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PUBLIC UTILITY COMMISSION  
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816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: (512) 322-5800  
Facsimile: (512) 472-0532  
www.lglawfirm.com

Mr. Klein's Direct Line: (512) 322-5818  
Email: [dklein@lglawfirm.com](mailto:dklein@lglawfirm.com)

March 24, 2017

Public Utility Commission of Texas  
Central Records  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

Re: Application of H-M-W Special Utility District to Amend a Water Certificate of Convenience and Necessity in Montgomery County, Docket No. 46727

To the Honorable Public Utility Commission:

I am writing on behalf of my firm's client, Primewood Investments, LP ("Primewood"), to request that Primewood's property be excluded from the service area requested by H-M-W Special Utility District in the above-referenced application ("Application"), in accordance with Texas Water Code §13.246(h) and 16 Tex. Admin. Code §24.102(h).

Primewood is the owner of an approximately 1,295-acre tract of land in Montgomery County, Texas (the "Property"); and it is our belief that that a portion of the Property is included within the service area requested in the Application. In support of this opt-out request, the following documents are provided with this correspondence for your reference: (1) a deed reflecting Primewood's ownership of the Property, which also includes a metes and bounds description of the Property in Exhibit A (for "Tract B"); and (2) a large-scale map showing the boundaries of the Property. H-M-W Special Utility District is also being provided a copy of this correspondence, including these enclosures.

Should you have any questions or require additional information, please contact me at David Klein at (512) 322-5818 or [dklein@lglawfirm.com](mailto:dklein@lglawfirm.com), or my colleague, Christie Dickenson, at (512) 322-5804 or [cdickenson@lglawfirm.com](mailto:cdickenson@lglawfirm.com).

Sincerely,

David J. Klein

DJK/dsr  
Enclosures

March 24, 2017

Page 2

cc: H-M-W Special Utility District (w/ enclosures)  
Mr. Kirti Patel, Primewood Investments, LP (w/ enclosures)  
Mr. Bryan Yeates, Schwartz, Page & Harding, L.L.P. (w/ enclosures)

10

WARRANTY DEED

STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF MONTGOMERY §

✓ THAT, RICHFIELD INVESTMENT CORPORATION, a Texas corporation ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by PRIMEWOOD INVESTMENTS, LP, a Delaware limited partnership ("Grantee"), whose mailing address is 10001 Westheimer Suite 2888, Houston, TX 77042, and other good and valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto Grantee that certain tract of land in Montgomery County, Texas, being more particularly described on Exhibit "A" attached hereto, and (i) all buildings, improvements, fixtures and property of every kind and character and description owned by Grantor located on and attached to such land, if any, (ii) all rights, privileges and appurtenances pertaining to such land, including any right, title and interest of Grantor in and to adjacent streets, alleys and right-of-way, (iii) Grantor's interest in and to all leases or rents and security deposits, if any covering such land, (iv) Grantor's interest in and to all licenses and permits with respect to such land, if any, and (v) Grantor's interest in all third party warranties or guaranties, if transferable, relating to such land (collectively the "Property").

1825-  
6234  
11/2/22

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, subject to the matters herein stated. Grantor does hereby bind itself and its successors and assigns to warrant and forever defend all and singular the Property, subject to the matters herein stated, unto Grantee, its successors and assigns, by merger, consolidation or liquidation (but not other successors or assigns), against every person whomsoever lawfully claiming or to claim the same or any part thereof. As to all other successors and assigns (immediate or remote), Grantor does hereby bind itself and its successors and assigns, to warrant and forever defend, all and singular the Property, subject to the matters herein stated, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming the same or any part thereof, by, through or under Grantor, but not otherwise.

It is the intention of Grantor and Grantee that Grantor is hereby giving a general warranty of title, subject to the matters described on Exhibit "B" (to the extent applicable to the Property), to Grantee and its successors by merger, consolidation or liquidation, and is hereby giving a special warranty of title, subject to the matters described on Exhibit "B" (to the extent applicable to the Property), to all other successors and assigns of Grantee.

THE PROPERTY IS CONVEYED AS IS AND WITH ALL FAULTS. GRANTOR DISCLAIMS ALL REPRESENTATION, WARRANTIES, OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW (EXCEPT AS TO TITLE AS PROVIDED IN THIS DEED), OF OR CONCERNING THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF QUALITY OF CONSTRUCTION, WORKMANSHIP, MERCHANTABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE.

Ad valorem taxes on the Property for the current year have been prorated and adjusted to the date hereof, and Grantee assumes payment thereof.

583-00-0, 10

EXECUTED on the date of acknowledgment below, to be effective as of the 2nd day of September, 1999.

GRANTOR:

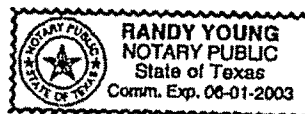
RICHFIELD INVESTMENT CORPORATION,  
A Texas corporation

By: [Signature]  
Name: Ricardo Sabella  
Title: President

STATE OF TEXAS     §  
                             §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 2nd day of September 1999, by RICARDO SABELLA, President of RICHFIELD INVESTMENT CORPORATION, a Texas corporation, on behalf of said corporation.

[Signature]  
Notary Public in and for the State of Texas



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Tract A

# TRACT A DESCRIPTION West of Highway No. 249

All of that certain 529.6294 acre tract of land located in partly in the B.B.B. & C.R.R. Co. Survey, Abstract No. 110, and the B.B.B. & C.R.R. Co. Survey, Abstract No. 111, Montgomery County, Texas, said 529.6294 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 3 inch iron pipe found in the occupied northwest line of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 111, for the most westerly northwest corner of the herein described tract of land from which a 10 inch Pine found marked "X" bears South 45 deg. 04 min. East 8.1 feet;

THENCE North 42 deg. 22 min. 36 sec. East, along and with the said occupied northwest line of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 111, said line is also blazed and yellow painted, at 7,424.42 feet pass a 5/8 inch iron rod with an aluminum cap set in the southwest right-of-way line of an old public highway, also known as Old Magnolia to Houston Road and more recently as Wright Road, at 7514.02 feet pass a 5/8 inch iron rod with an aluminum cap set in the northeast right-of-way line of said Old Public Highway, in all a total distance of 7,596.66 feet to a 5/8 inch iron rod with an aluminum cap set in the west right-of-way line of State Highway No. 249, for the north corner of the of the herein described tract of land;

THENCE South 30 deg. 32 min. 20 sec. East, along and with a westerly right-of-way line of Highway No. 249, a total distance of 2,954.55 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;

THENCE South 32 deg. 53 min. 48 sec. West, along and with a northwesterly right-of-way line of Highway No. 249, a total distance of 11.18 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;

THENCE South 30 deg. 32 min. 20 sec. East, along and with a westerly right-of-way line of Highway No. 249, a total distance of 10.00 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;

THENCE North 86 deg. 01 min. 46 sec. East, along and with a southerly right-of-way line of Highway No. 249, a total distance of 11.18 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;

THENCE South 30 deg. 32 min. 20 sec. East, along and with a westerly right-of-way line of Highway No. 249, a total distance of 1,666.09 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;

THENCE South 32 deg. 54 min. 16 sec. West, along and with a northwesterly right-of-way line of Highway No. 249, a total distance of 22.37 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;  
THENCE South 30 deg. 32 min. 20 sec. East, along and with a westerly right-of-way line of Highway No. 249, a total distance of 50.00 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;

THENCE North 86 deg. 00 min. 30 sec. East, along and with a south right-of-way line of Highway No. 249, a total distance of 22.37 feet to a 1/2 inch iron rod set for a corner of the herein described tract of land;

THENCE South 30 deg. 32 min. 20 sec. East, along and with a westerly right-of-way line of Highway No. 249, a total distance of 335.88 feet to a TXDOT metal disc on a 5/8 inch iron rod found for the most easterly corner of the herein described tract of land;

THENCE South 87 deg. 10 min. 15 sec. West, 919.52 feet along and with the south line of the said B.B.B. & C.R.R. Co Survey, Abstract No. 110 to the common corner, the southwest corner of the above mentioned B.B.B. & C.R.R. Co Survey, Abstract No. 110 and the southeasterly corner of the B.B.B. & R.C.C. Co. Survey, Abstract No. 111 to a 3/4 inch iron rod found for corner;

THENCE South 85 deg. 47 min. 46 sec. West, along a blazed and yellow painted line and a fence, a total distance of 1,387.90 feet to a 5" X 5" concrete monument found for a interior corner of the herein described tract of land from which an 8 inch Post Oak found with one hack above and one hack below a "X" bears North 22 deg. 26 min. East 24.10 feet and a 26 inch Post Oak found marked with one hack above and one hack below a "X" bears North 58 deg. 34 min. West 27.60 feet;

THENCE South 03 deg. 46 min. 14 sec. East, along a blazed and yellow painted line and generally along a fence, at 1,480.83 feet pass a 5" x 5" concrete monument found on line, in all a total distance of 1,598.18 feet to a point for the most southerly southeast corner of the herein described tract of land;

THENCE South 87 deg. 08 min. 16 sec. West, generally along a blazed and yellow painted line and a meandering fence through a creek bottom, at 3,344.81 feet pass a 2" x 4" concrete monument found on line, in all a total distance of 5,409.09 feet to a 2-3/4 inch iron pipe found for the southwest corner of the herein described tract of land;

THENCE North 06 deg. 27 min. 55 sec. West, generally along a blazed and yellow painted line, a total distance of 751.33 feet to the PLACE OF BEGINNING and containing a GROSS AREA of 546.1964 acres of land SAVE AND EXCEPT the following tracts of land:

THIRD TRACT: All of that certain 7.9790 acre tract of land being out of and a part of the B.B.B. & C.R.R. Co. Survey, Abstract No. 111, Montgomery County Texas, and lying wholly within the existing right-of-way of the old

public highway (also known as Wright Road and the old Magnolia-Houston Road), said 7.9790 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at a 4" X 4" concrete monument found beside a 3/4 inch iron pipe for the common occupied west corner of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 110, and the B.B.B. & C.R.R. Co. Survey, Abstract No. 111;

THENCE South 42 deg. 22 min. 36 sec. West, along and with the occupied northwest line of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 111, at 565.69 feet pass the northeast right-of-way line of State Highway No. 249, at 933.28 feet pass a 5/8 inch iron rod with an aluminum cap set in the southwest right-of-way line of said Highway, in all a total distance of 1,015.92 feet to a 5/8 inch iron rod with an aluminum cap found in the northeast right-of-way line of the said Old Public Highway for the northeast corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE South 20 deg. 51 min. 42 sec. East, along and with the northeast right-of-way line of the said highway, a total distance of 1,967.87 feet to a 5/8 inch iron rod with an aluminum cap found for an angle point;

THENCE South 20 deg. 26 min. 37 sec. East, continuing along and with the northeast right-of-way line of said highway, a total distance of 979.79 feet to a 5/8 inch iron rod with an aluminum cap found for an angle point;

THENCE South 20 deg. 46 min. 44 sec. East, continuing along and with the northeast right-of-way line of said highway, a total distance of 1,688.07 feet to a 5/8 inch iron rod with an aluminum cap found at its intersection with a south line of the above described 529.6294 acre tract for the southeast corner of the herein described tract from which a 3/4 inch iron rod found in the occupied dividing line between the said B.B.B. & C.R.R. Co. Surveys, and an angle point in the said south line of the 529.6294 acre tract bears North 85 deg. 47 min. 46 sec. East 59.84 feet and a 6" X 6" concrete monument found bears South 27 deg. 16 min. 59 sec. East 28.21 feet;

THENCE South 85 deg. 47 min. 46 sec. West, along and with the said south line of the 529.6294 acre tract of land, a total distance of 57.49 feet to a 5/8 inch rod with an aluminum cap set at its intersection with the southwest right-of-way line of the said highway for the southwest corner of the herein described tract of land from which a 1/2 inch iron rod found bears North 21 deg. 37 min. 54 sec. West 0.25 feet;

THENCE North 21 deg. 37 min. 54 sec. West, along and with the southwest right-of-way line of said Highway, a total distance of 1,672.32 feet to a 5/8 inch iron rod with an aluminum cap set for an angle point;

THENCE North 20 deg. 26 min. 37 sec. West, continuing along and with the southwest right-of-way line of said highway, a total distance of 979.49 feet to a 5/8 inch iron rod with an aluminum cap set for an angle point;

THENCE North 20 deg. 51 min. 42 sec. West, continuing along and with the southwest right-of-way line of said highway, a total distance of 1,927.23 feet to a 5/8 inch iron rod with an aluminum cap found at its intersection with the said northwesterly line of the B.B.B. & C.R.R. Co. Survey, A-111, for the northwest corner of the herein described tract of land;

THENCE North 42 deg. 22 min. 36 sec. East, along and with the northwest line of the said B.B.B. & C.R.R. Co. Survey, A-111, a total distance of 89.60 feet to the PLACE OF BEGINNING and containing 7.9790 acres of land.

**FOURTH TRACT:** All of that certain 6.0000 acre tract of land located in the B.B.B. & C.R.R. Survey, Abstract No. 111, Montgomery County, Texas, also being all of that certain 6.0000 acre tract now or formerly owned by John Shilling, Tr. per instrument recorded in Volume 251 on Page 135 of the Dead Records of Montgomery County, Texas, said 6.0000 acre tract of land being more particularly described by metes and bound as follows, to-wit:

COMMENCING at a 4" X 4" concrete monument found beside a 3/4 inch iron pipe for the common occupied west corner of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 110 and the B.B.B. & C.R.R. Co. Survey, Abstract No. 111;

THENCE South 42 deg. 22 min. 36 sec. West, along and with the occupied northwest line of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 111, at 565.69 feet pass the northeast right-of-way line of State Highway No. 249, in all a total distance of 933.28 feet to a 5/8 inch iron rod with an aluminum cap found in the southwest right-of-way line of said highway;

THENCE South 30 deg. 32 min. 20 sec. East, along and with the southwest right-of-way line of said State Highway No. 249, a total distance of 733.87 feet to a 1/2 inch iron rod found for the north corner and PLACE OF BEGINNING of the herein described tract of land,

THENCE South 30 deg. 32 min. 20 sec. East, continuing along and with the said southwest right-of-way line of State Highway 249, a total distance of 934.51 feet to a 1/2 inch iron rod found for the east corner of the herein described tract of land;

THENCE South 59 deg. 27 min. 40 sec. West, perpendicular to said highway right-of-way, a total distance of 359.35 feet to a 1/2 inch iron rod found in the northeast right-of-way line of the old public highway (also known as Wright Road and the Old Magnolia Houston Road) for the south corner of the herein described tract of land;

THENCE North 20 deg. 51 min. 42 sec. West, along and with the said northeast right-of-way line of the old public highway, a total distance of 948.00 feet to a 1/2 inch iron rod found for the west corner of the herein described tract of land;

THENCE North 59 deg. 27 min. 40 sec. East, perpendicular to the said southwest right-of-way line of State Highway No. 249, a total distance of 200.00 feet to the PLACE OF BEGINNING and containing 6.0000 acres of land.

**FIFTH TRACT:** All of that certain 2.5881 acre tract of land located in the B.B.B. & C.R.R. Co. Survey, Abstract No. 111, being the Houston Lighting & Power Company's Pinchurst Sub-Station said 2.5881 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at a 4" X 4" concrete monument found beside a 3/4 inch iron pipe for the common occupied west corner of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 110 and B.B.B. & C.R.R. Co. Survey, Abstract No. 111;

THENCE South 42 deg. 22 min. 36 sec. West, along and with the occupied northwest line of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 111, at 565.69 feet pass the northeast right-of-way line of State Highway No. 249 at 933.28 feet pass a 5/8 inch iron rod with an aluminum cap found in the southwest right-of-way line of said Highway; at 1,015.92 feet pass a 5/8 inch iron rod with an aluminum cap found in the northeast right-of-way line of the old public highway (also known as Wright Road and the Old Magnolia-Houston Road), in all a total distance of 1,105.52 feet to a 5/8 inch iron rod with an aluminum cap set in the southwest right-of-way line of the old public highway for the northwest corner of the above described 7.9790 acre tract of land, the northeast corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE South 20 deg. 51 min. 42 sec. East, along and with the said southwest right-of-way line of the old public highway, a total distance of 363.99 feet to a 5/8 inch iron rod found for the southeast corner of the herein described tract of land;

THENCE South 42 deg. 22 min. 36 sec. West, parallel to and 325.00 feet southeasterly from, measured at a right angle, the occupied northwesterly line of the said B.B.B. & C.R.R. Co. Survey, A-111, a total distance of 264.93 feet to a 5/8 inch iron rod found for the south corner of the herein described tract of land;

THENCE North 47 deg. 37 min. 24 sec. West, along and with the southwest line of the said sub-station, a total distance of 325.00 feet to a 5/8 inch iron rod set in the northwest line of the said B.B.B. & C.R.R. Co. Survey, A-111, for the west corner of the herein described tract of land;

THENCE North 42 deg. 22 min. 36 sec. East, along and with the said northwest line of the B.B.B. & C.R.R. Co. Survey, a total distance of 428.83 feet to the PLACE OF BEGINNING and containing 2.5881 acres of land leaving a NET TOTAL AREA of 529.6294 acres of land.

HAROLD B. FISHER  
Registered Professional Land Surveyor  
Texas Registration No. 558

Tract B

**TRACT B  
DESCRIPTION  
East of Highway No. 249**

Being 1295.994 acres of land located in the B.B.B. & C.R.R. Co. Survey, Abstract 110, the B.B.B. & C.R.R. Co. Survey, Abstract 111, the J.D. Cochran Survey, Abstract 123 and the E.R. Hale Survey, Abstract 264, Montgomery County, Texas, more particularly being a portion of that certain called 2253.2253 acre tract described as Tract I, conveyed to Richfield Investment Corporation by instrument of record under File No. 9869221, Public Records of Real Property, Montgomery County, Texas (M.C.P.R.R.P.), said 1295.994 acres being more particularly described by metes and bounds as follows (all bearings referenced to said 2253.2253 acre tract);

BEGINNING at the most southerly southwest corner of aforementioned 2253.2253 acres, same being on the northeasterly right-of-way line of State Highway 249 (SH 249) width varies;

THENCE, with the common line of said 2253.2253 acres and SH 249, the following five (5) courses;

- 1) North 30° 33' 12" West, 1730.93 feet to a point for corner;
- 2) North 14° 26' 48" East, 77.78 feet to a point for corner;
- 3) North 30° 33' 12" West, 120.00 feet to a point for corner;
- 4) North 75° 33' 12" West, 77.78 feet to a point for corner;
- 5) North 30° 33' 12" West, 3378.84 feet to a point for corner on the northwesterly line of aforementioned B.B.B. & C.R.R. Co. Survey, Abstract 111 and the southeasterly line of the John Raimon Survey, Abstract 472, same being a westerly corner of said 2253.2253 acres;

THENCE, leaving said northeasterly right-of-way line, with a northwesterly line of said 2253.2253 acres and with the northwesterly line of said B.B.B. & C.R.R. Co. Survey, Abstract 111 and the southeasterly line of said John Raimon Survey and the Henry Studz Survey, Abstract 513, Montgomery County, Texas, North 42° 22' 36" East, 565.69 feet to a point for corner at the most westerly corner of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and the most westerly north corner of said B.B.B. & C.R.R. Co. Survey, Abstract 111;

THENCE, continuing with a northwesterly line of said 2253.2253 acres and with the common line of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and said Henry Studz Survey, North 42° 14' 38" East, 1977.17 feet to a point for corner on the southwesterly line of aforementioned J.D. Cochran Survey, same being a re-entrant corner on the westerly line of said 2253.2253 acres, the east corner of said Henry Studz Survey and the north corner of said B.B.B. & C.R.R. Co. Survey, Abstract 110;

THENCE, with the common southwesterly line of said 2253.2253 acres and said J.D. Cochran Survey, North 47° 39' 45" West, 2329.58 feet to a point for corner;

THENCE, leaving the southwesterly line of said J.D. Cochran survey, with a westerly line of said 2253.2253 acres, North 22° 08' 07" East, 273.34 feet to a point for corner;

THENCE, with a southwesterly line of that 2253.2253 acres, North 47° 37' 18" West, 85.96 feet to a point for corner, same being the south corner of that certain called 4.0800 acre save & except tract, described as "Eighth Tract", under File No. 9869221 of said M.C.P.R.R.P.;

THENCE, with the southeasterly, northeasterly and northwesterly line of said 4.0800 acres the following three (3) courses;

- 1) North 44° 38' 41" East, 485.30 feet to a point for corner;
- 2) North 49° 09' 03" West, 370.80 feet to a point for corner;
- 3) South 44° 38' 42" West, 475.40 feet to a point for corner on a southwesterly line of said 2253.2253 acres and being the west corner of said 4.0800 acres;

THENCE, with said southwesterly line, North 47° 37' 18" West, 25.00 feet, more or less, to a point for corner on the centerline of The Superior Oil Company pipeline, an undefined right-of-way agreement being of record in Volume 271, Page 121, Deed Records, Montgomery County, Texas (M.C.D.R.);

THENCE, leaving said southwesterly line with the centerline of said The Superior Oil Company pipeline, the following eight (8) courses;

- 1) North 44° 34' 39" East, 736.16 feet to a point for corner;
- 2) North 44° 52' 56" East, 1038.47 feet to a point for corner;
- 3) North 44° 10' 27" East, 494.99 feet to a point for corner;
- 4) North 42° 48' 40" East, 1020.09 feet to a point for corner;
- 5) North 41° 02' 20" East, 705.64 feet to a point for corner;
- 6) North 41° 16' 52" East, 919.78 feet to a point for corner;
- 7) North 41° 34' 29" East, 189.21 feet to a point for corner;
- 8) North 41° 15' 36" East, 462.69 feet to a point for corner on the centerline of Mill Creek, same being on the northerly line of aforementioned 2253.2253 acres;

THENCE, leaving the centerline of said The Superior Oil Company pipeline, with the centerline meanders of Mill



Creek, same being a north line of said 2253.2253 acres, the following thirty-one (31) courses;

- 1) South 58° 09' 25" East, 18.91 feet to a point for corner;
- 2) North 75° 25' 05" East, 44.23 feet to a point for corner;
- 3) North 76° 29' 06" East, 46.94 feet to a point for corner;
- 4) South 80° 42' 55" East, 64.72 feet to a point for corner;
- 5) South 86° 50' 45" East, 60.53 feet to a point for corner;
- 6) North 36° 39' 15" East, 73.15 feet to a point for corner;
- 7) North 18° 33' 02" West, 57.31 feet to a point for corner;
- 8) North 18° 45' 50" East, 83.26 feet to a point for corner;
- 9) North 27° 55' 55" East, 34.76 feet to a point for corner;
- 10) South 85° 18' 17" East, 34.54 feet to a point for corner;
- 11) South 29° 46' 38" East, 30.04 feet to a point for corner;
- 12) South 17° 21' 13" East, 55.65 feet to a point for corner;
- 13) South 02° 17' 41" West, 19.33 feet to a point for corner;
- 14) South 25° 27' 35" West, 31.69 feet to a point for corner;
- 15) South 36° 58' 17" East, 29.30 feet to a point for corner;
- 16) North 66° 24' 25" East, 27.50 feet to a point for corner;
- 17) North 30° 38' 53" East, 68.33 feet to a point for corner;
- 18) North 66° 53' 07" East, 42.01 feet to a point for corner;
- 19) South 69° 35' 09" East, 51.93 feet to a point for corner;
- 20) South 83° 58' 20" East, 33.40 feet to a point for corner;
- 21) South 57° 01' 02" East, 20.46 feet to a point for corner;
- 22) South 55° 56' 01" East, 45.88 feet to a point for corner;
- 23) South 52° 24' 02" East, 35.24 feet to a point for corner;
- 24) North 85° 55' 25" East, 35.59 feet to a point for corner;
- 25) North 73° 28' 31" East, 45.24 feet to a point for corner;
- 26) North 53° 54' 24" East, 41.78 feet to a point for corner;
- 27) North 15° 19' 11" West, 36.63 feet to a point for corner;
- 28) North 39° 16' 38" West, 61.69 feet to a point for corner;
- 29) North 22° 42' 12" West, 26.40 feet to a point for corner;
- 30) North 71° 43' 49" East, 98.69 feet to a point for corner;
- 31) South 83° 02' 24" East, 171.41 feet to a point for corner on the westerly right-of-way line of the C.R.I. & P. & F.W. & D. Railroad (Formerly T. & B.V. Railroad), same being the northwest corner of that certain called 26.3229 acre save & except tract, described as "Tenth Tract" under File No. 9869221 of said M.C.P.R.R.P.;

THENCE, leaving said centerline of Mill Creek and the northerly line of said 2253.2253 acre, with the common westerly line of said C.R.I. & P. & F.W. & D.R.R. right-of-way and said 26.3229 acres, the following three (3) courses;

- 1) South 24° 12' 25" East, 750.74 feet to a point for corner;
- 2) North 65° 47' 35" East, 100.00 feet to a point for corner;
- 3) South 24° 12' 25" East, 275.43 feet to a point for corner, same being the north corner of that certain called 43.0969 acre save & except tract, described as "Ninth Tract" under File No. 9869221 of said M.C.P.R.R.P.;

THENCE, leaving said common westerly line with the northwesterly, southwesterly and southeasterly lines of said 43.0969 acres, the following five (5) courses;

- 1) South 41° 42' 29" West, 1630.66 feet to a point for corner;
- 2) South 47° 58' 31" East, 1233.64 feet to a point for corner;
- 3) North 42° 11' 59" East, 587.70 feet to a point for corner;
- 4) South 24° 12' 25" East, 500.00 feet to a point for corner;
- 5) North 42° 12' 04" East, 439.67 feet to a point for corner on the aforementioned common westerly line of said C.R.I. & P. & F.W. & D.R.R. right-of-way and said 26.3229 acres;

THENCE, with said common westerly line, the following seven (7) courses;

- 1) South 24° 12' 25" East, 1042.30 feet to a point for corner;
- 2) North 65° 47' 35" East, 50.00 feet to a point for corner;
- 3) South 24° 12' 25" East, 1001.00 feet to a point for corner;
- 4) South 65° 47' 35" West, 50.00 feet to a point for corner;
- 5) South 24° 12' 25" East, 1700.00 feet to a point for corner;
- 6) North 65° 47' 35" East, 50.00 feet to a point for corner;
- 7) South 24° 12' 25" East, 908.52 feet to a point for corner on the common line of aforementioned J.D. Cochran Survey and E.R. Hale Survey, also being on a southeasterly line of aforementioned 2253.2253 acres;

THENCE, with said common survey line and said southeasterly line, South 41° 32' 47" West, 2078.69 feet to a point for corner;

THENCE, leaving said common survey line, with an easterly line of said 2253.2253 acres, South 01° 42' 53" East, 3031.06 feet to a point on the northeasterly right-of-way line of the Missouri Pacific Railroad;

THENCE, with the common line of said northeasterly right-of-way and 2253.2253 acres, the following five (5) courses;

- 1) North 59° 20' 49" West, 1772.25 feet to a point for corner;
- 2) North 30° 39' 11" East, 50.00 feet to a point for corner;
- 3) North 59° 20' 49" West, 304.65 feet to a point for corner;
- 4) South 02° 49' 09" East, 59.94 feet to a point for corner;
- 5) North 59° 20' 49" West, 775.63 feet to a point for corner on the common line of aforementioned B.B.B. & C.R.R. Co. Survey, Abstract 110 and said E.R. Hale Survey, same being a re-entrant corner in the southerly line of said 2253.2253 acres;

THENCE, leaving said northwesterly right-of-way line, with said common survey line and an easterly line of said 2253.2253 acres, South 02° 40' 02" East, 2866.38 feet to a point for corner;

THENCE, leaving said common survey line, with the south line of said 2253.2253 acres, South 87° 10' 15" West, 1370.95 feet to the POINT OF BEGINNING and containing a GROSS AREA of 1309.470 acres of land, SAVE AND EXCEPT, however the following described 13.476 acre tract of land.

SAVE AND EXCEPT TRACT

Being 13.476 acres of land located in the B.B.B. & C.R.R. Co. Survey, Abstract 110 and the B.B.B. & C.R.R. Co. Survey, Abstract 111, more particularly being all of that certain called 13.4763 acre save and except tract, described as "Seventh Tract" under File No. 9869221 of said M.C.P.R.R.P.;

BEGINNING at the most westerly corner of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and the most westerly north corner of said B.B.B. & C.R.R. Co. Survey, Abstract 111, same being on the southeasterly line of aforementioned Henry Studz Survey;

THENCE, with the common line of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and said Henry Studz Survey, North 42° 14' 38" East, 21.11 feet to a point for corner on the northeasterly line of the Missouri Pacific Railroad right-of-way;

THENCE, leaving said common survey line, with said northeasterly right-of-way line, South 59° 20' 49" East, 4132.55 feet to a point for corner on the common line of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and aforementioned E.R. Hale Survey, same being on an east line of said 2253.2253 acres from which a re-entrant corner on the south line of said 2253.2253 acres bears North 02° 40' 02" West, 5.98 feet;

THENCE, leaving said northeasterly right-of-way line, with said common survey line and said east line, South 02° 40' 02" East, 167.54 feet to a point for corner on the southwesterly right-of-way line of said Missouri Pacific Railroad;

THENCE, leaving said common survey line and said east line with said southwesterly right-of-way line, North 59° 20' 49" West, 4253.59 feet to a point for corner on the common line of aforementioned B.B.B. & C.R.R. Co. Survey, Abstract 111 and said Henry Studz Survey;

THENCE, leaving said southwesterly right-of-way line, with said common survey line, North 42° 22' 36" East, 121.86 feet to the POINT OF BEGINNING and containing 13.476 acres of land leaving a NET TOTAL AREA of 1295.994 acres of land.

THE ABOVE DESCRIPTION WAS PREPARED FROM RECORD INFORMATION ONLY.

LJA Engineering & Surveying, Inc.

EXHIBIT "B"

1. All oil, gas, and mineral reservations or conveyances recorded in the Official Public Records of Real Property of Montgomery County, Texas, to the extent they are effective as of the date of this Decd. (AS TO BOTH 529.6294 TRACT A AND 1295.994 ACRE TRACT B)
2. Restrictive Covenants as set forth under Clerk's File No. 9708186 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT B)
3. Pipeline right-of-way as granted to Tennessee Gas Transmission Company by instrument recorded in Volume 292, Page 364 of Deed Records and modified by instrument recorded under County Clerk's File No. 9200423 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT A)
4. Pipeline right-of-way as granted to Humble Oil and Refining Company by instrument recorded in Volume 629, Page 925 of the Deed Records of Montgomery County, Texas. (AS TO TRACT A)
5. An easement as granted to Moran Gas Company by instrument recorded in Volume 164, Page 584 of the Deed Records of Montgomery County, Texas. (AS TO TRACT A)
6. Aerial easements as granted to Houston Lighting and Power Company by instruments recorded under File Nos. 8316275 and 8316276 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT B)
7. Easement as granted to Houston Lighting and Power Company by instruments recorded under County Clerk's File Nos. 8316277 and 8801086 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT B)
8. Easement as granted to Houston Lighting and Power Company by instrument recorded under County Clerk's File No. 8316278 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT A) & B
9. Pipeline right-of-way as granted to The Superior Oil Co. by instrument recorded in Volume 271, Page 121 of the Deed Records of Montgomery County, Texas. (AS TO TRACT B)
10. Pipeline right-of-way as granted to Sinclair Refining by instrument recorded in Volume 273, Page 314 of the Deed Records of Montgomery County, Texas. (AS TO TRACT B)
11. Pipeline right-of-way as granted to Magnolia Pipe Line Co. by instrument recorded in Volume 272, Page 11 of the Deed Records of Montgomery County, Texas. (AS TO TRACT B)
12. Pipeline right-of-way as granted to The Texas Co. by instrument recorded in Volume 45, Page 532 of the Deed Records of Montgomery County, Texas, and assigned to the Texas Pipe Line Company pursuant to instrument recorded in Volume 91, Page 73 of the Deed Records of Montgomery County, Texas. (AS TO TRACT B)
13. Easement as granted to Southwestern Bell Telephone Company by instrument recorded in Volume 1122, Page 842 of the Deed Records of Montgomery County, Texas. (AS TO TRACT B)
14. Building line 75 feet wide along the front property line of the subject property as reserved by instrument recorded under County Clerk's File No. 9708186 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT B)
15. Utility Easement Agreement by and between Coe Utilities, Inc. and Gulf American Cable Group V, a Louisiana partnership, herein represented by Cable of Louisiana, Inc.

EXHIBIT "B"

recorded under County Clerk's File No. 9021577 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT B)

16. Failure of the subject property to have rights of ingress and egress by dedicated public road. (AS TO TRACT B)
17. Rights of third parties in and to the use of roadways for ingress and egress across subject property. (AS TO TRACT B)
18. Fence encroachment along boundary lines as reflected by survey dated September 5, 1990, revised September 2, 1998, prepared by Harold B. Fisher, Registered Professional Land Surveyor No. 558. (AS TO BOTH TRACTS)
19. Terms of Boundary Agreement recorded under County Clerk's File No. 9640138 of the Real Property Records of Montgomery County, Texas. (AS TO TRACT A)
20. Terms of Permit to Appropriate State Water recorded under County Clerk's File No. 9238814 of the Real Property Records of Montgomery County, Texas, and amendments recorded under County Clerk's File Nos. 9345655, 9352378 and 9352379 of the Real Property Records of Montgomery County, Texas.
21. Terms of Permit to Dispose of Wastes recorded under County Clerk's File Nos. 9357427 and 9357428 of the Real Property Records of Montgomery County, Texas. ✓

1. SPURIOUSAL (DesWood Tract) egat Closing Exhibit B 1825 ac ext

STATE OF TEXAS  
COUNTY OF MONTGOMERY  
I hereby certify that this instrument was filed in  
File Number 9021577 on the date and at the time  
stamped herein by me and was duly RECORDED in  
the official Public Records of Real Property of  
Montgomery County, Texas.

SEP 3 1999

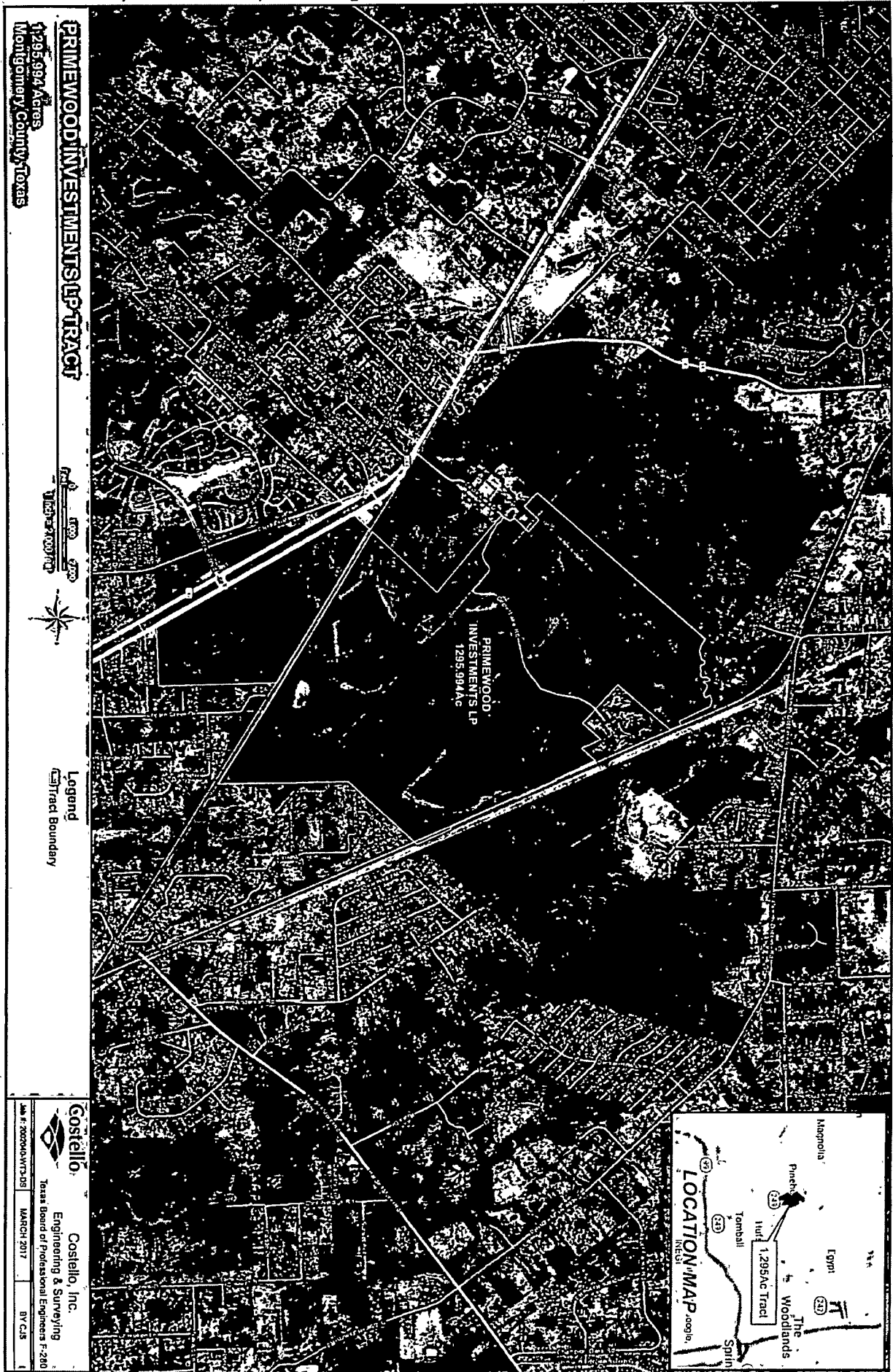


*M. L. To...*  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

FILED FOR RECORD  
99 SEP -3 PH 2:45  
MARK TURNBULL, CO. CLERK  
MONTGOMERY COUNTY, TEXAS

DEPUTY

EXHIBIT "B"



**Costello, Inc.**  
 Engineering & Surveying  
 Texas Board of Professional Engineers F-280  
 MARCH 2017  
 BY CJS