

VICTOR G. CARRILLO, CHAIRMAN
ELIZABETH A. JONES, COMMISSIONER
MICHAEL L. WILLIAMS, COMMISSIONER



TOMMIE SEITZ
DIRECTOR, OIL AND GAS DIVISION
WILLIAM B. MIERTSCHIN
ASSISTANT DIRECTOR, SITE REMEDIATION

RAILROAD COMMISSION OF TEXAS

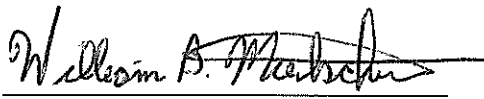
OIL AND GAS DIVISION

VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION RELYING ON INSTITUTIONAL CONTROLS

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

I, WILLIAM B. MIERTSCHIN, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY UNDER CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM SITE VCP NO.03-80007 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. THE APPLICANT WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113. ON THE DATE OF ISSUANCE OF THIS CERTIFICATE THE APPLICANT IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

EXECUTED this 13 day of July, 2009.

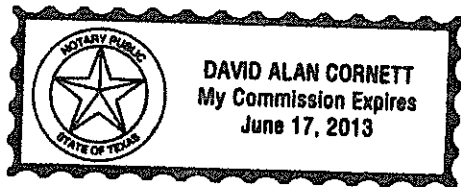

William B. Miertschin, Assistant Director
Site Remediation Section

STATE OF Texas

COUNTY OF Travis

BEFORE ME, personally appeared William B. Miertschin, Assistant Director, Site Remediation Section, of the Railroad Commission of Texas, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13th day of July, 2009.



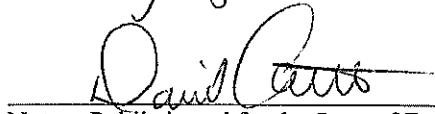

Notary Public in and for the State of Texas

EXHIBIT "A"

***RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION***

***10.67707 Acres
VCP No. 03-80007***

METES AND BOUNDS DESCRIPTION
10.67707 ACRES IN THE
ROBERT DUNMAN SURVEY, ABSTRACT 223
HARRIS COUNTY, TEXAS

A 10.67707-ACRE TRACT OF LAND SITUATED IN THE ROBERT DUNMAN SURVEY, ABSTRACT 223, HARRIS COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF A CALLED 63.194-ACRE TRACT DESCRIBED IN DEED TO AUSTOFIELD PARTNERS NO. 1, LTD., ET AL, RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W488429 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (O.P.R.O.R.P.), SAID 10.67707-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS SHOWN ARE BASED ON THE WEST LINE OF SAID CALLED 63.194 ACRE TRACT AND BEING NORTH 07°08'58" WEST):

COMMENCING at a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found in the north right-of-way line of line of Will Clayton Parkway (100-foot wide) dedicated to Harris County, recorded under H.C.C.F. No. F327875, O.P.R.O.R.P., being at the southwest corner of said residue of a called 63.194-acre tract and the southeast corner of that called 68.511-acre tract described as Tract-1 in Deed to ATA Development, L.P., recorded under H.C.C.F. No. Y907889, O.P.R.O.R.P.;

THENCE North 07°08'58" West 171.67 feet, departing the north right-of-way line of said Will Clayton Parkway, along an east line of said Tract-1 and the west line of said residue of a called 63.194-acre tract, to a 5/8-inch iron rod found at a common corner of said residue of a called 63.194-acre tract, of said Tract-1, and a called 7.14-acre tract described in Deed to WSG Tour 18 IV, L.P., recorded under H.C.C.F. No. Y500909, O.P.R.O.R.P.;

THENCE along and with the common line of said 7.14-acre tract and said residue of a called 63.194-acre tract the following five (5) courses:

North 18°14'50" East 195.55 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found in said common line, being at the southwest corner and the POINT OF BEGINNING of the herein described tract;

- (1) North 18°14'50" East 225.90 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at an angle point in the west line of the herein described tract;
- (2) North 39°36'11" East 290.00 feet, to a 5/8-inch iron rod found at an angle point in the west line of the herein described tract;
- (3) North 44°01'54" East 302.83 feet, to a 5/8-inch iron rod found at an angle pointing the north line of the herein described tract;
- (4) North 77°24'46" East 375.23 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at a common corner of said 7.14-acre tract, said residue of a called 63.194-acre tract, and a called 6.5432-acre tract described in Deed to ATA Development, L.P., recorded under H.C.C.F. No. Y907889, O.P.R.O.R.P., being an angle point in the north line of the herein described tract;

THENCE along and with the west, south, and east line of said called 6.5432-acre tract the following five (5) courses:

- (5) South 75°46'34" East 6.98 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at an angle point in the north line of the herein described tract;
- (6) South 14°13'26" West 203.21 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of curvature to the left;
- (7) In southeasterly direction, with said curve to the left, having a radius of 116.16 feet, a central angle of 78°41'25", an arc length of 159.53 feet, and a chord which bears South 25°07'17" East, 147.29 feet to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of tangency;

- (8) South $64^{\circ}27'59''$ East 123.51 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of curvature to the left;
- (9) In a northeasterly direction, with said curve to the left, having a radius of 116.16 feet, a central angle of $105^{\circ}56'24''$, an arc length of 214.78 feet, and a chord which bears North $62^{\circ}33'49''$ East, 185.47 feet to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the end of said curve in the arc of a curve to the left in the west right-of-way line of Hunters Terrace Drive (width varies), recorded under Film Code Number 608230 of the Map Records of Harris County and being the easterly northeast corner of the herein described tract;

THENCE along the west right-of-way line of said Hunters Terrace Drive the following four (4) courses:

- (10) In a southwesterly direction, with said curve to the left, having a radius of 775.00 feet, a central angle of $00^{\circ}55'55''$, an arc length of 12.61 feet, and a chord which bears South $09^{\circ}07'39''$ West 12.61 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of a compound curve to the left;
- (11) In a southeasterly direction, with said curve to the left, having a radius of 530.00 feet, a central angle of $24^{\circ}50'21''$, an arc length of 229.77 feet, and a chord which bears South $03^{\circ}45'29''$ East 227.97 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of tangency;
- (12) South $16^{\circ}10'40''$ East 30.28 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of curvature to the right;
- (13) In a southeasterly direction, with said curve to the right, having a radius of 500.00 feet, a central angle of $07^{\circ}12'28''$, an arc length of 62.90 feet, and a chord which bears South $12^{\circ}34'25''$ East, 62.86 feet to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the southeast corner of the herein described tract;
- (14) THENCE South $89^{\circ}06'22''$ West 160.23 feet, departing the west right-of-way line of said Hunters Terrace Drive over and across said residue of a called 63.194-acre tract to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" set at the point of curvature to the left;
- (15) THENCE In a southwesterly direction, with said curve to the left, having a radius of 4,322.09 feet, a central angle of $06^{\circ}48'10''$, an arc length of 513.16 feet, and a chord which bears South $85^{\circ}42'18''$ West, 512.86 feet to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of tangency;
- (16) THENCE South $82^{\circ}18'13''$ West 495.62 feet, to the POINT OF BEGINNING containing 10.67707 acres (465,093 square feet) of land. This description accompanies an ALTA/ACSM Land Title Survey prepared by Edminster, Hinshaw, Russ, and Associates and dated July 11, 2007.

EDMINSTER, HINSHAW, RUSS, AND ASSOCIATES, INC.

Kevin Drew McRae, R.P.L.S.
Texas Registration No. 5485
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500



Date: 7-11-2007 11/Revised 8-29-07 KDM
Job No: 071-029-00
File No: R:\2007\071-029-00\documents\technical\07102900V-PBAL01.doc

EXHIBIT "B"

RAILROAD COMMISSION OF TEXAS VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION
AND INSTITUTIONAL CONTROL


I, Glenn Pichler, representing Creekstone Developments, Inc. have completed response actions pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the tract of land described in Exhibit "A" to this certificate that pertains to a 10.67707 Acre tract in Harris County also identified as VCP No. 03-80007. The Site was owned by Creekstone Developments Inc., at the time the application to participate in the Voluntary Cleanup Program was filed. Creekstone Developments, Inc. has submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site, consistent with accepted industry standards to identify all contaminants, waste, and contaminated media of regulatory concern. The response actions for the site have achieved response action levels acceptable for residential use with restrictions on groundwater use. The response actions eliminate substantial present or future risk to public health and safety and to the environment from releases and threatened releases of contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response actions at this Site may be found at the RRC central office under VCP No. 03-80007.

The response actions performed include the following legal restrictions of the uses of the Site, which shall be covenants running with the land, and are contained in an instrument filed in the Harris County Clerk's office on 1 July 2009, Document 20090288343 (Attachment 2):

1. Use of the ground water beneath the Affected Property shall not be allowed except for monitoring purposes.
2. Penetration or excavation of the impacted groundwater zones for any purpose should only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. These restrictions shall be a covenant running with the land.

The preceding is true and correct to the best of my knowledge and belief.

Applicant

Signature: 

Printed Name: GLENN PICHLER

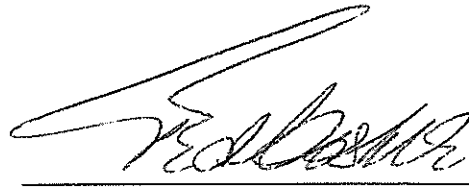
PROVINCE OF SASKATCHEWAN

CITY OF SASKATOON

BEFORE ME, personally appeared

GUSAN RICHLER, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, July 8, 2009



Notary Public in Province of Saskatchewan

Being a Notary

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Rest
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**Railroad Commission of Texas
Environmental Restrictive Covenant**

STATE OF TEXAS

§

COUNTY OF HARRIS

This Restrictive Covenant is filed pursuant to the authority of the Railroad Commission of Texas (Commission) to control and clean up pollution caused by activities over which the Commission exercises jurisdiction in accordance with Section 91.113 of the Texas Natural Resources Code, and affects the real property (Property) described as follows:

Creekstone Development Inc, is the current Owner of the Property and premises, and appurtenances thereto, located in Harris County, Texas. The Property consists of a 10.67707-acre tract of land situated in the Robert Dunman Survey, Abstract 223, Harris County, Texas, being out of the residue of a called 63.194-acre tract described in deed to Austofield Partners No. 1, Ltd., et Al, Recorded under Harris County Clerk's File (H.C.C.F.) No. W488429 of the Official Public Records of Real Property (O.P.R.O.R.P.), said 10.67707-acre tract, being more particularly described by metes and bounds as follows, (bearings shown are based on the west line of said called 63.194 acre tract and being north 07°08'58" west): 63.194 acre tract called south 00°00'13" east); as more fully described on Exhibit A, which exhibit is attached hereto and incorporated herein.

Groundwater on the Property is affected by certain identified chemicals of concern. 8.3411 acres of the property described on Exhibit B is considered to be Affected Property, and can be described as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found in the north right-of-way line of line of Will Clayton Parkway (100-foot wide) dedicated to Harris County, recorded under Harris County Clerk's File No. F327875 of the Official Public Records of Real Property, being the southwest corner of the residue of said 63.194 acre tract and the southeast corner of a called 68.511-acre tract (Tract 1) described in deed to ATA Development, L.P., recorded under Harris County Clerk's File No. Y907889 of the Official Public Records of Real Property;

lee

THENCE, North 07°08'58" West, along the common line of said 68.511-acre tract and the residue of said 63.194-acre tract, 171.67 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found for a common corner of said 68.511-acre tract, the residue of said 63.194-acre tract, and a called 7.14-acre tract described in Deed to WSG Tour 18 IV; L.P., recorded under Harris County Clerk's File No. Y500909 of the Official Public Records of Real Property;

THENCE, North 18°14'50" East, along the common line of said 7.14-acre tract and the residue of said 63.194-acre tract, at 195.55 feet passing a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713-784-4500" found, and continuing in all 421.45 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;

THENCE, North 39°36'11" East, continuing along said common line, 290.00 feet to a 5/8-inch iron rod found for an angle point;

RP 065-09-1832

THENCE, North 44°01'54" East, continuing along said common line, 20.00 feet to the POINT OF BEGINNING;

THENCE, continuing along said common line, the following two (2) courses and distances:

- (1) North 44°01'54" East, 282.83 feet, to a 5/8-inch iron rod found for an angle;
- (2) North 77°24'46" East, 375.23 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found for a common corner of said 7.14-acre tract, the residue of said 63.194 acre tract, and a called 6.5432-acre tract described in Deed to ATA Development, L.P., recorded under Harris County Clerk's File No. Y907889 of the Official Public Records of Real Property;

THENCE, along the west, south, and east lines of said 6.5432 acre tract, the following five (5) courses and distances:

- (3) South 75°46'34" East, 6.98 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (4) South 14°13'26" West, 203.21 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (5) In southeasterly direction, along the arc of said curve to the left, having a radius of 116.16 feet, a central angle of 78°41'25", an arc length of 159.53 feet, and a chord bearing South 25°07'17" East, 147.29 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713 784 4500" found;
- (6) South 64°27'59" East, 123.51 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (7) In a northeasterly direction, along the arc of said curve to the left, having a radius of 116.16 feet, a central angle of 105°56'24", an arc length of 214.78 feet, and a chord bearing North 62°33'49" East, 185.47 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713 784 4500" found in the arc of a non-tangent curve to the left, being in the west right of way line of Hunters Terrace Drive (width varies) recorded under Film Code No. 608230 of the Harris County Map Records;

THENCE, in a southerly direction along the west right-of-way line of said Hunters Terrace Drive, the following four (4) courses and distances:

- (8) Along the arc of said curve to the left, having a radius of 775.00 feet, a central angle of 00°55'55", an arc length of 12.61 feet, and a chord bearing South 09°07'39" West, 12.61 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713 784 4500" found at a point of a compound curvature;
- (9) Along the arc of said curve to the left, having a radius of 530.00 feet, a central angle of 24°50'21", an arc length of 229.77 feet, and a chord bearing South 03°45'29" East, 227.97 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713 784 4500" found;

- (10) South 16°10'40" East, 30.28 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713 784 4500" found at the of a curve to the right;
- (11) Along the arc of said curve to the right, having a radius of 500.00 feet, a central angle of 07°12'28", an arc length of 62.90 feet, and a chord bearing South 12°34'25" East, 62.86 feet to a 5/8-inch iron rod with stamped "E.H.R.&A. 713 784 4500" found;
- (12) THENCE, South 89°06'22" West, 160.23 feet to a 5/8 inch iron rod with cap stamped "E.H.R.&A. 713 784 4500" found at the beginning of a curve to the left;
- (13) THENCE, in a southwesterly direction along the arc of said curve to the left, having a radius of 4,322.09 feet, a central angle of 06°48'10", an arc length of 513.16 feet, and a chord bearing South 85°42'18" West, 512.86 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (14) THENCE, South 82°18'13" West 65.62 feet to a point for corner, from which a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found bears South 82°18'13" West, 430.00 feet;
- (15) THENCE, North 21°38'26" West, 424.71 feet to the POINT OF BEGINNING containing 8.3411 acres of land.

This restrictive covenant is required for the following reasons:

The property was formerly used as an oil and gas lease within the Riverside (Humble) Oilfield. Chemicals of concern attributable to the historical oil and gas operations at and in the vicinity of the Affected Property have impacted groundwater. The conditions were discovered during an environmental investigation conducted by DCH Environmental Consultants L.P. ("DCH"). DCH investigated the chemicals of concern in soil and groundwater beneath the Affected Property. The soil in the Affected Property currently meets Commission standards for residential property. The following chemical of concern attributable to the historical oil and/or gas operations at the Property remain in groundwater at the Affected Property at the time of this filing: Chloride with a maximum concentration of 753 parts per million (ppm) in the upper groundwater bearing unit ("GWBU") being 20'-25' below ground surface (bgs) as noted in **Exhibit C** and **Exhibit D** attached hereto. The affected groundwater units are not used for drinking water purposes. Chlorides in groundwater are not generally considered to present a risk or threat to human health or the environment, but rather may negatively affect the use of groundwater for consumption and agricultural purposes. The investigation, assessment, remediation and analytical data on the Property are contained in the following report, a copy of which is located #1-501 Gray Avenue, Saskatoon, Saskatchewan, S7N 2H8, Canada:

Remedial Action Completion Report (RACR), Tour 18 Option Tract, SW Section Approximately 10.6 Acres, Humble, TX, RRC VCP No. 03-80007

The response action has been approved by the Commission based on the presumption that the groundwater beneath the Affected Property will not be used for any purpose, except monitoring. The Commission has determined that the Affected Property currently meets standards for residential use. Based on information contained in the reports identified above, the chemicals of concern pose no significant present or future risk to humans or the environment based on residential use. The Commission does not require any further remediation of the Affected Property as long as ground water beneath the Affected Property is not used. For purposes of this Covenant, the term "residential use" means use for dwellings such as single family houses and

multi-family apartments, children's homes, nursing homes, residential portions of government-owned lands (local, state or federal), day care facilities, educational facilities, hospitals, residential portions of ranch and farm land, and parks (local, state or federal). This restrictive covenant is necessary to assure that all present and future owners of the Affected Property are aware of its condition and do not use the property in any manner inconsistent with this restriction. If any person desires to use the groundwater beneath the Affected Property, the Commission must be notified at least 60 days in advance of such use. Additional response action contemplating a change in land use or in the size of the assumed exposure area may be necessary.

Creekstone Development Inc. is the Owner of the Property. In consideration of the response action leading to final approved remediation of the Affected Property, the Owner of the Property has agreed to place the following restrictions on the Property in favor of the Commission and the State of Texas. Now therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following restrictive covenants in favor of the Commission and the State of Texas are placed on the Property described in Exhibit "A," to-wit:

1. Use of the ground water beneath the Affected Property shall not be allowed except for monitoring purposes.
2. Penetration or excavation of the impacted groundwater zones for any purpose should only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. These restrictions shall be a covenant running with the land.

For additional information, contact:

Railroad Commission of Texas
Site Remediation Section
P. O. Box 12967
1701 N. Congress
Austin, Texas 78711-2967

Railroad Commission of Texas Voluntary Cleanup Program No.: 03-80007.

After recording,
return to;
Dave Hamren ✓✓
DCH Environmental, LP
406 Bowler St,
Sugar Land, TX 77478

COUNTY CLERK
HARRIS COUNTY, TEXAS

Dorothy B. Hamren

2009 JUL -1 PM 12: 22

FILED

SECRET

As of the date of this Covenant, the record owner of fee title to the Property is Creekstone Development Inc. with an address #1-501 Gray Avenue, Saskatoon, Saskatchewan, S7N 2H8, Canada.

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the Commission and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 26 day of June, 2009.

Signature: 

Mr. Glenn Pichler, President of Creekstone Development Inc.


(3)
for

PROVINCE OF SASKATCHEWAN

CITY OF SASKATOON

Before me on this the 26 day of June, personally appeared Mr. Glenn Pichler, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature 

THEODORE FRANCIS KOSKIE

Printed Name of Notary Public

RP 065-89-1836



Accepted as Third Party Beneficiary this 25th day of June, 2009.

Railroad Commission of Texas

202

By: *David Cooney*
David Cooney,

Title: *Attorney, Special Counsel Section*

STATE OF TEXAS

County of Travis

BEFORE ME, on this the 25th day of June, 2009 personally appeared David Cooney, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature: *K. Williamson*



Notary Public in and for the State of Texas

County of Travis

My Commission Expires: 6-14-2011

2009-6-25 10:58 AM

Exhibit A

METES AND BOUNDS DESCRIPTION
10.67707 ACRES IN THE
ROBERT DUNMAN SURVEY, ABSTRACT NO. 223
HARRIS COUNTY, TEXAS

A 10.67707-ACRE TRACT OF LAND SITUATED IN THE ROBERT DUNMAN SURVEY, ABSTRACT NO. 223, HARRIS COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF A CALLED 63.194-ACRE TRACT DESCRIBED IN DEED TO AUSTOFIELD PARTNERS NO. 1, LTD., ET AL, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. W488429 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY; SAID 10.67707-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS SHOWN ARE BASED ON A CALL OF NORTH 07°08'58" WEST ALONG THE WEST LINE OF SAID 63.194-ACRE TRACT);

COMMENCING at a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found in the north right-of-way line of line of Will Clayton Parkway (100-foot wide) dedicated to Harris County, recorded under Harris County Clerk's File No. F327875 of the Official Public Records of Real Property, being the southwest corner of the residue of said 63.194-acre tract and the southeast corner of a called 68.511-acre tract (Tract 1) described in deed to ATA Development, L.P., recorded under Harris County Clerk's File No. Y907889 of the Official Public Records of Real Property;

THENCE, North 07°08'58" West, along the common line of said 68.511-acre tract and the residue of said 63.194-acre tract, 171.67 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found for a common corner of said 68.511-acre tract, the residue of said 63.194-acre tract, and a called 7.14-acre tract described in Deed to WSC Tour 18 IV, L.P., recorded under Harris County Clerk's File No. Y500909 of the Official Public Records of Real Property;

THENCE, North 18°14'50" East, along the common line of said 7.14-acre tract and the residue of said 63.194-acre tract, 195.55 feet to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713-784-4500" found for the POINT OF BEGINNING;

THENCE, continuing along said common line, the following four (4) courses and distances:

- (1) North 18°14'50" East, continuing along the common line of said 7.14-acre tract and the residue of said 63.194-acre tract, 225.90 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (2) North 39°36'11" East, continuing along said common line, 290.00 feet to a 5/8-inch iron rod found for an angle point;
- (3) North 44°01'54" East, 302.83 feet, to a 5/8-inch iron rod found for an angle;
- (4) North 77°24'46" East, 375.23 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found for a common corner of said 7.14-acre tract, the residue of said 63.194-acre tract, and a called 6.5432-acre tract described in Deed to ATA Development, L.P., recorded under Harris County Clerk's File No. Y907889 of the Official Public Records of Real Property;

THENCE, along the west, south, and east lines of said 6.5432-acre tract, the following five (5) courses and distances:

- (5) South 75°46'34" East, 6.98 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (6) South 14°13'26" West, 203.21 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (7) In southeasterly direction, along the arc of said curve to the left, having a radius of 116.16 feet, a central angle of 78°41'25", an arc length of 159.53 feet, and a chord bearing South 25°07'17" East, 147.29 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;

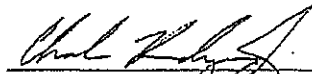
Exhibit A

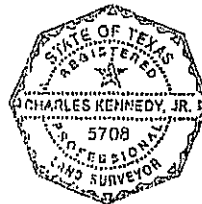
- (8) South $64^{\circ}27'59''$ East, 123.51 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (9) In a northeasterly direction, along the arc of said curve to the left, having a radius of 116.16 feet, a central angle of $105^{\circ}56'24''$, an arc length of 214.78 feet, and a chord bearing North $62^{\circ}33'49''$ East, 185.47 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found in the arc of a non-tangent curve to the left, being in the west right-of-way line of Hunters Terrace Drive (width varies) recorded under Film Code No. 608230 of the Harris County Map Records;

THENCE, in a southerly direction along the west right-of-way line of said Hunters Terrace Drive, the following four (4) courses and distances:

- (10) Along the arc of said curve to the left, having a radius of 775.00 feet, a central angle of $00^{\circ}55'55''$, an arc length of 12.61 feet, and a chord bearing South $09^{\circ}07'39''$ West, 12.61 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at a point of a compound curvature;
- (11) Along the arc of said curve to the left, having a radius of 530.00 feet, a central angle of $24^{\circ}50'21''$, an arc length of 229.77 feet, and a chord bearing South $03^{\circ}45'29''$ East, 227.97 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (12) South $16^{\circ}10'40''$ East, 30.28 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the of a curve to the right;
- (13) Along the arc of said curve to the right, having a radius of 500.00 feet, a central angle of $07^{\circ}12'28''$, an arc length of 62.90 feet, and a chord bearing South $12^{\circ}34'25''$ East, 62.86 feet to a 5/8-inch iron rod with stamped "E.H.R.&A. 713-784-4500" found;
- (14) THENCE, South $89^{\circ}06'22''$ West, 160.23 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (15) THENCE, in a southwesterly direction along the arc of said curve to the left, having a radius of 4,322.09 feet, a central angle of $06^{\circ}48'10''$, an arc length of 513.16 feet, and a chord bearing South $85^{\circ}42'18''$ West, 512.86 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (16) THENCE, South $82^{\circ}18'13''$ West 495.62 feet to the POINT OF BEGINNING containing 10.67707 acres of land.

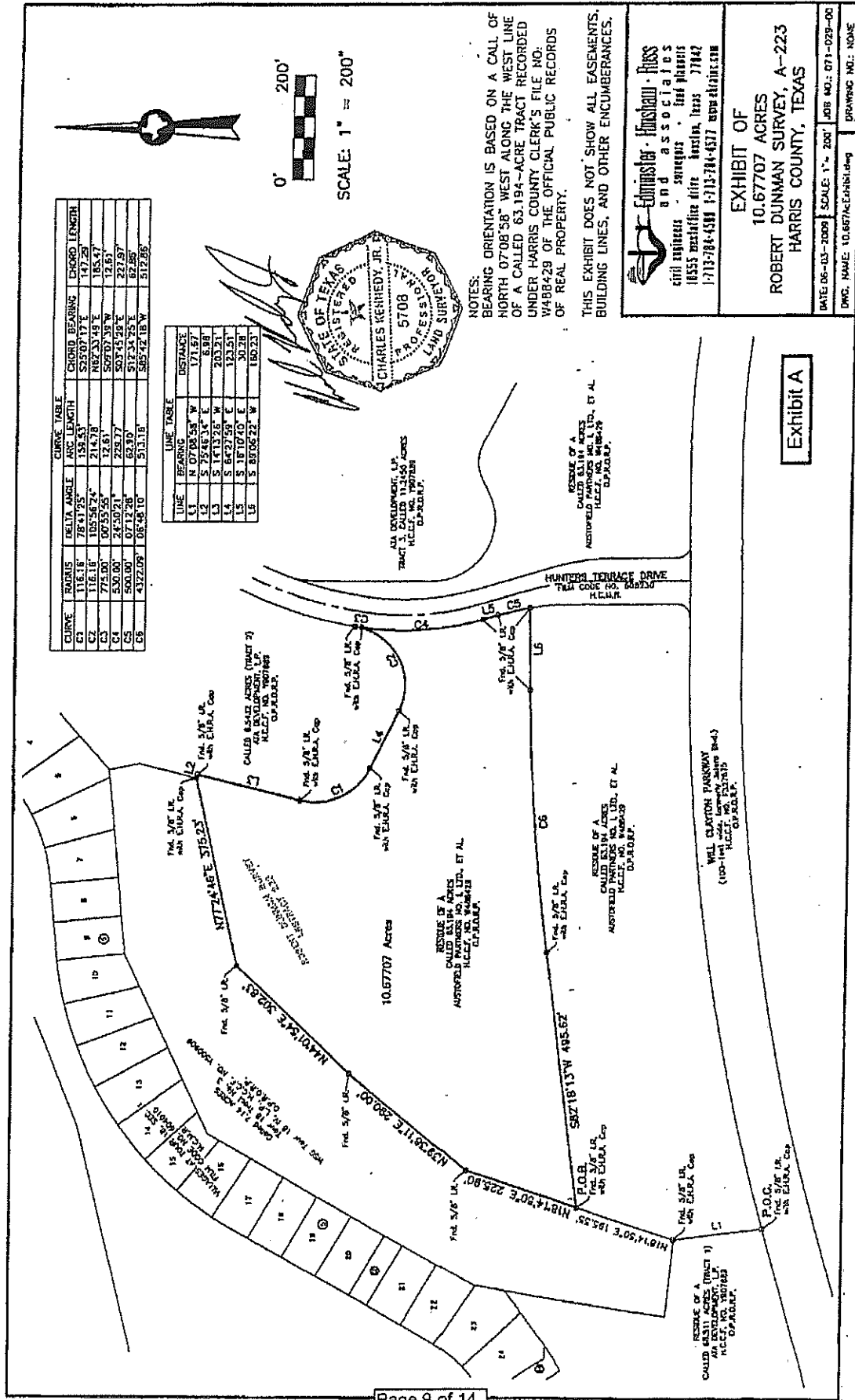
EDMINSTER, HINSHAW, RUSS, AND ASSOCIATES, INC.


Charles Kennedy, Jr., R.P.L.S.
Texas Registration No. 5708
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500



Date: June 3, 2009
Job No: 071-029-00
File No: R:\2007\071-029-00\documents\technical\10.677Ac.doc

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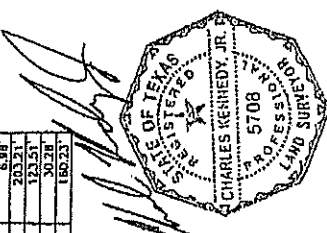


CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	116.18	78°41'25"	158.53	S23°07'17"E	147.20
C2	116.18	105°56'24"	214.78	N62°33'45"E	185.47
C3	775.00	07°55'55"	12.61	S67°07'59"W	12.61
C4	530.00	24°50'21"	228.77	S07°45'28"E	227.87
C5	500.00	07°12'28"	62.39	S17°54'25"E	62.85
C6	4322.00	08°48'10"	911.18	S85°42'18"W	512.95

LINE	BEARING	DISTANCE
L1	N 07°08'08" W	171.57
L2	S 72°46'34" E	8.88
L3	S 14°15'28" W	203.21
L4	S 84°27'58" E	123.21
L5	S 07°07'07" W	30.28
L6	S 85°06'22" W	180.23



SCALE: 1" = 200'



NOTES:
 BEARING ORIENTATION IS BASED ON A CALL OF NORTH 07°08'58" WEST ALONG THE WEST LINE OF A CALLED 63.194-ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. W48B429 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY.
 THIS EXHIBIT DOES NOT SHOW ALL EASEMENTS, BUILDING LINES, AND OTHER ENCUMBRANCES.

Edminster - Hinshaw - Bliss
 civil engineers - surveyors - land planners
 18555 Northline drive Houston, Texas 77042
 713-784-4388 713-784-4377 www.edhbl.com

EXHIBIT OF
 10.67707 ACRES
 ROBERT DUNMAN SURVEY, A-223
 HARRIS COUNTY, TEXAS

DATE: 06-03-2009 SCALE: 1" = 200' JOB NO.: 071-028-00
 DWG. NAME: 10.677ACRHS18A.DWG DRAWING NO.: NONE

Exhibit A

Exhibit B

METES AND BOUNDS DESCRIPTION
8.3411 ACRES IN THE
ROBERT DUNMAN SURVEY, ABSTRACT NO. 223
HARRIS COUNTY, TEXAS

AN 8.3411-ACRE TRACT OF LAND SITUATED IN THE ROBERT DUNMAN SURVEY, ABSTRACT NO. 223, HARRIS COUNTY, TEXAS, BEING OUT OF THE RESIDUE OF A CALLED 63.194-ACRE TRACT DESCRIBED IN DEED TO AUSTOFIELD PARTNERS NO. 1, LTD., ET AL, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. W488429 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY; SAID 8.3411-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS SHOWN ARE BASED ON A CALL OF NORTH 07°08'58" WEST ALONG THE WEST LINE OF SAID 63.194-ACRE TRACT);

COMMENCING at a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found in the north right-of-way line of line of Will Clayton Parkway (100-foot wide) dedicated to Harris County, recorded under Harris County Clerk's File No. F327875 of the Official Public Records of Real Property, being the southwest corner of the residue of said 63.194-acre tract and the southeast corner of a called 68.511-acre tract (Tract 1) described in deed to ATA Development, L.P., recorded under Harris County Clerk's File No. Y907889 of the Official Public Records of Real Property;

THENCE, North 07°08'58" West, along the common line of said 68.511-acre tract and the residue of said 63.194-acre tract, 171.67 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found for a common corner of said 68.511-acre tract, the residue of said 63.194-acre tract, and a called 7.14-acre tract described in Deed to WSG Tour 18 IV, L.P., recorded under Harris County Clerk's File No. Y500909 of the Official Public Records of Real Property;

THENCE, North 18°14'50" East, along the common line of said 7.14-acre tract and the residue of said 63.194-acre tract, at 195.55 feet passing a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713-784-4500" found, and continuing in all 421.45 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;

THENCE, North 39°36'11" East, continuing along said common line, 290.00 feet to a 5/8-inch iron rod found for an angle point;

THENCE, North 44°01'54" East, continuing along said common line, 20.00 feet to the POINT OF BEGINNING;

THENCE, continuing along said common line, the following two (2) courses and distances:

- (1) North 44°01'54" East, 282.83 feet, to a 5/8-inch iron rod found for an angle;
- (2) North 77°24'46" East, 375.23 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found for a common corner of said 7.14-acre tract, the residue of said 63.194-acre tract, and a called 6.5432-acre tract described in Deed to ATA Development, L.P., recorded under Harris County Clerk's File No. Y907889 of the Official Public Records of Real Property;

THENCE, along the west, south, and east lines of said 6.5432-acre tract, the following five (5) courses and distances:

- (3) South 75°46'34" East, 6.98 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (4) South 14°13'26" West, 203.21 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (5) In southeasterly direction, along the arc of said curve to the left, having a radius of 116.16 feet, a central angle of 78°41'25", an arc length of 159.53 feet, and a chord bearing South 25°07'17" East, 147.29 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;


Exhibit B

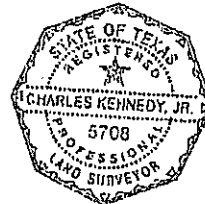
- (6) South $64^{\circ}27'59''$ East, 123.51 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (7) In a northeasterly direction, along the arc of said curve to the left, having a radius of 116.16 feet, a central angle of $105^{\circ}56'24''$, an arc length of 214.78 feet, and a chord bearing North $62^{\circ}33'49''$ East, 185.47 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found in the arc of a non-tangent curve to the left, being in the west right-of-way line of Hunters Terrace Drive (width varies) recorded under Film Code No. 608230 of the Harris County Map Records;

THENCE, in a southerly direction along the west right-of-way line of said Hunters Terrace Drive, the following four (4) courses and distances:

- (8) Along the arc of said curve to the left, having a radius of 775.00 feet, a central angle of $00^{\circ}55'55''$, an arc length of 12.61 feet, and a chord bearing South $09^{\circ}07'39''$ West, 12.61 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at a point of a compound curvature;
- (9) Along the arc of said curve to the left, having a radius of 530.00 feet, a central angle of $24^{\circ}50'21''$, an arc length of 229.77 feet, and a chord bearing South $03^{\circ}45'29''$ East, 227.97 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (10) South $16^{\circ}10'40''$ East, 30.28 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the of a curve to the right;
- (11) Along the arc of said curve to the right, having a radius of 500.00 feet, a central angle of $07^{\circ}12'28''$, an arc length of 62.90 feet, and a chord bearing South $12^{\circ}34'25''$ East, 62.86 feet to a 5/8-inch iron rod with stamped "E.H.R.&A. 713-784-4500" found;
- (12) THENCE, South $89^{\circ}06'22''$ West, 160.23 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found at the beginning of a curve to the left;
- (13) THENCE, in a southwesterly direction along the arc of said curve to the left, having a radius of 4,322.09 feet, a central angle of $06^{\circ}48'10''$, an arc length of 513.16 feet, and a chord bearing South $85^{\circ}42'18''$ West, 512.86 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found;
- (14) THENCE, South $82^{\circ}18'13''$ West 65.62 feet to a point for corner, from which a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" found bears South $82^{\circ}18'13''$ West, 430.00 feet;
- (15) THENCE, North $21^{\circ}38'26''$ West, 424.71 feet to the POINT OF BEGINNING containing 8.3411 acres of land.

EDMINSTER, HINSHAW, RUSS, AND ASSOCIATES, INC.


Charles Kennedy, Jr., R.P.L.S.
Texas Registration No. 5708
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500

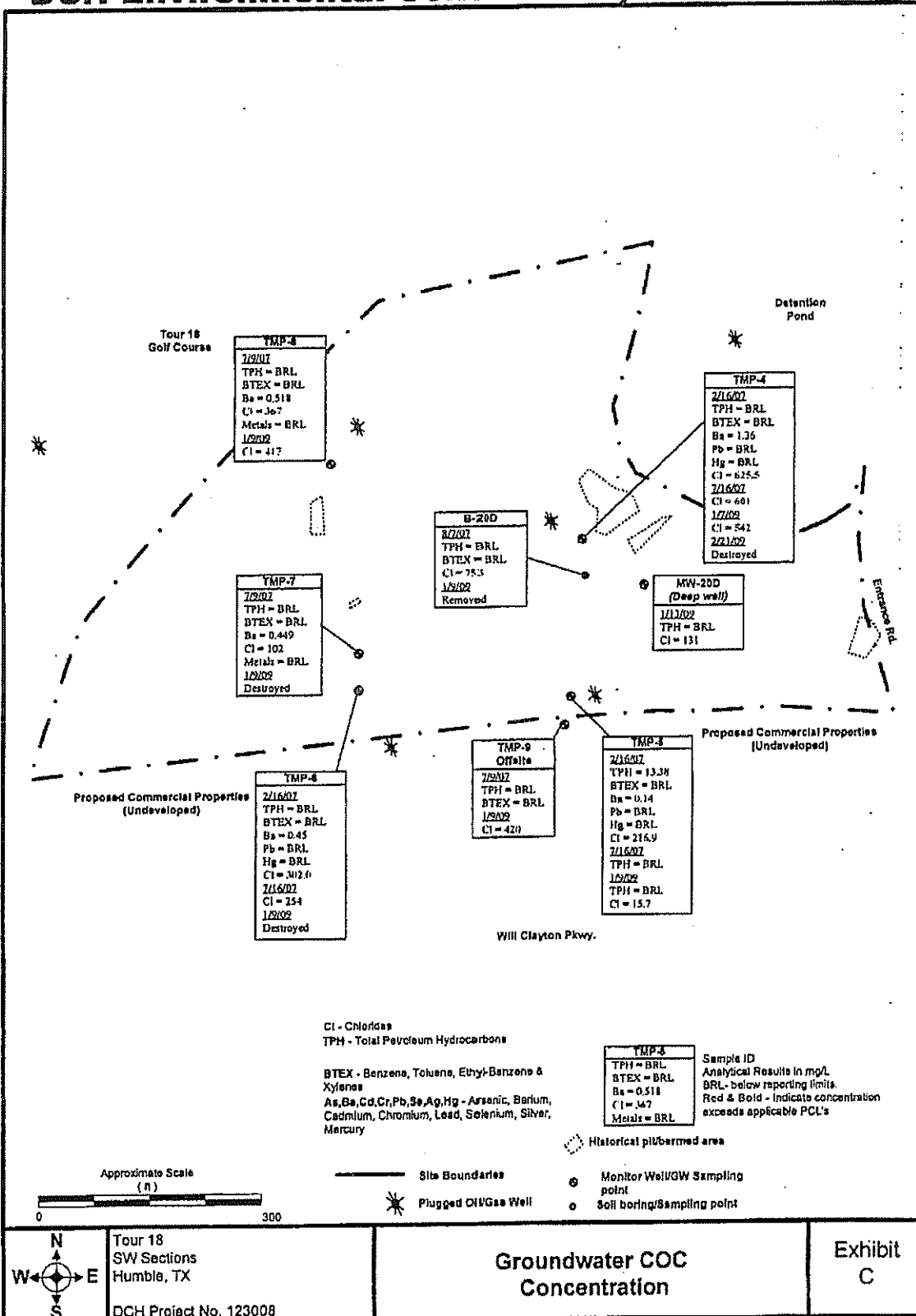


Date: May 28, 2009
Job No: 071-029-00
File No: R:\2007\071-029-00\documents\technical\GroundWaterRes.doc

HP 06589-1842

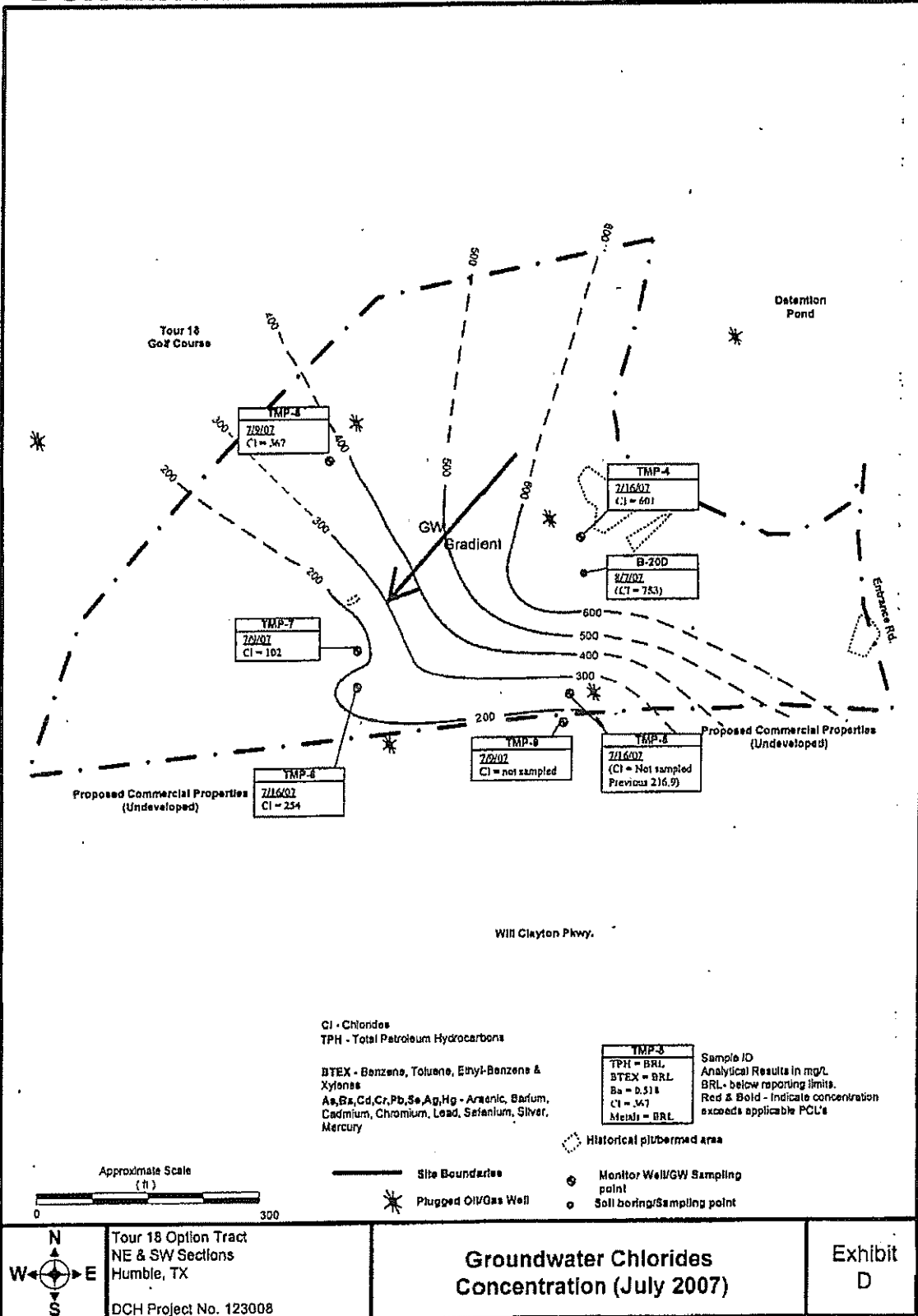
DCH Environmental Consultants, LP

REF 065-89-1844



	Tour 18 SW Sections Humble, TX DCH Project No. 123008	<h2>Groundwater COC Concentration</h2>	Exhibit C
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DCH Environmental Consultants, LP



Tour 18 Option Tract
NE & SW Sections
Humble, TX
DCH Project No. 123008

Groundwater Chlorides
Concentration (July 2007)

RP 065-09-1346

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 the number Sequence on the date and at the place herein by act, and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

JUL - 1 2009



Lorely L. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS