

GF# 110413 TCB

**SECOND AMENDMENT TO
AGREEMENT OF NEGATIVE RECIPROCAL COVENANTS**

This Second Amendment to Agreement of Negative Reciprocal Covenants ("Second Amendment") is made effective as of the 25th day of February, 2011, by and between Peach Creek Partners, Ltd. ("Peach Creek"), Helen Runnells DuBois, Trustee of the Lionel Pierre DuBois II Trust and the Mary Chester DuBois Trust ("DuBois"), John T. Jaques and Kamela A. Jaques (individually and collectively, "Jaques") and Millican DPC Partners L.P. ("Millican") Peach Creek, DuBois, Jaques and Millican are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

WHEREAS, the Parties entered into that certain Agreement of Negative Reciprocal Covenants ("Agreement") dated August 14, 2009, and recorded in Volume 9286, Page 85, Official Records of Brazos County, Texas,

WHEREAS, the Parties desire to amend the above-referenced Agreement to remove a 5.007 acre tract from the definition of the Property,

WHEREAS, Section 6.08 of the Agreement states that the Agreement may be amended by an amendment approved by the Owners holding at least seventy-five percent (75%) of the Property by acreage as of the first day of the month in which such amendment is made effective,

WHEREAS, the Parties own 100% of the Property as described in the above-referenced Agreement.

NOW, THEREFORE, for and in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Peach Creek, DuBois, Jaques, and Millican do hereby agree as follows:

1. The Agreement is hereby amended as follows:

(a) All of that certain 5.007 acre tract of real property which is more particularly described by metes and bounds on the attached Exhibit A and by plat on the attached Exhibit B both of which are incorporated herein for all purposes, and which was included in the definition of the "Property" pursuant to the terms of the Agreement is hereby removed from the Property and shall no longer be subject to the covenants contained in the Agreement.

2. All provisions of the Agreement not amended by this Second Amendment shall remain in full force and effect, and all capitalized terms not defined herein shall have the definitions ascribed to them in the Agreement.

This Second Amendment has been executed by the undersigned on the date of the taking of their acknowledgments, but the effective date of this instrument shall be deemed to be February 25, 2011, for all purposes and it shall be effective as of that date.


PEACH CREEK PARTNERS, LTD.,
a Texas limited partnership

By: Peach Creek Development
Corporation, its general partner

By: 
John E. McFarlane, President

STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 25 day of February, 2011, by JOHN E. McFARLANE, JR., President of Peach Creek Development Corporation, General Partner of PEACH CREEK PARTNERS, LTD., a Texas limited partnership, on behalf of said partnership.


KIM TOMLIN
Notary Public, State of Texas
My Commission Expires
MARCH 28, 2013

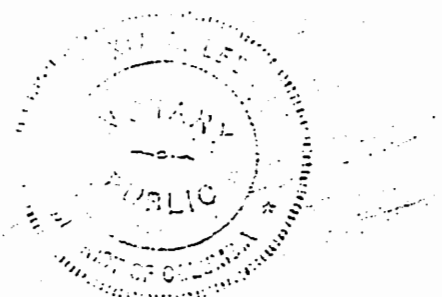
Lionel Pierre DuBois Trust
HELEN DuBois, Trustee of *Mary Chester DuBois Trust*
**HELEN DuBOIS, Trustee of the Lionel Pierre DuBois
II Trust and the Mary Chester DuBois Trust**

D.C.
~~STATE OF TEXAS~~ §
~~COUNTY OF BRAZOS~~ §
Washington


Before me, the undersigned authority, on this day personally appeared HELEN DuBOIS, Trustee of the Lionel Pierre DuBois II Trust and the Mary Chester DuBois Trust whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this 24 day of February, 2011.

[Handwritten Signature]


Notary Public/ ~~State of Texas~~
Washington DC



KIA A. LEE
Notary Public, District of Columbia
My Commission Expires May 31, 2014




John T. Jaques



Kamela A. Jaques

STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 25th day of February, 2011, by JOHN T. JAQUES.

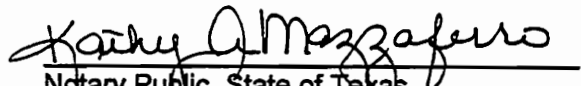


Notary Public, State of Texas



STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 25th day of February, 2011, by KAMELA A. JAQUES.



Notary Public, State of Texas



MILLICAN DPC PARTNERS, L.P.,
a Texas limited partnership

By: MILLICAN DPC PARTNERS, GP,
LLC, a Texas limited liability
company, it's general partner

By: *[Signature]*
John E. McFarlane, Jr., Manager

STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 25 day of February, 2011, by JOHN E. McFARLANE, JR., Manager of Millican DPC Partners, GP, LLC, a Texas limited liability company, General Partner of Millican DPC Partners, L.P. on behalf of said partnership.

Kim Tomme

Notary Public, State of Texas



Filed for Record in:
BRAZOS COUNTY

On: Mar 01, 2011 at 02:21P

As a
NO LABEL RECORDING

Document Number: 01085024

Amount: 40.00

Receipt Number - 408156

By,
Becky Wrisht

STATE OF TEXAS COUNTY OF BRAZOS
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the Official Public records of:

BRAZOS COUNTY

as stamped hereon by me.

Mar 01, 2011

HONORABLE KAREN MCQUEEN, COUNTY CLERK
BRAZOS COUNTY

EXHIBIT "A"

**FIELD NOTES
BRYAN TEXAS UTILITIES
SUBSTATION SITE
5.007 ACRES
OUT OF THE
MILLICAN DPC PARTNERS, LP
REMAINDER OF CALLED 103.4 ACRE TRACT
VOLUME 9981, PAGE 276
THOMAS HENRY SURVEY, A - 130
BRAZOS COUNTY, TEXAS
JANAUARY 17, 2011**

All that certain lot, tract or parcel of land being 5.007 acres situated in the THOMAS HENRY SURVEY, Abstract No. 130, Brazos County, Texas and being a part of that certain Called 103.4 acre tract as described in deed from Peach Creek Partners, Ltd. to Millican DPC Partners, LP of record in Volume 9981, Page 276, Official Records of Brazos County, Texas, said 5.007 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap set in the northeast easement line of the City of Bryan Electrical Easement as described in Volume 215, page 576 for the most westerly corner, a 1/2" Iron Rod found for an interior Corner along the west line of a Called 1215.83 acre tract as described in Volume 4227, Page 145 bears S 38 ° 34 ' 55 " W a distance of 1778.14 feet;

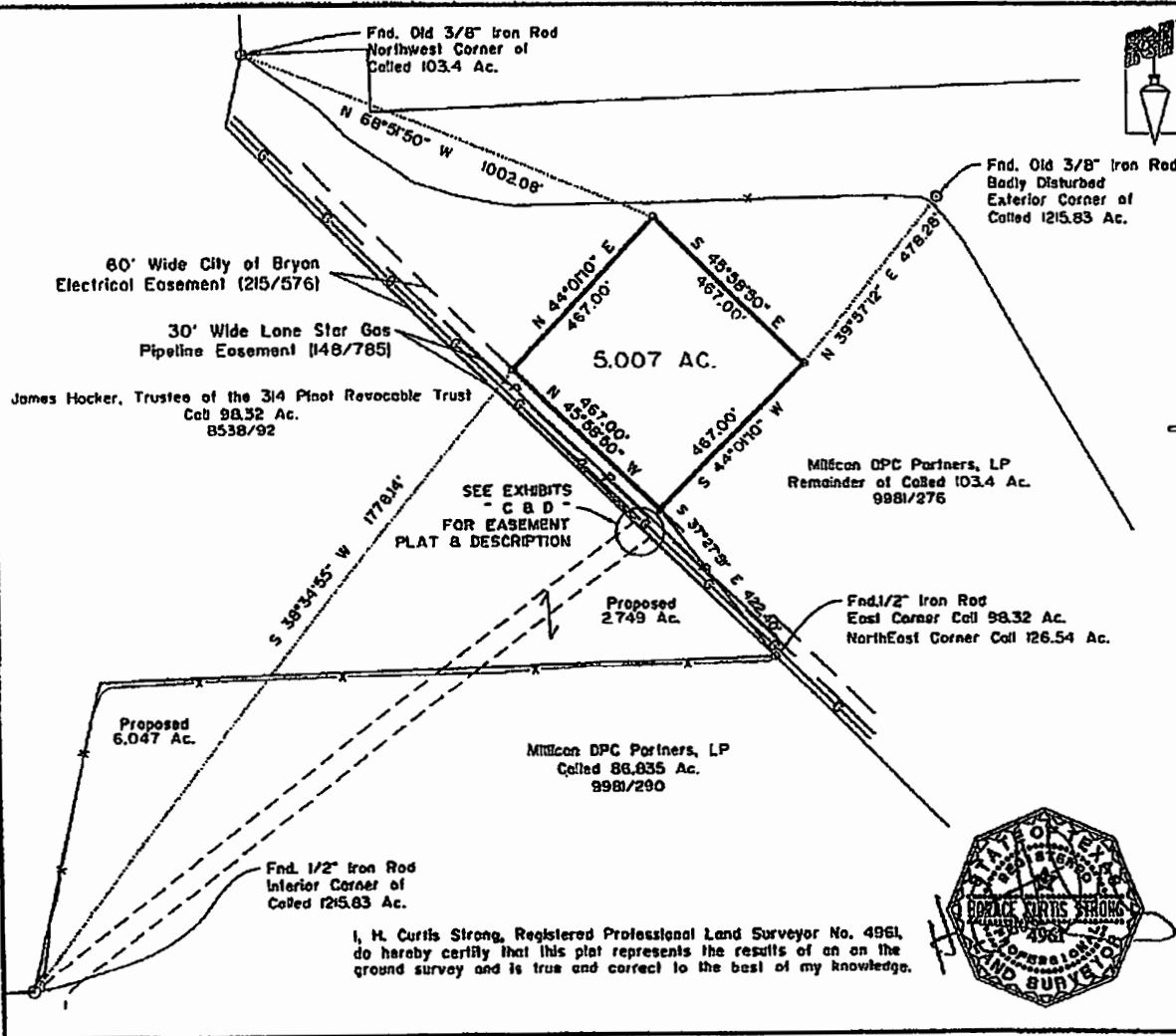
THENCE N 44 ° 01 ' 10 " E, a distance of 467.00 feet to a 1/2" Iron Rod with Cap set for the most northerly corner, an Old 3/8" Iron Rod found for the northwest corner of said Called 103.4 acre tract bears N 68 ° 51 ' 50 " W a distance of 1002.08 feet;

THENCE S 45 ° 58 ' 50 " E, a distance of 467.00 feet to a 1/2" Iron Rod with Cap set for the most easterly corner, an Old disturbed 3/8" Iron Rod found for an exterior corner along the north line of said Called 1215.83 acre tract bears N 39 ° 57 ' 12 " E a distance of 478.28 feet;

THENCE S 44 ° 01 ' 10 " W, a distance of 467.00 feet to a 1/2" Iron Rod with Cap set in said northeast line of said City of Bryan Electrical Easement for the most southerly corner, a 1/2" Iron Rod found for the East Corner of the James Hacker, Trustee of the 314 Pinot Revocable Trust Called 98.32 acre tract bears S 37 ° 27 ' 51 " E a distance of 422.40 feet;

THENCE N 45 ° 58 ' 50 " W, along the northeast line of said City of Bryan Electrical Easement a distance of 467.00 feet to the **PLACE OF BEGINNING PLACE AND CONTAINING AN AREA OF 5.007 ACRES OF LAND MORE OR LESS**, according to a survey performed during the month of December, 2010, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. North Orientation is based on rotating the WEST line of said Called 1215.83 acre tract to grid north (NAD83 CORS 96 CENTRAL ZONE) by utilizing GPS methods. For additional information, see accompanying plat.





STRONG SURVEYING
 1722 Broadmoor, Suite 105
 Bryan, Texas 77802
 Phone: (979) 776-9836
 Fax: (979) 731-0096
 email: curtis@strongsurveying.com



**THOMAS HENRY
 A - 130**

NOTES:
 North Orientation is based on rotating the west line of Called
 1215.83 Ac. to Grid North (NAD83 COR896 Central Zone) based
 on GPS Methods.
 All easements, utilities and improvements may not be shown.

EXHIBIT "B"
BRYAN TEXAS UTILITIES
SUBSTATION SITE
5.007 ACRES
OUT OF THE
MILICAN DPC PARTNERS, LP
REMAINDER OF CALLED 103.4 ACRE TRACT
VOLUME 9981, PAGE 276
THOMAS HENRY SURVEY, A - 130
BRAZOS COUNTY, TEXAS
JANUARY 17, 2011 SCALE 1" = 300'

I, H. Curtis Strong, Registered Professional Land Surveyor No. 4961,
 do hereby certify that this plat represents the results of an on the
 ground survey and is true and correct to the best of my knowledge.

