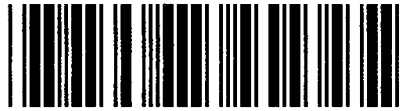




Control Number: 51698



Item Number: 1

Addendum StartPage: 0

51698
 PUC DOCKET NO. 51698
 RECEIVED
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 BEFORE THE
 PUBLIC UTILITY COMMISSION
 OF TEXAS

PETITION BY TRENDMAKER HOMES, INC. §
 FOR EXPEDITED RELEASE FROM §
 WATER CCN NO. 12887 §
 HELD BY MSEC ENTERPRISES, INC. §
 IN MONTGOMERY COUNTY §

BEFORE THE
 PUBLIC UTILITY COMMISSION
 OF TEXAS

PETITION BY TRENDMAKER HOMES, INC. FOR EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.2541

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Trendmaker Homes, Inc., (“Petitioner”) files its Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from MSEC Enterprises, Inc.’s water and certificate of convenience and necessity (“CCN”) No. 12887; pursuant to (i) Texas Water Code Section 13.254.1; and (ii) 16 Texas Administrative Code Section 24.245; and in support thereof would respectfully show as follows:

I. APPLICABLE REGULATIONS

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN.¹ 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.”² The rule adopted by the PUC pursuant to Section 13.254.1 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.³ Under Section 13.2541(c), the PUC “shall grant a petition not later than the 60th day after the date the landowner files the petition.”

¹ Tex. Water Code Ann. § 13.254(a-5) (West 2008 and Supp. 2016) (TWC).

² *Id.*

³ 16 Tex. Admin. Code § 24.113(l)

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 125.45 acres of contiguous property in Montgomery County (the "Property"). The Property is within the boundaries of water CCN No. 12887, held by MSEC Enterprises, Inc. The Property does not receive service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit "A." This property is located in Montgomery County, Texas. Exhibits "B-1 and B-2" attached to this Petition are true and correct copies of a general location map and a detailed map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed and Warranty Deed ("Deeds"), attached as Exhibits C-1 and C-2.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 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 are entirely within Montgomery County. Under Section 13.2541, 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 Section 13.2541 releasing all portions of the Property that are within the boundaries of water CCN No. 12887.

Respectfully submitted,

COATS | ROSE

By:



Natalie B. Scott
State Bar No. 24027970
nscott@coatsrose.com
Terrace 2
2700 Via Fortuna, Suite 350
Austin, Texas 78746

(512) 469-7987 Telephone
(512) 469-9408 Telecopier

**ATTORNEY FOR PETITIONER
TRENDMAKER HOMES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2021, a true and correct copy of the Petition by Trendmaker Homes, Inc. for Expedited Release Pursuant to Texas Water Code Section 13.254.1 was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

MSEC Enterprises, Inc.
P.O. Box 970
Navasota, Texas 77868-970

Via Certified Mail, RRR

CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218

Via Certified Mail, RRR



Natalie B. Scott

EXHIBIT "A"
Affidavit of Collins Pier

PUC DOCKET NO. _____

PETITION BY TRENDMAKER HOMES, INC. § BEFORE THE
FOR EXPEDITED RELEASE FROM §
WATER CCN NO. 12887 § PUBLIC UTILITY COMMISSION
HELD BY MSEC ENTERPRISES, INC. §
IN MONTGOMERY COUNTY § OF TEXAS

**AFFIDAVIT OF COLLINS PIER IN SUPPORT OF PETITION FOR EXPEDITED
RELEASE FROM WATER CCN NO. 12887 HELD BY MSEC ENTERPRISES, INC.
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §
COUNTY OF HARRIS §

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


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

2. I am the Vice President of Land Acquisition & Development of Trendmaker Homes, Inc., the Petitioner in the above-captioned matter. Petitioner owns approximately 125.45 acres of land, which appears to be located within the boundaries of water and sewer CCN No. 12887 issued to MSEC Enterprises, Inc. This property is located in Montgomery County, Texas. Exhibits "B-1 and B-2" attached to this Petition are true and correct copies of a general location map and a detailed map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed and Warranty Deed ("Deeds"), attached as Exhibits C-1 and C-2.

3. Petitioner's property is not receiving water or sewer service from MSEC Enterprises, Inc. or any other water or sewer service provider. The property has not requested water or sewer service from MSEC Enterprises, 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 Properties.

4. I request that the Public Utility Commission of Texas release these Properties from sewer CCN No. 12887."

FURTHER AFFIANT SAYETH NOT.



Collins Pier

SWORN TO AND SUBSCRIBED TO BEFORE ME by Collins Dier on 7
January, 2021.

Lindsey Kucera
Notary Public, State of Texas

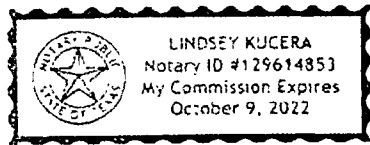
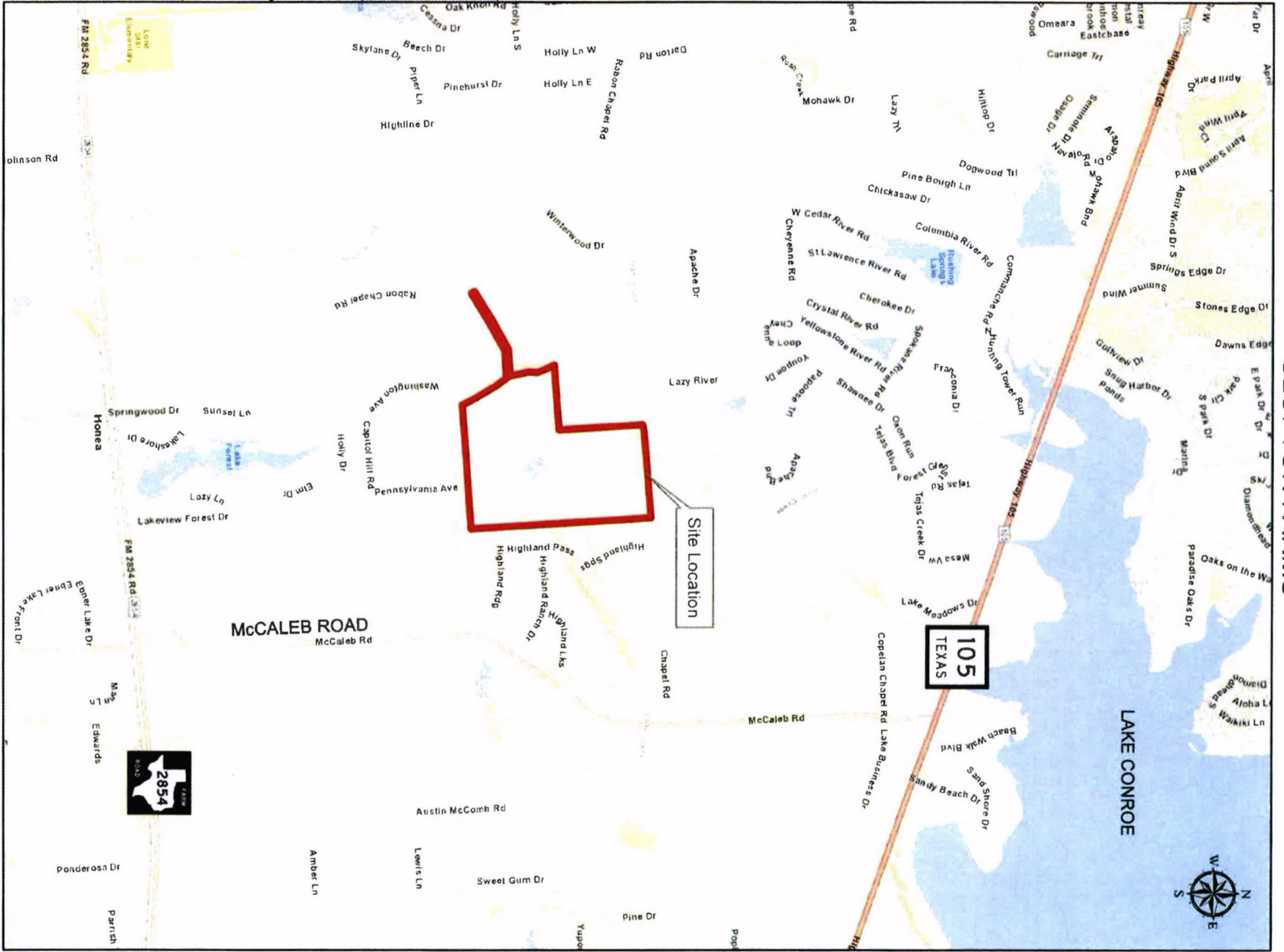


EXHIBIT "B-1"
General Location Map



CLOPTON FARMS

EXHIBIT "B-2"

Detailed Map

EXHIBIT "C-1"
Special Warranty Deed

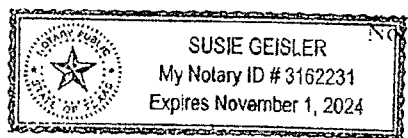
[Signature]
DAVID HERRICK, CO-TRUSTEE OF
THE HERRICK REVOCABLE TRUST

[Signature]
KAREN HERRICK, CO-TRUSTEE OF
THE HERRICK REVOCABLE TRUST

STATE OF TEXAS §
COUNTY OF Montgomery

This instrument was acknowledged before me on the 29 day of DECEMBER, 2020, by DAVID HERRICK, CO-TRUSTEE OF THE HERRICK REVOCABLE TRUST.

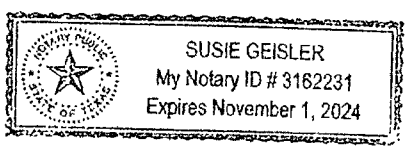
[Signature]
Notary Public, State of Texas



STATE OF TEXAS §
COUNTY OF Montgomery

This instrument was acknowledged before me on the 29 day of DECEMBER, 2020, by KAREN HERRICK, CO-TRUSTEE OF THE HERRICK REVOCABLE TRUST.

[Signature]
Notary Public, State of Texas



After recording return to:
Trendmaker Homes, Inc.
16340 Park Ten Place, Suite 250
Houston TX 77084

TRACT I:

BEING a 123.40 acre tract of land in the N Lynch Survey, Abstract 306, being out of Tract 2 as recorded under Montgomery County Clerk's File No. 2011-029758, also being all of Tract 3 as recorded under Montgomery County Clerk's File No. 2011-029756, said 123.40 acre tract being more particularly described as follows;

BEGINNING at axle found for the northwesterly corner of Lot 39, Block 1 of Highland Ranch as recorded in Cabinet K, Sheet 21, also along the southerly line of a called 10 000 acre tract as recorded under Montgomery County Clerk's File No. 2003-152144, also being the northeasterly corner of the herein described tract,

THENCE S 03 deg. 34' 50" E, along the westerly line of said Highland Ranch Section 1, a distance of 2836.06 feet to a 5/8" iron rod found along the westerly line of Lot 55, Block 1, of said Highland Ranch Section 1, also being the northeasterly corner of Lot 46, Capitol Hill Estates Section 2 as recorded in Cabinet D, Sheet 109B, and being the southeasterly corner of the herein described tract,

THENCE S 85 deg. 59' 50" W, along the northerly line of said Capitol Hill Estates Section 2, a distance of 1171.51 feet to a 5/8" iron rod found for the northerly point of Lot 49 of said Capitol Hill Estates Section 2, and being an angle point of the herein described tract,

THENCE S 85 deg. 54' 29" W, along the northerly line of said Capitol Estates Section 2, a distance of 793.57 feet to the centerline of Fish Creek, also being the northwesterly corner of Lot 52 of said Capitol Hill Estates Section 2, also being the northeasterly corner of Lot 9, Block 2 of Capitol Hill Estates Section 3 as record in Cabinet E, Sheet 29B, and being the southwestery corner of the herein described tract,

THENCE along the centerline of Fish Creek the following bearings and distances,

THENCE N 26°34'43" W, A DISTANCE OF 190.30';

THENCE N 30°18'12" W, A DISTANCE OF 413.98';

THENCE N 36°59'26" W, A DISTANCE OF 272.80';

THENCE N 11°29'21" W, A DISTANCE OF 318.50';

THENCE N 04°43'08" E, A DISTANCE OF 115.25';

THENCE N 19°24'29" W, A DISTANCE OF 115.73';

THENCE N 26°19'04" W, A DISTANCE OF 180.57' to a point along the centerline of Fish Creek, also being along the southerly line of a called 39.756 acre tract as recorded under Montgomery County Clerk's File No. 9563245, and being the most westerly northwest corner of herein described tract,

THENCE N 85 deg. 44' 13" E, along the southerly line of said 39.756 acre tract, a distance of 1024.65 feet to a fence corner for the southeasterly corner of said 39.756 acre tract, and being an angle point of the herein described tract;

THENCE N 03 deg. 27' 49" W, along the easterly line of said 39.756 acre tract, a distance of 1316.42 feet to a fence corner for the northeasterly corner of said 39.756 acre tract, also being along the southerly line of Apache Drive, and the most northerly northwest corner of the herein described tract,

THENCE N 77 deg. 00' 54" E, along the southerly line of Apache Drive, a distance of 99.27 feet to a 60D nail along the southerly line of Apache Drive, and being a northerly point of the herein described tract,

THENCE N 84 deg. 38' 17" E, along the southerly line of the said Crestwood Farms, a distance of 595.91 feet a point for corner, from which a 1/2" iron rod found 1.3 feet north, for the southeasterly corner of Lot 22 of Crestwood Farms as recorded in Volume 5, Page 353, and being an angle point of the herein described tract;

concrete monument for the southeasterly corner of said Lot 22, also being the southwesterly corner of said 10.000 acre tract, and being an angle point of the herein described tract;

THENCE along the southerly line of said 10.000 acre tract, N 85 deg. 07' 40" E, a distance of 146.95 feet to back the POINT OF BEGINNING, and containing 123.40 acres of land, more or less;

SAVE AND EXCEPT THAT CERTAIN 68.85 ACRES DESCRIBED AS FOLLOWS:

BEING a 68.85 acre tract of land in the N Lynch Survey, Abstract 306, being the same called Tract 3 (68.8153 acre) as recorded under Montgomery County Clerk's File No. 2011-029756, said 68.85 acre tract being more particularly described as follows;

BEGINNING at axle found for the northwesterly corner of Lot 39, Block 1 of Highland Ranch as recorded in Cabinet K, Sheet 21, also along the southerly line of a called 10.000 acre tract as recorded under Montgomery County Clerk's File No. 2003-152144, also being the northeasterly corner of the herein described tract;

THENCE S 03 deg. 34' 50" E, along the westerly line of said Highland Ranch Section 1, a distance of 2836.06 feet to a 5/8" iron rod found along the westerly line of Lot 55, Block 1, of said Highland Ranch Section 1, also being the northeasterly corner of Lot 46, Capitol Hill Estates Section 2 as recorded in Cabinet D, Sheet 109B, and being the southeasterly corner of the herein described tract.

THENCE S 85 deg. 59' 50" W, along the northerly line of said Capitol Hill Estates Section 2, a distance of 1171.51 feet to a 5/8" iron rod found for the southwesterly corner of the said 68.85 acre tract, and being the southwesterly corner of the herein described tract;

THENCE along the westerly line of Tract 3 the following bearings and distances,
THENCE N 10°47'31" E, A DISTANCE OF 954.07' to a 5/8" capped iron rod;
THENCE N 06°50'18" E, A DISTANCE OF 219.76';
THENCE N 30°55'16" E, A DISTANCE OF 136.62', to a 5/8" capped iron rod
THENCE N 55°54'31" W, A DISTANCE OF 382.16'; to a 5/8" capped iron rod

THENCE N 03 deg. 27' 13" E, along the westerly line of said Tract 3, a distance of 1339.44 feet to 5/8" iron rod set in the southerly line of Apache Drive, and being the northwesterly corner of the herein described tract;

THENCE N 84 deg. 38' 17" E, along the southerly line of the said Crestwood Farms, a distance of 333.74 feet a point for corner, from which a 1/2" iron rod found 1.3 feet north, for the southeasterly corner of Lot 22 of Crestwood Farms as recorded in Volume 5, Page 353, and being an angle point of the herein described tract,

THENCE N 85 deg. 57' 55" E, along the southerly line of the said Lot 22, a distance of 636.55 feet to a concrete monument for the southeasterly corner of said Lot 22, also being the southwesterly corner of said 10.000 acre tract, and being an angle point of the herein described tract;

THENCE along the southerly line of said 10.000 acre tract, N 85 deg. 07' 40" E, a distance of 146.95 feet to back the POINT OF BEGINNING, and containing 68.85 acres of land, more or less.

NANCY LYNCH SURVEY ABSTRACT 306
R. HAMLETT SURVEY ABSTRACT 281
60' Fee Strip

BEING a 2.05 acre tract of land in the N Lynch Survey, Abstract 306, also being in the R. Hamlett Survey, Abstract 281, being out of Tract 2 as recorded under Montgomery County Clerk's File No. 2011-029758, said 2.05 acre tract being more particularly described as follows;

BEGINNING at a 5/8" iron rod found for the northwesterly corner of a called 12.5001 acre tract as recorded under Montgomery County Clerk's File No. 2011-029757, also being along the northeasterly line of Rabon Chapel Road, and being the southerly corner of the herein described tract;

THENCE along a curve to the left, having a radius of 977.12 feet, a chord that bears N 29 deg. 57' 47" W, along the northeasterly line of Rabon Chapel Road, a chord distance of 59.97 feet to a 5/8" iron rod found along the northeasterly line of Rabon Chapel Road, and being the easterly corner of the herein described tract;

THENCE N 58 deg. 17' 51" E, along the southerly of Tract 1 as recorded under Montgomery County Clerk's File No. 2011-029756, a distance of 521.09 feet to a 5/8" iron rod found along the southerly line of said Tract 1, and being an angle point of the herein described tract;

THENCE N 61 deg. 12' 33" E, along the southerly line of said Tract 1, a distance of 543.81 feet to a 5/8" iron rod found for an easterly corner of said Tract 1, also being a southwesterly corner of said Tract 2, and being an angle point of the herein described tract;

THENCE N 86 deg. 15' 07" E, across said Tract 2, a distance of 418.95 feet to the centerline of Fish Creek, and being the northeasterly corner of the herein described tract;

THENCE S 11 deg. 29' 21" E, along the centerline of Fish Creek, a distance of 11.29 feet to a point for corner along the centerline of Fish Creek, and being an angle point of the herein described tract;

THENCE S 36 deg. 59' 26" E, along the centerline of Fish Creek, a distance of 58.57 feet to a point for corner along the centerline of Fish Creek, and being the easterly corner of the herein described tract;

THENCE S 86 deg. 15' 07" W, across said Tract 2, a distance of 166.35 feet to a 5/8" iron rod found along the westerly line of said Tract 2, also being the northeasterly corner of said 12.5001 acre tract, and being an angle point of the herein described tract;

THENCE S 86 deg. 15' 07" W, along the northerly line of the said 12.5001 acre tract, a distance of 272.69 feet to a 5/8" iron rod found for the northerly corner of said 12.5001 acre tract, and being an angle point of the herein described tract;

THENCE S 61 deg. 11' 02" W, along the northerly line of the said 12.5001 acre tract, a distance of 529.59 feet to a 5/8" iron rod found for a northerly point of said 12.5001 acre tract, and being an angle point of the herein described tract;

THENCE along the northerly line of said 12.5001 acre tract, S 58 deg. 21' 14" W, a distance of 520.84 feet to back the **POINT OF BEGINNING**, and containing 2.05 acres of land, more or less.

LEGISLATED EXCEPTIONS

1. A 60 foot non-exclusive right-of-way easement over and across the Westerly portion of subject property, as granted to Lewis Steven Clopton and Ray Preston Clopton in instrument executed by Karen Clopton Herrick, dated March 28, 2011, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2011-029760, and amended in instrument dated February 19, 2017, recorded in the said Real Property Records, under County Clerk's File No. 2017-013409, said right-of-way being subject to the rights of third parties in and to the use of same.
2. Cathodic Protection Easement granted to Magnolia Pipe Line in instrument executed by Robert W Clopton, Jr. and wife, Catherine Clopton, dated August 5, 1965, recorded in Volume 601, Page 920 of the Deed Records of Montgomery County, Texas.
3. Easement granted to Mid-South Electric Cooperative, Inc., in instrument executed by Mrs. R. W. Clopton, Sr., dated September 15, 1983, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2011-057809.
4. All oil, gas and other minerals of every character in and under the herein described property reserved by Nat Harris, Jr., et al. in instrument recorded in Volume 340, Page 235 of the Deed Records of Montgomery County, Texas, reference to which instrument is here made for all purposes.
5. An undivided 1/2 of all oil, gas and other minerals of every character in and under the herein described property reserved by T. J. Gilmore and wife, Francis Gilmore in instrument recorded in Volume 473, Page 336 of the Deed Records of Montgomery County, Texas, reference to which instrument is here made for all purposes.
6. That certain undivided interest in all oil, gas and other minerals of every character in and under the herein described property conveyed to Robert W. Clopton, Jr., in instrument recorded in Volume 760, Page 625 of the Deed Records of Montgomery County, Texas, reference to which instrument is here made for all purposes.
7. All of Grantors' undivided interests in all oil, gas and other minerals of every character in and under the herein described property reserved by Ray Preston Clopton, Robert Walter Clopton, III, and Lewis Steven Clopton in instrument recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2011-029758, reference to which instrument is here made for all purposes.
8. Estate created by oil, gas and mineral lease granted to H. E. Madeley in instrument dated September 13, 1979, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 8002262, and all terms, conditions and stipulations contained therein

EXHIBIT "C-2"

Warranty Deed

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.

WARRANTY DEED

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MONTGOMERY §

THAT, ROBERT WALTER CLOPTON, III and wife, SANDRA BROUGHTON CLOPTON, hereinafter called Grantors, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars cash and other good and valuable considerations in hand paid by

TRENDMAKER HOMES, INC.
16340 Park Ten Place, Suite 250
Houston, Texas 77084

hereinafter called Grantee, the receipt and sufficiency of which are hereby acknowledged and confessed, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto Grantee all that certain lot, tract or parcel of land, together with all improvements thereon, lying and being situated in the County of Montgomery, State of Texas, described as follows, to-wit:

BEING a 68.85 acre tract of land in the N Lynch Survey, Abstract 306, being the same called Tract 3 (68 8153 acre) as recorded under Montgomery County Clerk's File No. 2011-029756, said 68.85 acre tract being more particularly described by metes and bounds on Exhibit "A" attached hereto (the "Property").

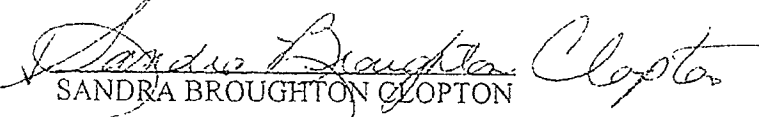
This conveyance is made and accepted subject to (i) those certain matters set forth on Exhibit "B" attached hereto and made a part hereof for all purposes (the "Permitted Exceptions"), and (ii) the Mineral Reservation referenced below.

Grantors reserve unto Grantors and Grantors' successors and assigns, all of the Mineral Estate (as herein defined) owned by Grantors (the "Mineral Reservation"). "Mineral Estate" means all of the oil, gas and other minerals in and under and that may be produced from the Property, any royalty under any existing or future mineral lease covering any part of the Property, executive rights (including the right to sign a mineral lease covering any part of the Property), exploration and development rights, production and drilling rights, mineral lease payments, and all related rights and benefit. The Mineral Estate does not include water, sand, gravel, limestone, building stone, caliche, surface shale, near-surface lignite, and iron. Grantors do not reserve and retain, and Grantors hereby expressly waive, all express or implied rights of ingress and egress to, and of reasonable use of, the surface of the Property (and the area within one thousand feet (1,000') below the surface of the Property) for mining, drilling, exploring, operating, developing, or removing the Mineral Estate.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's successors and assigns, forever. And Grantors do hereby bind Grantors, Grantors' heirs and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the Permitted Exceptions.

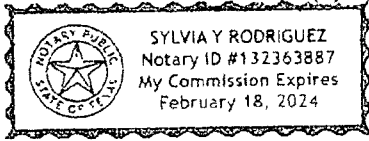
Executed this 29th day of DECEMBER, 2020.

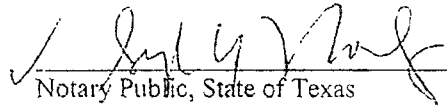

ROBERT WALTER CLOPTON, III


SANDRA BROUGHTON CLOPTON

COUNTY OF Comal §

This instrument was acknowledged before me on the 29th day of DECEMBER, 2020, by ROBERT WALTER CLOPTON, III and wife, SANDRA BROUGHTON CLOPTON.




Notary Public, State of Texas

After recording return to:
Technomaker Homes, Inc.
16340 Park Ten Place, Suite 250
Houston, TX 77084

BEING a 68.85 acre tract of land in the N Lynch Survey, Abstract 306, being the same called Tract 3 (68.8153 acre) as recorded under Montgomery County Clerk's File No. 2011-029756. said 68.85 acre tract being more particularly described as follows.

BEGINNING at axle found for the northwesterly corner of Lot 39, Block 1 of Highland Ranch as recorded in Cabinet K, Sheet 21, also along the southerly line of a called 10.000 acre tract as recorded under Montgomery County Clerk's File No. 2003-152144, also being the northeasterly corner of the herein described tract;

THENCE S 03 deg. 34' 50" E, along the westerly line of said Highland Ranch Section 1, a distance of 2836.06 feet to a 5/8" iron rod found along the westerly line of Lot 55, Block 1, of said Highland Ranch Section 1, also being the northeasterly corner of Lot 46, Capitol Hill Estates Section 2 as recorded in Cabinet D, Sheet 109B, and being the southeasterly corner of the herein described tract;

THENCE S 85 deg. 59' 50" W, along the northerly line of said Capitol Hill Estates Section 2, a distance of 1171.51 feet to a 5/8" iron rod found for the southwest corner of the said 68.85 acre tract, and being the southwest corner of the herein described tract;

THENCE along the westerly line of Tract 3 the following bearings and distances;

THENCE N 10°47'31" E, A DISTANCE OF 954.07' to a 5/8" capped iron rod;

THENCE N 06°50'18" E, A DISTANCE OF 219.76';

THENCE N 30°55'16" E, A DISTANCE OF 136.62'; to a 5/8" capped iron rod;

THENCE N 55°54'31" W, A DISTANCE OF 382.16'; to a 5/8" capped iron rod;

THENCE N 03 deg. 27' 13" E, along the westerly line of said Tract 3, a distance of 1339.44 feet to 5/8" iron rod set in the southerly line of Apache Drive, and being the northwesterly corner of the herein described tract;

THENCE N 84 deg. 38' 17" E, along the southerly line of the said Crestwood Farms, a distance of 333.74 feet a point for corner, from which a 1/2" iron rod found 1.3 feet north, for the southeasterly corner of Lot 22 of Crestwood Farms as recorded in Volume 5, Page 353, and being an angle point of the herein described tract;

THENCE N 85 deg 57' 55" E, along the southerly line of the said Lot 22, a distance of 636.55 feet to a concrete monument for the southeasterly corner of said Lot 22, also being the southwest corner of said 10.000 acre tract, and being an angle point of the herein described tract;

THENCE along the southerly line of said 10.000 acre tract, N 85 deg 07' 40" E, a distance of 146.95 feet to back the **POINT OF BEGINNING**, and containing 68.85 acres of land, more or less.

Permitted Exceptions

1. Easement granted to Mid-South Electric Cooperative, Inc., in instrument executed by Mrs. R. W. Clopton, Sr., dated September 15, 1983, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2011-057809.
2. All oil, gas and other minerals of every character in and under the herein described property reserved by Nat Harris, Jr., et al, in instrument recorded in Volume 340, Page 235 of the Deed Records of Montgomery County, Texas.
3. All of Grantors' undivided interests in all oil, gas and other minerals of every character in and under the herein described property reserved by Ray Preston Clopton, Lewis Steven Clopton and Karen Clopton Herrick in instrument recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2011-029756.