



Control Number: 48824



Item Number: 1

Addendum StartPage: 0

48824
PUC DOCKET NO. _____

**PETITION BY TEJAS CREEK, LTD §
FOR EXPEDITED RELEASE §
FROM WATER CCN NO. 13203 §
AND SEWER CCN NO. 21065 §
HELD BY AQUA TEXAS, INC. §
IN MONTGOMERY COUNTY §**

2018 OCT 30 PM 12:50
**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

**PETITION BY TEJAS CREEK LTD. FOR EXPEDITED RELEASE PURSUANT TO
TEXAS WATER CODE SECTION 13.254(A-5)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Tejas Creek, Ltd., (Petitioner) and files this Petition with the Public Utility Commission of Texas (PUC) for expedited release from Aqua Texas, Inc.'s (Aqua) water certificate of convenience and necessity (CCN) No. 13203 and sewer CCN No. 21065, pursuant to Texas Water Code § 13.254 (a-5) and Rule 24.113(l) of the PUC's Rules found at 16 Texas Administrative Code § 24.113, and in support thereof would respectfully show the following:

I. APPLICABLE REGULATIONS

Section 13.254(a-5) of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and is not receiving water or sewer service may petition for expedited release of the area from a CCN. TEX. WATER CODE ANN. § 13.254(a-5). For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract "is entitled to that release." *Id.* The rule adopted by the PUC pursuant to § 13.254(a-5) provides the same, and it recognizes that Montgomery County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TEX. ADMIN. CODE § 24.113(l). Under § 13.254(a-6), the PUC "shall grant a

petition received under § (a-5) not later than the 60th day after the date the landowner filed the petition.”

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 108 acres of contiguous property in Montgomery County (Property). The Property is within the boundaries of water CCN No. 13203 and sewer CCN No. 21065 held by Aqua. The Property does not receive service from any water or sewer provider. An affidavit in support of this Petition is attached hereto as Exhibit A. Maps showing the location of the Property, along with the digital data, are attached hereto as Exhibit B. Deeds showing ownership of the Property, along with a map identifying each tract, are attached hereto as Exhibit C. A copy of this petition has been mailed to Aqua via certified mail.

III. CONCLUSION AND PRAYER

Texas Water Code § 13.254(a-5) entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Montgomery County. Under § 13.254(a-6), the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of § 13.254(a-5) releasing all portions of the Property that is within the boundaries of water CCN. No. 13203 and sewer CCN No. 21065.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: Emily W. Rogers
Emily W. Rogers

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 30th day of October, 2018, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to Aqua Texas, Inc., at 1106 Clayton Ln., Suite 400W, Austin, TX 78723-2476.

Emily W. Rogers
Emily W. Rogers

Tejas Creek LTD
Petition for Expedited Release
Exhibit A

PUC DOCKET NO. _____

PETITION BY TEJAS CREEK, LTD
FOR EXPEDITED RELEASE
FROM WATER CCN NO. 13203
AND SEWER CCN NO. 21065
HELD BY AQUA TEXAS, INC.
IN MONTGOMERY COUNTY

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BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS

**AFFIDAVIT OF DANIEL K. SIGNORELLI
IN SUPPORT OF PETITION BY TEJAS CREEK LTD. FOR
EXPEDITED RELEASE PUSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

State of Texas §

County of Montgomery §

BEFORE ME, the undersigned notary, personally appeared Daniel K. Signorelli, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. "My name is Daniel K. Signorelli. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

2. I am the Manager of Tejas Creek, Ltd., the Petitioner in the above-captioned matter. Tejas Creek Ltd. owns approximately 108 acres of land, which appears to be located within the boundaries of water Certificate of Convenience and Necessity No. 13203 and sewer CCN No. 21065 issued to Aqua Texas, Inc. This property is located in Montgomery County, Texas. Exhibit B attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCN.

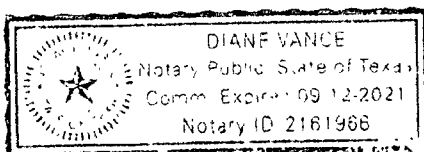
3. The property in question is not receiving water or sewer service from Aqua Texas, Inc. or any other water or sewer service provider. The property has not requested water or sewer service from Aqua Texas, Inc. or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the property.

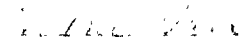
4. I request that the Public Utility Commission on Texas release this property from water CCN No. 13203 and sewer CCN No. 21065."

FURTHER AFFIANT SAYETH NOT

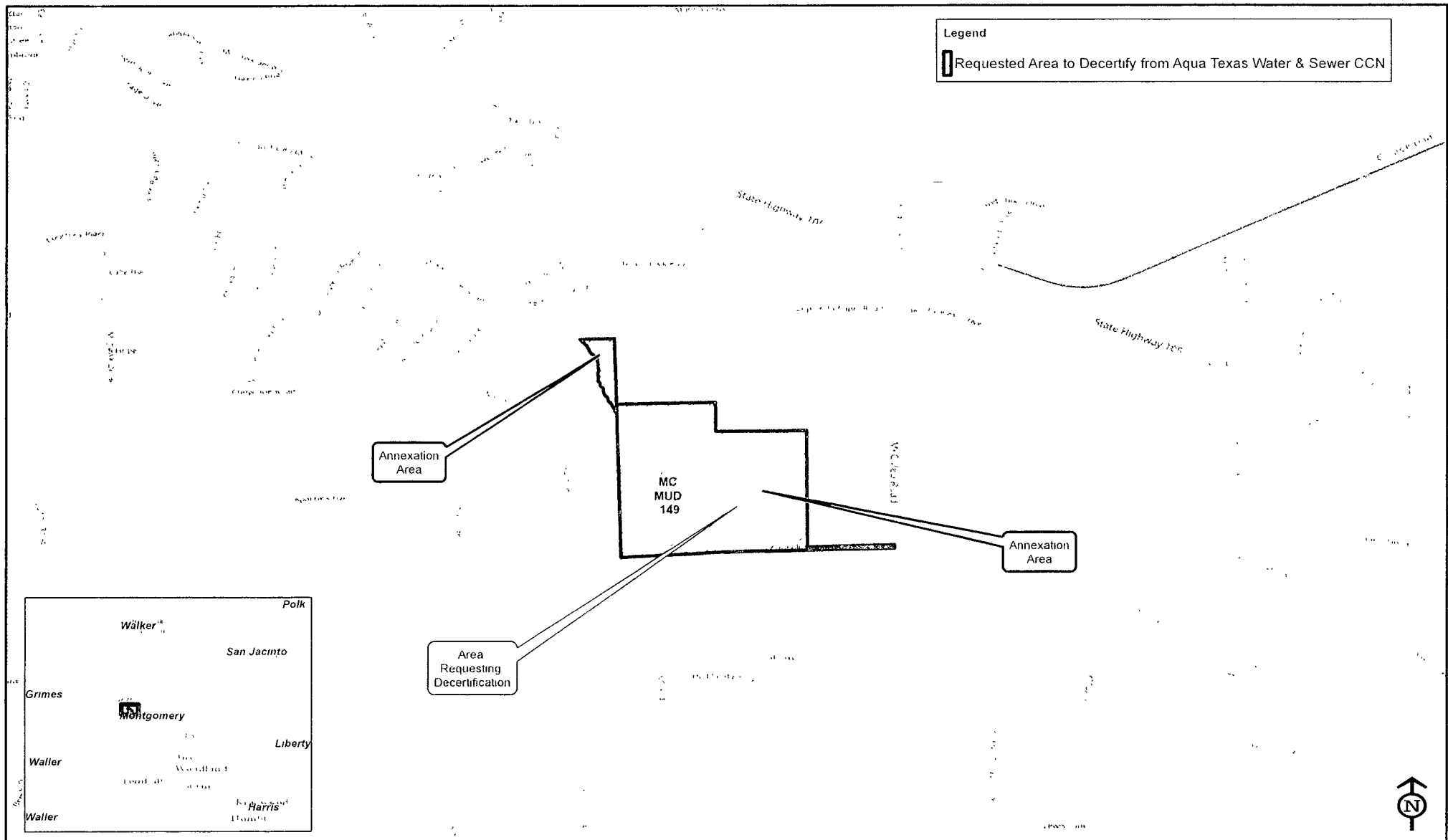

Daniel K. Signorelli

SWORN TO AND SUBSCRIBED TO BEFORE ME by Daniel K. Signorelli on 27 October, 2018.




Notary Public State of Texas

Tejas Creek LTD
Petition for Expedited Release
Exhibit B



Coordinate System GCS North American 1983,
Datum North American 1983, Created 10/30/2018
Background Image ESRI Open Street Map

0 0.15 0.3 0.6
Miles

**Request for Expedited Decertification of Tejas Creek LTD
from Aqua Texas Water CCN No.13203 and Sewer CCN No. 21065
GENERAL LOCATION MAP**

© 2018 Bickerstaff Heath Delgado Acosta LLP
Data Source Montgomery County MUD 149 obtained
from Montgomery County Appraisal District
Water and Sewer CCN Boundaries obtained from
Public Utility Commission of Texas



Tejas Creek LTD
Petition for Expedited Release
Exhibit C

Deed 1

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

Effective as of August 21, 2017 (the "Effective Date"), DOOLEY PROPERTIES LLC, a Texas limited liability company ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which are acknowledged by Grantor, paid by TEJAS CREEK LTD., a Texas limited partnership ("Grantee"), whose address is 1400 Woodloch Forest Dr., Ste. 200, Spring Texas 77380, has GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee the following "Property", to wit:

- (i) All of that certain land situated in Montgomery County, Texas, and described on Exhibit "A" attached hereto and incorporated herein by reference (the "Land");
- (ii) Any and all buildings, fixtures, structures, landscaping, drainage improvements, utility facilities and other improvements placed, constructed or installed on, over, under, adjacent to, or in any way attributable to the Land (collectively, the "Improvements"); and
- (iii) All right, title and interest of Grantor, if any, in and to any easements, rights-of-way, rights of ingress and egress or other interests in, on or to, any land, highway, street, road or avenue, open or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land as well as any alleys, strips or gores of land, if any, adjoining the Land (the "Appurtenances"); the Land, Improvements and Appurtenances being herein together referred to as the "Property".

All or a portion of the consideration for this conveyance consists of a certain sum of money paid to Grantor by Citizens Bank ("Lender"), and at the instance and request of Grantee, the receipt of which is hereby acknowledged and confessed, as evidence of which Grantee has executed and delivered one certain promissory note ("Note") of even date herewith in the original principal sum of \$2,362,000.00 payable to the order of Lender. The Note is secured by the vendor's lien and superior title herein retained by Grantor and assigned to Lender and by the lien created by that certain Deed of Trust, Security Agreement and Financing Statement (the "Deed of Trust") of even date herewith executed by Grantee in favor of Mark Sossaman, Trustee for the benefit of Lender, covering the premises hereby conveyed, and other good and valuable

consideration all in cash has been paid by Grantee to Grantor, who acknowledges the receipt thereof.

This conveyance is subject to and accepted subject to, any and all covenants, conditions, easements, encumbrances, mineral charges, restrictions, reservations or other matters set forth in Exhibit "B" attached hereto to the extent that same are valid, subsisting and affect the Property in the County where the subject property is located (the "Permitted Exceptions").

Notwithstanding the foregoing, Grantor hereby excepts and reserves all of the interest currently owned by Grantor, if any, in the oil, gas and other minerals under or that may be produced from the Property (the "Minerals"). Notwithstanding the foregoing, Grantor, on behalf of itself, its successors and assigns, hereby forever releases, waives and relinquishes all-rights to use the surface of the Property for seismic activities and for any and all other mineral exploration or production purposes including, without limitation, exploring, drilling for, developing, producing, storing, and processing Minerals from the Property; provided, however, such release, waiver and relinquishment shall not be construed as a release, waiver or relinquishment by Grantor and its successors and assigns of the right to explore, drill for, develop or produce Minerals from the Property (and to have access to and control of underground mineral formations) by pooling or by directional drilling through wells at surface locations situated outside the Property.

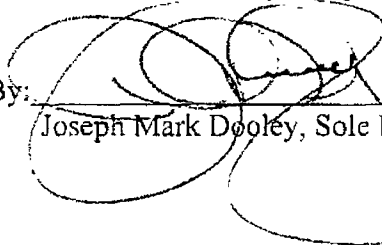
TO HAVE AND TO HOLD the Property, but subject to the Permitted Exceptions and the mineral reservation as contained herein, unto Grantee, and Grantee's heirs, legal representatives, successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's heirs, legal representatives, successors and assigns to WARRANT and FOREVER DEFEND, all and singular the Property unto Grantee and Grantee's heirs, legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor, but not otherwise.

[Balance of Page Intentionally Left Blank. Grantor Signature on the Following Page.]

EXECUTED to be effective as of the Effective Date.

GRANTOR:

DOOLEY PROPERTIES LLC,
a Texas limited liability company

By: 
Joseph Mark Dooley, Sole Manager

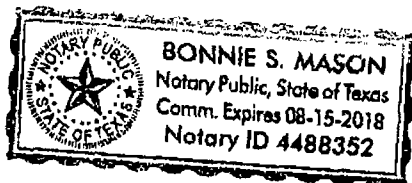
STATE OF TEXAS §

COUNTY OF Montgomery §
§

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments appeared Joseph Mark Dooley, Sole Manager of Dooley Properties LLC, a Texas limited liability company, who is personally known to me to be the person who signed the foregoing instrument and he acknowledged that the execution thereof was his free act and deed as such officer for the uses and purposes therein expressed, and that the said instrument is the act and deed of said limited liability company for the uses and purposes therein expressed.

WITNESS my hand and official seal this 31 day of August, 2017.

[SEAL]




NOTARY PUBLIC, STATE OF TEXAS

Exhibit "A" to Special Warranty Deed

Legal Description of Property

BEING 5.278 acres (229,923 square feet) of land, situated in the John T. Vince Survey, Abstract Number 41 in Montgomery County and being all of Lot 7, in Block 7, LAKE CONROE FOREST, a subdivision according to the map or plat thereof recorded in Volume 6, Page 17 of the Map Records of Montgomery County, Texas; said 5.278 acres being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Plane Coordinate System, Central Zone (NAD 83, 2002 Adjustment (all distances are ground):

BEGINNING at a $\frac{1}{4}$ inch iron rod, found for the Northeast corner of Lot 7 and the Northeast corner of the herein described tract, at the Southeast corner of Tejas Boulevard, a 60 foot wide right-of-way recorded in Volume 6, Page 17 of the Map Records; further located in the East line of the John T. Vince Survey and the West line of the James Smith Survey, Abstract Number 37, and being in the West line of that certain 60 foot wide Ingress/Egress Easement as recorded under Clerk's File Number 2011048585 Official Public Records in Montgomery County, Texas;

THENCE South $03^{\circ}45'34''$ East along the East line of Lot 7 and the common line of the John T. Vince Survey and the West line of the James Smith Survey, passing at 934.60 feet, a $\frac{5}{8}$ inch iron rod, found for the Northwest corner of the Citizens Bank called 50.571 acre tract, recorded under Clerk's File Number 2011048585 and being the called for Southwest corner of the R3 Joint Ventures called 30.053 acre tract, recorded under Clerk's File Number 2002-066614; in all, a distance of 1030.21 feet (Plat call: South $00^{\circ}32'$ East, 1096.6 feet) to a point for the Southeast corner, in the center of Rush Creek, and located in the East line of Lot 7 of "A Revision of Lake Conroe Forest" with the map thereof recorded in Volume 5, Page 483 of the Map Records;

THENCE along the Westerly line of Lot 7, in Block 7, Lake Conroe Forest and the Easterly line of Lots 5, 6, 7 and 8 of "A Revision of Lake Conroe Forest" and the East line of Lot 3, in Block 7, Lake Conroe Forest, with the meanders of Rush Creek:

North $40^{\circ}09'09''$ West a distance of 33.74 feet North $69^{\circ}23'28''$ West a distance of 70.20 feet North $44^{\circ}56'50''$ West a distance of 35.00 feet North $14^{\circ}51'27''$ West a distance of 75.35 feet North $40^{\circ}44'03''$ West a distance of 39.54 feet North $75^{\circ}39'58''$ East a distance of 23.76 feet North $21^{\circ}51'51''$ East a distance of 49.67 feet North $75^{\circ}03'48''$ West a distance of 40.97 feet North $33^{\circ}38'04''$ West a distance of 55.57 feet North $04^{\circ}09'18''$ East a distance of 56.71 feet North $71^{\circ}47'25''$ West a distance of 36.57 feet North $47^{\circ}13'29''$ West a distance of 37.17 feet North $79^{\circ}45'12''$ West a distance of 31.92 feet North $10^{\circ}48'59''$ West a distance of 195.04 feet South $72^{\circ}16'06''$ West a distance of 7.76 feet North $45^{\circ}41'05''$ West a distance of 61.20 feet North $38^{\circ}37'56''$ East a distance of 158.62 feet North $64^{\circ}41'26''$ West a distance of 66.33 feet North $01^{\circ}32'22''$ West a distance of 107.90 feet North $76^{\circ}32'13''$ West a distance of 98.27 feet North $15^{\circ}02'22''$ East a distance of 72.89 feet South $85^{\circ}46'48''$ West a distance of 46.33 feet

North $35^{\circ}58'31''$ West a distance of 41.29 feet to a point for the Northwest corner of the herein described tract and Southwest corner of Lot 7, Replat of Lots 8 & 9, in Block 7, Lake Conroe Forest, the plat thereof recorded in Cabinet D, Sheet 112B of the Map Records;

THENCE North 86°13'24" East along the North line of Lot 7, Block 7 and the South line of Lot 7, Replat of Lots 8 & 9, in Block 7, passing at 4.51 feet, a 3/8 inch iron rod, found for reference, passing at 347.61 feet, a 5/8 inch iron rod, found for the Southeast corner of Lot 7, Replat of Lots 8 & 9, in Block 7, and the Southwest corner of Tejas Boulevard; continuing along the South line of Tejas Boulevard, a total distance of 407.56 feet, back to the **Point of Beginning** and containing 5.278 acres of land, based on the survey and plat prepared by Glezman Surveying Inc., dated May 5, 2014.

Exhibit "B" to Special Warranty Deed

Permitted Exceptions

1. A utility easement fifteen (15) feet wide reserved on each side of all roads as set forth on the map or plat thereof, recorded in Volume 6, Page 17 of the Map Records of Montgomery County, Texas shown on survey dated May 5, 2014 and revised May 23, 2017, prepared by Michael Glezman, R.P.L.S. No. 4627.
2. No building may be constructed within twenty-five (25) feet of all roads, as set forth on the map or plat thereof, recorded in Volume 6, Page 17 of the Map Records of Montgomery County, Texas.
4. Utility Easement and Covenant of Access granted to Mid-South Electric Cooperative, Inc. recorded under Montgomery County Clerk's File No. 9899996.
5. A royalty interest in all oil, gas and other minerals, as set forth in instrument recorded in Volume 215, Page 126 of the Deed Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution.
6. 1/2 of all the oil, gas and other minerals, as set forth in instruments recorded in Volume 290, Page 307 and Volume 294, Page 314, both of the Deed Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution.
7. An undivided one-fourth (1 /4th) interest in and to all of the oil, gas, casinghead gas, uranium and all other minerals, as set forth and reserved in instrument recorded in Volume 448, Page 517 of the Deed Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution.
- 8.. An undivided one-fourth interest (except a 1/128th perpetual non-participating royalty interest) in and to all of the oil, gas, casinghead gas, uranium and all other minerals, as set forth and reserved in instrument recorded in Volume 621, Page 626 of the Deed Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution.
9. Terms, conditions and stipulations of that certain Oil, Gas and Mineral Lease dated November 22, 1977, recorded in Volume 1043, Page 283 of the Deed Records of Montgomery County, Texas. Title to said lease not checked subsequent to its date of execution.
10. Maintenance charge as set forth in instrument recorded in Volume 926, Page 128 of the Deed Records of Montgomery County, Texas. Said lien the property above set forth, shall be SECONDARY, SUBORDINATE and INFERIOR to all liens, present and future, GIVEN, GRANTED and CREATED by or at the instance and request of the owner of any such lot or lots to secure the payment of monies advanced or to be advanced on account of the purchase price and/or the construction of improvements on any such lot or

lots, as set forth in instrument recorded under Montgomery County Clerk's File No. 8246909.

11. Covenant for Maintenance of Storm Water Collection System recorded under Montgomery County Clerk's File No. 2014113192.
12. The following matters reflected on survey dated June 24, 2016 and last revised August 22, 2017, prepared by Michael Glezman, R.P.L.S. No. 4627 affecting Tract A or a portion thereof:
 - a) Any claim or right of adjoining property owners in and to that strip of land lying between the woodfence and the South property line;
 - b) Any claim or right of adjoining property owners in and to that strip of land lying between the fence and the West property line;
 - c) Any claim or right of adjoining property owners in and to that strip of land lying between the fence and the North property line;
 - d) Any claim or right of adjoining property owners in and to that strip of land lying between the fence and the interior East property line; and
 - e) Overhead Power Line, Power Pole and Power Pole with Guy Wire located in the Westerly portion of subject property.
13. Fence does not follow the East property line shown on survey dated May 5, 2014 and revised May 23, 2017, prepared by Michael Glezman, R.P.L.S. No. 4627.

E-FILED FOR RECORD

09/05/2017 02:02PM



COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number
sequence on the date and time stamped herein
by me and was duly e-RECORDED in the Official Public
Records of Montgomery County, Texas.

09/05/2017



County Clerk
Montgomery County Texas

Deed 2



J O REPUBLIC TITLE

1302988A JH

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.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

Date: September 25, 2014

Grantor: CITIZENS BANK, a Texas state bank

Grantee: TEJAS CREEK LTD., a Texas limited partnership

Grantee's Mailing Address: 1400 Woodloch Forest Drive, Suite 200, The Woodlands, Texas
77380

Consideration:

\$10.00 and other valuable consideration including a Promissory Note of even date that is in the principal amount of \$712,000.00 executed by Grantee and payable to the order of Grantor. The Note is secured by a vendor's lien retained in favor of Grantor in this Deed and by a Deed of Trust of even date from Grantee to SAMMY D. YORK, Trustee.

Property (including any improvements):

Two (2) tracts of land, being 50.571 acres and 10.00 acres, more or less, together with a 1.37 acre access easement, in the James Smith Survey, A-37, Montgomery County, Texas, and being more particularly described by metes and bounds on the attached **Exhibit "A."**

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; and taxes for 2014, the payment of which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, 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 Exceptions to Conveyance and Warranty, when the claim is by, through, or under Grantor, but not otherwise.

The vendor's lien against and superior title to the Property are retained for the benefit of Grantor until the note described above is fully paid according to its terms, at which time this Deed shall become absolute.

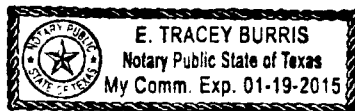
When the context requires, singular nouns and pronouns include the plural. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

CITIZENS BANK

By: *Mark A. Gossaman*
Name: MARK A. GOSSAMAN
Title: CEO - Woodlands Banking Center

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on SEPTEMBER 25, 2014, by MARK A GOSSAMAN CEO - WOODLANDS BANKING CENTER and on behalf of CITIZENS BANK, a Texas state bank.



E. Tracey Burris
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
OLD REPUBLIC TITLE COMPANY OF CONROE
150 N. Main Street
Conroe, Texas 77301
Attn: Jennifer Harmon
G. F. No. 1302988A

Exhibit "A" Attachment

BEING 50.571 acres of land situated in the James Smith Survey, Abstract Number 37 in Montgomery County, Texas and being out of and a part of that certain 53.29 acres as described in Deed to Jerry Thurmon and recorded under Clerk's File Number 9651718 of the Official Public Records of Real Property of Montgomery County, Texas; said 50.571 acres being more particularly described by metes and bounds as follows with all bearings referenced to the West line of that certain 44.964 acre tract as described in Deed recorded under Clerk's File Number 9802099 of the Official Public Records of Real Property in Montgomery County, Texas;

BEGINNING at a 1/2 inch iron rod, found for the Southeast corner of the herein described tract and the Southeast corner of the 53.29 acre tract and being the Southwest corner of the 44.964 acre tract in the North line of the Griggs Corporation 145.502 acres as described in Volume 718, Page 812 of the Deed Records of Montgomery County, Texas and further located in the South line of the James Smith Survey, Abstract Number 37 and the North line of the John Stafford Survey, Abstract Number 527 of Montgomery County, Texas;

THENCE: South 86 deg. 51 min. 59 sec. West, a distance of 262.53 feet along the common line of the John Stafford Survey and the James Smith Survey, along the North line of the 145.502 acre tract, to a 5/8 inch iron rod, found for the most Southerly Southwest corner of the herein described tract and the Southeast corner of that certain 10.00 acre tract as described in Deed recorded under Clerk's File Number 9007684 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE; North 00 deg. 11 min. 22 sec. West, a distance of 466.42 feet along the East line of the 10.00 acre tract to a 5/8 inch iron rod, set for an interior corner of the herein described tract and the Northeast corner of the 10.00 acre tract;

THENCE: South 87 deg. 37 min. 42 sec. West, a distance of 933.50 feet along the North line of the 10.00 acre tract to a 5/8 inch iron rod, found for the most Westerly Southwest corner of the herein described tract and the Northwest corner of the 10.00 acre tract in the West line of the James Smith Survey and the East line of the John T Vince Survey, Abstract Number 41 and being located in the East line of Lot 22 of Crestwood Farms, a subdivision recorded in Volume 5, Page 353 of the Map Records of Montgomery County, Texas;

THENCE: North 00 deg. 06 min. 32 sec. West along the common line of the James Smith Survey and the John T. Vince Survey, passing at 151.11 feet, a railroad tie fence corner post for the Northeast corner of Lot 22 and the Southeast corner of Lot 21, Crestwood Farms Subdivision; in all, a distance of 705.54 feet to a concrete monument and railroad tie fence corner, found for the Northeast corner of Lot 21 and the Southeast corner of Lot 20 of Crestwood Farms Subdivision, for an angle point in the West line of the herein described tract;

THENCE: North 00 deg. 14 min., 29 sec. West, a distance of 556.92 feet along the East line of Lot 20 and the common line of the James Smith Survey and the John T. Vince Survey, to a concrete monument found at an old fence post for the Northeast corner of Lot 20 of Crestwood Farms Subdivision and the Southeast corner of Lot 8 in Block 10C of a revision to Lake Conroe Forest Subdivision, the map or plat thereof recorded in Volume 5, Page 493 of the Map Records of Montgomery County, Texas, for an angle point in the West line of the herein described tract;

THENCE: North 00 deg. 37 min. 02 sec. West, continuing along the common line of the James Smith Survey; and the John T. Vince Survey a distance of 199.25 feet to a 5/8 inch iron rod, found for the Northeast corner of Lot 8 and the Southeast corner of Lot 7 in Block 10C of the revision to Lake Conroe Forest, for an angle point in the West line of the herein described tract;

THENCE: North 01 deg. 47 min. 42 sec. West, continuing along the common line of the James Smith Survey and the John T. Vince Survey to a point for reference for the Northeast corner of said Lot 7 in Block 10C and the most Southerly corner of Lot 7 in Block 7 of Lake Conroe Forest based on the map recorded in Volume 6, Page 17 of the Map Records of Montgomery County, Texas for an angle point in the West line of the herein described tract;

THENCE: North 00 deg. 32 min. 03 sec. West, continuing along the common line of the James Smith Survey and the John T. Vince Survey a distance of 150.51 feet to a 5/8 inch iron rod, set for the Northwest corner of the herein described tract and the Southwest corner of that certain 46.053 acres as described in Deed recorded under Clerk's File Number 9532205 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE: North 89 deg. 27 min. 57 sec. East, a distance of 1224.42 feet along the South line of the 46.053 acre tract to a 5/8 inch iron rod, set for the Northeast corner of the herein described tract;

THENCE: South 00 deg. 26 min. 41 sec. West, severing the aforesaid 53.29 acre tract and passing at 420.53 feet, a 1/2 inch iron rod, found for an interior corner of the 53.29 acre tract and the Northwest corner of the aforementioned 44.964 acre tract; continuing along the common line of the 53.29 acre, tract and the 44.964 acre tract, in all, a distance of 2163.48 feet, back to the POINT OF BEGINNING and containing 50.571 acres of land, more or less.

Being 10.00 acres of Land in the James Smith Survey, A-37, Montgomery County, Texas being all of two five acre tracts described as Tract 1 and Tract 2, conveyed Carol Couvillion as recorded in Volume 970, Page 29, Deed Records; More fully described in one tract as follows:

BEGINNING at a concrete monument for the Southwest corner of Tract 2, and Southeast corner of Crestwood Farms tracts;

THENCE: N 89° 08° E. 933.4 ft to a 1/2" iron rod for the Southeast corner of Tract 1;

THENCE: N 01° 30° E, 467.05 ft to a 1/2" iron rod for corner;

THENCE: S 89° 08° W, 933.4 ft to an iron rod for corner;

THENCE: S 01° 30° W, 467.05 ft to the PLACE OF BEGINNING and containing 10.00 acres of land, based on the survey and plat prepared by Glezman Surveying, dated February 16, 1998.

1.370 Acres (60 foot wide ingress/egress easement)
James Smith Survey, A-37
Montgomery County, Texas

Being 1.370 acres of land situated in the James Smith Survey, A-37, Montgomery County, Texas; and being a 60 foot wide ingress/egress easement described in deed as 1.37 acres recorded under County Clerk's File No. 99025903 of the Real Property Records of Montgomery County, Texas, and being situated in a certain 46.053 acres of land as described in deed recorded under County Clerk's File No. 9532205 of the Real Property Records of Montgomery County, Texas, said 1.370 acre easement being more particularly described by notes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the east boundary line of Lot 7, Block 7, Lake Conroe Forest, according to the map or plat thereof recorded in Volume 6, Page 17 of the Map Records of Montgomery County, Texas, for the southwest corner of the said 46.053 acres of land common to the northwest corner of a certain 50.571 acres of land as described in deed recorded under County Clerk's File No. 2010-026723 of the Real Property Records of Montgomery County, Texas, same being the southwest corner and POINT OF BEGINNING of the herein described easement;

THENCE North 00 degrees 33 minutes 48 seconds West, along the east boundary line of said Lot 7 common to the west boundary line of the said 46.053 acres of land, same being the west line of the herein described easement, a distance of 934.68 feet to a 1/2 inch iron rod found for the southeast corner of Tejas Boulevard, a 60 foot right-of-way, according to the map or plat thereof recorded in Volume 6, Page 17 of the Map Records of Montgomery County, Texas, and Cabinet D, Sheet 112-B of the Map Records of Montgomery County, Texas; same being an angle point of the herein described easement;

THENCE North 00 degrees 33 minutes 43 seconds West, along the east line of said Tejas Boulevard and continuing along the common west boundary line of the said 46.053 acres of land and the herein described easement, a distance of 60.00 feet to a point for the northwest corner of the herein described easement;

THENCE North 89 degrees 02 minutes 39 seconds East, along the north line of the herein described easement, a distance of 60.00 feet to a point for the northeast corner of the herein described easement;

THENCE South 00 degrees 33 minutes 48 seconds East, along the east line of the herein described easement, a distance of 995.12 feet to a point in the south boundary line of the said 46.053 acres of land common to the north boundary line of the said 50.571 acres of land for the southeast corner of the herein described easement;

THENCE South 89 degrees 27 minutes 57 seconds West, along said common boundary line and the south line of the herein described easement, a distance of 60.00 feet to the POINT OF BEGINNING and containing a 1.370 acre ingress/egress easement.

FILED FOR RECORD

10/07/2014 3:47PM

Mark Turnbull

COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

10/07/2014



Mark Turnbull

County Clerk
Montgomery County Texas

Deed 3

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

Effective as of August 25, 2017 (the "Effective Date"), 4DSTAR LLC d/b/a Star of Texas Ranch, a Texas limited liability company ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which are acknowledged by Grantor, paid by TEJAS CREEK, LTD., a Texas limited partnership ("Grantee"), whose address is 1400 Woodloch Forest Dr., Ste. 200, Spring Texas 77380, has GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee the following "Property", to wit:

- (i) All of that certain land situated in Montgomery County, Texas, and described on Exhibit "A-1" attached hereto and incorporated herein by reference (the "Land");
- (ii) Any and all buildings, fixtures, structures, landscaping, drainage improvements, utility facilities and other improvements placed, constructed or installed on, over, under, adjacent to, or in any way attributable to the Land (collectively, the "Improvements"); and
- (iii) All right, title and interest of Grantor, if any, in and to any easements (including, but not limited to that certain 0.9874 acre easement tract described on Exhibit "A-2" attached hereto and incorporated herein by reference (the "Easement Tract"), rights-of-way, rights of ingress and egress or other interests in, on or to, any land, highway, street, road or avenue, open or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land as well as any alleys, strips or gores of land, if any, adjoining the Land (collectively, the "Appurtenances"); the Land, Improvements and Appurtenances (including, but not limited to the Easement Tract) being herein together referred to as the "Property".

All or a portion of the consideration for this conveyance consists of a certain sum of money paid to Grantor by Citizens Bank ("Lender"), and at the instance and request of Grantee, the receipt of which is hereby acknowledged and confessed, as evidence of which Grantee has executed and delivered one certain promissory note ("Note") of even date herewith in the original principal sum of \$2,362,000.00 payable to the order of Lender. The Note is secured by

the vendor's lien and superior title herein retained by Grantor and assigned to Lender and by the lien created by that certain Deed of Trust, Security Agreement and Financing Statement (the "Deed of Trust") of even date herewith executed by Grantee in favor of Mark Sossaman, Trustee for the benefit of Lender, covering the premises hereby conveyed, and other good and valuable consideration all in cash has been paid by Grantee to Grantor, who acknowledges the receipt thereof.

This conveyance is subject to and accepted subject to, any and all covenants, conditions, easements, encumbrances, mineral charges, restrictions, reservations or other matters set forth in Exhibit "B" attached hereto to the extent that same are valid, subsisting and affect the Property in the County where the subject property is located (the "Permitted Exceptions").

Notwithstanding the foregoing, Grantor hereby excepts and reserves all of the interest currently owned by Grantor, if any, in the oil, gas and other minerals under or that may be produced from the Property (the "Minerals"). Notwithstanding the foregoing, Grantor, on behalf of itself, its successors and assigns, hereby forever releases, waives and relinquishes all-rights to use the surface of the Property for seismic activities and for any and all other mineral exploration or production purposes including, without limitation, exploring, drilling for, developing, producing, storing, and processing Minerals from the Property; provided, however, such release, waiver and relinquishment shall not be construed as a release, waiver or relinquishment by Grantor and its successors and assigns of the right to explore, drill for, develop or produce Minerals from the Property (and to have access to and control of underground mineral formations) by pooling or by directional drilling through wells at surface locations situated outside the Property.

TO HAVE AND TO HOLD the Property, but subject to the Permitted Exceptions and the mineral reservation as contained herein, unto Grantee, and Grantee's heirs, legal representatives, successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's heirs, legal representatives, successors and assigns to WARRANT and FOREVER DEFEND, all and singular the Property unto Grantee and Grantee's heirs, legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor, but not otherwise.

[Balance of Page Intentionally Left Blank. Grantor Signature on the Following Page.]

EXECUTED to be effective as of the Effective Date.

GRANTOR:

4DStar LLC d/b/a Star of Texas Ranch,
a Texas limited liability company

By: 4DStar Partners LTD
Its Sole Member and Sole Manager

By: 4DStar Management LC
Its General Partner

By: 
Joseph Mark Dooley, President

STATE OF TEXAS

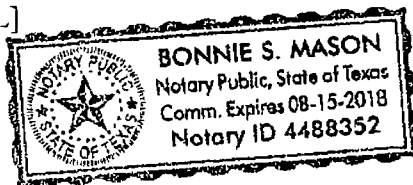
COUNTY OF Montgomery

§
§
§

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments appeared Joseph Mark Dooley, President of 4DStar Management LC, the General Partner of 4DStar Partners LTD which is the sole member and manager of 4DStar LLC, who is personally known to me to be the person who signed the foregoing instrument and he acknowledged that the execution thereof was his free act and deed as such officer for the uses and purposes therein expressed, and that the said instrument is the act and deed of said limited liability company for the uses and purposes therein expressed.

WITNESS my hand and official seal this 31 day of August, 2017.

[SEAL]



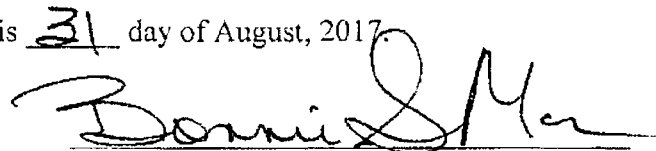

NOTARY PUBLIC, STATE OF TEXAS

Exhibit "A-1" to Special Warranty Deed

Legal Description of the Land

Being a 42.3461 acre tract of land (1,844,596 square feet), situated in the James Smith Survey, Abstract Number 37 in Montgomery County, Texas and being out of the following 4DSTAR LLC tracts:

All that certain called 44.9607 acres as described under Clerk's File Number 2003-141494 SAVE AND EXCEPT that certain called 2.779 acre tract recorded under Clerk's File Number 2015108183 (being further described as Tract C attached hereto);

All that certain called 0.178 acre tract as described under Clerk's File Number 2006-123993, all recorded in the Real Property Records of Montgomery County, Texas; said 42.3461 acres being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Plane Coordinates, Central Zone (NAD83), all distances shown are ground:

BEGINNING at a 14 inch iron rod, found for the Southwest corner and a Controlling Monument of the herein described tract and being the Southwest corner of the called 44.9607 acre tract, at the Southeast corner of the Tejas Creek LTD, called 60.571 acres recorded under Clerk's File Number 2014098365, located in the South line of the James Smith Survey, Abstract Number 37 and the North line of the John Stafford Survey, Abstract Number 527, common to the North line of Block One of Highland Ranch, Section One, according to the map or plat thereof recorded in Cabinet K, Sheet 21 of the Map Records of Montgomery County, Texas; said point having a coordinate value of North 10,140,967.46 and East 3,759,473.15 and further referenced by a metal post, found North 62°06'14" East, a distance of 0.25 feet;

THENCE North 02°46'54" West along the East line of the Tejas Creek LTD called 60.571 acres, passing at 4.11 feet and left 0.46 feet, a fence corner post, passing at 1735.12 feet and 5.92 feet right, a fence corner post; in all, a total distance of 1743.11 feet (Deed call: North 00°30'09" East, 1743.16 feet) to a 14 inch iron rod, found for the Northwest corner of the herein described tract and Northwest corner of the called 44.9607 acre tract, at the Southwest corner of the Scott P. Dingman called 31.674 acre tract as recorded under Clerk's File Number 2014046427, and from which is found for reference, a metal post bearing North 32°04'46" West, 1.16 feet;

THENCE North 87°07'54" East along the Dingman South line, passing at 1119.00 feet and right 1.29 feet, a fence corner and continuing in all, a total distance of 1128.95 feet (Deed call: North 89°37'09" East, 1128.28 feet) to a 5/8 inch iron rod, found for the Northeast corner of the herein described tract and Northeast corner of the called 44.9607 acre tract, at the Southwest corner of the Faith Journey Baptist Church called 5.00 acres as recorded under Clerk's File Number 2014009997, and being the Northeast corner of the Glenn and Maria Speight called 8.97 acres as described under Clerk's File Number 9349935; and from which is found for reference, a metal post bearing South 75°39'11" West, a distance of 0.46 feet;

THENCE South 02°53'54" West along the East line of the called 44.9607 acre tract, passing at 536.13 feet and 1.16 feet left, a fence corner at the Southwest corner of Speight called 8.97 acre tract and the Northwest corner of the Lawrence and Leslie Whittington called 2.9951 acre tract

as recorded under Clerk's File Number 9626797; passing at 652.16 feet and 1.14 feet left, a fence corner at the Northwest corner of the Kenneth and Faye Milstead called 3.357 acre tract recorded under Clerk's File Number 2006-035621; passing at 735.51 feet and 1.11 feet left, a 14 inch iron pipe, found for the Northwest corner of the Michael and Vandi Heimer called 8.8769 acre tract as recorded under Clerk's File Number 9659581; passing at 1275.52 feet and 1.25 feet left, a fence corner post at the Southwest corner of the called 8.8769 acre tract and the Northwest corner of the Andy P. Wooten called 10.00 acre tract as recorded in Volume 736, Page 810 of the Deed Records of Montgomery County, Texas; in all, a total distance of 1673.29 feet (Deed call: South 00°19'11" West, 1719.99 feet) to a 14 inch iron rod, found for an interior corner of the herein described tract and being the Northwest corner of the aforementioned called 0.178 acre tract;

THENCE North 86°02'34" East, a distance of 1082.93 feet (Deed call: North 88°59'51" East, 1082.93 feet), along the lower North line of the herein described tract and the North line of the called 0.178 acre tract, severing the called 10.00 acre tract, to the lower Northeast corner of the herein described tract at the Northeast corner of the called 0.178 acre tract, being in the West line of McCaleb Road;

THENCE South 03°57'26" East, a distance of 7.16 feet along the West line of McCaleb Road, the East line of the called 0.178 acre tract (Deed call: South 00°03'30" West, 7.16 feet) to the Southeast corner of said 0.178 acre tract, for the Northeast corner of a "40 Foot strip", as recorded under Clerk's File Numbers 2013018082, 9328065, and 98021100 of the Real Property Records and being the most Easterly Southeast corner of the herein described tract;

THENCE South 86°02'34" West, a distance of 1082.98 feet along the South line of said 0.178 acre tract (Deed call: South 88°59'51" West, 1082.94 feet), and along the North line of said "40 Foot Strip" (Deed call: West 1105.00 feet), to the Southwest corner of said 0.178 acre tract, the Northwest corner of said "40 foot Strip" and being an interior corner of the herein described tract;

THENCE South 03°33'15" East, a distance of 39.58 feet (Deed call: South 40.00 feet), along the East line of said acre tract, and the West line of said "40 Foot Strip", to a 14 inch iron rod, found for the Southwest corner of said "40 Foot strip", for the Southeast corner of the called 44.9607 acre tract and being the most Westerly Southeast corner of the herein described tract; and further said point is referenced by a metal post bearing North 55°12'51" West, a distance of 0.99 feet;

THENCE South 85°57'51" West (Deed call: South 89°12'37" West), along the South line of the called 44.9607 acre tract and South line of the James Smith Survey, passing at 42.99 feet, the upper Northeast corner of the Milstead PC Investments called 10.561 acre tract, recorded under Clerk's File Number 2015005508, continuing along said line passing at 257.54 feet, the Northwest corner of the Mary Corner Survey, Abstract Number 9 and the Northeast corner of the John Stafford Survey, Abstract Number 527 and the Northeast corner of Block One of Highland Ranch, Section One and continuing; in all, a total distance of 1133.26 feet (Deed call: 1134.06 feet), back to the POINT OF BEGINNING and containing 42.3461 acres of land, based on the survey and plat prepared by Glezman Surveying, Inc., dated June 24, 2016.

Exhibit "A-2" to Special Warranty Deed

Legal Description of the Easement Tract

Being a 0.9874 acre tract of land (43,011 square feet), situated in the James Smith Survey, Abstract Number 37 in Montgomery County, Texas and being all that certain called "40 Foot Strip" as recorded under Clerk's File Number 2013018082, 9328065 and 9802100; all recorded in the Real Property Records of Montgomery County, Texas; said 0.9874 acres being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Plane Coordinates, Central Zone (NAD83), all distances shown are ground:

COMMENCING at a ½ inch iron rod, found for the Southwest corner and a Controlling Monument of the herein described tract and being the Southwest corner of the called 44.9607 acre tract, at the Southeast corner of the Tejas Creek LTD, called 60.571 acres recorded under Clerk's File Number 2014098365, located in the South line of the James Smith Survey, Abstract Number 37 and the North line of the John Stafford Survey, Abstract Number 527, common to the North line of Block One of Highland Ranch, Section One, according to the map or plat thereof recorded in Cabinet K, Sheet 21 of the Map Records of Montgomery County, Texas; said point having a coordinate value of North 10,140,967.46 and East 3,759,473.15 and further referenced by a metal post, found North 62°06'14" East, a distance of 0.25 feet;

THENCE North 85°57'51" East (Deed call: South 89°12'37" West), along the South line of the called 44.9607 acre tract and South line of the James Smith Survey, Abstract Number 37, passing at 875.72 feet, the Northwest corner of the Mary Corner Survey, Abstract Number 9, the Northeast corner of the John Stafford Survey, Abstract Number 527, the Northeast corner of Block One of Highland Ranch Section One and the Northwest corner of the Milstead PC Investments called 10.561 acre tract recorded under Clerk's File Number 2015005508 of the Real Property Records, continuing along said line passing at 918.71 feet, the upper Northeast corner of the Milstead PC Investments called 10.561 acre tract, and continuing; in all, a total distance of 1133.26 feet (Deed call: 1134.06 feet) to a ½ inch iron rod, found for the Southeast corner of the said 44.9607 acre tract, for the Southwest corner of a called "40 Foot strip", as recorded under Clerk's File Numbers 2013018082, 9328065, and 98021100 of the Real Property Records and being the **POINT OF BEGINNING** and the Southwest corner of the herein described tract and having a coordinate value of North 10,141,047.22 and East 3,760,603.60; and further said point is referenced by a metal post bearing North 55°12'51" West, a distance of 0.99 feet;

THENCE North 03°33'15" West, a distance of 39.58 feet (Deed call: North 40.00 feet), along the East line of said 44.9607 acre tract, and the West line of said "40 Foot Strip", to the Northwest corner of said "40 foot Strip", the Southwest corner of a called 0.178 acre tract, as described under Clerk's File Number 2006-123993 of the Real Property Records and being the Northwest corner of the herein described tract;

THENCE North 86°02'34" East, a distance of 1082.93 feet along the South line of said 0.178 acre tract (Deed call: South 88°59'51" West, 1082.94 feet), and along the North line of said "40 Foot Strip" (Deed call: West, 1105.00 feet)), to the Southeast corner of said 0.178 acre tract, the Northeast corner of said "40 Foot strip", and being the Northeast corner of the herein described tract, in the West line of McCaleb Road;

THENCE South 03°57'26" East, a distance of 39.84 feet along the West line of McCaleb Road and the East line of said "40 Foot Strip", (Deed call: South 40.00 feet) to an iron rod with survey cap marked "Bury Partners", found for the Northeast corner of the Charlsie Caywood called 25.00 acres as recorded in Volume 172, Page 771 of the Deed Records and being located in the South line of the James Smith Survey, Abstract Number 37 and North line of the Mary Corner Survey, Abstract Number 9, for the Southeast corner of said "40 Foot strip", and being the Southeast corner of the herein described tract;

THENCE South 86°03'23" West (Deed call: West), along the common line of the James Smith Survey, Abstract Number 37 and Mary Corner Survey, Abstract Number 9, the North line of the Caywood tract and South line of said "40 Foot Strip", a distance of 1083.26 feet (Deed call: 1105.00 feet), back to the **POINT OF BEGINNING** and containing 0.9874 acres of land, based on the survey and plat prepared by Glezman Surveying, Inc., dated June 24, 2016.

Exhibit "B" to Special Warranty Deed

Permitted Exceptions

1. Utility Easement and Covenant of Access granted to Mid-South Electric Cooperative, Inc., as set forth and defined in instrument recorded under Montgomery County Clerk's File No. 9865252.
2. Utility Easement and Covenant of Access granted to Mid-South Electric Cooperative, Inc., as set forth and defined in instrument recorded under Montgomery County Clerk's File No. 99036642.
3. A perpetual easement of ingress and egress easement along that portion of the South property line of Tract A forty (40) feet in width, as set forth and reserved in instrument recorded in Volume 485, Page 183 of the Deed Records of Montgomery County, Texas, shown on survey dated June 24, 2016 and last revised August 23, 2017, prepared by Michael Glezman, R.P.L.S. No. 4627.
4. Affidavit to the Public regarding an on-site wastewater treatment system recorded under Montgomery County Clerk's File No. 2001-111615.
5. An access easement fifteen (15) feet wide as set forth and defined in instrument recorded under Montgomery County Clerk's File No. 2010042155 shown on survey dated June 24, 2016 and last revised August 23, 2017, prepared by Michael Glezman, R.P.L.S. No. 4627.
6. Terms, conditions and stipulations of that certain Right of Way and Easement Agreement granted to San Jacinto River Authority, recorded under Montgomery County Clerk's File No. 2012125350 shown on survey dated June 24, 2016 and last revised August 23, 2017, prepared by Michael Glezman, R.P.L.S. No. 4627.
7. Terms, conditions and stipulations of that certain Texas Local Government Code Section 43.035 Development Agreement, dated February 28, 2013, by and between the City of Conroe, and 4DStar LLC, recorded under Montgomery County Clerk's File No. 2013045670.
8. One-half (1/2) of all of the oil, gas and other minerals, as set forth and reserved in instrument recorded in Volume 427, Page 540 of the Deed Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution.
9. An undivided one-fourth (1 /4th) interest in and to all of the oil, gas and other minerals, as set forth and reserved in instrument recorded in Volume 485, Page 185 of the Deed Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution. (As to the East one-half (1/2) of Tract A)
10. An undivided one-fourth (1 /4th) interest in and to all of the oil, gas and other minerals, as set forth and reserved in instrument recorded in Volume 485, Page 427 of the Deed

Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution. (As to the West one-half (1/2) of Tract A)

11. One-fourth of one-eighth royalty interest in and to the oil, gas and other minerals, as set forth and reserved in instrument recorded in Volume 208, Page 502 of the Deed Records of Montgomery County, Texas. Title to said interest not checked subsequent to its date of execution.
12. Terms, conditions and stipulations of that certain Oil, Gas and Mineral Lease dated June 20, 1963, recorded in Volume 545, Page 233 of the Deed Records of Montgomery County, Texas. Title to said lease not checked subsequent to its date of execution.
13. Terms, conditions and stipulations of that certain Oil, Gas and Mineral Lease dated June 20, 1963, recorded in Volume 545, Page 238 of the Deed Records of Montgomery County, Texas. Title to said lease not checked subsequent to its date of execution.
14. Terms, conditions and stipulations of that certain Oil, Gas and Mineral Lease dated June 20, 1963, recorded in Volume 545, Page 242 of the Deed Records of Montgomery County, Texas. Title to said lease not checked subsequent to its date of execution.
15. Terms, conditions and stipulations of that certain Oil, Gas and Mineral Lease dated June 20, 1963 recorded in Volume 552, Page 257 of the Deed Records of Montgomery County, Texas. Title to said lease not checked subsequent to its date of execution.
16. Terms, conditions and stipulations of that certain Oil, Gas and Mineral Lease dated November 7, 1979, recorded in Volume 1168, Page 206 of the Deed Records of Montgomery County, Texas. Title to said lease not checked subsequent to its date of execution.

E-FILED FOR RECORD

09/05/2017 02:02PM




COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number
sequence on the date and time stamped herein
by me and was duly e-RECORDED in the Official Public
Records of Montgomery County, Texas.

09/05/2017



County Clerk
Montgomery County, Texas