




OIL AND GAS DIVISION

VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION RELYING ON ENGINEERING AND INSTITUTIONAL CONTROLS

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

I, JOHN JAMES TINTERA, 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 (VCP) SITE NO. 03-30004, AS OF 4-28-2005, FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A" (THE TRACT). I MAKE THIS CERTIFICATION BASED ON THE STATEMENTS IN THE AFFIDAVIT OF RESPONSE ACTION IMPLEMENTATION, EXHIBIT "B," AND THE APPROVED RESPONSE ACTION REPORT FOR THE SITE, WHICH IS ON FILE AT THE COMMISSION, AND INCLUDES PROVISIONS FOR INSTITUTIONAL CONTROLS THAT REQUIRE MAINTENANCE OF PHYSICAL CONTROLS CONSISTING OF IMPERVIOUS COVER OVER 50% OF THE PROPERTY AFTER DEVELOPMENT, LIMIT USE OF THE TRACT TO COMMERCIAL INDUSTRIAL PURPOSES ONLY, AND PROHIBIT GROUNDWATER USE, EXCEPT FOR MONITORING. APPLICANTS WHO ARE NOT A RESPONSIBLE PARTIES UNDER SECTION 91.113 ON THE DATE OF ISSUANCE OF THIS CERTIFICATE ARE QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, PROVIDED THAT RESPONSE ACTIONS DESCRIBED IN EXHIBIT "B" ARE BEING ADEQUATELY MAINTAINED.

EXECUTED this 28th day of April, 2005.


John James Tintera, Assistant Director
Site Remediation Section

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, personally appeared John Tintera, Assistant Director, Remediation Division, 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 the 3RD day of May, 2005.*

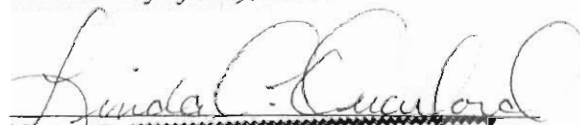
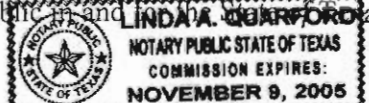

Notary Public in and for the State of Texas

NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
NOVEMBER 9, 2005

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION OF THE 24.2592 Acre Tract, HARRIS COUNTY
VCP No. 03-30004

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION OF THE MIS OF TEXAS 24.2592 ACRE SITE
FANNIN AND HOLMES RD, HOUSTON
VCP No. 03-30004

BEING A 24.2592 ACRE (1,056,732 SQ. FT.) TRACT OF LAND OUT OF UNRESTRICTED RESERVE "A", BLOCK 1 OF FANNIN / 610 BUSINESS PARK, A SUBDIVISION RECORDED IN FILM CODE NUMBER (F.C. NO.) 547227 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), SAID TRACT ALSO BEING OUT OF THE REMAINDER OF A CALLED 36.2474 ACRE TRACT CONVEYED TO PIERCE JUNCTION, RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) J743516; OUT OF THE REMAINDER OF A CALLED 10.3701 ACRE TRACT CONVEYED TO MANAGEMENT & INVESTMENT SERVICES OF TEXAS, INC., RECORDED IN H.C.C.F. NO. J982263; OUT OF THE REMAINDER OF A CALLED 39.6520 ACRE TRACT CONVEYED TO MANAGEMENT & INVESTMENT SERVICES, INC., RECORDED IN H.C.C.F. NO. K013803; AND OUT OF THE REMAINDER OF A CALLED 1.4836 ACRE TRACT CONVEYED TO FANNIN/PIERCE JUNCTION INVESTMENT COMPANY, RECORDED IN H.C.C.F. NO. K636736, LOCATED IN THE JAMES HAMILTON SURVEY, (D. WHITE) ABSTRACT 885, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.

COMMENCING: At a Punch Hole in Concrete, the most northerly point of a cutback corner of the intersection of the southerly line of Holmes Road, 80-foot right-of-way (R.O.W.) and the westerly line of Fannin Street 100-foot R.O.W., the most northerly northeast corner of said Fannin / 610 Business Park and of a 15.7162 acre tract conveyed by deed to Opus West, LP recorded in H.C.C.F. No. W734963;

THENCE: Along said cutback corner, South 65 deg 50 min 22 sec East, a distance of 21.28 feet to a cut "X" in concrete, the most easterly northeast corner of said Fannin /610 Business Park and of said 15.7162 acre tract;

THENCE: Along the common line of the easterly line of Fannin / 610 Business Park and of said 15.7162 acres tract and westerly line of Fannin Street, South 20 deg 57 min 49 sec East, a distance of 188.10 feet to a set 5/8-inch iron rod with cap (LIN 2414) (Typ.), the point of curvature of a curve to the right;

THENCE: Continuing along said common line, around said curve to the right having a radius of 1950.00 feet, a central angle of 11 deg 24 min 38 sec, an arc length of 388.44 feet, with a chord distance of 387.70 feet bearing South 15 deg 15 min 30 sec East to a set 5/8-inch iron rod with cap, the

POINT OF BEGINNING and the southeast corner of said 15.7162 acre tract and the most easterly northeast corner of the herein described tract;

THENCE: Continuing along said common line and said curve to the right, having a radius of 1950.00 feet, a central angle of 20 deg 39 min 28 sec, an arc length of 703.06 feet, with a chord distance of 699.03 feet bearing South 11 deg 19 min 39 sec West, to a found 5/8-inch iron rod, the southeast corner of said Fannin / 610 Business Park and the herein described tract;

THENCE: Departing said common line and along the south line of said Fannin / 610 Business Park and the herein described tract, South 87 deg 20 min 13 sec West, a distance of 538.64 feet to a set 5/8-inch iron rod with cap, an angle point;

THENCE: Due North, a distance of 153.57 feet to a set 5/8-inch iron rod with cap, an angle point;

THENCE: Due West, a distance of 200.78 feet to a set 5/8-inch iron rod with cap, an angle point;

THENCE: Due South, a distance of 162.91 feet to a set 5/8-inch iron rod with cap in the south line of Fannin / 610 Business Park and the herein described tract, an angle point;

THENCE: Continuing along said south line, South 87 deg 20 min 13 sec West, a distance of 528.76 feet to a found 5/8-inch iron rod in the east line of a called 19 acre tract conveyed to Lester O. Weison, recorded in Volume 1857, Page 394 of the Harris County Deed Records (H.C.D.R.), a point in the west line of said 36.2474 acre tract and the southwest corner of said Fannin / 610 Business Park and the herein described tract;

THENCE: Along the west line of said Fannin / 610 Business Park, of said 36.2474 acre tract and of the herein described tract, North 02 deg 39 min 47 sec West, a distance of 761.96 feet, to a set 5/8-inch iron rod with cap to a point in the east line of a called 43 acre tract conveyed to Lois Plummer Alba, recorded in Volume 8521, Page 106 H.C.D.R., said point being the most westerly southwest corner of said 15.7162 acre tract and the northwest corner of the herein described tract;

THENCE: Along the common line of the southerly line of said 15.7162 acres tract and the northerly line of the herein described tract, the following courses and distances:

Due East, a distance of 91.00 feet to a set 5/8-inch iron rod, an angle point;

Due South, a distance of 160.00 feet to a set 5/8-inch iron rod, an angle point;

North 69 deg 14 min 36 sec East, a distance 1206.35 feet to a set 5/8-inch iron with cap, the most northerly northeast corner of the herein described tract;

South 20 deg 45 min 24 sec East, a distance of 343.93 feet to a set 5/8-inch iron rod with cap, an angle point;

North 69 deg 14 min 36 sec, a distance of 75.93 feet to a set 5/8-inch iron rod with cap, an angle point;

THENCE: North 89 deg 18 min 03 sec East, a distance of 27.84 feet to the POINT OF BEGINNING and containing 24.2592 acres or 1,056,732 square feet of land, more or less.

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

I, Mr. J. C. Galbrun, President of MIS of Texas, Inc. MIS Inc., Pierce Junction Partnership, and Fannin/Pierce Junction Investment Co. (Applicants), affirm that Applicants 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 24.2592 acre site located at the intersection of Fannin and Holmes Rd in Houston, VCP No. 03-30004, Harris County, Texas. The Site was owned by MIS of Texas Inc., and the last mineral operators were AA Delta Exploration, Inc, at the time the application to participate in the Voluntary Cleanup Program was filed. Applicants submitted, and the Railroad Commission of Texas Voluntary Cleanup Program has approved all plans and reports required by the Voluntary Cleanup Agreement (Agreement) for receipt of a Final Certificate of Completion. 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 as identified in the Agreement and remain protective as long as the following post-closure care activities and are maintained:

1. Institutional Control in the form of a restrictive covenant has been placed on the real property records of Harris County. The restrictive covenant is filed under Y351800 and enclosed herein as "Exhibit C". The restrictive covenant includes the following provisions
 - a. The tract of land described in Exhibit A can only be used for commercial/industrial land uses.
 - b. The property's groundwater shall not be used for any purpose except monitoring.
 - c. After development, a minimum of 50% of the property will be covered with impervious cover.
2. This certificate shall be in the favor of the State of Texas and running with the land.

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 Applicants have 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 03-30004.

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



Applicants

By: _____

Print Name: J. C. Galbrun, President of MIS of Texas, Inc. MIS Inc., Pierce Junction Partnership, and Fannin/Pierce Junction Investment Co., for and on behalf of the Applicants

ISLANDS
STATE OF BERMUDA
COUNTY OF N/A

BEFORE ME, personally appeared J. C. Galbrun, President of MIS of Texas, Inc. MIS Inc., Pierce Junction Partnership, and Fannin/Pierce Junction Investment Co., 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 29th day of April, 2005.

JONATHAN L EVANS
NOTARY PUBLIC
22 VICTORIA STREET
HAMILTON
BERMUDA

Notary Public in and for the State of Bermuda
Islands



EXHIBIT "C"
ENVIRONMENTAL RESTRICTIVE COVENANT
MIS OF TEXAS 25 ACRE SITE
FANNIN AND HOLMES RD, HOUSTON
VCP No. 03-30004

**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

This Environmental Restrictive Covenant ("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:

BEING A 24.2592 ACRE (1,056,732 SQ. FT.) TRACT OF LAND OUT OF UNRESTRICTED RESERVE "A", BLOCK 1 OF FANNIN / 610 BUSINESS PARK, A SUBDIVISION RECORDED IN FILM CODE NUMBER (F.C. NO.) 547227 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), SAID TRACT ALSO BEING OUT OF THE REMAINDER OF A CALLED 36.2474 ACRE TRACT CONVEYED TO PIERCE JUNCTION, RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) J743516; OUT OF THE REMAINDER OF A CALLED 10.3701 ACRE TRACT CONVEYED TO MANAGEMENT & INVESTMENT SERVICES OF TEXAS, INC., RECORDED IN H.C.C.F. NO. J982263; OUT OF THE REMAINDER OF A CALLED 39.6520 ACRE TRACT CONVEYED TO MANAGEMENT & INVESTMENT SERVICES, INC., RECORDED IN H.C.C.F. NO. K013803; AND OUT OF THE REMAINDER OF A CALLED 1.4836 ACRE TRACT CONVEYED TO FANNIN/PIERCE JUNCTION INVESTMENT COMPANY, RECORDED IN H.C.C.F. NO. K636736, LOCATED IN THE JAMES HAMILTON SURVEY, (D. WHITE) ABSTRACT 885, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.

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THENCE: Along said cutback corner, South 65 deg 50 min 22 sec East, a distance of 21.28 feet to a cut "X" in concrete, the most easterly northeast corner of said Fannin /610 Business -Park and of said 15.7162 acre tract;

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POINT OF BEGINNING and the southeast corner of said 15.7162 acre tract and the most easterly northeast corner of the herein described tract;

**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

THENCE: Continuing along said common line and said curve to the right, having a radius of 1950.00 feet, a central angle of 20 deg 39 min 28 sec, an arc length of 703.06 feet, with a chord distance of 699.03 feet bearing South 11 deg 19 min 39 sec West, to a found 5/8-inch iron rod, the southeast corner of said Fannin / 610 Business Park and the herein described tract;

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**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

North 69 deg 14 min 36 sec, a distance of 75.93 feet to a set 5/8-inch iron rod with cap, an angle point;

THENCE: North 89 deg 18 min 03 sec East, a distance of 27.84 feet to the POINT OF BEGINNING and containing 24.2592 acres or 1,056,732 square feet of land, more or less.

Portions of the soils of the Property and shallow groundwater beneath the Property contain and are affected by certain identified chemicals of concern ("COCs"). The Property is currently undeveloped without any improvements of any type. The Commission and the owner of the Property desire to facilitate the future development of the Property for commercial/industrial uses.

This Covenant is required for the following reasons:

The Property has been historically utilized for crude oil production. According to Commission well records, approximately 31 oil wells were either drilled or proposed to be drilled on the Property. The wells were operated by numerous different operators on several different leases. Based upon Commission records and investigation activities conducted at the Site, all former known oil wells on the Property have been plugged and abandoned by either the last operator or the Commission. Additionally, all former associated tank batteries have been removed from the Property and all previous pits on the Property have been filled. Former production activities at the Property and adjacent properties have caused COCs to impact soil and groundwater of the Property. Environmental investigations and response actions of the Property were required in accordance with Commission regulations to characterize and remediate the COCs' impacts in soil and groundwater. MIS of Texas, Inc., MIS, Inc., Pierce Junction Partnership, and Fannin Pierce Junction Investment Co., being the owners of the Property (cumulatively, "MIS") performed the environmental investigations and response action to characterize and remediate the COCs, and the remediation was performed in such a manner that the following COCs, at or below the following maximum levels, were left in soil:

Arsenic 8.39 ppm (parts per million) and

Chlorides 9,270 ppm;

and the following maximum levels were left in groundwater:

Arsenic 0.0161 ppm and

Chlorides 24,300 ppm.

Attached *Exhibit A* is a potentiometric surface map for the Property that depicts the surface of the upper-most groundwater bearing unit encountered at the Property and the direction of groundwater flow.

Attached *Exhibit B* depicts the most recent Arsenic and Chloride levels reported in groundwater samples collected from both onsite and offsite groundwater monitor wells.

Chloride concentrations in uppermost water-bearing groundwater zone of the Property have varied from a minimum reported concentration of 352 ppm to a maximum reported concentration of 24,300 ppm. Furthermore, information submitted to the Commission during the course of the

**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

environmental investigation activities indicates that there is a regional problem with Chlorides in groundwater. Chloride is an RRC waste, as such is subject to RRC regulations. Chloride levels left in the groundwater (24,300 ppm) are above the suggested RRC limit of 300ppm. Chloride, as stated by the Environmental Protection Agency (EPA) National Secondary Drinking Water Regulations (NSDWRs or secondary standards), are non-enforceable guidelines regulating contaminants that may cause aesthetic effects (such as taste, odor, or color) in drinking water. EPA recommends secondary standards to water systems, but does not require systems to comply. The NSDWR standard for Chloride is 250 ppm.

The results of the Environmental Investigation and Response Action activities are described in reports dated: November 25, 2002, April 15, 2003, March 16, 2004, June 19, 2004, August 27, 2004, October 29, 2004, and March 1, 2005, which were submitted to the Commission by IRC Liability Management LP, environmental consultant to MIS. Copies of these reports may be obtained from MIS and the Commission.

This response action has been approved by the Commission based on the presumption that the Property will be used for commercial/industrial purposes, 50% of the Property will be covered by impervious cover after development, and the groundwater will not be used at the Property. The Commission has determined that with the limitation on groundwater use imposed by this Covenant and the provision of impervious cover over 50% of the Property, the Property currently meets standards for commercial/industrial use. Based on the reports identified above, the limitation on groundwater use imposed by this Covenant, and the provision that 50% of the Property will be covered by impervious cover after development, the COCs pose no significant present or future risk to humans or the environment based on commercial/industrial use. No further remediation of the Property is required by the Commission as long as the groundwater is not used and at least 50% of the Property is covered with impervious cover after development.

For purposes of this Covenant, the term "commercial/industrial use" means all other uses except for the following:

- 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,
- parks (local, state or federal), and
- farm and/or range land.

This Covenant is necessary to assure that all present and future owners of the Property are aware of its condition and do not use the Property in any manner inconsistent with this Covenant. If any person intends to use the groundwater on the Property or change the site use for any purpose other than allowed by this Covenant, then before commencing such use, the Commission must be contacted and further remedial action may be necessary.

**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

MIS is the owner of the Property. In consideration of the Environmental Investigations and Response Actions performed for the Property, MIS 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 restrictions in favor of the Commission and the State of Texas are placed on the Property:

1. The Property's groundwater shall not be used for any purpose except for monitoring;
2. After development, a minimum of 50% of the Property will be covered with impervious cover;
3. The Property is restricted to "commercial/industrial use"; and,
4. These restrictions shall be a covenant running with the land.

For additional information, contact:

Railroad Commission of Texas
Voluntary Cleanup Program
P. O. Box 12967
1701 N. Congress
Austin, Texas 78711-2967

Railroad Commission of Texas Voluntary Cleanup Program Application No.: **03-30004**.


As of the date of this Covenant, the record owner of fee title to the Property is MANAGEMENT & INVESTMENT SERVICES OF TEXAS, INC., MANAGEMENT & INVESTMENT SERVICES, INC., PIERCE JUNCTION PARTNERSHIP, and FANNIN PIERCE JUNCTION INVESTMENT COMPANY with an address: c/o Yamplosky, Mandeloff, Silver & Company P.C., 1420 Walnut Street, Suite 200, Philadelphia, PA 19102.

This Covenant may be terminated only by a release executed by the Commission and filed in the Real Property Records of Harris County, Texas.

**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

Executed this _____ day of March, 2005.

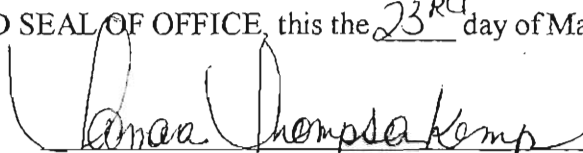
MANAGEMENT & INVESTMENT SERVICES
OF TEXAS, INC.,
a Texas corporation

By: 
Name: JC Galbrun
Title: President

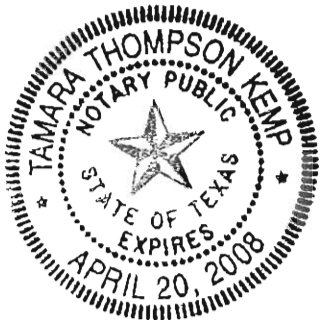
THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this the 23rd day of March, 2005 personally appeared JC Galbrun, President of MANAGEMENT & INVESTMENT SERVICES OF TEXAS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and in the capacity herein expressed on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 23rd day of March, 2005.


Notary Public in and for the State of Texas

My Commission Expires:



**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

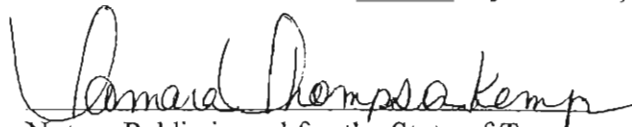
MANAGEMENT & INVESTMENT SERVICES, INC.,
a Texas corporation

By: 
Name: JC Galbrun
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this the 23rd day of March, 2005 personally appeared JC Galbrun, President of MANAGEMENT & INVESTMENT SERVICES, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and in the capacity herein expressed on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 23rd day of March, 2005.


Notary Public in and for the State of Texas


My Commission Expires:




**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

PIERCE JUNCTION PARTNERSHIP,
a Texas partnership

By: Management & Investment Services
Of Texas, Inc., General Partner

By: 
Name: JC Galbrun
Title: President

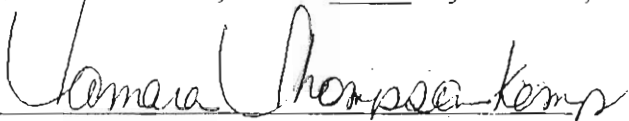
By: Fannin/Pierce Junction Investment Company,
General Partner

By: 
Name: JC Galbrun
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this the 23rd day of March, 2005 personally appeared JC Galbrun, President of MANAGEMENT & INVESTMENT SERVICES OF TEXAS, INC., a Texas corporation and FANNIN/PIERCE JUNCTION INVESTMENT COMPANY, a Texas corporation, General Partners of PIERCE JUNCTION PARTNERSHIP, a Texas partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and in the capacity herein expressed on behalf of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 23rd day of March, 2005.



Notary Public in and for the State of Texas

My Commission Expires:



**RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT**

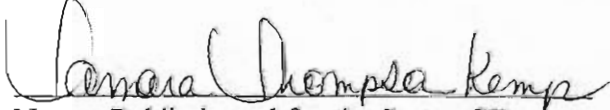
FANNIN/PIERCE JUNCTION INVESTMENT
COMPANY,
a Texas corporation

By: 
Name: JC Galbrun
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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Notary Public in and for the State of Texas

My Commission Expires:



RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL RESTRICTIVE COVENANT

Accepted as Third Party Beneficiary this 24th day of March, 2005.

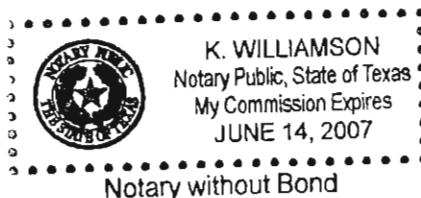
RAILROAD COMMISSION OF TEXAS

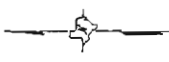
By: [Signature]
Name: David W. Cobney, Jr.
Title: Attorney, Special Counsel Section

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24th day of March, 2005.

[Signature]
Notary Public in and for the State of Texas,

My Commission Expires:
06-14-07





GROUNDWATER MONITORING SYSTEM
 1000 WEST 15TH STREET
 HOUSTON, TEXAS 77002
 G. H. H. & A. S. INC.

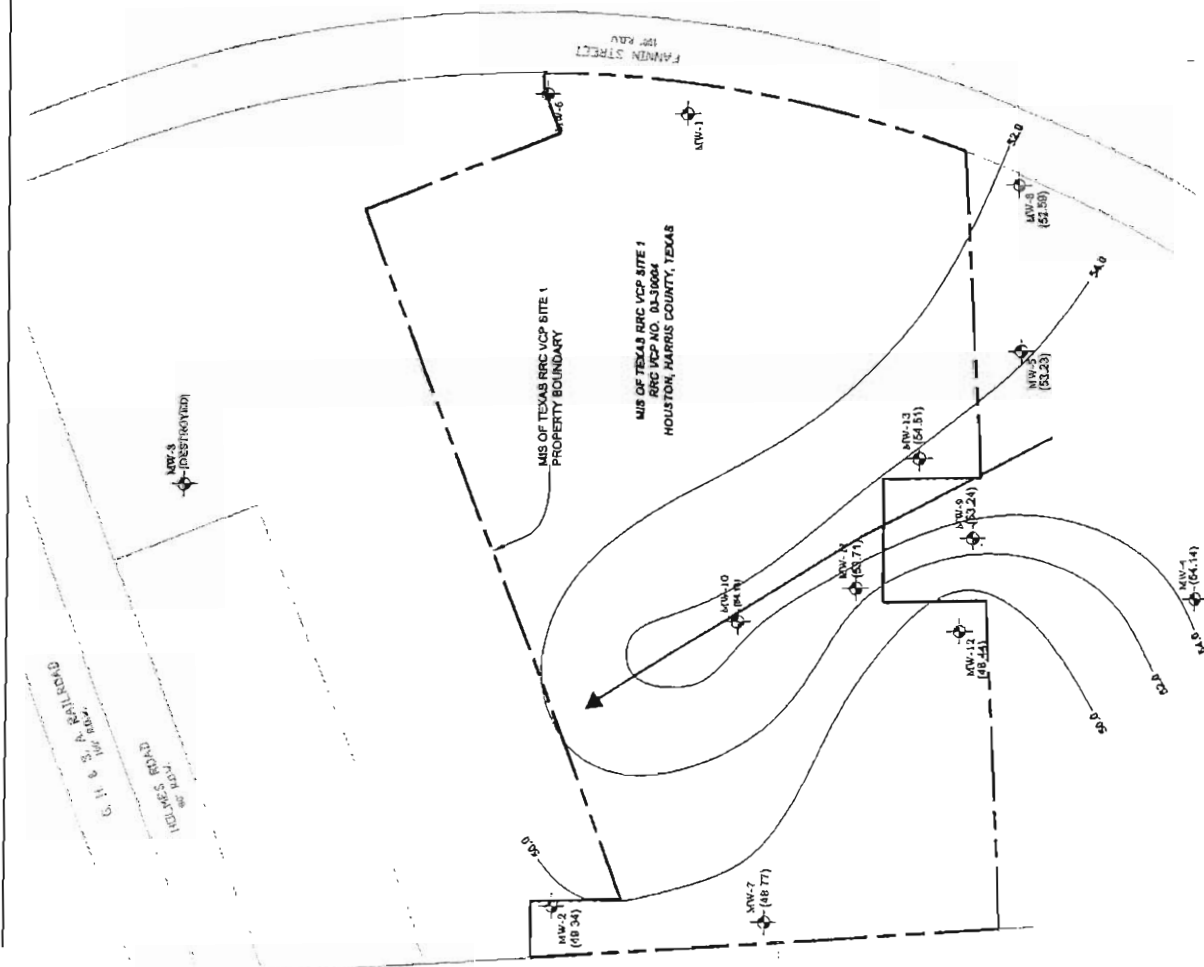
NOTES:

Groundwater monitor well MW-3 was destroyed during construction activities on the offsite property; therefore, no groundwater elevation data is available for this monitor well and it has not been included in the calculation of the potentiometric surfaces for the Site.

The soil borings associated with groundwater monitor wells MW-1 and MW-6 exhibited significantly different stratigraphies when compared to the stratigraphy of the other groundwater monitor wells installed on the Site and groundwater was encountered at significantly greater depths in groundwater monitor wells MW-1 and MW-6 when compared to the depth at which groundwater was encountered in the other groundwater monitor wells installed at the Site. Therefore, groundwater elevation data for groundwater monitor wells MW-1 and MW-6 has not been included in the data set utilized to calculate the potentiometric surface for this Site.

LEGEND

- MW-1 GROUNDWATER MONITOR WELL LOCATION IDENTIFIER
- (54.14) GROUNDWATER ELEVATION
- 54.0 GROUNDWATER ELEVATION CONTOUR
- DIRECTION OF GROUNDWATER FLOW



POTENTIOMETRIC SURFACE MAP

NOVEMBER 10, 2004
 MIS OF TEXAS, INC.
 MIS OF TEXAS RRC VCP SITE 1

Job Number: 102-154
 File Name: Exhibit A.dwg
 Drawn By: CBY
 Approver: JBG
 Date: 1/25/04
 Revised: 02/28/05

SCALE:
 1" = 200'

EXHIBIT

A



LEGEND:

MW-1 Groundwater Monitor Well Location and Identification

NOTES:

COC - Chemical of Concern.

All groundwater concentrations are expressed in milligrams per liter (mg/L).

A "U" next to a reported concentration indicates a result less than the Method Detection Limit (MDL).

All groundwater COC concentrations depicted on this figure represent the most recent available groundwater sample analytical data for the given COC and monitor well.

GROUNDWATER COC CONCENTRATION MAP
MIS OF TEXAS, INC.
MIS OF TEXAS RRC VCP SITE 1
FANNIN/610 BUSINESS PARK

Lot Number: 002.154
File Name: Exhibit B.dwg
Drawn By: CEV
Approved: RBG
Date: 11/17/04
Revised: 02/23/05

SCALE:
1" = 200'

EXHIBIT

B

