

**AGREEMENT INCIDENT TO REAL
ESTATE PURCHASE**

THIS AGREEMENT INCIDENT TO REAL ESTATE PURCHASE (this "Agreement") is made as of the _____ day of _____, 2022, by and between JOHN ALEXANDER LADSHAW, THERESA JO DAVIS AND ANDREA LADSHAW McBRIDE ("Seller"), and LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas limited partnership ("Purchaser").

WHEREAS, Seller intends to convey to Purchaser the real property described in Exhibit A attached hereto ("Land"), together with all improvements (the "Improvements") located thereon (the Land and Improvements are referred to herein collectively as the "Property"); and

WHEREAS, Buyer has requested that Seller provide certain easements to Buyer upon Seller's adjacent, retained land at no cost to Buyer; and

WHEREAS, Seller is willing to provide such easements in return for the agreements contained herein;

NOW, THEREFORE, Seller and Buyer agree to the following provisions:

1. Notwithstanding any language contained in any easement from Seller to Buyer, such easements shall be non-exclusive and Seller, their heirs and assigns shall have the right to use any of the easement property for any use that is not inconsistent with Buyer's use of the easements for any such easement purposes.
2. Some of the easements described above are being granted to utility providers such as New Braunfels Utilities for the installation of utility improvements including sewer, water, telecommunications and electricity. Buyer agrees to cause such utility improvements to be designed such that all such services have the capability to tap-in and connect such services to Seller's adjacent, retained land for commercial purposes. Further, Seller, their heirs and assigns shall have the right to access and connect to such utility services free of any charge or cost that would be paid to or reimbursed to Buyer. Seller understands that Seller, their heirs or assigns may, at their sole cost and expense, have to pay standard connection fees to such utility providers, and any costs of required upsizing for such utility improvements, necessary to provide service to Seller's adjacent retained land for its future intended commercial use.
3. Buyer agrees to cause any drainage improvements constructed by it as part of its development of the property granted to Buyer by Seller to be sized for the proposed developed storm water runoff of the adjacent, retained land for commercial use purposes. Further, Buyer agrees to construct such drainage improvements during its first phase of construction.
4. Seller, its heirs and assigns shall have the right to use any emergency access easement the same purpose or any other purpose, including use as a full access point to the public right of way, so long as such use does not interfere with Buyer's use of same as an emergency access easement.
5. Seller, their heirs and assigns shall have the right to require a correction instrument to be filed of record reflecting any provision contained herein for any easement that fails to include same and Buyer agrees to execute same within three (3) days of any request for

same by Seller.

[Signature page follows.]

EXECUTED as of the date first written above.

SELLER:

JOHN ALEXANDER LADSHAW

TERESA J. DAVIS FKA TERESA JO LADSHAW

ANDREA LADSHAW MCBRIDE

PURCHASER:

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.,
a Texas limited partnership

By: U.S. Home LLC, a Delaware limited liability company (as successor-in-interest by conversion from U.S. Home Corporation, a Delaware corporation), its General Partner


By: 
Name: Sherry Swartz
Title: AUTHORIZED AGENT

Exhibit A

Legal Description of Property

Tract 1

METES AND BOUNDS DESCRIPTION FOR A 186.183 ACRE TRACT

Being a 186.183 Acre tract out of the Nancy Kenner Survey No. 2, Abstract No. 306, Comal County, Texas, being a portion of the remainder of a called 240.485 Acre tract recorded in Volume 762, Page 8, (no description) see Volume 153, Pages 331-333, Deed Records Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a concrete TXDOT monument found being the southwest corner of a 2.00 Acre tract from Hugo Schaefer to Comal County, recorded in Volume 61, Page 533, Deed Records, Comal County, Texas, also being an interior corner of said 240.485 Acre remainder, for the southeast corner of the herein described tract;

THENCE, over and across said 240.485 Acre remainder, the following ten calls:

1. N 58°44'26" W, a distance of 35.00 feet to a point for a corner;
2. N 31°15'34" E, a distance of 35.00 feet to a point for a corner;
3. N 58°44'26" W, a distance of 98.75 feet to a point for a corner and the beginning of a curve to the left;
4. Along a curve to the left having an arc length of 64.58 feet, a radius of 740.00 feet, and a chord bearing N 61°14'26" W, a distance of 64.56 feet to a point for a corner;
5. N 63°44'26" W, a distance of 251.95 feet to a point for a corner and the beginning of a curve to the right;
6. Along a curve to the right having an arc length of 247.60 feet, a radius of 800.00 feet, and a chord bearing N 54°52'27" W, a distance of 246.61 feet to a point for a corner;
7. N 46°00'27" W, a distance of 4.65 feet to a point for a corner;
8. S 31°50'01" W, a distance of 679.33 feet to a point for a corner;
9. N 45°00'28" W, a distance of 197.66 feet to a point for a corner;
10. S 44°59'32" W, a distance of 771.42 feet to a point for a corner in the southwest line of said 240.485 Acre remainder and the northeast line of a 6.009 Acre tract recorded in Document No. 201606000199, Official Public Records, Comal County, Texas, from said point, a 1/2" iron pin found lying in the northwest right of way line of Interstate Highway 35 being the south corner of said 240.485 remainder and the east corner of said 6.009 acre tract bears S 44°55'22" E, a distance of 1200.00 feet;

THENCE, with the southwest line of said 240.485 remainder and the northeast line of said 6.009 acre tract, N 44°55'22" W, a distance of 749.81 feet to a 1/2" iron pin with cap stamped "KOLODZIE" found in the northeast line of tract called 11.347 acres recorded in Document No. 202006023455, Official Public Records, Comal County, Texas, for a corner of the herein described tract;

THENCE, with the southwest line of said 240.485 acre remainder and the northeast line of said 11.347 acre tract, N 45°41'40" W, a distance of 257.63 feet to a 1/2" iron pin with cap stamped "KOLODZIE" found being the north corner of said 11.347 acre tract and the east corner of a tract called 44.290 acres recorded in Document No. 200406007834, Official Public Records, Comal County, Texas, for a corner of the herein described tract;

THENCE, with the southwest line of said 240.485 Acre remainder and the northeast line of said 44.290 Acre tract the following two calls:

1. N 44°48'56" W, a distance of 944.13 feet to a point for a corner,
2. N 45°00'28" W, a distance of 800.03 feet to a 10" cedar post found in the southeast line of a tract called 236.822 acres recorded in Document No. 200606053121, Official Public Records, Comal County, Texas, being the west corner of said 240.485 remainder and the north corner of said 44.290 acre tract, for the west corner of the herein described tract;

THENCE, with the southeast line of said 236.822 Acre tract and the northwest line of said 240.485 Acre remainder, the following three calls:

1. N 44°32'38" E, a distance of 1507.16 feet to a 1/2" iron pin found for a corner,
2. N 44°54'30" W, a distance of 43.40 feet to a 1/2" iron pin found for a corner,
3. N 44°34'25" E, a distance of 884.44 feet to a point for a corner being the north corner of said 240.485 remainder and the west corner of a tract called 9.785 acres recorded in Volume 378, Page 799, Deed Records, Comal County, Texas, for the north corner of the herein described tract, from said point, a 1/2" iron pin found being the north corner of said 9.785 acre tract and a corner of said 236.822 acre tract bears N 44°34'25" E, a distance of 470.45 feet;

THENCE, departing the common line of said 236.822 Acre tract, with the common line of said 240.485 Acre remainder said 9.785 Acre tract, the following three calls:

1. S 46°02'26" E, a distance of 799.13 feet to a point for a corner;
2. N 44°43'33" E, a distance of 450.00 feet to a point for a corner;
3. S 46°00'27" E, a distance of 2114.18 feet to a point for a corner, from said point, a 1/2" iron pin with cap stamped "RPLS 4233" found being the east corner of said 9.785 acre tract bears S 46°00'27" E, a distance of 400.87 feet, and N 30°29'57" E, 20.57 feet;

THENCE, departing the common line of said 9.785 Acre tract, over and across said 240.485 Acre remainder the following six calls:

1. S 31°15'34" W, a distance of 1350.83 feet to a point for a corner;
2. S 63°44'26" E, a distance of 96.89 feet to a point for a corner and the beginning of a curve to the right;
3. Along a curve to the right having an arc length of 69.81 feet, a radius of 800.00 feet, and a chord bearing S 61°14'26" E, a distance of 69.79 feet to a point for a corner;
4. S 58°44'26" E, a distance of 98.75 feet to a point for a corner;
5. N 31°15'34" E, a distance of 35.00 feet to a point for a corner;
6. S 58°44'26" E, a distance of 35.00 feet to a point for a corner in the northwest line of said 2.00 acre tract, from said point a concrete TXDOT monument found being the north corner of said 2.00 acre tract and a corner of said 240.485 Acre remainder bears N 31°15'34" E, a distance of 448.02 feet;

THENCE, with the northwest line of said 2.00 Acre tract and said 240.485 Acre remainder S 31°15'34" W, a distance of 130.00 feet to the POINT OF BEGINNING and containing 186.183 acres of land in Comal County, Texas.

Tract 2

A 9.786 acre tract of land located in the Nancy Kenner Survey, A-306, Comal, Texas. Being that same land described in a deed to John A. Ladshaw as 9.785 acres, recorded in Volume 378, Page 799 of the Deed Records of Comal County, Texas. Said 9.786 acre tract being more fully described as follows:

BEGINNING at a ½" Iron rod with cap "HMT" found in the West R.O.W. of Interstate Highway 35 for the Southeast corner of said 9.785 acre tract and the Northeast corner of a called 240.485 acre tract, recorded in Volume 153, Page 331 of the Deed Records of Comal County, Texas;

THENCE with the South line of said 9.785 acre tract and the North line of said 240.485 acre tract, the following three calls:

- 1.) North 46°00'27"West, a distance of 2515.05 feet to a ½" iron rod with cap "HMT" found;
- 2.) South 44°43'33"West, a distance of 450.00 feet to a ½" iron rod with cap "HMT" found;
- 3.) North 46°02'26"West, a distance of 799.13 feet to a ½" iron rod with cap "HMT" found for the Southwest corner of said 9.785 acre tract and the Northwest corner of said 240.485 acre tract., lying in the East line of a called 635.033 acre tract, recorded in Document No. 202106037787, Official Public Records of Comal County, Texas;

THENCE with the West line of said 9785 acre tract and an East line of said 240.485 acre tract, North 44°34'25"East, a distance of 470.48 feet to a ½" iron rod found for the Northwest corner said 9.785 acre tract and an inner ell corner of said 635.033 acre tract;

THENCE with the North line of said 9.785 acre tract and a South line of said 635.033 acre tract, South 46°00'27"East, a distance of 3310.37 feet to a ½" iron rod with cap "RPLS 4233" found in the West R.O.W. of Interstate Highway 35 for the Northeast corner of said 9.785 acre tract and a Southeast corner of 635.033 acre tract;

THENCE with the West line of Interstate Highway 35 and the East line of said 9.785 acre tract, South 30°29'57"West, a distance of 20.57 feet to the POINT OF BEGINNING and containing 9.786 acres of land in Comal County, Texas.