



RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION NOT RELYING ON 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. 7B-70006 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 8 Day of September 2009.

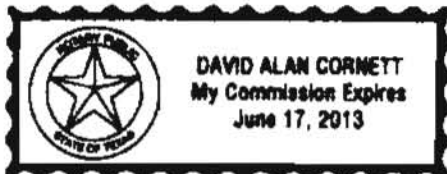

William B. Miertschin, Assistant Director
Site Remediation Section

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 8th Day of September 2009.



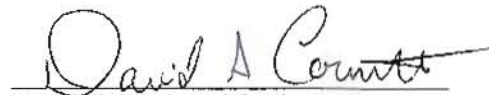

Notary Public in and for the State of Texas

EXHIBIT A
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION OF THE TEMET TRACT
542 acres
Palo Pinto County, Texas
VCP No. 7B-70006

METES AND BOUNDS DESCRIPTION

546 ACRES

IN THE S. P. R. R. CO. SURVEY, A-420, THE G. C. & S. R. R. CO. SURVEY, A-1344, THE M. COSTELLO SURVEY, A-1456, THE J. W. BUNTON SURVEY, A-53, THE J. E. WHITE SURVEY, A-922, AND THE E. P. COSTELLO SURVEY, A-2036
PALO PINTO COUNTY, TEXAS

All that certain 546 acres of land which is out of the tract of land described in the deed from S. V. Willingham to Beverly June Willingham Baize recorded in Volume 995, Page 755, in the Deed Records of Palo Pinto County, Texas, all of the 14.92 acres described in the deed from June Baize to Judson and Joanie Edwards, recorded in Volume 1085, Page 46, in the Deed Records of Palo Pinto County, Texas and all of the 5.588 acres described in the deed from Jeff H. and Mary Davis to Judson G. Edwards recorded in Volume 1230, Page 619 in the Deed Records of Palo Pinto County, Texas, in the S. P. R. R. Co. Survey, A-420, G. C. & S. R. R. Co. Survey, A-1344, M. Costello Survey, A-1456, J. W. Bunton Survey, A-53, J. E. White Survey, A-922, and the E. P. Costello Survey, Palo Pinto County, Texas and more particularly described by metes and bounds as follows (All bearings shown hereon are based the Texas State Plane Coordinate System, North Central Zone (NAD 83). All distances shown hereon are surface and may be converted to grid by using a scale factor of 0.999875503):

BEGINNING at a 1/2" iron rod found for the northeast corner of said 5.588 acre tract, in the south line of the Third Tract (Ainsworth Survey, A-1132) described in the deed from M. B. and Margaret Costello to E. C. Stovall, recorded in Volume 159, Page 91, in the Deed Records of Palo Pinto County, Texas;

THENCE South 02° 09' 41" East – 409.63' along the east line of said 5.588 acre tract, to a 5/8" iron rod with a cap stamped "PATE" set for a corner, which is a point on a curve to the right, having a central angle of 09° 58' 27", a radius of 1030.00', and a chord bearing and distance of South 52° 46' 28" East – 179.08';

THENCE along said curve to the right an arc distance of 179.30' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE South 47° 47' 14" East – 181.95' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 82° 00' 33", a radius of 270.00', and a chord bearing and distance of South 88° 47' 31" East – 354.30';

THENCE along said curve to the left an arc distance of 386.46' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE North 50° 12' 13" East – 372.14' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the right, having a central angle of 19° 08' 46", a radius of 280.00', and a chord bearing and distance of North 59° 46' 36" East – 93.13';

THENCE along said curve to the right an arc distance of 93.57' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE North 69° 20' 59" East – 378.21' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the right, having a central angle of 71° 19' 06", a radius of 280.00', and a chord bearing and distance of South 74° 59' 28" East – 326.46';

THENCE along said curve to the right an arc distance of 348.53' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE South 39° 19' 56" East – 520.91' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 45° 46' 42", a radius of 970.00', and a chord bearing and distance of South 62° 13' 16" East – 754.56';

THENCE along said curve to the left an arc distance of 775.01' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE South 85° 06' 37" East – 105.51' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the right, having a central angle of 47° 02' 23", a radius of 480.00', and a chord bearing and distance of South 61° 35' 26" East – 383.10';

THENCE along said curve to the right an arc distance of 394.08' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE South 38° 04' 14" East – 47.23' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 51° 56' 41", a radius of 470.00', and a chord bearing and distance of South 64° 02' 35" East – 411.66';

THENCE along said curve to the left an arc distance of 426.11' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE North 89° 59' 04" East – 208.86' to a 5/8" iron rod with a cap stamped "PATE" set for an angle corner of the here in described tract;

THENCE North 00° 00' 56" West – 481.76' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the left having a central angle of 93° 25' 33", a radius of 470.00', and a chord bearing and distance of North 46° 43' 42" West – 684.25';

THENCE along said curve to the left an arc distance of 766.38' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Reverse Curvature of a curve to the right, having a central angle of 94° 37' 54", a radius of 200.00', and a chord bearing and distance of North 46° 07' 31" West – 294.04';

THENCE along said curve to the right, an arc distance of 330.33' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE North 01° 11' 26" East, passing at a distance of 378.66' a rock mound found for the southeast corner of aforesaid Third Tract (Ainsworth Survey, A-1132), and continuing along the east line of aforesaid Third Tract (Ainsworth Survey, A-1132) and the east line of the Second Tract (Caudill Survey, A-1959) described in aforesaid deed from M. B. and Margaret Costello to E. C. Stovall, a total distance of 4509.35' to a 5/8" iron rod with a cap stamped "PATE" set for an angle corner of the herein described tract, in the south line of the First Tract (J. Rohns Survey, A-381) described in said deed from M. B. and Margaret Costello to E. C. Stovall;

THENCE South 88° 30' 14" East – 774.38' along the south line of said First Tract to a stake in a rock mound found for the southeast corner of said First Tract;

THENCE North 01° 29' 46" East – 690.52' along the east line of said First Tract to a 5/8" iron rod with a cap stamped "PATE" set for the most northerly northwest corner of the herein described tract;

THENCE South 88° 30' 14" East - 451.03' to an angle corner of the herein described tract;

THENCE South 29° 29' 04" East – 1100.37' to an angle corner of the herein described tract;

THENCE South 01° 48' 57" West – 985.20' to a an angle corner of the herein described tract;

THENCE South 27° 25' 11" East – 1443.13' to an angle corner of the herein described tract, in the west line of the 2398.50 acre tract described in the deed to the Brazos River Conservation and Reclamation District, recorded in Volume 191, Page 71, in the Deed Records of Palo Pinto County, Texas, also known as the "Brazos River Authority Purchase Line";

THENCE along the "Brazos River Authority Purchase Line" the following courses:

South 48° 09' 45" West – 1117.69' to a 1" iron pipe found for an angle corner of the herein described tract;

South 09° 24' 25" West - 1246.44' to a 5/8" iron rod with a cap stamped "PATE" set for an angle corner of the herein described tract;

South 06° 19' 18" East - 1012.53' to a 1" iron pipe found for an angle corner of the herein described tract;

South 89° 27' 43" East - 735.54' to an aluminum disk stamped "Clear Fork Surveying" found for an angle corner of the herein described tract;

North 68° 20' 15" East - 354.88' to an aluminum disk stamped "Clear Fork Surveying" found for an angle corner of the herein described tract;

South 32° 35' 43" East - 790.87' to a 1" iron pipe found for an angle corner of the herein described tract;

North 14° 53' 22" East - 429.66' to a 1-1/2" iron pipe found for an angle corner of the herein described tract;

North 83° 40' 13" East - 592.75' to a 1" iron pipe found for an angle corner of the herein described tract;

South 65° 30' 46" East - 802.74' to a 1" iron pipe found for an angle corner of the herein described tract;

South 10° 07' 37" East - 589.85' to an aluminum disk stamped "Clear Fork Surveying" found for an angle corner of the herein described tract;

South 60° 03' 52" West - 1122.67' to a 1" iron pipe found for an angle corner of the herein described tract;

South 42° 42' 16" West - 1379.95' to a 1" iron pipe found for an angle corner of the herein described tract;

North 29° 38' 07" West - 730.05' to a 1" iron pipe found for an angle corner of the herein described tract;

North 88° 37' 54" West - 699.96' to a 1" iron pipe found for an angle corner of the herein described tract;

South 31° 08' 07" East - 999.77' to a 1" iron pipe found for an angle corner of the herein described tract;

South 30° 51' 20" West - 874.61' to an aluminum disk stamped "Clear Fork Surveying" found for an angle corner of the herein described tract;

South 67° 50' 16" West - 920.88' to a 1" iron pipe found for an angle corner of the herein described tract;

North 67° 44' 36" West - 1115.23' to an aluminum disk stamped "Clear Fork Surveying" found for an angle corner of the herein described tract;

North 85° 23' 34" West - 881.33' to an aluminum disk stamped "Clear Fork Surveying" found for an angle corner of the herein described tract;

South 72° 33' 08" West - 1111.83' to an aluminum disk stamped "Clear Fork Surveying" found for an angle corner of the herein described tract;

North 45° 36' 05" West - 486.17' to a 1" iron pipe found for an angle corner of the herein described tract;

North 40° 13' 43" East - 970.62' to a 1/2" iron rod in a 1" iron pipe found for an angle corner of the herein described tract;

North 65° 00' 36" East - 1824.86' to a 1" iron pipe found for an angle corner of the herein described tract;

North 43° 59' 43" East - 1803.99' to a 1" iron pipe found for an angle corner of the herein described tract;

North 73° 36' 48" West - 355.07' to a 5/8" iron rod with a cap stamped "PATE" set for an angle corner of the herein described tract;

THENCE North 00° 00' 56" West - 266.02', departing the aforesaid "Brazos River Authority Purchase Line", to a 5/8" iron rod with a cap stamped "PATE" set for an angle corner of the herein described tract;

THENCE South 89° 59' 04" West - 230.94' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature on a curve to the right, having a central angle of 51° 56' 41", a radius of 530.00', and a chord bearing and distance of North 64° 02' 35" West - 464.21';

THENCE along said curve to the right an arc distance of 480.50' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE North 38° 04' 14" West - 47.23' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 47° 02' 23", a radius of 420.00', and a chord bearing and distance of North 61° 35' 26" West - 335.22';

THENCE along said curve to the left an arc distance of 344.82' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE North 85° 06' 37" West – 105.51' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the right, having a central angle of 45° 46' 42", a radius of 1030.00', and a chord bearing and distance of North 62° 13' 16" West – 801.23';

THENCE along said curve to the right an arc distance of 822.95' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE North 39° 19' 56" West– 520.91' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 71° 19' 06", a radius of 220.00', and a chord bearing and distance of North 74° 59' 28" West – 256.50';

THENCE along said curve to the left an arc distance of 273.84' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE South 69° 20' 59" West – 378.21' to a 5/8" iron rod with a cap stamped "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 19° 08' 46", a radius of 220.00', and a chord bearing and distance of South 59° 46' 36" West – 73.17';

THENCE along said curve to the left an arc distance of 73.52' to a 5/8" iron rod with a cap stamped "PATE" set for the end of curve;

THENCE South 50° 12' 13" West – 167.17' to a 5/8" iron rod with a cap stamped "PATE" set for an angle corner of the herein described tract;

THENCE North 69° 20' 59" East – 61.46' to an aluminum disc stamped "Clear Fork Surveying" found for an angle corner of the herein described tract, in a south line of aforesaid Baize tract, common to aforesaid "Brazos River Authority Purchase Line";

THENCE South 05° 39' 59" West - 405.30' along said "Brazos River Authority Purchase Line" to a 1" iron pipe found for an angle corner of the herein described tract;

THENCE South 69° 09' 59" West - 870.00' along said "Brazos River Authority Purchase Line" to a Brazos River Authority concrete monument found for an angle corner of the herein described tract;

THENCE North 02° 09' 41" West - 765.97' departing said "Brazos River Authority Purchase Line" to a 1/2" iron rod with a cap stamped "Landes & Associates" found the northeast corner of the 0.631 acre tract described in the deed from Loyd Wayne Hamilton to L. Lynn and Connie C. Jackson, recorded in Volume 1183, Page 463, in the Deed Records of Palo Pinto County, Texas, common to the most easterly southeast corner of aforesaid 5.588 acre tract;

THENCE South 79° 28' 37" West - 185.06' along the north line of said 0.631 acre tract to an 80d nail found for the northwest corner of said 0.631 acre tract;

THENCE South 06° 47' 49" East - 150.11' along the west line of said 0.631 acre tract to a 1/2" iron rod found for the southwest corner of said 0.631 acre tract, in the north line of an access easement, recorded in Volume 548 Page 215, in the Deed Records of Palo Pinto County, Texas;

THENCE South 82° 49' 36" West - 171.50' along the north line of said access easement a 5/8" iron rod found for the southwest corner of aforesaid 5.588 acre tract

THENCE North 13° 28' 50" West - 183.01' along the east line of said access easement to a 1/2" iron rod with a cap stamped "Landes & Associates" found for an angle corner of the herein described tract;

THENCE North 11° 25' 46" West - 436.36' continuing along the east line of said access easement a 5/8" iron rod found for an angle corner of the herein described tract;

THENCE South 89° 09' 36" West - 4.72' to a 1/2" iron rod found for the southeast corner of an 80' right-of-way described as Parcel 2, Part 3, for F.M. 1148 recorded in Volume 505, Page 282, in the Deed Records of Palo Pinto County, Texas;

THENCE North 00° 50' 24" West along the east line of said Parcel 2, Part 3, passing at a distance of 78.00' a found 1/2" iron rod with a cap stamped "Landes & Associates", continuing along said east line for a total distance of 80.00' to a 5" elm tree found at the northwest corner of aforesaid 5.588 acre tract, common to the northeast corner of aforesaid Parcel 2, Part 3 and the most westerly northwest corner of the herein described tract, in the south line of aforesaid Third Tract (Ainsworth Survey, A-1132), from which the recognized northwest corner (no monument found) of the aforesaid S. P. R. Co. Survey, A-420 bears South 89° 09' 36" West - 2297.00'

THENCE North 89° 09' 36" East - 451.00' to the POINT OF BEGINNING and containing 546 acres of land.

Prepared by:
PATE SURVEYORS
A division of Pate Engineers, Inc.
Original Issue Date: October 5, 2006

Job No. 1168-002-51-530

Certification Date:
February 15, 2006

THIS LEGAL DESCRIPTION IS ISSUED AS "PART TWO", IN CONJUNCTION WITH THE LAND TITLE SURVEY BY PATE SURVEYORS, OF THE SAME CERTIFICATION DATE SHOWN HEREON. REFERENCE IS HEREBY MADE TO THE SURVEY AS "PART ONE".

EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION

I, Mr. Paul Stashick, representing Club Vista Development II, 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 the Willingham Ranch Takedown 1. VCP No. 7B-70006 located in Palo Pinto County, Texas. The Site was owned by Club Vista Development II, Inc. at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant 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 unrestricted residential use with no reliance on institutional or physical controls as determined by the standards of the RRC. 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 in the final report at the central office of the RRC under VCP No. 7B-70006.

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

Applicant

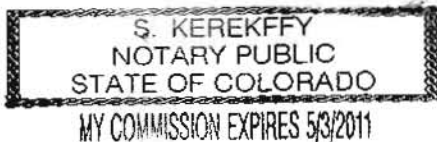
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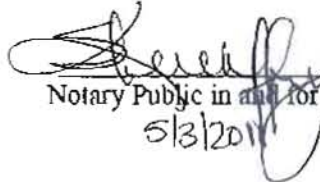
STATE OF Colorado
COUNTY OF Summit

BEFORE ME, personally appeared

Paul Stashick 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, August 24, 2009




Notary Public in and for the State of ~~Texas~~
5/3/2011 COLORADO *th*