

Control Number: 47811



Item Number: 5

Addendum StartPage: 0

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PUBLIC UTILITY COMMISSION
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PUC DOCKET NO. 47811

**PETITION BY BCDE, LTD. FOR
EXPEDITED RELEASE FROM
WATER CCN NO. 13203 AND
SEWER CCN NO. 21065 HELD
BY AQUA TEXAS, INC. IN
HARRIS COUNTY**

**§ BEFORE THE
§
§ PUBLIC UTILITY COMMISSION
§
§ OF TEXAS
§**

**SUPPLEMENT TO PETITION BY BCDE, LTD.
FOR EXPEDITED RELEASE**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

BCDE, Ltd. ("BCDE") files this supplement to the petition for expedited release from water certificate of convenience and necessity (CCN) number 13203 and sewer CCN number 21065, held by Aqua Texas, Inc. ("Aqua"), filed by BCDE on November 29, 2017 with the Public Utility Commission of Texas (the "PUC") for expedited release. This supplement is being filed pursuant to the instruction of Commission Staff in order to clarify the acreage that BCDE is seeking to have released from CCN number 13203 and CCN number 21065. The purpose of this supplement is to further demonstrate to the PUC that (i) the real property that is the subject of this expedited release effort totals approximately 65 contiguous acres (the "BCDE Property"), (ii) BCDE owns a 100 percent interest in the BCDE Property, and (iii) the BCDE Property therefore qualifies for expedited release from water CCN No. 13203 and sewer CCN No. 21065. In support of this supplement, BCDE shows the following:

I. PUC STAFF'S REQUESTED ADDITIONAL INFORMATION

The PUC staff identified additional items that are needed from BCDE before PUC could declare the petition administratively complete. Those items are paraphrased as follows:

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- Item 1. The deed that demonstrates the sale of the thirteen (13) acres out of the seventy-eight (78) acres described in the deed submitted as Exhibit “C” with the BCDE Petition;
- Item 2. A map depicting the thirteen (13) acres that were sold out of the seventy-eight (78) acres that are described in the deed submitted as Exhibit “C” with the BCDE Petition;
- Item 3. The Petition lists sixty-four (64) acres for expedited release and the remaining acreage after the sale of the thirteen (13) acres is 65 acres.

Each of these items is addressed in Section II below. In addition, BCDE also provides Exhibits “A” through “C” as supplements to the information provided in the November 29, 2017 petition. Exhibits “A” through “C” are described as follows:

II. RESPONSE TO PUC STAFF’S REQUESTED ITEMS

On November 29, 2017, BCDE filed a petition that inadvertently listed approximately sixty-four (64) acres, when the acreage totals are approximately sixty-five (65) acres. By way of background, on January 03, 2003, BCDE filed a deed in the Harris County real property records for the purchase of 78.475 acres (the “Original Acreage”) from J.N. Warren and Maxine C. Warren. The deed that covers the Original Acreage is attached hereto as Exhibit “A”. On January 28, 2011, BCDE sold a thirteen (13) acre tract from the Original Acreage to J.D. Slaughter. The deed that reflects the sale of the thirteen (13) acre tract is attached hereto as Exhibit “B”. In addition to the deeds, a map depicting the thirteen (13) acre tract that was conveyed to J.D. Slaughter is attached hereto as Exhibit “C”. Together, the deeds and the map show the thirteen (13) acres that were sold out of the Original Acreage and reflect that there are approximately sixty-five (65) acres remaining from the Original Acreage that are held by BCDE.


III. CONCLUSION

BCDE has engaged with the PUC Staff in an effort to ensure that the information provided herein and in the Exhibits attached hereto will adequately and thoroughly address the

concerns expressed by the PUC Staff. The information provided in this supplement demonstrates that BCDE is the owner of approximately sixty-five (65) acres, which is the property that is the subject of this petition for expedited release of water CCN No. 13203 and sewer CCN No. 21065. Accordingly, BCDE is entitled to a release of the portions of the BCDE Property that are within CCN No. 13203 and sewer CCN No. 21065. BCDE respectfully requests that the PUC find the full Petition and this Supplement to be administratively complete and to grant the requested release within 60 days.

Respectfully submitted,

COATS ROSE, P.C.
14755 Preston Road, Suite 600
Dallas, Texas 75254
(972) 419-4717 (Telephone)
(972) 702-0662 (Facsimile)
seidman@coatsrose.com (Email)

By: 
SCOTT W. EIDMAN
State Bar No. 24078468

**ATTORNEY FOR PETITIONER
BCDE, LTD.**

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 27th of December, 2017 in accordance with 16 TAC § 22.74


Scott W. Eidman

Aqua Texas, Inc.
1106 Clayton Lane
Austin, Texas 78723-3489

Rick Nemer
Attorney, Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

EXHIBIT "A"
Deed for Purchase of 78.475 Acres

CHICAGO TITLE ME

GE 345702

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

4332593

01/03/03 200038602

\$23.00

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

§

That J. N. WARREN (a/k/a Jasper Newton Warren, a/k/a Jack Warren, individually and d/b/a Warren Arabians, a sole proprietorship), joined herein by his wife, MAXINE C. WARREN, hereinafter called Grantor (whether one or more), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto BCDE, LTD.,

a Texas limited partnership, hereinafter called Grantee (whether one or more), whose mailing address is 24522 Creekview Dr., Spring, Harris County, Texas 77389-4904, the following described real property in Harris County, Texas, together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said real property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from said real property and any of Grantor's rights to use same; (v) any and all mineral rights and interests of Grantor relating to said real property (present or reversionary); (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit said real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantor in and to any leases covering all or any portion of said real property; and (viii) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways

561-38-198

12-1-33-3173

(open or proposed) affecting, crossing, fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to said real property and (d) any and all reversionary interests in and to said real property (said real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (vii) above are herein collectively referred to as the "Property"), to-wit:

A 78.4754 acre tract of land out of Unrestricted Reserve "C" of **TOMBALL GREENS**, a subdivision out of the Elizabeth Smith Survey, Abstract No. 70, in Harris County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto. D

Notwithstanding anything contained herein to the contrary, however, with respect to the rights and interests described in (iv), (vi) and (viii) directly above, Grantor is hereby only granting, selling and conveying any of Grantor's right, title and interest in and to same without warranty (whether statutory, express or implied).

This conveyance is made and accepted subject to the Permitted Title Exceptions listed on attached Exhibit "B" to the extent same are in effect at this time.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, and Grantee's heirs, personal representatives, successors, and assigns forever, and Grantor hereby binds Grantor and Grantor's heirs, personal representatives, successors, and assigns to **WARRANT AND FOREVER DEFEND**, all and singular, the said property to Grantee and

Grantee's heirs, personal representatives, 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.

Of the consideration hereinabove recited, the sum of \$875,000.00 has been paid to Grantor in cash by Texas State Bank (hereinafter called the "Mortgagee"), at the special instance and request and on behalf of Grantee, as evidenced by that certain promissory note of even date herewith, executed by Grantee, payable to the order of the Mortgagee, bearing interest at the rate as therein provided, and providing for the usual clauses with regard to acceleration of maturity and attorney's fees, reference to such note being here made for all pertinent purposes, the payment of such note being secured by the Vendor's Lien herein retained, and additionally being secured by a Deed of Trust of even date herewith to John E. Phillips, Trustee for the benefit of the Mortgagee.

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the above described property, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute, and Grantor, for value received from the Mortgagee, as recited above, does hereby Transfer, Assign, and Set Over, without recourse, to the Mortgagee, its successors and assigns, said Vendor's Lien and the Superior Title remaining in Grantor.

Except for the limited warranties of title contained herein and the representations and warranties of Grantor contained in that Purchase and Sale Agreement dated August 1, 2002, entered into between Grantor and Grantee, the above described Property is conveyed "as is".

Ad valorem taxes and standby fees with respect to the Property, other than "roll back taxes" have been prorated between Grantor and Grantee as of the date hereof, and Grantee hereby expressly assumes and agrees to pay all ad valorem taxes and all maintenance fees, standby fees, assessments and similar charges with respect to the Property for the year 2002 and all subsequent years.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on December 30, 2002.


J. N. WARREN

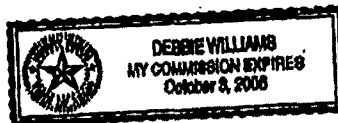

MAXINE C. WARREN

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on December 30, 2002, by J. N. Warren and Maxine C. Warren.


NOTARY PUBLIC in and for
THE STATE OF TEXAS



*After Recording
Return To:*

CHICAGO TITLE-MAGNOLIA
38627 FM 1774
MAGNOLIA, TEXAS 77355

EXHIBIT "A"

2

78.4754 Acres

Fieldnotes for 78.4754 acres of land out of Unrestricted Reserve "C" of Tomball Greens, a subdivision out of the Elizabeth Smith Survey, Abstract No. 70, in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 440128 of the Map Records of Harris County, being the residue of that certain 87.8666 acre tract of land conveyed to J.N. Warren, et ux as described in deed recorded under County Clerk's File No. K381722 of the Real Property Records of Harris County and all of that certain 3,000 acre tract of land conveyed to Jack N. Warren as described in deed recorded under County Clerk's File No. T613633 of the said Real Property Records, said 78.4754 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch steel rod set in the East line of Huffsmith-Kohrville Road, based on a 60.00 foot right-of-way, at its intersection with the North line of Spell Road, based on a 60.00 right-of-way, said point also being the Southwest corner of said Unrestricted Reserve "C", and the said Warren 87.8666 acre tract;

Thence, North 17°59'48" West, 350.00 feet with the East line of said Huffsmith-Kohrville Road and the West line of said Reserve "C" to a 5/8 inch steel rod set for the most Northerly Southwest corner and PLACE OF BEGINNING for the herein described tract of land;

Thence, continuing with the East line of said Huffsmith-Kohrville Road and the West line of said Reserve "C", North 17°59'48" West, 1235.72 feet to a 1/4 inch steel rod found marking the Northwest corner of said Reserve "C", the said 87.8666 acre tract, and the herein described tract, said point also being the most Northerly Southwest corner of Unrestricted Reserve "A" of said Tomball Greens;

Thence, North 45°27'56" East, 400.00 feet with the North line of said Reserve "C" and the South line of said Reserve "A" to a 5/8 inch steel rod set at an angle point;

Thence, continuing with the North line of said Reserve "C" and the South line of said Reserve "A", North 49°06'40" East, 1333.88 feet to a 5/8 inch steel rod set for the Northeast corner of said Reserve "C" and the herein described tract, said point also being an ell corner of said Reserve "A";

Thence, South 40°43'33" East, 1112.94 feet with the East line of said Reserve "C" and the West line of said Reserve "A" to a 5/8 inch steel rod set at an ell corner of said Reserve "A" and the herein described tract, said point also being the most Southerly Southwest corner of said Reserve "A", said point also being in the North line of the aforesaid 3,000 acre tract;

Thence, North 45°11'20" East, 54.64 feet with a Southerly line of said Reserve "A" and a Northerly line of said Reserve "C" to a 5/8 inch steel rod set at a second ell corner of said Reserve "C" and the herein described tract, said point also being the Northeast corner of the said 3,000 acre tract, said point also being the Northwest corner of that certain 31.5 acre tract of land conveyed to Leo West, et ux as described in deed recorded in Volume 1352, Page 256 of the Deed Records of Harris County;

Thence, South 39°26'44" East, 363.05 feet with the East line of said Reserve "C" and the said 3,000 acre tract and the West line of the said 31.5 acre tract to a 5/8 inch steel rod set at an angle point, said point also being the Southeast corner of the said 3,000 acre tract;

Thence, continuing with the East line of said Reserve "C" and the West line of the said 31.5 acre tract, South 39°34'20" East, 408.21 feet to a 1/4 inch steel rod found in the Northwesterly line of aforesaid Spell Road marking the Southeast corner of said Reserve "C" and the herein described tract, said point also being the Southeast corner of the aforesaid Warren 87.8666 acre tract, said point also being the Southwest corner of the said 31.5 acre tract;

EXHIBIT "A"

78.4754 Acres
Page 2

Thence, South 59°56'55" West, 308.63 feet with the Southeasterly line of said Reserve "C" and the Northwesternly line of said Spell Road to a 5/8 inch steel rod found at a point of curve to the left having a radius of 446.65 feet and a central angle of 22°42'18";

Thence, continuing with the Northwesternly line of said Spell Road and the Southeasterly line of said Reserve "C" and with the said curve to the left having a radius of 446.65 feet (chord bearing South 48°35'46" West, 175.84 feet), an arc distance of 177.00 feet to a 5/8 inch steel rod found at a point of tangency;

Thence, continuing with the Northwesternly line of said Spell Road and the Southeasterly line of said Reserve "C", South 37°14'37" West, 584.10 feet to a 5/8 inch steel rod with cap set at a point of curve to the right having a radius of 579.03 feet and a central angle of 18°09'23";

Thence, continuing with the Northwesternly line of said Spell Road and the Southeasterly line of said Reserve "C" and with the said curve to the right having a radius of 579.03 feet (chord bearing South 46°29'20" West, 182.72 feet), an arc distance of 183.49 feet to a 5/8 inch steel rod set at an ell corner;

Thence, North 34°25'58" West, 335.38 feet to a 5/8 inch steel rod set at a second ell corner;

Thence, South 75°08'55" West, 951.30 feet to the PLACE OF BEGINNING and containing 78.4754 acres or 3,418,387 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 02-4474A) made under the direction of John G. Thomas, Registered Professional Land Surveyor on August 6, 2002.

2001-08-13

EXHIBIT "B"

PERMITTED TITLE EXCEPTIONS

1. Restrictive covenants recorded under Film Code No. 440128 of the Map Records of Harris County, Texas; and also recorded under Harris County Clerk's File No. T891723 of the Real Property Records of Harris County, Texas.
2. Rights of tenants in possession under any leases assigned to Grantee.
3. An agreement for water well site with a 150 foot radius Sanitary Control easement along the easterly property line together with an eight (8) foot utility easement along the northerly property line to said water well as defined and located in instrument dated March 15, 1999, filed of record under Clerk's File No. T891723 of the Real Property Records of Harris County, Texas, said easement being further shown per the recorded plat thereof.
4. A Drill Site with access of ingress and egress together with a 40 foot pipe line easement affecting the subject property as defined and located in instrument dated March 15, 1999, filed of record under Clerk's File Nos. E299066 and T891723 of the Real Property Records of Harris County, Texas, said easement being further shown per the recorded plat thereof.
5. Pipeline right-of-way granted to Humble Oil & Refining Company, as created, defined and limited by instruments recorded in Volume 971, Page 53 and in Volume 1047, Page 620, both of the Deed Records of Harris County, Texas, and filed under Clerk's File Nos. D617052 and E183144. (as to 61.86 acres)
6. Easements and rights-of-way reserved by Exxon Corporation in instrument filed under Clerk's File No. F282492 of the Real Property Records of Harris County, Texas (as to 26.0066 acres).
7. All terms, conditions and provisions of deed from Exxon Corporation to Merit energy Corporation, filed under Clerk's File No. S099288 of the Real Property Records of Harris County, Texas. (as to 3.000 acres)
8. 1/4th royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 971, Page 427 of the Deed Records of Harris County, Texas. (as to 50 acres out of 61.86 acres)
9. 1/4th royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 971, Page 632 of the Deed Records of Harris County, Texas. (as to 50 acres out of 61.86 acres)
10. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, all having been reserved in instrument recorded in Volume 2474, Page 551 of the Deed Records of Harris County, Texas. (as to 20 acres out of 61.86 acres)
11. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, all having been reserved in instrument recorded in Volume 923, Page 326 of the Deed Records of Harris County, Texas, and under Clerk's File No. F282492 of the Real Property Records of Harris County, Texas.

44-3886-193

- Surface rights waived under Clerk's File No. F282492 of the Real Property Records of Harris County, Texas. (as to 26.0066 acres)
12. 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded under Clerk's File No. T613628 of the Real Property Records of Harris County, Texas. Surface rights waived therein. (as to 3.000 acres)
 13. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, all having been reserved in instrument recorded under Clerk's File No. T613633 of the Real Property Records of Harris County, Texas. Surface rights waived therein. (as to 3.000 acres)
 14. Oil, gas and other mineral lease recorded in Volume 218, Page 544 of the Contract Records of Harris County, Texas. (as to 50 acres out of 61.86 acres)
 15. Oil, gas and other mineral lease recorded in Volume 220, Page 372 of the Contract Records of Harris County, Texas. (as to 5 acres out of 50 acres out of 61.86 acres)
 16. Oil, gas and other mineral lease recorded in Volume 223, Page 698 of the Contract Records of Harris County, Texas. (as to 20 acres out of 61.86 acres)
 17. Surface rights waived as to the oil, gas and mineral leases shown above, except as to Drill Site and related amendments set out in instrument filed under Clerk's File No. E299066 of the Real Property Records of Harris County, Texas. (as to 61.86 acres)
 18. Oil, gas and other mineral lease recorded in Volume 218, Page 638 of the Contract Records of Harris County, Texas. (as to 26.0066 acres)
 19. All of the above oil, gas and mineral leases were unitized into Tomball Gas Unit No. 6 by Gas Pooling Agreement recorded in Volume 854, Page 237 of the Contract Records of Harris County, Texas. (as to 26.0066 acres and 61.86 acres).
 20. Oil, gas and other mineral lease recorded in Volume 223, Page 362 of the Contract Records of Harris County, Texas. Said oil, gas and mineral lease was unitized into Tomball Gas Unit No. 6 by instruments recorded in Volume 853, Page 589, Volume 854, Page 189, Volume 859, Page 163, Volume 953, Page 385 and Volume 2047, Page 98, all of the Contract Records of Harris County, Texas. Surface rights were waived in instrument filed under Clerk's File No. T613634 of the Real Property Records of Harris County, Texas. (as to 3.000 acres)

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY AND WHEN ORDEALABLE UNDER FEDERAL LAWS, THIS STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was filed in the Public Records 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 on

JAN - 3 2003



Dwight L. Keyman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Bonny W. Keyman
COUNTY CLERK
HARRIS COUNTY, TEXAS

2003 JAN - 3 AM 11:27

FILED

EXHIBIT "B"
Deed for Sale of 13 Acres

WD
D

ER 029 - 11 - 1049

General 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.

Date: December 28th, 2011

Grantor: J. D. SLAUGHTER, Married, but not joined herein by spouse, as property does not constitute any portion of their Homestead

Grantor's Mailing Address: 3759 Belle Bend St
Houston, TX 77025

Grantee: W. A. BISSO, IV and spouse, EVA CAMBRE BISSO

Grantee's Mailing Address: 21207 Belmont Farms Dr.
Tomball, TX 77375

Consideration: TEN AND 00/100 DOLLARS (\$10.00),
and other good and valuable consideration

Property (including any improvements):

Being a 13.00 acre tract situated in the Elizabeth Smith Survey, Abstract Number 70 in Harris County, Texas, being out of and a part of Unrestricted Reserve "C" of Tomball Greens Final Plat as recorded under Film Code No. 440128 of the Harris County Map Records; said 13.00 acres being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein, for all intents and purposes

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2012, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

General Warranty Deed
3-1120148930
Page 1

148/5M

JB
INITIAL

STEWART TITLE

Executed on the date as set out in the acknowledgment, but made EFFECTIVE as of the date first above written.

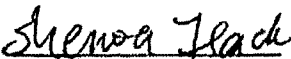

J. D. SLAUGHTER

10R

THE STATE OF TEXAS §

COUNTY OF Harris §

This instrument was acknowledged before me on the 22 day of December, 2011,
by J. D. SLAUGHTER.


Notary Public, State of Texas

After Recording, Return to:



ER 029 - 11 - 1050

ER 029 - 11 - 1051

EXHIBIT "A" LEGAL DESCRIPTION

File No.: 1120140930

A metes and bounds description a 13.00 acre tract situated in the Elizabeth Smith Survey, Abstract Number 70 in Harris County, Texas, being out of and a part of Unrestricted Reserve "C" of Tomball Greens Final Plat as recorded under Film Code No. 440128 of the Harris County Map Records; said 13.00 acres being more particularly described as follows with all bearings based on a call of South 59° 56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a 1/2-inch iron rod found in the northwest right-of-way of Spell Road (called 60-foot wide), for the south corner of a called 3.631 acre tract conveyed to Jeffery Jay Guiley by General Warranty Deed dated August 10, 2010 and filed for record under Clerk's File No. 20100344191 of the Harris County Official Public Records of Real Property and the east corner of said Unrestricted Reserve "C", same being the east corner of the herein described tract, from which a 5/8-inch iron rod found bears North 60°39'35" East, 204.08 feet;

THENCE, South 59°56'55" West, 508.63 feet along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to 5/8-inch iron rod found, beginning a curve to the left;

THENCE, in a southwest direction, continuing along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" with the arc of said curve to the left, having a radius of 446.65 feet, a central angle of 22°42'17", an arc length of 177.00 feet, and a chord bearing South 48° 35'46" West, 175.84 feet to a 5/8-inch iron rod found;

THENCE, South 37°14'37" West, 130.01 feet continuing along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to a 5/8-inch iron rod (with cap stamped "Cotton Surveying") set for the south corner of the herein described tract, from which a 5/8-inch iron rod found bears South 37°14'37" West, 453.79 feet;

THENCE, North 44°36'57" West, 646.34 feet departing the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to a 5/8-inch iron rod (with cap stamped "Cotton Surveying") set for the west corner of the herein described tract;

THENCE, North 45°07'27" East, at 813.04 feet to a point, from which a 5/8-inch iron rod found for the south corner of Lot 55, Block 1 of the Partial Replat of Country Club Greens Phase Two as recorded under Film Code No. 540231 of the Harris County Map Records bears South 44°48'40" East, 0.29 feet;

THENCE, North 45°11'20" East, along the southeast line of said Lot 55, Block 1, passing a 5/8-inch iron rod (with cap stamped "KLSS") found at 53.66 feet, 0.19 feet right, continuing for a total distance of 54.20 feet to a point in the southeast line of said Lot 55, Block 1, for the west corner of said 3.631 acres and angle corner for said Unrestricted Reserve "C", from which a 5/8-inch iron rod found bears North 65°

File No.: 1120140930
Exhibit A Legal Description

Page 1 of 2

ER 029 - 11 - 1052

26°41" East, 0.48 feet;

THENCE, South 39°26'44" East, 364.13 feet (called 363.05 feet) departing the southeast line of said Lot 55, Block 1, along the southwest line of said 3.631 acres and the northeast line of said Unrestricted Reserve "C" to a 5/8-inch iron rod found;

THENCE, South 39°34'20" East, 408.21 feet continuing along the southwest line of said 3.631 acres and the northeast line of said Unrestricted Reserve "C" to the POINT OF BEGINNING, CONTAINING 13.00 acres of land in Harris County, Texas.

ER 029 - 11 - 1053

20110543527
Pages 5
12/29/2011 08:40:10 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 28.00

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

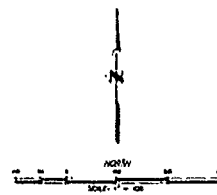
I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

EXHIBIT "C"
Map Depicting 13 Acres Sold

NEIGHBORHOOD MAP



COUNTRY CLUB
GREENS PARADE
REPEAT - PHASE TWO
FC NO. 56031
JANU

LOT 12, BLOCK 3
CENTRAL CITY CONDOMINIUM
10 40 02 000
10000

ILLUSTRATED
RESERVE
"A"

2074 COUNTY CLERK OFFICE

100-443887-100

--- UNRESTRICTED RESERVE
TOMBALL GREENS
F.C. 44012B
HCMR

+/- 65 ACRES

REMAINDER OF A
CALLED 78 4254 ACRES
BCDF, LTD
SPECIAL WARRANTY DEED
WITH VENDOR'S Lien
DECEMBER 30, 2014
OF MD. HXJ259J
ACCA00000

CALLED 4882 ACRES
 ENGLISH & ASSOCIATES, INC.
 WARRANTY DTD
 MARCH 31, 2014
 CT No. 20140133908

CALLED 3119 AGNES
 ELMER LEANORSON
 GENERAL WARRANTY DEED
 OCTOBER 21, 2013
 CF NO 20130541781

CLARENCE F. J. SUMNER
FBI CHIEF, MEMPHIS
FURNISH COURTESY CITIZENS PUBLIC
SERVICE OF 2015, MAY 1971
BOSTON, MASSACHUSETTS, U.S.A.

NOTE: THIS EXHIBIT IS NOT A SURVEY
AND IS INTENDED TO BE USED
FOR REFERENCE PURPOSES ONLY

EXHIBIT
OF
106 ACRES
OUT OF THE
ELIZABETH SMITH SURVEY, A-70
HARRIS COUNTY, TEXAS
NOVEMBER 2007

JONES CARTER

DOTTER & ASSOCIATES, INC.
10000 Highway 100, Suite 100, Dallas, TX 75243