

APPLICATION FOR PAYMENT OF RETAINAGE

To: HIDALGO COUNTY PRECINCT NO. 2 (OWNER)
From: D.M. ROTH EXCAVATING, INC. (CONTRACTOR)
Contract: C-CAP-05-008-06-21
Project: BORDER COLONIA ACCESS PROJECT - SOUTH TOWER ESTATES SUBDIVISION
OWNER's Contract No. ENGINEER's Project No.
For Work accomplished through the date of: December 13, 2006

Table with 2 columns: Description and Amount. Rows include: 1. Original Contract Price (\$ 668,627.42), 2. Net change by Change Orders and Written Agreements (+ or -): (\$ 111,486.57), 7. Previous Application for Payments: (\$ 741,108.29), 4. Total completed and stored to date: (\$ 780,113.99), 5. Liquidated Damages (Per Agreement): Liquidated Damages \$ 8,600.00, Total Retainage: \$ 39,005.70, Total Retainage Less Liquidated Damages: \$ 30,405.70, 8. TOTAL: \$ 30,405.70

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through RETAINAGE RELEASE inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 12-20-06 DM ROTH, INC CONTRACTOR

By: [Signature]

State of Texas
County of Hidalgo
Subscribed and sworn to before me this 20th day of December 2006



[Signature]
Notary Public
My Commission expires: 12/16/07

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 1/8/07 R. GUTIERREZ ENGINEERING CORPORATION ENGINEER

By: [Signature]

INVOICE RECEIVED BY: [Signature] ON 1/19/07
GOODS/SERVICES RECEIVED BY: [Signature] ON 1/2/06

APPLICATION FOR PAYMENT NO. 10 (FINAL)

To: HIDALGO COUNTY PRECINCT NO. 2 (OWNER)
 From: D.M. ROTH EXCAVATING, INC. (CONTRACTOR)
 Contract: G-CAP-05-008-08-21
 Project: BORDER COLONIA ACCESS PROJECT - SOUTH TOWER ESTATES SUBDIVISION
 OWNER's Contract No. _____ ENGINEER's Project No. _____
 For Work accomplished through the date of: August 26, 2006

1. Original Contract Price:		\$	688,627.42
2. Net change by Change Orders and Written Agreements (+ or -):		\$	111,486.57
3. Current Contract Price (1 plus 2):		\$	780,113.99
4. Total completed and stored to date:		\$	780,113.89
5. Retainage (per Agreement):			
	\$	% of completed Work:	\$ 39,005.70
	\$	% of stored material:	\$ -
		Total Retainage:	\$ 39,005.70
6. Total completed and stored to date less retainage (4 minus 5):		\$	741,108.29
7. Less previous Application for Payments:		\$	(718,455.97)
8. AMOUNT DUE THIS APPLICATION (6 MINUS 7):		\$	24,652.31

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 10 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 12-20-06

DM ROTH, INC
CONTRACTOR

By: [Signature]

State of Texas

County of Hidalgo

Subscribed and sworn to before me this 20th
day of December 2006

[Signature]
 Notary Public
 My Commission expires: 12/16/07



Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 1/8/07

R. GUTIERREZ ENGINEERING CORPORATION
ENGINEER

By: [Signature] P.E.

INVOICE RECEIVED BY: [Signature] ON 1/12/07
 GOODS/SERVICES RECEIVED BY: [Signature] 1/12/06