LINE OF SAID RESERVE "B" WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 187.46 FEET, A CENTRAL ANGLE OF 08° 53′ 43″, AN ARC LENGTH OF 22.56 FEET TO A ½ INCH IRON ROD FOUND FOR THE POINT OF TANGENCY;

THENCE, S 79° 31′ 15″ W-19.95 FEET, CONTINUING ALONG THE SOUTH LINE OF RESERVE "B" AND THE NORTH RIGHT-OF-WAY LINE OF LAKE CONROE DRIVE TO A ½ INCH IRON ROD WITH CAP FOUND FOR THE SOUTHWEST CORNER OF SAID 0.1890 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 08° 19' 58" E-170.52 FEET TO A ½ INCH IRON ROD WITH CAP FOUND FOR THE NORTHWEST CORNER OF THE SAID 0.1890 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83° 32′ 10″ E-58.63 FEET TO A ½ INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 0.1890 ACRE TRACT AND THE NORTHWEST CORNER OF THE AFORESAID 0.8110 ACRE TRACT;

THENCE, N 83° 30′ 10″ E-151.76 FEET TO A ½ INCH IRON ROD WITH CAP FOUND FOR THE NORTHEAST CORNER OF THE SAID 0.8110 ACRE TRACT AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 07° 44′ 19" E-199.03 FEET TO A ½ INCH IRON ROD WITH CAP FOUND LYING IN THE NORTH RIGHT-OF-WAY LINE OF AFORESAID LAKE CONROE DRIVE FOR THE SOUTHEAST CORNER OF THE SAID 0.8110 ACRE TRACT AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81° 52′ 10″ w-68.30 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF LAKE CONROE DRIVE TO A ½ INCH IRON ROD FOUND FOR THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 140.66 FEET AND A CENTRAL ANGLE OF 29° 27′ 20″;

THENCE WITH THE NORTH RIGHT-OF-WAY LINE OF LAKE CONROE DRIVE WITH THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 72.31 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET FOR THE POINT OF REVERSE CURVE TO THE LEFT AND HAVING A RADIUS OF 187.46 FEET AND A CENTRAL ANGLE OF 24° 54′ 36";

THENCE, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF LAKE CONROE DRIVE FOLLOWING THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 81.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.9994 ACRES (43,535 SQUARE FEET) OF LAND, MORE OR LESS.

## **FILED FOR RECORD**

08/10/2011 12:05PM

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 Montgomery County, Texas.

08/10/2011

County Clerk

Montgomery County, Texas

Кьюрилана мемовуноду.

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 blackouts, additions and changes were present at the time the instrument was filed and recorded.