



Control Number: 46648



Item Number: 1

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PUBLIC UTILITY COMMISSION
CLERK

PETITION BY MCALISTER §
OPPORTUNITY FUND 2012, L.P. §
TO AMEND HMW SPECIAL §
UTILITY DISTRICT'S §
WATER CCN NO. 10342 IN HARRIS §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY
COMMISSION OF TEXAS

**MCALISTER OPPORTUNITY FUND 2012, L.P. TO AMEND
HMW SPECIAL UTILITY DISTRICT'S WATER CCN NO. 10342
BY EXPEDITED RELEASE**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, McAlister Opportunity Fund 2012, L.P. ("Petitioner") and files this Petition with the Public Utility Commission of Texas ("PUC") to Amend through Expedited Release HMW Special Utility District's ("SUD") Water Certificate of Convenience and Necessity ("CCN") No. 10342 pursuant to Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113. In support of the Petition, the Petitioner would respectfully show as follows:

I. PURPOSE OF THE PETITION AND DECERTIFICATION CRITERIA

The Petitioner files this Petition requesting expedited release of property owned by the Petitioner in Harris County, Texas, through an amendment of the SUD's Water CCN No. 10342. The tract of land owned by the Petitioner contains 585.23 acres and is located on FM 2920 between Highways 290 and 249 in Harris County, Texas (the "Property"). As provided by Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(r), an owner of a tract of land that is at least 25 acres and that is not receiving water service may petition the PUC for expedited release from a water CCN and is entitled to the expedited release if the property is located in Harris County, among other counties.

II. REQUEST FOR DECERTIFICATION

The Petitioner requests that the PUC amend the SUD's Water CCN No. 10342 by expedited release under Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(r) and release the Petitioner's Property from the SUD's Water CCN No. 10342. In support of its request for expedited release from the SUD's Water CCN No. 10342, the Petitioner's have attached the "Affidavit of Hydie McAlister in Support of McAlister Opportunity Fund 2012, L.P.'s Petition to Amend HMW SUD's Water CCN No. 10342 by Expedited Release" (hereinafter referred to as the "Petitioner's Affidavit"). The Petitioner's Affidavit is attached hereto and incorporated as **Exhibit A**. Petitioner's Affidavit verifies that McAlister Opportunity Fund 2012, L.P. is the owner of the Property, the Property is located in Harris County, Texas, total acreage of the Property is 585.23 acres, and the Property is not receiving water service from the SUD. *See Exhibit A*.

The Petitioner's Affidavit also includes (1) McAlister Opportunity Fund 2012, L.P.'s deed for the Property; (2) a map showing the general location of the Property; (3) a map identifying the boundaries of the Property and the surrounding water CCNs held by both the SUD and other retail public utilities in the vicinity; (4) a survey of the Property; (5) an "Agreement for the Release of Certified Retail Public Water Utility Service Area" ("Agreement") dated August 18, 2016 whereby the SUD has indicated it does not object to the Petition for Expedited Release. In addition to the Petitioner's Affidavit and its attachments, attached to this Petition is a compact disc containing the projectable digital data with metadata for the area to be released which corresponds to the maps attached to the Petitioner's Affidavit. *See Exhibit B*. A copy of this Petition is being sent to the SUD by certified mail on the same day this Petition is filed with the PUC.


III. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the PUC process this Petition and release the Petitioner's Property from the SUD's Water CCN No. 10342 pursuant to Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(r). If for any reasons the PUC Finds that the information submitted with this Petition is insufficient for application acceptance, the Petitioner respectfully requests that it be notified immediately and provided an opportunity to cure any deficiencies identified.

Respectfully submitted,

ALLEN BOONE HUMPHRIES ROBINSON LLP
1108 Lavaca, Suite 510
Austin, Texas 78701
Telephone: (512) 518-2424
Facsimile: (512) 518-2415
sabbott@abhr.com

By: _____


Sean David Abbott
State Bar No. 24069267

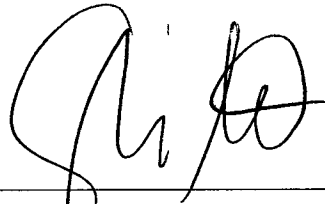
ATTORNEYS FOR PETITIONERS
MCALISTER OPPORTUNITY FUND 2012, L.P

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 7th day of December, 2016, a true and correct copy of the above and foregoing document was sent via certified mail to the following:

HMW Special Utility District
Attn: William K. Coe, General Manager
PO Box 837
Pinehurst, TX 77362

Via Certified Mail

A handwritten signature in black ink, appearing to read "Sean David Abbott", written over a horizontal line.

Sean David Abbott

EXHIBIT "A"

Affidavit of Hydie McAlister

PETITION BY MCALISTER	§	PUBLIC UTILITY
OPPORTUNITY FUND 2012, L.P.	§	
TO AMEND HMW SPECIAL	§	COMMISSION OF TEXAS
UTILITY DISTRICT'S	§	
WATER CCN NO. 10342 IN HARRIS	§	
COUNTY BY EXPEDITED RELEASE	§	

**AFFIDAVIT OF HYDIE MCALISTER IN SUPPORT OF
 MCALISTER OPPORTUNITY FUND 2012, L.P.'S PETITION TO AMEND
 HMW SPECIAL UTILITY DISTRICT'S WATER CCN NO. 10342
BY EXPEDITED RELEASE**

BEFORE ME, the undersigned notary public, appeared Hydie McAlister, the Manager of MOF 2012 GP, LLC, General Partner of McAlister Opportunity Fund 2012, L.P., known to me to be the person whose name is subscribed to the following instrument, and who having been duly sworn upon her oath, deposed and stated as follows:

1. My name is Hydie McAlister. I am over twenty-one (21) years of age, am competent to make this Affidavit, and have personal knowledge of the facts stated in this Affidavit, and they are true and correct.
2. I am the Manager of MOF 2012 GP, LLC, the General Partner of McAlister Opportunity Fund 2012, L.P. I am familiar with the property that McAlister Opportunity Fund 2012, L.P. owns and the bills and accounts pertinent to those properties.
3. McAlister Opportunity Fund 2012, L.P. owns 585.23 acres of land (the "Property") located on FM 2920 between Highways 290 and 249 in Harris County, Texas. The deeds for the Property are recorded in the real property records in Harris County as document number 20140310898 and a true and correct copy of the deed is attached to this Affidavit as Attachment 1. Attached as Attachment 2 is a true and correct copy of a map showing the general location of the Property. Attached as Attachment 3 is a true and correct map identifying the boundaries of the Property. Attached as Attachment 4 is a true and correct copy of the survey of the Property. Attached as Attachment 5 is a true and correct copy of the Agreement for the Release of Certified Retail Public Water Utility Service Area.

4. The Property is located in the HMW Special Utility District's (the "SUD") Water Certificate of Convenience and Necessity ("CCN") No. 10342. The Property is not receiving water service from the SUD, or any other water provider. I am not aware of any meters, lines, or other facilities owned or operated by the SUD on the Property.
5. The SUD, by its signature to the "Agreement for the Release of Certified Retail Public Water Utility Service Area" (the "Agreement") dated August 18, 2016, does not object to McAlister Opportunity Fund 2012, L.P.'s petition for expedited release of the portion of its CCN that is included on the Property. Attached as Attachment 5 is a true and correct copy of the Agreement.
6. On behalf of McAlister Opportunity Fund 2012, L.P., I request that the Public Utility Commission of Texas release the Property from Water CCN No. 10342.

[Execution page to follow]

FURTHER AFFIANT SAYETH NOT.

EXECUTED this 1 day of December, 2016.

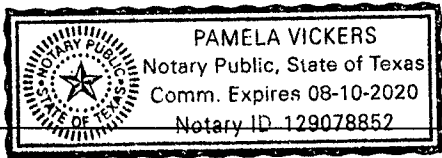


Hydie McAlister, Manager
McAlister Opportunity Fund 2012, L.P., a
Delaware limited partnership by MOF 2012
GP, LLC, a Delaware limited liability
company, its General Partner

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared Hydie McAlister, Manager of MOF 2012 GP, LLC, General Partner of McAlister Opportunity Fund 2012, L.P., known to me to be the persons and officers whose names are subscribed to the foregoing instrument and affirmed and acknowledged that said instrument is correct and accurate to the best of their knowledge and belief, and that they executed the same for the purposes and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of December, 2016.



Notary Public, State of Texas

ATTACHMENT 1

Property Deed

WD

N

585,2333
70

1045002242

SPECIAL WARRANTY DEED

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.

THE STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS

§

§

THAT **FM 2920/HOPFE/CYPRESS ROSEHILL, LTD.**, a Texas limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid to Grantor by **MCALISTER OPPORTUNITY FUND 2012, L.P.**, a Delaware limited partnership ("Grantee"), the receipt of which is hereby acknowledged by Grantor, and other good and valuable consideration paid and agreed and secured to be paid to Grantor by Grantee in the manner set forth below, the sufficiency of which consideration is hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below), the following (collectively, the "Property"): all of that certain real property located in Harris County, Texas, more particularly described in Exhibit "A" attached hereto and made a party hereof (the "Land"), together with any and all buildings, improvements, fixtures, furniture, equipment and other personal property thereon or therein, all easements, tenements, hereditaments, privileges, and appurtenances belonging or appertaining thereto, including all utility capacities allocated or reserved thereto, all development rights and rights gained and/or reserved by virtue of the payment of impact fees with respect thereto, all oil, gas and other minerals, all water rights, and any right, title, and interest of Grantor in and to the lands situated within the right-of-way of all publicly-dedicated (but not private) roads, streets and alleys, or rights-of-way, and Grantor's interest in and to all leases and rents attributable to the Land.

1EE

This conveyance is made by Grantor and accepted by Grantee expressly subject to the following (collectively, the "Permitted Exceptions"): the liens securing payment of real estate ad valorem taxes for the current and all subsequent years; those matters set forth on Exhibit "B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and subject to the above described Permitted Exceptions, Grantor does hereby bind itself and its successors, to WARRANT AND FOREVER DEFEND all and singular the Property upon Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Address of Grantee: 2211 Norfolk St., Suite 803
Houston, Texas 77098

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EXECUTED effective as of July 14, 2014.

FM 2920/HOPFE/CYPRESS ROSEHILL, LTD.,
a Texas limited partnership

3OR

By: FM 2920/Hopfe/Cypress Rosehill, GP, Ltd.,
its general partner

By: FM 2920/Hopfe/Cypress Rosehill I, Inc.,
its general partner

By: Ronald E. Dagley
Name: Ronald E. Dagley
Title: Vice President

THE STATE OF TEXAS

COUNTY OF HARRIS

§
§
§

This instrument was acknowledged before me on the 14 day of July, 2014 by Ronald E. Dagley, Vice President of FM 2920/Hopfe/Cypress Rosehill I, Inc., which is the general partner of FM 2920/Hopfe/Cypress Rosehill GP, Ltd., which is the general partner of FM 2920/Hopfe/Cypress Rosehill, Ltd., a Texas limited partnership, on behalf of said limited partnership.

[Seal]



Betty S. Ward
Notary Public—State of Texas

ER 058 - 93 - 1492

EXHIBIT "A"
(Property)

All that certain tract or parcel containing 585.2333 acres of land situated in the A. Roberts Survey, A-83, the B. Sims Survey, A-746, the C. Frazier Survey, A-266, and the L. Long Survey, A-514 each in Harris County, Texas, said 585.2333 acre tract of land being that same tract of land comprised of all of that certain call 258.7394 acre tract of as described in a deed filed for record under Harris County Clerk's File No. 20070401525, all of that certain call 43.6981 acre tract of as described in a deed filed for record under Harris County Clerk's File No. 20070508563, all of that certain call 30.000 acre tract of as described in a deed filed for record under Harris County Clerk's File No. 20070668551, all of that certain call 1 55.9510 acre tract of as described in a deed filed for record under Harris County Clerk's File No. 20070052377 and all of that certain call 97.7448 acre tract of as described in a deed filed for record under Harris County Clerk's File No. 20070166804, said 585.2333 acre tract of land being more particularly described by metes and bounds as follows:

D

BEGINNING at a 1/2" iron rod (found) in the Southerly right-of-way line of F.M. 2920, (aka Waller-Tomball Road, 100.00 feet in width), marking the Northwest corner of the remainder of that certain call 43.693 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. D-784556, the Northeast corner of said call 43.6981 acre tract of land, and the Northerly-Northeast corner said POINT OF BEGINNING of the herein described 585.2333 acre tract of land;

THENCE S 00°09'33" E, a distance of 2,296.59 feet along the common line of the remainder of said 43.693 acre tract of land and said 43.6981 acre tract of land to a 1/2" iron rod (found) in the South line of said A. Roberts Survey, the North line of said C. Frazier Survey and an interior line of said 258.7394 acre tract of land marking the Southwest corner of the remainder of said 43.693 acre tract of land, the Southeast corner of said 43.6981 acre tract of land and an interior corner of the herein described 585.2333 acre tract of land;

THENCE N 89°25'20" E, a distance of 2,679.28 feet, along the common line of the remainder of said 43.693 acre tract, said 258.7394 acre tract of land, the South line of said A. Roberts Survey, the North line of said C. Frazier Survey, and the North line of said L. Long Survey to a 1/2" iron rod (found) in the South line of that certain call 100.893 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. P931132 marking Northeast corner of said Long Survey, the Northwest corner of the Samuel Young Survey, A-342 in Harris County, Texas, the Northwest corner of that certain call 1.864 acre tract of land known as Tract 14 in Rosehill Ranchettes, Section 2, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. R442063, the Easterly-Northeast corner of said 258.7394 acre tract of land and the Easterly-Northeast corner of the herein described 585.2333 acre tract of land;

THENCE S 00°32'14" E, along the common line of said L. Long Survey, said Samuel Young Survey, said Rosehill Ranchettes, Section 2 and said 258.7394 acre tract of land, passing at call 114.19 feet a point for corner marking an interior corner of said Tract 14 and the Northerly corner of Tract 13 in said Rosehill Ranchettes, Section 2 as described in a deed filed for record under Harris County Clerk's File No. L607155, from this point a 1/2" iron pipe (found) for reference bears S 60°49'28" E, 1.74 feet, and passing at call 1,150.93 feet a point for corner marking the Southwest corner of that certain call 5.00 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. N 28°23'28" and the Northwest corner of that certain call 5.00 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. X820822, from this point a 1/2" iron pipe (found) for reference bears N 77°15'34" E, 1.62 feet, and passing at 2,665.42 feet a 5/8" iron rod with Prajean & Company cap (found) in the West line of that certain call 2.447 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. W731001 marking the Northeast corner of that said 158.0659 acre tract of land and the Southeast corner of said 258.7394 acre tract of land, and passing at 2,895.59 feet a point for corner marking the Southwest corner of said 2.447 acre tract of land and the Northwest corner of that certain call 1.2700 acre tract of land as described in

a deed filed for record under Harris County Clerk's File No. T238245, from this point a 1/2" iron pipe (found) for reference bears S 87°47'62" E, 0.32 feet, and passing at 3,814.62 feet a 3/8" iron rod (found) marking the Southwest corner of that certain call 5.5000 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. T980748 and the Northwest corner of that certain call 10.2220 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. M728833, from this point a 1" iron pipe (found) for reference bears S 24°56'47" E, 0.48 feet, a total distance of 5,110.87 feet to a 5/8" iron rod with Prejean and Company cap (found) marking the Southeast corner of the said L. Long Survey, an interior corner of the J. Ivy Survey, A-477, in Harris County, Texas, an interior corner of the remainder of a call 350 acre tract of land as described in a deed filed for record under Harris County Clerk's File Number R921581, the Southeast corner of said 155.0510 acre tract of land and the Southeast corner of the herein described 585.2333 acre tract of land;

THENCE S 89°56'04" W, along the common lines of said L. Long Survey, said C. Frazier Survey, said B. Sims Survey, said J. Ivy Survey, said 155.0510 acre and said 350 acre tracts of land, passing at a distance of 41.61 feet a 3/4" iron rod with Prejean and Company cap (found) for reference, also passing at a distance of 2,624.75 feet a point for reference, from which point a 1" iron pipe (found) bears N 00°03'59" W, 0.24 feet, also passing at a distance of 3,416.16 feet, a point for corner marking the most Northerly-Northwest corner of said remainder of a 350 acre tract of land and the Northeast corner that certain call 10 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. M805854, from which point a 5/8" iron rod (found) bears S 00°03'59" E, 0.18 feet, a total distance of 4,271.75 feet to a 1" iron bar (found) in the East line of Hopfe Road, (variable width), marking the Northwest corner of said 10 acre tract of land, the Southwest corner of said 155.0510 acre tract of land and the Southwest corner of the herein described 585.2333 acre tract of land;

THENCE N 02°18'15" W, a distance of 60.06 along the East right-of-way line of said Hopfe Road and the West line of said 155.0510 acre tract of land to a 3/8" iron rod (found) (also a 3/4" iron pipe for angle point marking the Southwest corner of said 97.7448 acre tract of land, and the Westerly-Northwest corner of said 155.0510 acre tract of land, from which point a 1/2" iron pipe (found) bears S 62°47'21" W, 0.37 feet;

THENCE N 02°07'25" W, a distance of 485.24 feet along the East right-of-way line of said Hopfe Road and the West line of said 97.7448 acre tract of land to a 5/8" iron rod with cap (found stamped Swonke) inside a 3/4" iron pipe marking an angle point;

THENCE N 02°45'23" W, a distance of 1,740.86 feet, along the East right-of-way line of said Hopfe Road and the West line of said 97.7448 acre tract of land to a 5/8" iron rod with cap (found stamped Swonke) marking an angle point;

THENCE N 01°17'32" E, a distance of 266.45 feet, along the East right-of-way line of said Hopfe Road and the West line of said 97.7448 acre tract of land to a 1/2" iron pipe (found) for angle point marking the Southwest corner of said 30.000 acre tract of land and the Northwest corner of said 97.7448 acre tract of land and the from which point a 1/2" iron rod with cap (found stamped Swonke) bears N 77°10'21" W, 0.21 feet;

THENCE N 01°00'06" E, along the East right-of-way line of said Hopfe Road and the West line of said 30.000 acre tract of land, passing at 400.07 feet a 5/8" iron rod with EIC cap (found) marking the Northwest corner of said 30.000 acre tract of land and the Westerly-Southwest corner of said 236.7394 acre tract of land, a total distance of 925.26 feet to a 5/8" iron rod with EIC cap (found) marking the intersection of the East right-of-way line of said Hopfe Road with the North right-of-way line of Hopfe Road, (variable width), same point marking an interior corner of said 236.7394 acre tract of land and an interior corner of the herein described 585.2333 acre tract of land;

THENCE S 89°18'42" W, a distance of 30.14 feet along the North right-of-way line of said Hoppe Road to a 5/8" iron rod with EIC cap (found) in the West line of said B. Sims Survey and the East line of the T. Bailey Survey, A-143 in said Harris County, Texas marking the Southeast corner of that certain call 50,000 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. B296979, an interior corner of said 258.7394 acre tract of land and an interior corner of the herein described 585.2333 acre tract of land;

THENCE N 00°11'04" E, a distance of 1,590.80 feet along the common line of said B. Sims Survey, said T. Bailey Survey, said 50,000 acre tract of land and said 258.7394 acre tract of land to a 3/8" iron rod with EIC cap (found) in the South line of said A. Roberts Survey marking the Northwest corner of said B. Sims Survey, the Northeast corner of said T. Bailey Survey, the Northeast corner of said 50,000 acre tract of land, an interior corner of said 258.7394 acre tract of land and an interior corner of the herein described 585.2333 acre tract of land;

THENCE S 98°18'02" W, a distance of 50.47 feet along the common line of said A. Roberts Survey, said 50,000 acre tract of land, said T. Bailey Survey and said 258.7394 acre tract to a T-rail (found) marking the Southeast corner of the remainder of that certain call 83.4 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. B298978, an interior corner of said 258.7394 acre tract of land and an interior corner of the herein described 585.2333 acre tract of land;

THENCE N 00°53'07" W, a distance of 1,689.02 feet along the common line of said 83.4 acre and said 258.7394 acre tracts of land to a 5/8" iron rod with EIC cap (found) in the Southerly right-of-way line of said F.M. 2920 marking the Northeast corner of the remainder of said 83.4 acre tract of land, the Northwest corner of said 258.7394 acre tract of land and the Northwest corner the herein described 585.2333 acre tract of land;

THENCE N 69°45'11" E, a distance of 881.40 feet along the Southerly right-of-way line of said F.M. 2920 and the Northerly line of said 258.7394 acre tract of land to a 3/8" iron rod (found) for angle point marking the Northerly-Northeast corner of said 258.7394 acre tract of land and the Northwest corner of said 43.6981 acre tract of land;

THENCE N 70°00'23" E, a distance of 959.50 feet along the Southerly right-of-way line of said F.M. 2920 and the Northerly line of said 43.6981 acre tract of land to the POINT OF BEGINNING and containing 585.2333 acres of land.

The basis of bearing is N 69°45'11" E along the South right-of-way line of F.M. 2920 per prior deed.

EXHIBIT "B"
(Permitted Exceptions)

1. Rights of tenant in possession under the following unrecorded lease:

Farming and Grazing Lease between FM 2920/Hopfe/Cypress Rosehill, Ltd., a Texas limited partnership as Lessor and Jim R. Schultz as Lessee, as affected by Amendment Extensions, including, but not limited to, Second Lease Amendment Extension of the Lease Term (as to 258 Acres, 97 Acres, and 75 Acres).
2. Fractional interest in and to all coal, lignite, oil, gas or other mineral interests, together with rights incident thereto, contained in instrument dated July 22, 2005 recorded July 27, 2005 at Harris County Clerk's File No. Y643903 of the Official Records of Harris County, Texas (as to 43.6981 acre portion in Abstract No. 63).
3. Coal, lignite, oil, gas or other mineral interests, together with rights incident thereto, contained in instrument dated September 12, 2007, recorded September 17, 2007 at Harris County Clerk's File No. 20070568551 of the Official Records of Harris County, Texas (as to 30.00 acre portion in Abstract 746, Abstract 266 & Abstract 514).
4. Fractional interest in and to all coal, lignite, oil, gas or other mineral interests, together with rights incident thereto, contained in instrument dated April 29, 1964 recorded April 30, 1964 at Harris County Clerk's File No. B979138 and in Volume 5503, Page 89, re-recorded June 1, 1964 under Harris County Clerk's File No. B896555 in Volume 5538, Page 101, both of the Deed Records of Harris County, Texas (as to 97.695 acre portion in Abstract 746 & Abstract 266).
5. Fractional non-participating royalty interest in and to all coal, lignite, oil, gas or other mineral interests, together with rights incident thereto, contained in instrument dated March 7, 2007, recorded March 14, 2007 at Harris County Clerk's File No. 20070156804 of the Official Records of Harris County, Texas (as to 97.695 acre portion in Abstract 746 & Abstract 266).
6. Coal, lignite, oil, gas, or other mineral interests, together with rights incident thereto, contained in instrument dated June 26, 2006 recorded July 3, 2006 at Harris County Clerk's File No. Z4422038, re-recorded November 13, 2006 under Harris County, Clerk's File No. 20060192207, both in the Official Records of Harris County, Texas (as to 258.7394 acre portion in Abstract No. 746, Abstract 63, Abstract 266 & Abstract 514).
7. Coal, lignite, oil, gas, or other mineral interests, together with rights incident thereto, contained in instrument dated June 28, 2007 recorded July 2, 2007 at Harris County Clerk's File No. Z4422038, re-recorded November 13, 2006 under Harris County, Clerk's File No. 20070401525 of the Official Records of Harris County, Texas (as to 258.7394 acre portion in Abstract 746, Abstract 63, Abstract 266 & Abstract 514).
8. Fractional interests in and to all coal, lignite, oil, gas or other mineral interests, together with rights incident thereto, contained in instrument dated January 3, 2006 recorded January 5, 2006 at Harris County Clerk's File No. Z008778 of the Official Records of Harris County, Texas (as to 155.0510 acre portion in Abstract 746, Abstract 266 & Abstract 514).

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9. Coal, lignite, oil, gas, or other mineral interests, together with rights incident thereto, contained in instrument dated January 23, 2007 recorded January 26, 2007 at Harris County Clerk's File No. 20070052377 (as to 155.0510 acre portion in Abstract 746, Abstract 266 & Abstract 514).
10. Claims or assertion of claims by adjoining property owners for any portion of the property located between existing fences and boundary lines of the property, as same fences are depicted on survey plat prepared July 15, 2014 by Emil Haddad, RPLS 5702 for EIC Surveying Company, Job No. 14-408-06.
11. Right in common with others to the use and benefit of the pond located along the most northern east line of the property as depicted on survey plat prepared July 15, 2014 by Emil Haddad, RPLS 5702 for EIC Surveying Company, Job No. 14-408-06.

4819-6696-1692, v. 1

CHARTER TITLE COMPANY
11 GREENWAY PLAZA
SUMMIT TOWER, SUITE 120
HOUSTON, TEXAS 77046

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20140310898
Pages 8
07/16/2014 14:09:10 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 40.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

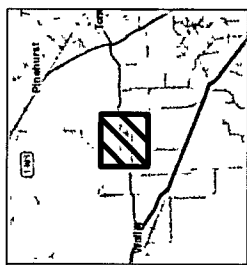
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

ATTACHMENT 2

Map reflecting the general location of the Property



- VICINITY MAP**
Scale: 1 inch equals 10 miles
- LEGEND**
- McAlister Opportunity Fund 2012 LP
 - CCN Release Boundary
 - HCAD Parcels

Aerial Imagery from January 2014

Exhibit A
Location Map

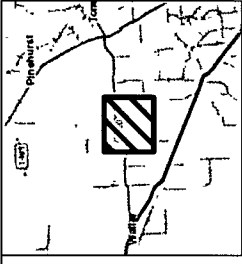
HCMUD No. 547
Harris County Texas

1 inch equals 1,000 feet









ATTACHEMENT 3

Map identifying the boundaries of the Property



VICINITY MAP
Scale: 1 inch equals 1 mile

- LEGEND**
-  McAlister Opportunity Fund 2012 LP
 -  CCN Release
 -  Boundary
 -  HCAD Parcels
 -  PUC Sewer CCN
 -  PUC Water CCN

Aerial Imagery flown January 2014
Exhibit B
CCN Release Map

HCMUD No. 547
Harris County, Texas



1 inch equals 1,000 feet

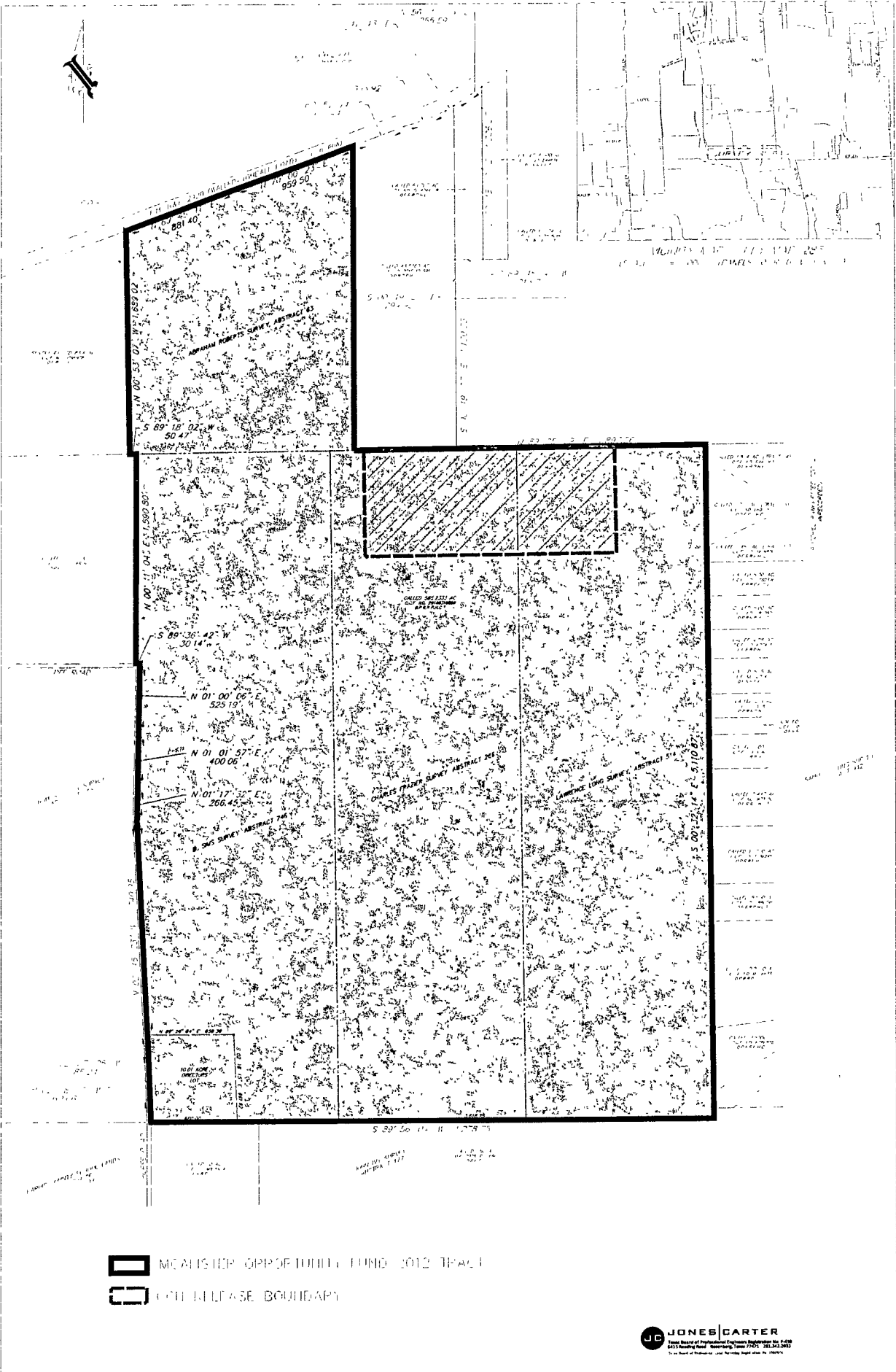
Disclaimer: This product is offered for informational purposes and does not constitute a contract or offer of insurance. The user assumes all risk for the use of this product. The user acknowledges that the user is using this product for informational purposes only and that the user is not relying on this product for any other purpose. The user agrees to hold Jones & Carter, Inc. harmless for any and all damages, including reasonable attorneys' fees and costs, arising out of or from the use of this product, whether or not such damages are caused in whole or in part by the negligence of Jones & Carter, Inc. or any of its employees, agents, or subcontractors.



JONES & CARTER
Texas Office at Professional Engineers Registration No. 1447

ATTACHEMENT 3

Survey of the Property



ATTACHMENT 4

Agreement for the Release of Certified Retail Public Water Utility Service Area

**AGREEMENT FOR THE RELEASE OF CERTIFIED
RETAIL PUBLIC WATER UTILITY SERVICE AREA**

This Agreement is between McAlister Opportunity Fund 2012, L.P., a Texas limited partnership ("Landowner") and HMW Special Utility District of Harris and Montgomery Counties, a water and special utility district operating pursuant to Chapters 49 and 65, Texas Water Code (the "SUD") for the release and removal of real property owned by Landowner from the certified retail public water utility service area of the SUD.

This Agreement is made pursuant to Chapter 13, Texas Water Code. It shall be contingent upon the Public Utility Commission of Texas (the "PUC") approval as provided by law.

RECITALS:

WHEREAS, Landowner owns approximately 634 acres of unplatted land in the extraterritorial jurisdiction of the City of Houston, Harris County (the "Tract") and Landowner intends to develop the Tract for single family and commercial uses;

WHEREAS, the SUD holds certificate of convenience and necessity ("CCN") No. 10342, to provide water service to its service area, of which, approximately 40 acres of the Tract are located within the CCN as shown on the attached Exhibit "A," (the "Release Tract");

WHEREAS, the SUD has never provided and does not plan to provide utility service to the Release Tract as it has no water utility service or facilities immediately available to serve the projected service demands for the Release Tract;

WHEREAS, Landowner has petitioned the Texas Commission on Environmental Quality for the creation of Harris County Municipal Utility District No. 547 (the "MUD") over its Tract and intends to obtain water and sewer service for the entire Tract from the MUD upon its creation;

WHEREAS, the Landowner has received the consent of the City of Houston for the creation of the MUD over the Tract; and

WHEREAS, the SUD will agree to amend its boundaries and release and decertify the Release Tract from its CCN in exchange for \$2,500 in total compensation for facilities allocated to the Release Tract.

Now Therefore, in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the SUD and Landowner agree as follows:

AGREEMENT:

1. SUD does not plan to provide utility service to timely meet the projected service demands of the Release Tract and, therefore, agrees to amend its CCN boundaries to release or decertify the Release Tract, as more particularly described in Exhibit "A".
2. In consideration of the amendment to its boundaries, Landowner shall pay the SUD \$2,500 for compensation of facilities related to the Release Tract. These funds will be paid by Landowner to the SUD at the address below on or before September 15, 2016.
3. Landowner shall prepare, prosecute, and bear all expenses for an application to the PUC in order to amend the boundaries of the CCN and decertify the Release Tract under the terms of this Agreement and the rules of the PUC.
4. The SUD, its engineer, employees, and consultants agree to fully cooperate with all reasonable requests relating to decertifying the Release Tract from CCN No. 10342, including but not limited to signing required documents and providing information or maps to be included in the decertification process.
5. The Agreement may be assigned by Landowner upon written notice to the SUD.
6. Any notices to the parties shall be in writing to the addresses provided below:

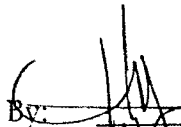
HMW Special Utility District
P.O. Box 837
Pinehurst, TX 77362
Attention: William K. Coe, General Manager

Mr. Paul Connor
McAlister Investments Real Estate
2211 Norfolk Street, Suite 803
Houston, TX 77098

ENTERED INTO AND TO BE PERFORMED IN HARRIS COUNTY, TEXAS ON
THE 18 DAY OF AUGUST, 2016.

**McALISTER OPPORTUNITY FUND 2012,
L.P., a Delaware limited partnership**

By: MOF 2012 GP, LLC, a Delaware limited
liability company, its General Partner

By: 
Name: John McAlister
Manager

HMW Special Utility District:

BY: _____
NAME: _____
TITLE: _____

ENTERED INTO AND TO BE PERFORMED IN HARRIS COUNTY, TEXAS ON
THE ____ DAY OF AUGUST, 2016.

**McALISTER OPPORTUNITY FUND 2012,
L.P., a Delaware limited partnership**

By: MOF 2012 GP, LLC, a Delaware limited
liability company, its General Partner

By: _____
Name: _____
Manager

HMW Special Utility District:

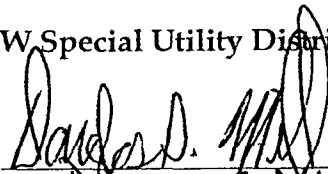
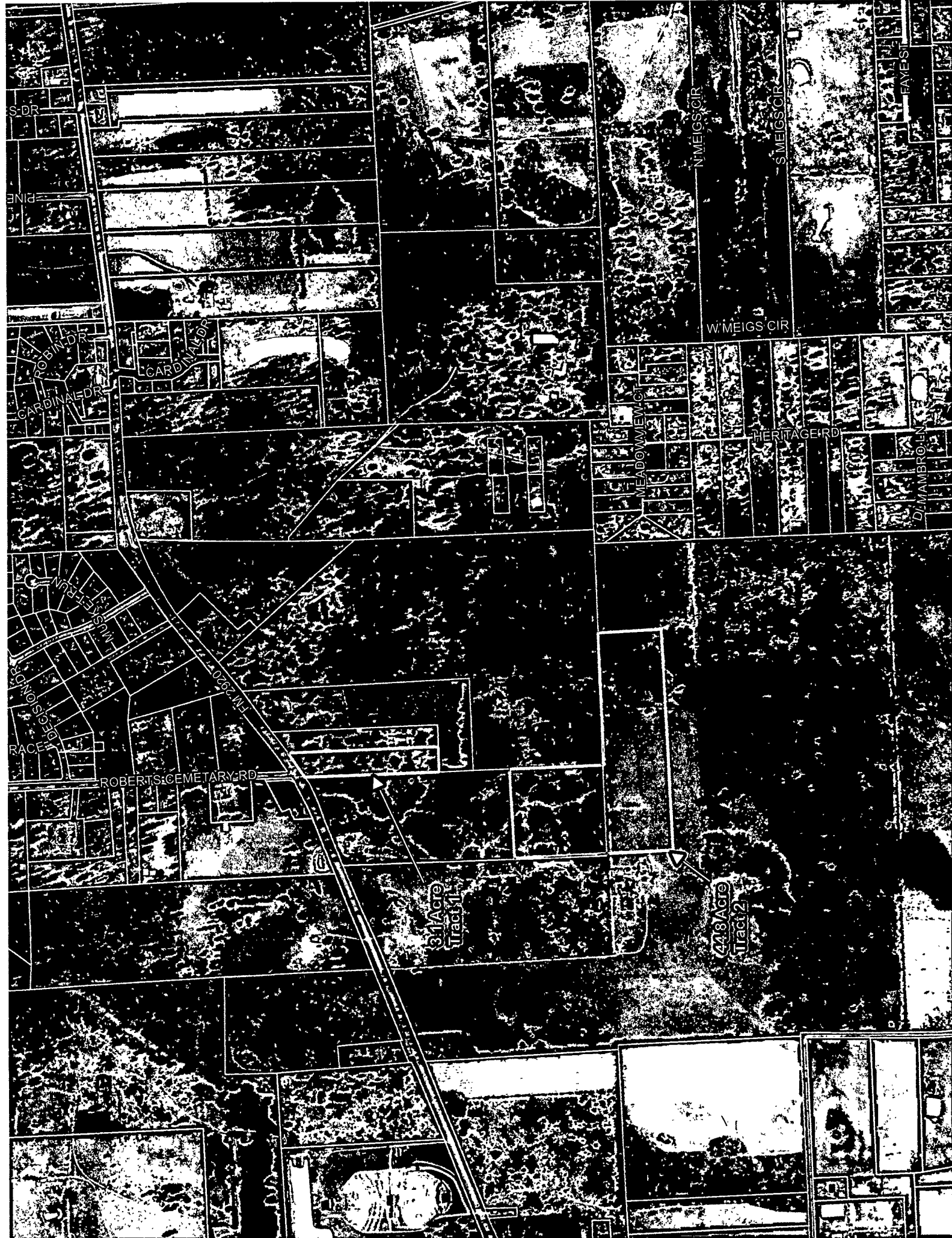
BY:  _____
NAME: DOUGLAS S MILLER
TITLE: PRESIDENT

EXHIBIT "A"

Map and metes and bounds description of the Release Tract



S DR

PINE

ROBIN DR
CARDINAL DR

CARDINAL DR

N MEIGS CIR

S MEIGS CIR

W MEIGS CIR

MEADOWVIEW CT

HERITAGE RD

DJ WAMBROLEN

W K ELLIOTT
M S ELLIOTT
C MOISEWITZ
RACE

N 29th

ROBERTS GEMETARY RD

3.1 Acre
Tract 1

4.8 Acre
Tract 2

STATE OF TEXAS §
COUNTY OF HARRIS §

A **METES & BOUNDS** description of a 3.1 acre tract of land in the Abraham Roberts Survey, Abstract 63, Harris County, Texas, being out of and a part of that certain called 6.0767 acre tract recorded under County Clerk's File Number 20140445295, Official Public Records of Real Property, Harris County, Texas, and being that portion of said called 6.0767 acre tract located within the boundaries of the H-M-W Special Utility District, with all bearings based upon a portion of the northerly line of that certain called 585.2333 acre tract recorded under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas, same being the southerly right-of-way line of F. M. Highway 2920, as being North 69 degrees 45 minutes 11 seconds East (called North 69 degrees 45 minutes 11 seconds East under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas).

Beginning at the northeast corner of said called 6.0767 acre tract, same being the northwest corner of an adjoining called 6.000 acre tract recorded under County Clerk's File Number E448347, Official Public Records of Real Property, Harris County, Texas, for the northeast corner and **Place of Beginning** of the herein described tract, said point being in the southerly right-of-way line of F. M. Highway 2920 (100-foot wide);

Thence South 00 degrees 18 minutes 10 seconds East along the east line of said called 6.0767 acre tract, same being the west line of said adjoining called 6.000 acre tract, 1,306.37 feet to the southeast corner of said called 6.0767 acre tract, same being the southwest corner of said adjoining called 6.000 acre tract, and being in the lower north line of an adjoining called 19.974 acre tract recorded under County Clerk's File Number T078618, Official Public Records of Real Property, Harris County, Texas;

Thence South 89 degrees 45 minutes 41 seconds West along the south line of said called 6.0767 acre tract, same being the lower north line of said adjoining called 19.974 acre tract, approximately 107.25 feet to the intersection of the south line of said called 6.0767 acre tract and a west line of said H-M-W Special Utility District for the southwest corner of the herein described tract;

Thence North 00 degrees 18 minutes 10 seconds West along a west line of said H-M-W Special Utility District, crossing said called 6.0767 acre tract, approximately 1,236.60 feet to the intersection of the north line of said called 6.0767 acre tract and a west line of said H-M-W Special Utility District for the northwest corner of the herein described tract, being in the south right-of-way line of F. M. Highway 2920;

Harris County Municipal Utility District No. 547
H-M-W SUD Tract 1 - 3.1 Acres

Abraham Roberts Survey, Abstract 63

Thence North 56 degrees 41 minutes 43 seconds East along the north line of said called 6.0767 acre tract, same being the south right-of-way line of F. M. Highway 2920, approximately 127.88 feet to the **Place of Beginning** and containing 3.1 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

This description is based on information from surveys by Craig A. Laney, RPLS 4507, dated August 18, 2014, and November 25, 2014, and Emil Haddad, RPLS 5072, dated June 13, 2014.


August 29, 2016

Job Number 00181-0051-00

Jones & Carter, Inc.
6415 Reading Road
Rosenberg, TX 77471-5655
(281) 342-2033

Texas Board of Professional Land Surveying
Registration Number 10046104




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

Harris County Municipal Utility District No. 547
H-M-W SUD Tract 2 – 44.8 Acres

Abraham Roberts Survey, Abstract 63
Charles Frazier Survey, Abstract 266
Lawrence Long Survey, Abstract 514

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES & BOUNDS** description of a 44.8 acre tract of land in the Abraham Roberts Survey, Abstract 63, the Charles Frazier Survey, Abstract 266, and the Lawrence Long Survey, Abstract 514, Harris County, Texas, being out of and a part of that certain called 43.5360 acre tract recorded under County Clerk's File Number 20150107598, Official Public Records of Real Property, Harris County, Texas, and that certain called 585.2333 acre tract recorded under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas, and being those portions of said called 43.5360 acre tract and said called 585.2333 acre tract located within the boundaries of the H-M-W Special Utility District, with all bearings based upon a portion of the northerly line of said called 585.2333 acre tract, same being the southerly right-of-way line of F. M. Highway 2920, as being North 69 degrees 45 minutes 11 seconds East (called North 69 degrees 45 minutes 11 seconds East under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas).

Beginning at the southeast corner of said called 43.5360 acre tract, same being the southwest corner of an adjoining called 100.503 acre tract recorded under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas, for a reentry corner and **Place of Beginning** of the herein described tract, said point being in the south line of said Abraham Roberts Survey, Abstract 63, same being the north line of said Charles Frazier Survey, Abstract 266, and the lower north line of the aforementioned called 585.2333 acre tract;

Thence North 89 degrees 25 minutes 29 seconds East along the lower north line of said called 585.233 acre tract, same being the south line of said adjoining called 100.503 acre tract, being the south line of said Abraham Roberts Survey, Abstract 63, same being the north line of said Charles Frazier Survey, Abstract 266, and the north line of said Lawrence Long Survey, Abstract 514, approximately 1,197.04 feet to the intersection of the lower north line of said called 585.233 acre tract and an east line of said H-M-W Special Utility District for the lower northeast corner of the herein described tract;

Thence South 00 degrees 56 minutes 28 seconds East along an east line of said H-M-W Special Utility District, approximately 808.55 feet to the southeast corner of the herein described tract;

Thence South 88 degrees 53 minutes 32 seconds West along the south line of said H-M-W Special Utility District, approximately 1,911.29 feet to the southwest corner of the herein described tract;

Thence North 00 degrees 55 minutes 33 seconds West along a west line of said H-M-W Special Utility District, approximately 1,355.26 feet to the northwest corner of the herein described tract;

Harris County Municipal Utility District No. 547
H-M-W SUD Tract 2 – 44.8 Acres

Abraham Roberts Survey, Abstract 63
Charles Frazier Survey, Abstract 266
Lawrence Long Survey, Abstract 514

Thence North 87 degrees 19 minutes 11 seconds East along a lower north line of said H-M-W Special Utility District, approximately 720.27 feet to intersection of the lower north line of said H-M-W Special Utility District and the east line of said called 43.5360 acre tract for the upper northeast corner of the herein described tract, said point being in the east line of said called 43.5360 acre tract, same being the west line of the aforementioned adjoining called 100.503 acre tract;

Thence South 00 degrees 19 minutes 07 seconds East along the east line of said called 43.5360 acre tract, same being the west line of said adjoining called 100.503 acre tract, approximately 555.40 feet to the **Place of Beginning** and containing 44.8 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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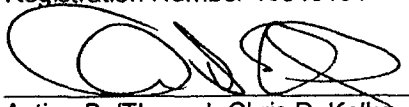

Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

EXHIBIT "B"

Compact disc with projectable digital data for areas to be released
(will be provided as soon as possible)