




HIDALGO COUNTY RIGHT OF WAY DEPARTMENT

PAY-MEMO

JOSE N. PEÑA
Director

To: Oscar L. Garza, Jr.
Commissioner Hidalgo County Pct. # 4
Attn: Victor

From: Mr. Jaime Salinas 
Right of Way Agent

Date: October 23, 2008

Re: 10th Street Extension Project: SH 107 to FM 1925 (Monte Cristo)
Parcel # 24 – The Kristin Nicole Vackar Trust

Commissioner, Garza

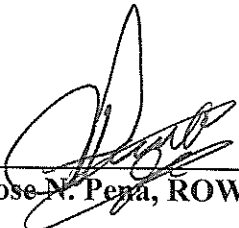
Attached, please find a copy of the unrecorded deed, appraisal report and a signed 1099-S form by Bob Vackar (Trustee) for the Kristin Nicole Vackar Trust on the above-mentioned project. A check in the amount of \$110,000.00 needs to be paid to The Kristin Nicole Vackar Trust from account # 8-1336-431-00-124-030-0-711 set up for this project. The Original deed will be held by the Right of Way Department and recorded as soon as payment to the landowner is processed.

Commissioners Court approved this project for acquisition on April 6, 2004.

Should you have any questions, please feel free to contact me at (956) 283-8134.

Thanks,

Approved _____
Comm. Oscar L. Garza, Jr.



Jose N. Peña, ROW Director

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENCE NUMBER.

Chapter 11, Sec. 11.008 Texas Property Code

10th Street Extension
Parcels: # 24
RIGHT-OF-WAY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HIDALGO §

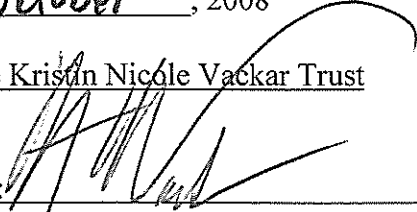
That, We, The Kristin Nicole Vackar Trust, of the County of Hidalgo, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of One Hundred Ten Thousand and No/100ths Dollars (\$110,000.00) and other good and valuable consideration to Grantors in hand paid by the County of Hidalgo, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Give and Convey unto the County of Hidalgo all that certain tract or parcel of land in Hidalgo County, Texas, more particularly described in Exhibits "A", which is attached hereto and incorporated herein for any and all purposes.

Grantor reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same, however, nothing in this reservation shall affect the title and rights of the County to take and use all other minerals and materials thereon, therein and thereunder.

TO HAVE AND TO HOLD the premises herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the County of Hidalgo and its assigns forever; and Grantors do hereby bind themselves, their heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the County of Hidalgo and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the 23rd day of October, 2008

The Kristin Nicole Vackar Trust

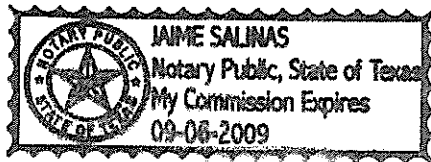
BY: 
Title: Bob Vackar (Trustee)

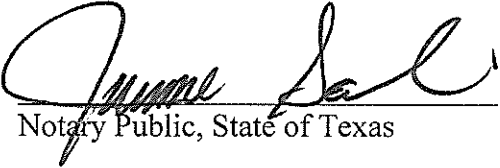
ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared **Bob Vackar (Trustee) of the Kristin Nicole Vackar Trust**, 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 purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23rd day of October,
2008




Notary Public, State of Texas

COUNTY: HIDALGO

HIGHWAY: 10TH STREET EXTENSION

PROJECT LIMITS: FM 107 TO MONTE CRISTO ROAD (FM 1925)

GRANTOR: ROMULO LUNA

FIELD NOTES FOR PARCEL - 24

Being a 2.78 (121,275 square feet) acre tract of land, more or less, out of a 19.05-acre tract of land out of Lot 14, Section 235, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas, as recorded in Volume 1, Page 12, Map Records, Hidalgo County, Texas. Said 19.05-acre tract of land is vested to Romulo Luna by virtue of a Warranty Deed dated September 24, 1971, as recorded in Volume 1300, Page 194, Deed Records, Hidalgo County, Texas and by a Warranty Deed dated April 29, 1982, as recorded in Volume 1790, Page 678, Deed Records, Hidalgo County, Texas. Said 2.78 (121,275 square feet) acre tract of land being more particularly described by metes and bounds as follows;

COMMENCING at the Southeast corner of Lot 14, Section 235, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas, as recorded in Volume 1, Page 12, Map Records, Hidalgo County, Texas, and **POINT OF BEGINNING**, with grid coordinates of X= 1,080,419.95 and Y= 16,645,260.14. All bearings and coordinates are based on the State Plane Coordinate System of Texas, South Zone, North American Datum 1983 (1993 adjustment), English Units.

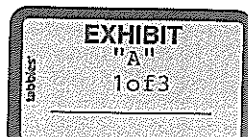
THENCE, N 80° 55' 00" W, along the South line of Lot 14, for a distance of 130.00 feet, to a point on the South line of Lot 14 for the Southeast corner of said tract herein described;

THENCE, N 09° 05' 00" E, parallel to the East line of Lot 14, for a distance of 20.00 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for an external corner of said tract herein described;

THENCE, N 54° 05' 00" E, for a distance of 42.43 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for an internal corner of said tract herein described;

THENCE, N 09° 05' 00" E, parallel to the East line of Lot 14, for a distance of 176.65 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street;

THENCE, In a Northeasterly direction with the proposed West Right-of-Way of said 10th Street and with the line of said curve to the right with an arc angle of 01° 11' 49", a radius of 22,978.00 feet, a tangent of 240.00 feet, a curve length of 479.99 feet, a chord that bears N 09° 40' 54" E and a chord length of 479.98 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street;



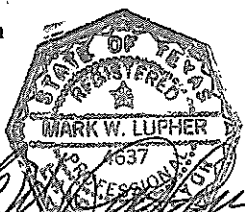
THENCE, In a Northeasterly direction with the proposed West Right-of-Way of said 10th Street and with the line of said curve to the left with an arc angle of 01° 11' 49", a radius of 22,858.00 feet, a tangent of 238.75 feet, a curve length of 477.48 feet, a chord that bears N 09° 40' 54" E and a chord length of 477.47 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street;

THENCE, N 09° 05' 00" E, parallel to the East line of Lot 14, for a distance of 73.45 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street and the Northwest corner of said tract herein described;

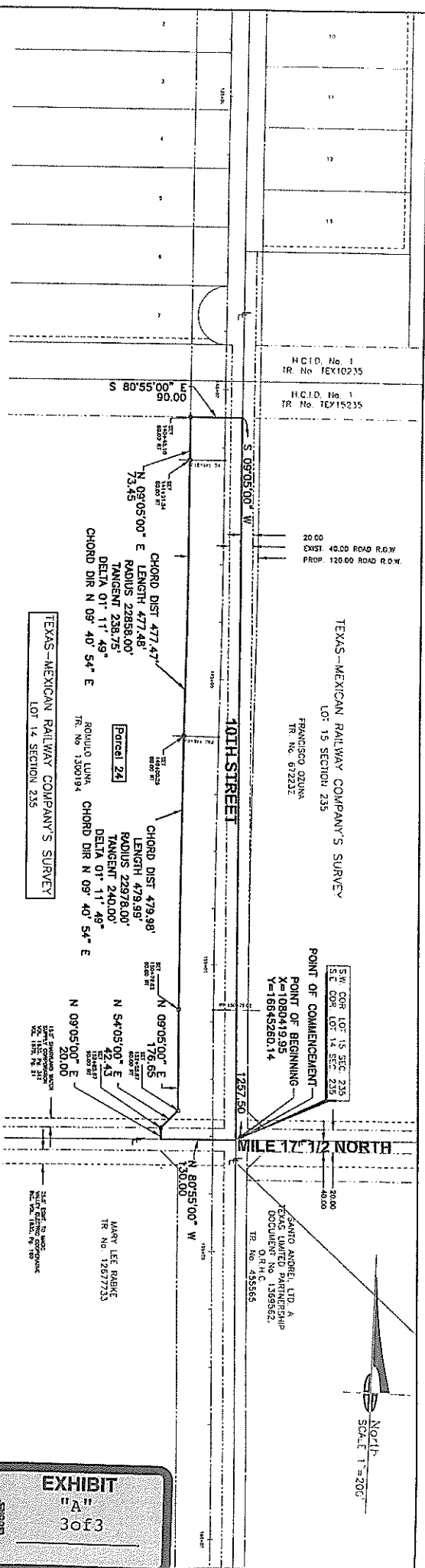
THENCE, S 80° 55' 00" E, parallel to the North line of Lot 14, for a distance of 90.00 feet to a point on the East line of Lot 14, for the Northwest corner of said tract herein described;

THENCE, S 09° 05' 00" W, along the East line of Lot 14, for a distance of 1,257.50 feet, to the **POINT OF BEGINNING** and containing 2.78 (121,275 square feet) acres of land, of which 0.63 of an acre lies in the existing 10th Street Right-of-Way, 0.04 of an acre lies in existing S.W.S.C. Easement and leaving a **PROPOSED NET TAKING** of 2.12 acres of land, more or less.

A plat of same date accompanies this Field Note Description


Mark W. Lupher
Mark W. Lupher - R.P.S.S. #4637
Date: 12-28-05





Parcel 24

Total Acreage: 19.05 ac.
 To be Acquired: 2.78 ac.
 Exist. Road R.O.W.: 0.63 ac.
 Easement: Exist S.W.S.C. 0.04 ac.
 Proposed Net Taking: 2.12 ac.
 Remainder Left: 16.27 ac.
 Document:

OWNER: Romulo Luna by virtue of a Warranty Deed dated September 24, 1971, as recorded in Volume 1300, Page 194, Deed Records, Hidalgo County, Texas, and by a Warranty Deed dated April 29, 1982, as recorded in Volume 1790, Page 678, Deed Records, Hidalgo County, Texas.
 DESCRIPTION: Being a 2.78 acre tract of land, more or less, out of Lot 14, Section 235, Texas Mexican Railway Company's Survey, Hidalgo County, Texas, according to the map thereof recorded in Volume 1, Page 12, Map Records, Hidalgo County, Texas.

**SURVEY PLAT OF
 PARCEL 24
 BEING A 2.78-ACRE TRACT OF LAND
 OUT OF LOT 14, SECTION 235,
 TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY,
 HIDALGO COUNTY, TEXAS,
 VOL. 1, PG. 12, H.C.M.R.**

- Notes:**
1. Set indicates (1/2 inch Iron Rod) No. 4 rebar with a plastic cap marked "TEDSI"
 2. Survey line locations are approximate and based on best available evidence.
 3. A field note description of some date accompanies this plat.

The undersigned hereby certifies that this survey was made on the ground, and that the only improvements are as shown, and that there are no visible encroachments, visible overlapping, visible easements or apparent conflicts except as shown hereon.

This survey substantially complies with the Minimum Standards required and approved by the Texas Board of Surveyors.

MARK W. LUPHER
 LICENSE NO. 4637
 LAND SURVEYOR

DATE: 12.28.05






HIDALGO COUNTY RIGHT OF WAY DEPARTMENT

JOSE N. PEÑA
Director

MEMO

TO: Commissioner's Court

FROM: Jaime Salinas, 
Hidalgo County Right of Way Department

TE: October 7, 2008

RE: 10th Street Extension Road Project (Parcel # 24)
The Kristin Nicole Vackar Trust

Attached please find letter provide by property owner for above-mentioned project.


Appraised Value: \$ 106,000.00

Settlement Request: \$ 110,000.00

Difference to Landowner \$ 4,000.00

Commissioners Court Executive Session October 7, 2008

Approved;

 10/7/08

Not Approved; _____

October 1, 2008

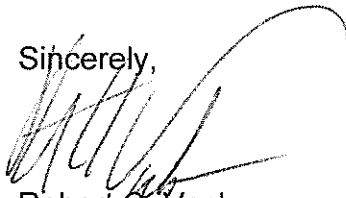
Jose N. Pena, Dir.
Hidalgo County Right of Way Dept.
509 E. Earling Rd.
San Juan, Texas 78589

Re: Parcel #24
10th Street Extension Project

Dear Mr. Pena,

In regards to the offer made on Parcel #24, I will accept \$110,000 for this property.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Vackar', with a large, sweeping flourish extending upwards and to the right.

Robert C. Vackar

STATUTORY DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, CHAPTER XII, TEXAS PROBATE CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, KRISTIN NICOLE VACKAR, 104 Canary, McAllen, Hidalgo County, Texas, 78504, appoint ROBERT C. VACKAR, 104 Canary, McAllen, Hidalgo County, Texas, 78504, as my agent (attorney-in-fact) to act for me in any lawful way with respect to all of the following powers except for a power that I have crossed out below.

TO WITHHOLD A POWER, YOU MUST CROSS OUT EACH POWER WITHHELD.

Real property transactions;

Tangible personal property transactions;

Stock and bond transactions;

Commodity and option transactions;

Banking and other financial institution transactions;

Business operating transactions;

Insurance and annuity transactions;

Estate, trust, and other beneficiary transactions;

Claims and litigation;

Personal and family maintenance;

Benefits from Social Security, Medicare, Medicaid, or other governmental programs or civil or military service;

Retirement plan transactions;

Tax matters.

IF NO POWER LISTED ABOVE IS CROSSED OUT, THIS DOCUMENT SHALL BE CONSTRUED AND INTERPRETED AS A GENERAL POWER OF ATTORNEY AND MY AGENT (ATTORNEY-IN-FACT) SHALL HAVE THE POWER AND AUTHORITY TO PERFORM OR UNDERTAKE ANY ACTION I COULD PERFORM OR UNDERTAKE IF I WERE PERSONALLY PRESENT.

SPECIAL INSTRUCTIONS

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

I grant my agent (attorney-in-fact) the power to apply my property to make gifts, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

(A) This power of attorney is not affected by my subsequent disability or incapacity.

(B) This power of attorney becomes effective upon my disability or incapacity.

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

If any agent named by me dies, becomes legally disabled, resigns, or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent:

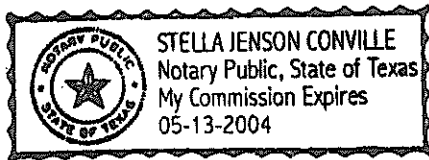
JANET OGDEN VACKAR, 104 Canary, McAllen,
Hidalgo County, Texas, 78504

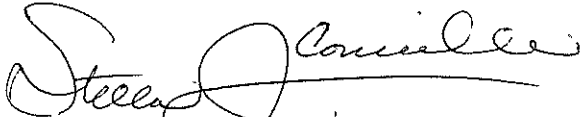
Signed this 1st day of July, 2003.


KRISTIN NICOLE VACKAR

THE STATE OF TEXAS §
§
COUNTY OF HIDALGO §

This document was acknowledged before me on July 1, 2003 by KRISTIN NICOLE VACKAR.




Notary Public, State of Texas
My Commission Expires: 05.13.04

THE ATTORNEY-IN-FACT OR AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

REAL ESTATE APPRAISAL REPORT
TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: Northwest corner of Mile 17 1/2 N. Road and 10th Street, located within ETJ of the City of Edinburg, Hidalgo County, Texas. Account: N/A

Property Owner: The Kristin Nicole Vackar Trust Parcel: 24 (Updated 06/02/08)

Address of Property Owner: 104 Canary McAllen, TX. 78504-2215 CSJ: N/A

Occupant's Name: Vacant Federal Project No: N/A

Whole: Partial: Acquisition Highway: N. 10th Street County: Hidalgo

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulphur. If this acquisition is of less than the whole property, then any special benefits and/or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

Certificate of Appraiser

I hereby certify that, it is my opinion the total compensation for the acquisition of the herein described property is \$106,000 as of June 2, 2008 based upon my independent appraisal and the exercise of my professional judgment; on June 28, 2006 & June 2, 2008 (date)(s), I personally inspected in the field the property herein appraised; I afforded The Kristin Nicole Vackar Trust, the property owner or the representative of the property owner, the opportunity to accompany me at the time of the inspection.

The comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on June 2, 2008 (date)(s), I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the proper officials of the, County of Hidalgo, Texas Department of Transportation, or officials of the Federal Highway Administration until authorized by State officials to do so, or until I am required to do so by due process of law or until I am released from this obligation by having publicly testified to such findings; and, my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

I certify to the best of my knowledge and belief that the statements of fact contained in this report are true and correct; the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions; I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved; and, my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement other than that due to the physical deterioration within the reasonable control of the owner has been disregarded in estimating the compensation for the property.

Appraiser Signature - Leonel Garza III

State Certified General Real Estate Appraiser - TX 1328375-General
 Certification Number

June 2, 2008

Date

To the best of my knowledge, the value does not include any items which are not compensable under the State law.	
District Reviewing Appraiser	Date

Certificate of Appraisal

This appraisal report conforms to the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation. The subject property was analyzed utilizing the Cost Approach to value which is a Sales Comparison Approach to the subject as if vacant and includes the estimated depreciated market value of real estate improvements located within the part to be acquired. This is further explained within each section of the appraisal report.

Identification of Client & Intended User of Appraisal Report

The client for this report is identified as Hidalgo County Right-of-Way Department under the direction of Precinct No. 4, and others which would be involved with the acquisition of said proposed right-of-way along 10th Street. The part to be acquired is for the expansion of the existing road right-of-way of 10th Street with the project limits being from FM 107 to Monte Cristo Road (FM 1925) within the Extra Territorial Jurisdiction (ETJ) of the City of Edinburg. The intended use of the report is to assist Joe Pena, Director of the Right-of-Way Department of Hidalgo County and others involved with the project, for future negotiations of acquiring all or part of said property as fee simple in the name of the County of Hidalgo, Texas. This report is not intended for any other use, unless specified by the client. The clients have identified that the report shall be a limited restricted appraisal report, which is to conform with the ROW-A-6 Form Rev. 7/2004.

The intended user of the report is defined as Hidalgo County Right-of-Way Department, and may include other governmental entities which may be participating in the project. Joe Pena is the Director of the Right-of-Way Department of Hidalgo County, who has a local office at located at 301 E. State Avenue, Pharr, Texas 78577. Joe Pena, shall be the project manager for this project under the direction of Honorable Oscar Garza Jr., County Commissioner of Precinct No. 4. Mr. Pena can be contacted at (956) 283-8134.

Scope of the Assignment

By work order dated February 2, 2006 on behalf of Hidalgo County Right-of-Way Department and Hidalgo County Precinct No. 2, request for Leonel Garza Jr. & Associates LLC to prepare an appraisal report of the part to be acquired as described by survey and metes and bounds created by TEDSI Infrastructure Group of Mission, Texas. The scope of the assignment is to appraise the area as fee simple, to be acquired as indicated by the survey as of the date of on-site or off-site inspection as permitted by the owner of record.

Market sales within the market area and comparable market areas are to be identified and analyzed for comparability and for their reliability in determining the estimated market value of the subject property. The comparables have been collected, confirmed and analyzed with respect to comparability to the subject property. These comparable sales were gathered through various sources which included the Greater McAllen Multiple Listing Service, Hidalgo County Appraisal District, local Realtors & Brokers, Real Estate Appraisers, and conversations with various owners along the project. The appraisal report shall indicate the current market value of the subject property as per date of on-site and or off-site inspection. This inspection is limited by the permissibility of the subject owner as per date of report. A copy of a certified letter of intent to inspect said property is located within the addenda of this appraisal report.

Purpose of the Appraisal Report

This appraisal is prepared for the purpose of estimating the current market value of the fee simple estate of the subject property in order to determined the value of the proposed right-of-way to be acquired by the County of Hidalgo, as defined within this report. This appraisal does not include any enhancement in value resulting from items of intangible personal property such as marketing and management skill, an assembled work force, working capital, trade names, franchises, patents, trademarks, contracts, leases, or operating agreements and project influence (if any exist) and existing road right-of-way.

The area to be acquired may contain personal property items and or real estate items, which may be compensable for the purpose of right-of-way acquisition only. These items deemed compensable shall be included within the body of the report and itemized for clarity. Any improvements not located within the part to be acquired and outside of the permissibility of inspection as defined by the subject owner, shall be given a stated value based on the assessment established by the Hidalgo County Appraisal District, if they are affected by the part to be acquired.

Property Rights Appraised

The property rights being appraised in this report consist of the fee simple estate of the subject property. Fee Simple Estate is defined by the Dictionary of Real Estate Appraisal, Fourth Edition, copyright 2002, page 113, by the Appraisal Institute as being: "Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

Accessibility To Subject Property

The owner of record, as per the Hidalgo County Appraisal District was sent a letter of intent to inspect the subject property. The letter afforded the property owner the opportunity to accompany the appraiser during the on or off-site inspection of the subject property. A copy of the certified letter is located within the addenda of this report.

Analysis of Subject As A Whole

A survey of the property owners entire tract was not performed as the part to be acquired is located along the western frontage of 10th Street. As per scope of the assignment, the subject property (part to be acquired) shall be analyzed based on the combined information of several sources including, the survey provided, on-site and or off-site inspection, personal interviews, and information gathered from the Hidalgo County Appraisal District. The property was analyzed based on the whole property less any existing road right-of-way of which a pro-rata part of the whole is determined to be the subject of this report. The subject property is a large tract of land of which the remainder shall not be affected nor damaged as a result of the acquisition. Therefore, a valuation of the remainder portion of the subject property was not required.

Economic Unit Analysis

The subject property shall be analyzed based on a 19.05 acre tract of land which excludes any existing road right-of-way indicated along 10th Street & Mile 17 1/2 Road. The area for the subject property as a whole is indicated as per survey provided by TEDSI Infrastructure Group dated April 18, 2006. The comparable sales used for the analysis of the subject property as whole and as the partial acquisition indicated to be comparable to the subject property based on location and highest and best use. These indicated economic unit values are used for the valuation of the irregular partial acquisition as the part to be acquired does not constitute an economic unit. Therefore, the pro-rata part of the whole is applied to the partial acquisition for the market valuation of the subject property.

Part to be Acquired

The proposed partial acquisition is comprised of fee land in which the net land area to be acquired is 92,347 square feet (2.11 acres). The proposed partial acquisition has approximately 1257.50 lineal feet of frontage along the western side of 10th Street. The part to be acquired is an irregular-shaped tract of land which has limited use and site utility due to its location and size as proposed and does not constitute a readily marketable economic unit. Therefore, the part to be acquired, which is the subject of this report, shall be evaluated as a pro-rata part of the whole as determined by the approaches to market value selected. Based on the pro-rata part of the whole, the subject shall be valued based on the highest and best use as a residential use tract of land which is based on the local market trend along 10th Street. This highest and best use is further explained on page 1.4 of this report.

To Be Acquired (Net)	2.12 Acres
	92,347 S.F.

Legal Description of The Part To Be Acquired

Being a 2.12 net acres (92,347 square feet) tract of land, more or less, out of a 19.05 acre tract of land out of Lot 14, Section 235, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas.

Remainder Before and After The Taking

The remainder before and after the acquisition is defined as the partial acquisition subtracted from the whole property which is described as the subject property. It is determined at the time of appraisal whether or not damages to the remainder are caused by the proposed acquisition. The highest and best use of the subject property before and after the proposed partial acquisition is analyzed to determine whether or not the use of the subject property will be altered as a result of the proposed acquisition. As for the remainder, it was determined that the highest and best use before and after the acquisition shall remain and not be damaged or changed as a result of the acquisition.

Property Tax Information

This appraiser has examined the property tax information indicated by the Hidalgo County Appraisal District (HCAD) as of the date of appraisal and has found that the subject property is under the ownership of The Kristin Nicole Vackar Trust. The part to be acquired was identified as part of a larger tract of land which contained tax identification no. T2100-00-235-0014-00. The subject property land assessment was indicated to be \$181,000 with no building nor site improvements indicated. The indicated unit assess rate for the subject property, which is currently under Agricultural Exemption was indicated to be \$404 per acre. The property taxes for the subject property appear to be current, however, further research with the Hidalgo County Tax Office shall be required to confirm any outstanding tax liabilities attributable to the subject property.

Environmental Assessment / Adverse Easements / Encroachments / Topography

This appraiser has made an off-site inspection of the subject property, and no obvious adverse environmental concerns or potentially hazardous materials were observed. This appraiser is not qualified to make a detailed environmental study and highly recommends that an inspection be made by a qualified environmental engineer if an environmental concerns exists. Leonel Garza Jr. & Associates LLC has performed this appraisal report under the hypothetical condition and extraordinary assumption that the subject property has not experienced any adverse environmental concerns which may influence it's marketability and or value.

A survey of the remainder of the subject property was not provided by TEDSI Infrastructure Group as per date of report. Therefore, the extraordinary assumption that no adverse easements nor encroachments are located within the remainder before and after the taking which would affect the value of the whole, part to be acquired and the remainder before and after the acquisition. The subject property was observed that the property is generally level and typical of the surrounding market area. No severe low lying areas were observed, however, this appraiser is not an engineer and cannot certify to the topography nor drainage of the subject property as a whole, part to be acquired and the remainder after.

Utility Services Available

The subject property is located in a region, which contains, water, electricity, and phone service, which is typical of the market area.

Identification of Personal Property

As per scope of the assignment, no personal property located within the proposed right-of-way and the remainder before and after the taking shall be included for compensation, unless it was determined by the appraiser that these item shall be affected or damaged by the proposed taking. In the event the selected items are determined to be compensable, then they shall be included within the cost approach section of this report. A value which shall be either the cost to cure and or the cost of replacement shall be delineated for each item for clarity.

Current Listing Status

It appears that the subject property is not listed for sale as of the effective date of this appraisal. No visible "For Sale" signs were located on the subject property and the property was not listed for sale under a Realtor's® Multiple Listing Service.

Estimated Marketing Time Period

The indicated marketing period is based on the marketing periods of the comparable sales used in the Sales Comparison Approach and the surrounding sales found. Based on the research performed, a twelve (12) to twenty-four months (24) marketing time period appears to be adequate. This time period was selected after a review of multiple land sales within the City of McAllen and the City of Edinburg markets. The analysis included the indicated "DOM" Days on Market as shown on the McAllen Multiple Listing Service which provides local Realtors an avenue to advertise properties located in the Rio Grande Valley, with its primary focus on properties within Hidalgo County.

Exposure Time

Exposure time is defined as the "length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal." Based on research performed within the market area, an indicated twelve (12) to twenty-four months (24) exposure time is indicated for the subject property. This was estimated based on current and past listings located within the market area which were reviewed during our sales search for comparables similar to the subject property.

Statement of Highest & Best Use

The subject's highest and best use as vacant and as if improved is indicated for residential development. This type of use is concurrent with the recent trends located along 10th Street and within the extraterritorial jurisdiction (ETJ) of the City of Edinburg. This highest and best use is based on the determined economic unit of the subject property as a whole as the portion being acquired in the name of the County of Hidalgo, Texas, does not itself constitute an economic unit.

When a property is evaluated the highest and best use must always be considered. In the current case the highest and best use of the whole is determined to be for residential use based on several factors. These factors that are taken into consideration are defined by The Dictionary of Real Estate Appraisal, Fourth Edition, copyright 2002, page 135, by the Appraisal Institute as being: "The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and there results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity."

The scope of the assignment is to evaluate the subject property as a whole, part to be acquired, and the remainder before and after the acquisition, excluding project influence as required by Standards Rule 1-4(f) under the Jurisdictional Exception provision as defined by the Uniform Standards of Professional Appraisal Practice (USPAP). The highest and best use is analyzed for each of these scenarios as each parcel shall be evaluated before and after the proposed taking. In order to determine the highest and best use, research was performed within the City of Edinburg and the City of McAllen to determine the legal permissibility of land use along 10th Street. Along 10th Street, development is mixed with agricultural/citrus groves and single family residential developments.

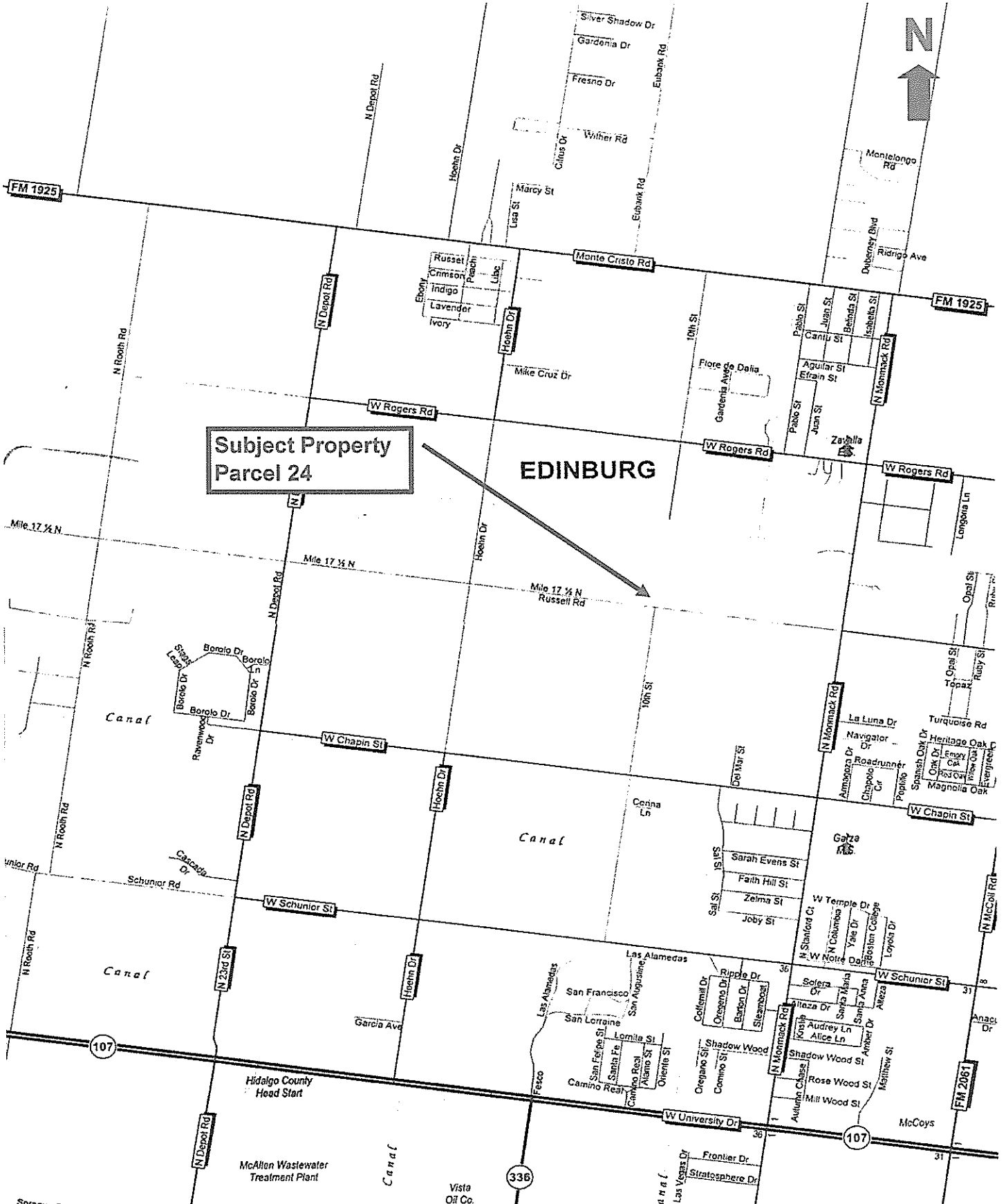
Since the subject lies within the jurisdiction of Edinburg, Texas of which does recognized municipal zoning ordinance as per date of appraisal, however, does not affect the subject property as it lies within the ETJ of Edinburg. This office shall evaluate the subject properties based on the continuing trend along 10th Street and the existing ordinance which may govern the subject property in the before and after acquisition state. Therefore, the highest and best use of single family residential use "as vacant" and "as if improved" would therefore be legally permissible as of the date of this report.

The physical characteristics of the subject property as a whole are typically found throughout the western region of the City of Edinburg. The subject property contains adequate land area and frontage along 10th Street to allow the future residential development before and after the proposed acquisition in use in assemblage with neighboring properties. Based on the size and shape of the subject property as a whole and the remainder before and after the acquisition, the property shall maintain its existing use a future residential use highest and best use with the adjoining property. As for the part to be acquired, it contains limited use based on its proposed size and shape and therefore does not constitute an economic unit in itself and must be used in conjunction with the whole. Since the valuation of the part to be acquired is based on the pro-rata part of the whole, then the part to be acquired shall be evaluated with a similar highest and best use as the whole. This highest and best use shall not be affected for the remainder before and after the acquisition.

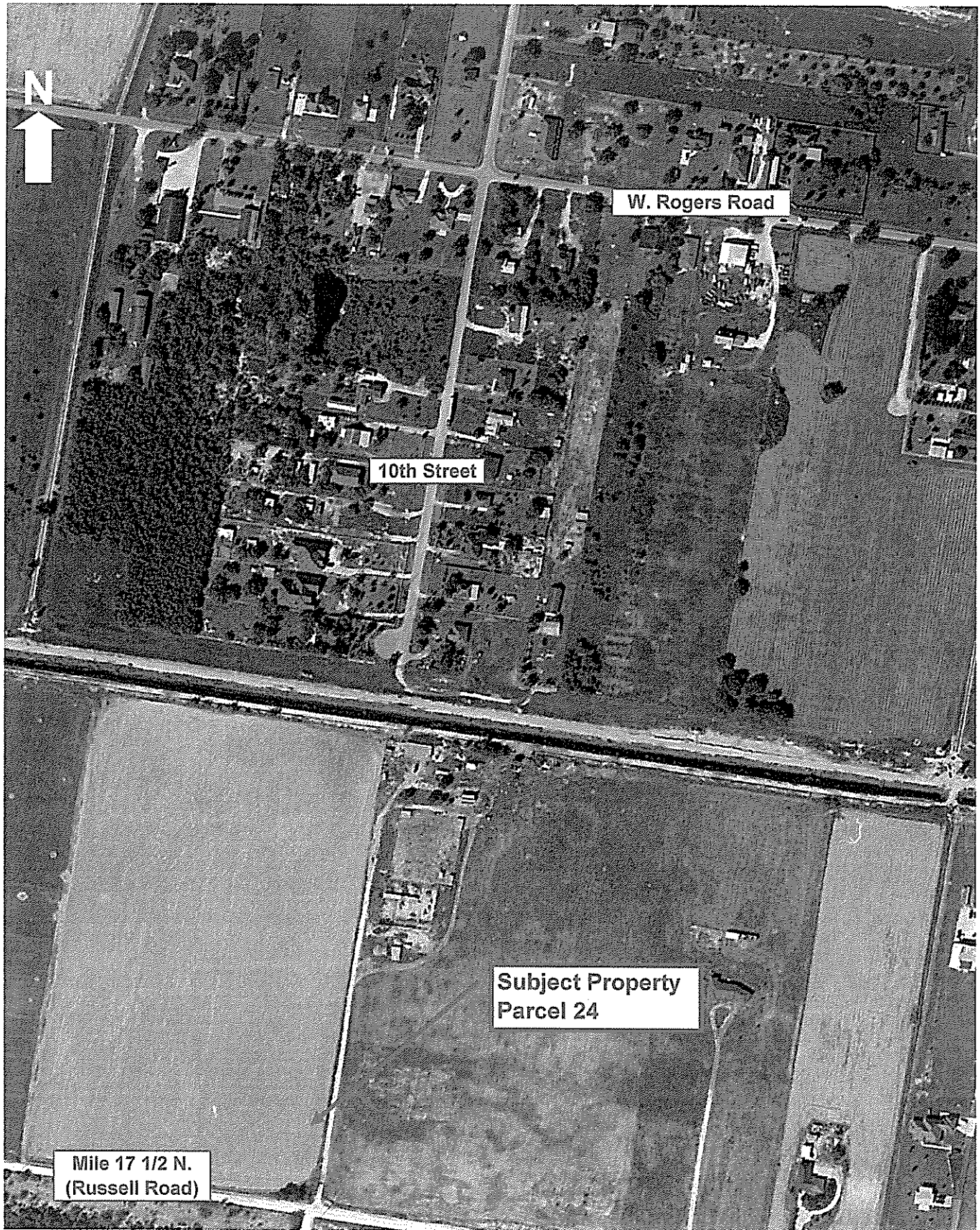
The financial feasibility and maximally productive use of the subject property is based on the continued growth along 10th Street, which includes single family residential and agricultural uses. Based on the continued growth along 10th Street, it is estimated that the subject can be financially feasible to contain a single family residential use "as vacant" and "as if improved" with the adjoining property. This determination of financial feasibility and productivity is also attributed to the remainder before and after the taking which will not be affected nor damaged as a result of the part to be acquired.

After a review of the four approaches to the highest and best use test, it is concluded that the subject property "as vacant" and "as if improved" shall be for future single family residential development along with the adjoining property. This conclusion is correlated to the property as a whole, part to be acquired and the remainder before and after the acquisition.

LOCATION MAP OF SUBJECT PROPERTY

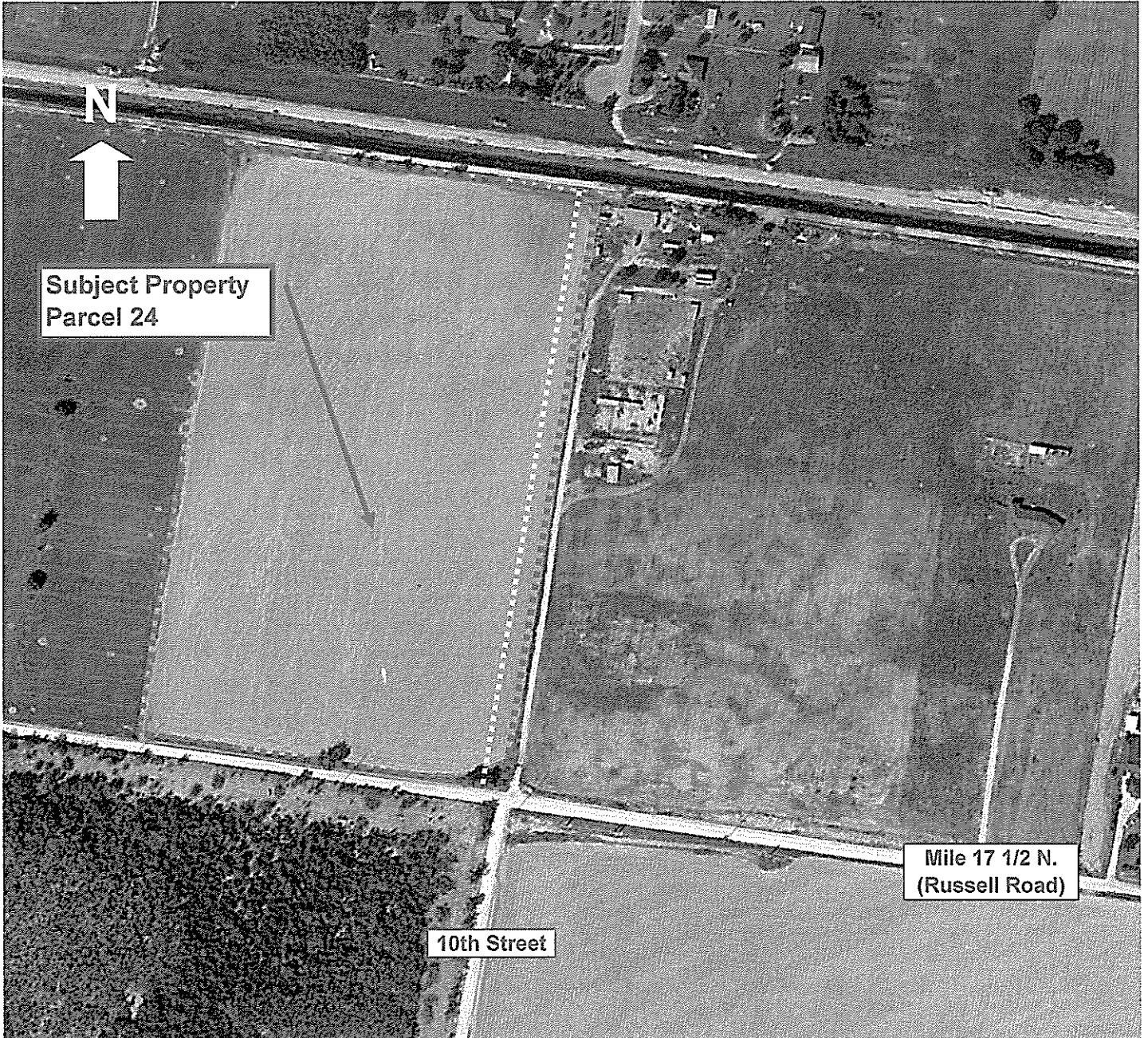


AERIAL PHOTOGRAPH OF SUBJECT AREA



AERIAL PHOTOGRAPH OF SUBJECT

(Closer View of Subject Property)



NOTE: SUBJECT PROPERTY AS A WHOLE IS ESTIMATED AND DEPICTED BY THE RED DASHED LINE. THIS INCLUDES THE PART TO BE ACQUIRED ALONG 10TH STREET. COMPLETE SURVEY OF SUBJECT AS A WHOLE WAS NOT PROVIDED BY TEDSI INFRASTRUCTURE GROUP AND IS ESTIMATED BASED ON INFORMATION GATHERED DURING THE INSPECTION OF THE SUBJECT PROPERTY OR THE HIDALGO COUNTY APPRAISAL DISTRICT.

PHOTOGRAPHS OF SUBJECT PROPERTY

Parcel No.: 24

Local Address: Northwest corner of Mile 17 1/2 N. Road and 10th Street, located within ETJ of the City of Edinburg, Hidalgo County, Texas.

Date Taken: June 28, 2006

Taken By: Leonel Garza III

1. Point from which taken: Photo 1: Mile 17 1/2 North Road
Photo 2: Mile 17 1/2 North Road

Looking: Photo 1: Northern View
Photo 2: Northern View



Photo 1

Northern view of subject property; taken from Mile 17 1/2 North Road.

Photo 2

Northern view of subject property; taken from Mile 17 1/2 North Road. (Taken: June 2, 2008)

2. Point from which taken: Photo 3: Parcel 13
Photo 4: Parcel 13

Looking: Photo 3: Southern View
Photo 4: Northern View



Photo 3

Southern view of taken; taken from adjoining property. (Parcel 13)

Photo 4

Northern view of taken; taken from adjoining property. (Parcel 13)

PHOTOGRAPHS OF SUBJECT PROPERTY

Parcel No.: 24

Local Address: Northwest corner of Mile 17 1/2 N. Road and 10th Street, located within ETJ of the City of Edinburg, Hidalgo County, Texas.

Date Taken: June 28, 2006

Taken By: Leonel Garza III

1. Point from which taken: Photo 5: Mile 17 1/2 North Road
Photo 6: Mile 17 1/2 North Road

Looking: Photo 5: Eastern View
Photo 6: Western View

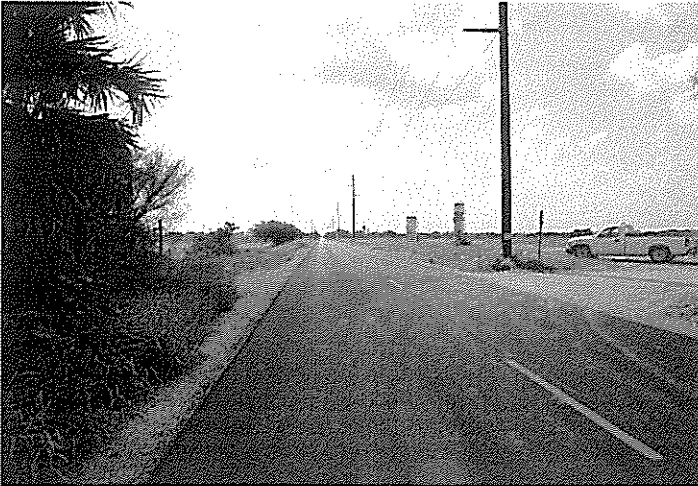


Photo 5
Eastern view of Mile 17 1/2 North Road.



Photo 6
Western view of Mile 17 1/2 North Road.

2. Point from which taken: Photo 7: Mile 17 1/2 North Road
Photo 8: Mile 17 1/2 North Road

Looking: Photo 7: Southern View
Photo 8: Northern View



Photo 7
Southern view of 10th Street.



Photo 8
Northern view of natural growth trees located along Mile 17 1/2 North Road.

DESCRIPTION OF PROPERTY:

The subject property, as a whole, is a 19.05 acre tract of land currently being utilized as agricultural row crop farming located along eastern side of 10th Street at the intersection with Russell Road (Mile 17 1/2 North Road). The subjects location is within the County of Hidalgo, and is also located within the Edinburg Extraterritorial Jurisdiction. The subject property does not fall under any current zoning ordinance from Edinburg, however, any development on-site would have to be reviewed and approved by the City. According to the survey provided by TEDSI Infrastructure, dated April 18, 2006, the part to be acquired is approximately 2.78 acres (121,275 square feet) gross of which 0.63 acres lies within existing road right-of-way and 0.04 lies in existing S.W.S.C. easement. This leaves a net area to be acquired of 2.12 acres (91,912 square feet) along the frontage of 10th Street and Mile 17 1/2 North Road. The subject property is encumbered by an easement operated by Magic Valley Electric Company.

This value shall exclude any existing road right-of-way in order to derive the net land area within the acquisition. This is performed in order to determine the pro-rata part of the whole (19.05 acres) for the purchase of said tract by the Hidalgo County Right-of-Way Department in the name of the County of Hidalgo, Texas.

AREA OR NEIGHBORHOOD ANALYSIS:

The subject neighborhood along 10th Street is a mixture of open agricultural farmland, citrus groves, single family residential homes with several emerging subdivisions. The market surrounding 10th Street has been under positive growth of which properties along nearby Depot Road (23rd Street) are developing several residential subdivisions. Most of the land along 10th Street has been idle as agricultural use with an increase in interest due to the growth of western Edinburg and northern McAllen. The current highest and best use for properties along 10th Street shall be for single family residential development.

SITE ANALYSIS:

Five Year Sales History: The subject property is indicated to be under the ownership of The Kristin Nicole Vackar Trust, as indicated by survey and field notes provided by TEDSI Infrastructure. Further investigation of the subjects history through the Hidalgo County Appraisal District and the Hidalgo County Clerks Office confirmed the current owner of record to be The Kristin Nicole Vackar Trust. The subject property was transferred from Judy Luna & Romulo Luna Jr. (Grantor) to The Kristin Nicole Vackar Trust (Grantee) on August 29, 2005. Therefore, the subject has been in the name of The Kristin Nicole Vackar Trust for over one (1) years.

**Legal Description:
(Whole Property)** Being a 19.05 acre tract of land out of Lot 14, Section 235, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas.

**Legal Description:
(Part To Be Acquired)** Being a 2.12 net acres (92,347 square feet) tract of land, more or less, out of a 19.05 acre tract of land out of Lot 14, Section 235, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas.

Improvements: During the off-site inspection of the subject property, no building nor site improvements were indicated within the part to be acquired. Any utilities located within the part to be acquired shall be relocated as an item of construction and shall not be included within the compensation of the subject property. Therefore the subject property shall be valued as a vacant tract of land similar to the surrounding market area.

Highest and Best Use: Single Family Residential

VALUATION OF PART TO BE ACQUIRED

LAND VALUATION

Representative Comparable Sales

	Subject	Comp. No. 1	Comp. No. 2	Comp. No. 3
Grantor	Judy Luna & Romulo Luna Jr.	Santo Andrei, LTD	Interstate Properties, LLC	Francisco J. Rodriguez
Grantee	The Kristin Nicole Vackar Trust	Boralis, Inc.	Rafael Garza	The Door Christian Church of McAllen, Texas
Date of Sale	August 29, 2005	May 25, 2007	March 20, 2007	December 20, 2005
Unit Price	/ Ac	39,497 / Ac	61,518 / Ac	36,731 / Ac
Relative Location	Average	Similar 0%	Similar 0%	Similar 0%
Lot Location	Corner Tract	Interior Tract 5%	Interior Tract 5%	Interior Tract 5%
Financing	Conventional	Similar 0%	Similar 0%	Similar 0%
Conditions of Sale	Cash To Seller	Similar 0%	Similar 0%	Similar 0%
Market Conditions	Average	Similar 0%	Similar 0%	Similar 0%
Physical Characteristics	Typical of Market	Similar 0%	Similar 0%	Similar 0%
Available Utilities	Water / Electricity / Phone	Similar 0%	Similar 0%	Similar 0%
Street Access / Frontage	10th Street and 17 1/2 (Russel Rd.)	Rooth Road N. of Schunior Rd. 0%	Mon Mack Road S. of Chapin 0%	10th Street, S. of Chapin 0%
Size of Tract	19.05 Acres	67.26 Acres 15%	1.91 Acres -20%	10.89 Acres -5%
Net Adjustments		Δ 20%	Δ -15%	Δ 0%
Indicated Unit Value		\$ 47,396 / Ac	\$ 52,290 / Ac	\$ 36,731 / Ac
Estimated Unit Value of Fee Simple Area				\$ 50,000 / Ac
Estimated Value by Sales Comparison Approach	(2.12 acre x \$50,000 / acre)			\$ 106,000
(Includes Part To Be Acquired Only)				

SEE EXPLANATION TO ADJUSTMENTS ON PAGE 4.0

COMPARABLE DATA SUPPLEMENT

ROW Account: N/A Parcel No.: 24 Highway: N. 10th Street County: Hidalgo

Land Sale Improved Sale Rental Data



Grantor/ Lessor: Santo Andrei, LTD Grantee/Lessee: Boralis, Inc.

Date: May 25, 2007 Recording Information: Document# 1767622 Key Map: N/A

Address: Located along the eastern side of Rooth Road, north of Schunior Road, Zip Code: 78540
Edinburg, Texas 78540.

Legal Description: A tract of land containing 67.26 acres, situated in the County of Hidalgo, Texas, being the West 400.00' of Lot 11 and the North 495.00' of Lot 13 and all of Lot 13 and all of Lot 12, Section 233, Texas-Mexican Railway Company Survey Subdivision, according to the plat thereof recorded in Volume 1, Page 12, Hidalgo County Map Records.

Confirmed Price : \$ 2,656,572 Verified with: MLS# F8913S

Terms and Conditions of Sale: Cash To Seller

Rental Data: N/A

Land Size: 67.26 Acres or 2,929,846 Sf Unit Price as Vacant \$ 39,497 / Ac or \$ 0.91 / Sf

Type Street: Asphalt Paved Utilities: Water / Electricity / Phone

Improvement(s) Description: N/A

Improvement(s) N/A (GBA) N/A (NRA) N/A Unit Price as Improved \$: N/A

Condition and Functional Design: N/A

Current Use: Agricultural Highest and Best Use: Single Family Residential Development

Date of Inspection: June 2, 2008 Zoning: No Municipal Zoning Flood Plain: Zone "X"

Attach Additional Information: The subject is an agricultural use tract of land located along the eastern side of Rooth Road just south of Mile 17 North Road. The property is currently being utilized for citrus production. Municipal water is available to the site.

Appraiser: Leonel Garza III June 2, 2008
 (Typed, not signed) Date

COMPARABLE DATA SUPPLEMENT

ROW Account: N/A Parcel No.: 24 Highway: N. 10th Street County: Hidalgo

Land Sale Improved Sale Rental Data



Grantor/ Lessor: Interstate Properties, LLC Grantee/Lessee: Rafael Garza

 Date: March 20, 2007 Recording Information: Document # 1736773 Key Map: N/A

 Address: Located along the western side of Mon Mack Road, north of Chapin Road, Edinburg, Texas 78539. Zip Code: 78539

Legal Description: The North 150 feet of the South 660 feet of the East of Lot Eight (8), Section Two Hundred Thirty-eight(238), Texas-Mexican Railway Company's Survey, Hidalgo County, Texas, according to map thereof recorded in Volume 1, Page 12, Map Records of Hidalgo County, Texas.

Confirmed Price: \$ 117,500 Verified with: MLS# A18560S

Terms and Conditions of Sale: Cash To Seller

Rental Data: N/A

Land Size: 1.91 Acres or 83,200 Sf Unit Price as Vacant : \$ 61,518 /Acre or \$ 1.41 / Sf

Type Street: Asphalt Paved Utilities: All Municipal Utilities Available

Improvement(s) Description: N/A

Improvement(s) Size: N/A (GBA) N/A (NRA) N/A Unit Price as Improved \$: N/A

Condition and Functional Design: N/A

Current Use: Agricultural Highest and Best Use: Single Family Residential Development

Date of Inspection: June 2, 2008 Zoning: No Municipal Zoning Flood Plain: Zone "X"

Attach Additional Information:

 The subject property is located along the western boundary of Monmack Road, north of west 17th Street. Since the time of sale the property has been improved with a masonry building. At the time of inspection the building was vacant, and is currently for sale by owner.

Appraiser: Leonel Garza III June 2, 2008

 (Typed, not signed) Date

COMPARABLE DATA SUPPLEMENT

ROW Account: N/A Parcel No.: 24 Highway: N. 10th Street County: Hidalgo

Land Sale Improved Sale Rental Data



Grantor/ Lessor: Francisco J. Rodriguez Grantee/Lessee: The Door Christian Church of McAllen, Texas

Date: December 20, 2005 Recording Information: Document #1562327 Key Map: N/A

Address: E/S of North 10th St. located south of the Southeast corner of North 10th Street and Chapin Road within ETJ of the City of Edinburg, Hidalgo County, Texas Zip Code: 78539

Legal Description: The North 365 feet of the South 660 feet of Lot Ten (10), Texas-Mexican Railway Company's Survey, Hidalgo County, Texas, according to map thereof recorded in Volume 1, Page 12, Map Records of Hidalgo County, Texas.

Confirmed Price: \$ 400,000 Verified with: MLS# L03703S

Terms and Conditions of Sale: Cash To Seller

Rental Data: N/A

Land Size: 10.89 Acres or 474,368 Sf Unit Price as Vacant: \$ 36,731 / Acre or \$ 0.84 / Sf

Type Street: Asphalt Paved Utilities: Water / Electricity / Phone

Improvement(s) Description: N/A

Improvement(s) Size: N/A (GBA) N/A (NRA) N/A Unit Price as Improved \$: N/A

Condition and Functional Design: N/A

Current Use: Agricultural Highest and Best Use: Single Family Residential Development

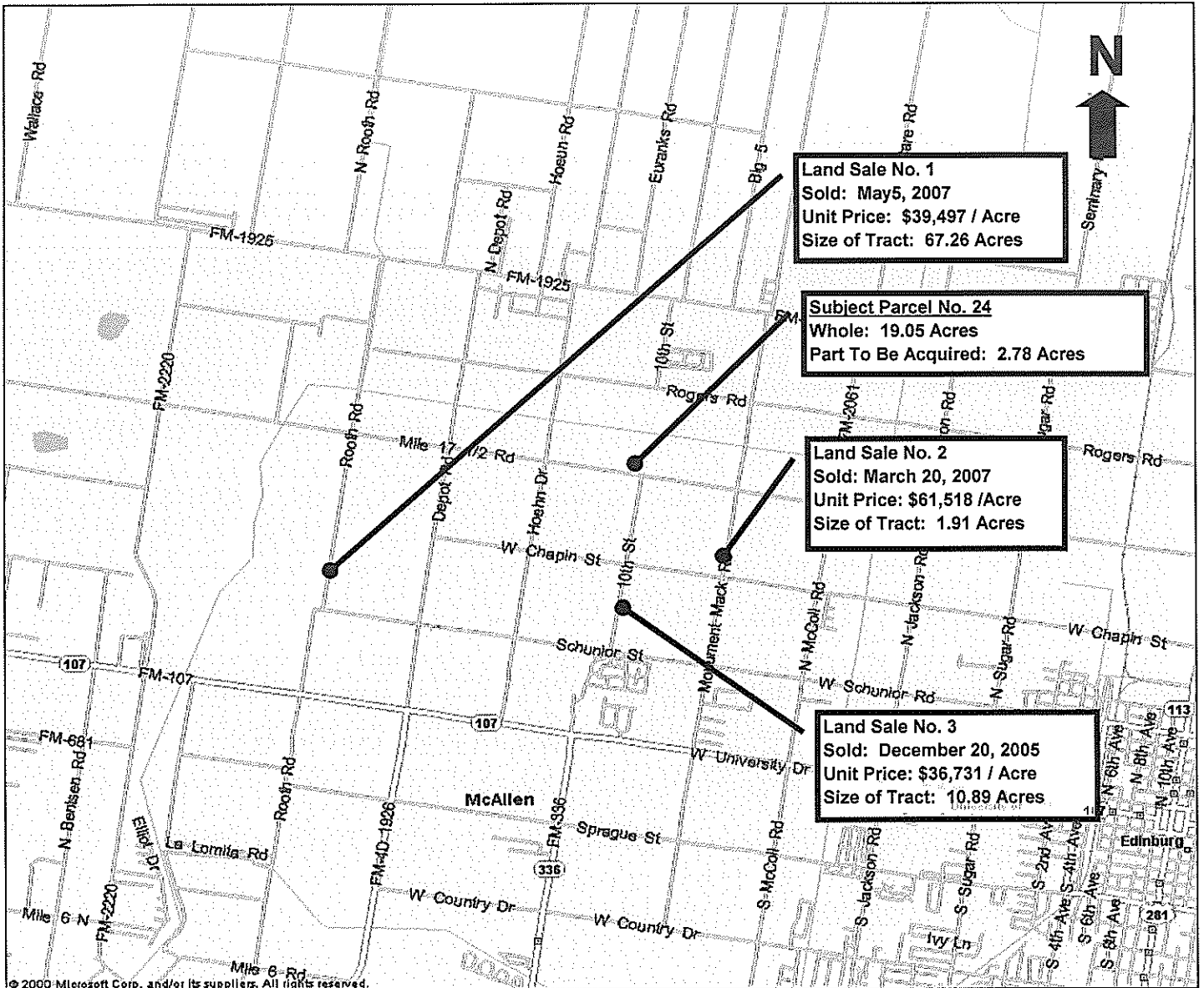
Date of Inspection: June 2, 2008 Zoning: No Municipal Zoning Flood Plain: Zone "X"

Attach Additional Information:

The subject is a vacant tract of land located along the eastern side of 10th Street just south of Mile 17 North Road. The property is currently being utilized for agricultural production. Potable water is available to the site.

Appraiser: Leonel Garza III June 2, 2008
(Typed, not signed) Date

COMPARABLE SALES MAP



FIELD NOTES OF PART TO BE ACQUIRED (Page 1 of 2)

COUNTY: HIDALGO

HIGHWAY: 10TH STREET EXTENSION

PROJECT LIMITS: FM 107 TO MONTE CRISTO ROAD (FM 1925)

GRANTOR: ROMULO LUNA

FIELD NOTES FOR PARCEL - 24

Being a 2.78 (121,275 square feet) acre tract of land, more or less, out of a 19.05-acre tract of land out of Lot 14, Section 235, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas, as recorded in Volume 1, Page 12, Map Records, Hidalgo County, Texas. Said 19.05-acre tract of land is vested to Romulo Luna by virtue of a Warranty Deed dated September 24, 1971, as recorded in Volume 1300, Page 194, Deed Records, Hidalgo County, Texas and by a Warranty Deed dated April 29, 1982, as recorded in Volume 1790, Page 678, Deed Records, Hidalgo County, Texas. Said 2.78 (121,275 square feet) acre tract of land being more particularly described by metes and bounds as follows;

COMMENCING at the Southeast corner of Lot 14, Section 235, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas, as recorded in Volume 1, Page 12, Map Records, Hidalgo County, Texas, and **POINT OF BEGINNING**, with grid coordinates of X= 1,080,419.95 and Y= 16,645,260.14. All bearings and coordinates are based on the State Plane Coordinate System of Texas, South Zone, North American Datum 1983 (1993 adjustment), English Units.

THENCE, N 80° 55' 00" W, along the South line of Lot 14, for a distance of 130.00 feet, to a point on the South line of Lot 14 for the Southeast corner of said tract herein described;

THENCE, N 09° 05' 00" E, parallel to the East line of Lot 14, for a distance of 20.00 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for an external corner of said tract herein described;

THENCE, N 54° 05' 00" E, for a distance of 42.43 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for an internal corner of said tract herein described;

THENCE, N 09° 05' 00" E, parallel to the East line of Lot 14, for a distance of 176.65 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street;

THENCE, In a Northeasterly direction with the proposed West Right-of-Way of said 10th Street and with the line of said curve to the right with an arc angle of 01° 11' 49", a radius of 22,978.00 feet, a tangent of 240.00 feet, a curve length of 479.99 feet, a chord that bears N 09° 40' 54" E and a chord length of 479.98 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street;

FIELD NOTES OF PART TO BE ACQUIRED (Page 2 of 2)

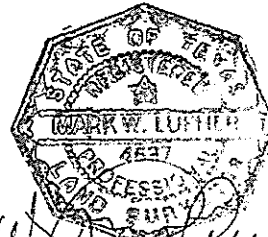
THENCE, In a Northeasterly direction with the proposed West Right-of-Way of said 10th Street and with the line of said curve to the left with an arc angle of 01° 11' 49", a radius of 22,858.00 feet, a tangent of 238.75 feet, a curve length of 477.48 feet, a chord that bears N 09° 40' 54" E and a chord length of 477.47 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street;

THENCE, N 09° 05' 00" E, parallel to the East line of Lot 14, for a distance of 73.45 feet to a No. 4 rebar with an orange plastic cap marked "TEDSI" set for a point on the proposed West Right-of-Way of said 10th Street and the Northwest corner of said tract herein described;

THENCE, S 80° 55' 00" E, parallel to the North line of Lot 14, for a distance of 90.00 feet to a point on the East line of Lot 14, for the Northwest corner of said tract herein described;

THENCE, S 09° 05' 00" W, along the East line of Lot 14, for a distance of 1,257.50 feet, to the **POINT OF BEGINNING** and containing 2.78 (121,275 square feet) acres of land, of which 0.63 of an acre lies in the existing 10th Street Right-of-Way, 0.04 of an acre lies in existing S.W.S.C. Easement and leaving a **PROPOSED NET TAKING** of 2.12 acres of land, more or less.

A plat of same date accompanies this Field Note Description



Mark W. Lupher
Mark W. Lupher - R.P.L.S. # 4637

Date: 4.18.06

Explanation of Adjustments with Reconciliation:

During the analysis of the part to be acquired, the value for the subject property as a whole was determined. This determination of market value is utilized for the valuation of the part to be acquired which is a pro-rata part of the whole. The local market was searched for comparable sales of which contained similar frontage along 10th Street and other similar nearby thoroughfares. Each of the sales utilized are located within 2.0 miles from the subject property with similar highest and best uses as single family residential. Several sales were located within this parameter of which had occurred within the past two years. Three sales were selected which were the most comparable to the subject property and required the least number of adjustments. The following three comparable sales were reviewed for location, available utilities, financing, site utility, topography and other factors of which the real estate market shall recognized for the purchase of said tracts.

Sale No. 1 is located along the western side of Rooth Road just north of Shunior Street. Due to the similar location no adjustment was indicated for location. An upward adjustment for corner influence of +5% was indicated as the sale is an interior tract of land. The final adjustment made to the sale was for the difference in size of +15%. Based on the adjustments indicated for the comparable sale, the subject properties indicated unit value is \$47,396 per acre.

Sale No. 2 is located along the western boundary of Monmack Road, north of west 17th Street. Due to the similar location no adjustment was indicated for location. An upward adjustment for corner influence of +5% was indicated as the sale is an interior tract of land. The final adjustment made to the sale was for the difference in size of -20%. Based on the adjustments indicated for the comparable sale, the subject properties indicated unit value is \$52,290 per acre.

Sale No. 3 is located along the eastern side of 10th Street just south of Mile 17 North Road also known as Chapin Street. The sale is located within the southern boundary of the project limits and is accessible through Mile 17 North Road which is an two lane asphalt paved road. The sale is bordered by a single family residential subdivision to the north and contains potable water available to the site. Due to the similar location no adjustment was indicated for location. An upward adjustment for corner influence of +5% was indicated as the sale is an interior tract of land. The final adjustment made to the sale was for the difference in size of -5%. Based on the adjustments indicated for the comparable sale, the subject properties indicated unit value is \$36,731 per acre.

After reviewing the comparable sales selected, an unadjusted unit range of market value of \$36,731 per acre to \$61,518 per acre was indicated. After adjustments were made in paired sales analysis of the comparable to the subject property, an adjusted range of market value of \$36,731 per acre to \$52,290 per acre was determined. Based on the surrounding properties and developments within the immediate market area and the current trends found along 10th Street, a unit value near the upper end of the adjusted range was selected; \$50,000 per acre.

ESTIMATED VALUE OF ACQUISITION

Land:	2.12 Acres @ \$ 50,000 Per Acre	\$	106,000
	(92,347 sq ft)		
Improvements:	<i>No Site Improvements Indicated</i>	\$	-
		\$	-
		\$	-
		\$	-
		\$	-
	Total Improvements	\$	-
TOTAL ESTIMATED VALUE		\$	106,000
Cost To Cure Damages		\$	-
Estimated Total Compensation		\$	106,000

ADDENDUM

- 1. Certification of Appraisal**
- 2. Assumption & Limiting Conditions**
- 3. Qualifications of Appraisers**
- 4. Letter of Inspection Sent To Owner of Record Via Certified Mail**
- 5. Certified Letter Tracking Information**
- 6. Warranty Deed**

Certification of Appraisal

I certify that, to the best of my knowledge and belief:

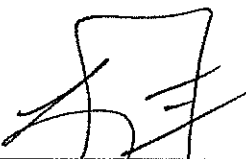
- * The statements of fact contained in this report are true and correct.
- * The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- * I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- * I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- * My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- * My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- * My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice in conjunction with the standards accepted by the Texas Department of Transportation.

- * I have made a personal observation of the property that is the subject of this report. Assisting in the gathering of on-site information during the date of inspection was Luis Carlos Garza, Appraiser Trainee. Their specific use during this project was limited to the measuring of improvements located within taking and those items which may be damaged by the part to be acquired, aiding in the photography of the subject property and partial analysis. The full analysis and data gathering of sales information and other information concerning the subject property was performed by Leonel Garza III, General Certified Appraiser.


- * I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

- * I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representative and for the purpose of right-of-way acquisition only and does not meet the standards required by certain financial institutions for the purpose of acquiring a loan.

- * The employment and compensation of this appraiser in completing this appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of the client to begin negotiations of said property for acquisition.



Leonel Garza III
General Certified Real Estate Appraiser
License No. TX - 1378375-General



Luis Carlos Garza
Appraiser Trainee
License No. TX - 1335013 - Trainee

ASSUMPTIONS AND LIMITING CONDITIONS

This report has been prepared with the following general assumption:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering, title reports and surveys provided are assumed to be correct. The survey and field notes and other illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or un-apparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
8. It is assumed that all required licenses; certificates of occupancy, consents, or other legislative or administrative authority from any local state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
9. It is assumed that the use of the land and improvements is confined within the boundaries or property line of the property described and that there is no encroachment or trespass unless noted in the survey provided.
10. Unless otherwise stated in this report, this appraiser did not observe the existence of hazardous material, which may or may not be present on the property. The appraiser does not have any knowledge of the existence of such material on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

This appraisal report has been made with the following general limiting conditions:

1. Any allocation of the total value of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication without the written permission of Leonel Garza Jr. & Associates LLC.
3. The appraiser, by reason of this appraisal, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser and or the client of this report.
5. If the property rights appraised are the "Leased Fee Estate", then the final indicated market value estimate is based on the continued performance under the lease terms.
6. All original appraisal reports have been signed in blue. Any other copy, which is not signed in blue, may have been altered, and this appraiser is not responsible for its contents or values indicated.

Assumptions and Interpretations Made of the Marketing Period

1. Marketing Time Period: Begins with the date of value estimate and with the indicated exposure time.
2. Exposure to the open market: listing the property on the market for sale with a Realtor, member of Multiple Listing Service, or a licensed Real Estate Broker, that will properly expose the property to the market. This appraiser does not consider a sign placed by a property owner on the property as proper marketing. If the property is presently listed for sale on the market, this appraiser must be notified prior to the completion of the appraisal.
3. Exposure Time: The length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

QUALIFICATIONS OF APPRAISER - LEONEL GARZA III

EDUCATION

- * Graduate, 1995, Texas A&M University, College Station, Texas
Bachelor of Science in Biomedical Science
- * Graduate, 1991 McAllen Memorial High School, McAllen, Texas

LICENSE HELD

- * State Certified General Real Estate Appraiser
- * License Number TX - 1328375-General
- * December 31, 2004 Through December 31, 2006 (Active)

PUBLIC SERVICE & PROFESSIONAL ORGANIZATIONS

- * **Associate Member of the Appraisal Institute (Not an MAI Designated Appraiser)**
Currently taking courses toward the designation of MAI through the Appraisal Institute. Approximate time of completion, 2 years)
- * **National Association of Master Appraisers**
Designated as a Master Senior Appraiser in 2006 by the National Association of Master Appraisers. This designation is obtained through educational requirements and experience.
- * **Chairman of the City of McAllen Zoning Board of Adjustments & Appeals**
The ZBOA protects enforces and reviews the current city zoning ordinances for all types of properties within the boundaries of the City of McAllen. Cases heard are first brought to the City Planning and Zoning Commission and then to the ZBOA if a variance is required. The ZBOA shall review the previous boards decision and upon a super-majority vote shall decide whether or not the applicants request for overturning the previous boards action is required.
- * **Chairman of the Hidalgo County Subdivision Review Board**
The county commission on subdivision review's primary goal is to ensure that proper standards, set by Texas State Law and the Texas State Attorney Generals Office, are mandated by each proposed subdivision developer and or land owner who resides within the County of Hidalgo and or Extraterritorial Jurisdiction of municipalities throughout the County of Hidalgo.
- * **Chairman of the Hidalgo County Building Line of Adjustments Board**
This county advisory board reviews applications of those who have recently constructed or contain non-conforming structures of which are not in compliance with a recorded subdivision plat nor the Hidalgo County Planning Departments minimum set back requirements. These requirements are govern by the Texas Water Development Board and the Texas Model Subdivision Rules.
- * **Former Executive Board Member of the Lower Rio Grande Boy Scout Council**
The goal of the council is to maintain membership and the continued progress of the boy scouts within the Lower Rio Grande Valley. The council shall maintain progress reports of financial status of the council and plan for events world wide which local children may participate as a representative of the council. These events include the World Jamboree and the National Jamboree.
- * **Former Vice Chairman and Member of the City of McAllen Ambulance Advisory Committee**
The Ambulance Advisory Committee is responsible for review the current contract provider for 911 services within the City of McAllen and attend to any concerns and or complaints toward the contractor.
- * **Former Member of the City of McAllen Building Board of Adjustment and Appeals**
The BBOA reviews the decision of City Staff for the demolition of properties deemed unsafe through the City for a variety of reasons. The board review all facts and concerns and make the decision to secure or proceed with demolition based upon the safety of the neighboring property owners and occupants. The greatest concern for the commission is the safety of the surrounding neighborhood occupants.
- * **Former Member of the Pharr Municipal Park Charter Committee**
Appointed in 1998-1999, our goal was to establish a 103-acre master planned recreational park to the City of Pharr during our membership with the City of Pharr Leadership Class X.

WORK EXPERIENCE & CONTINUING EDUCATION

- * Employee of Leonel Garza Jr. & Associates since 1990
- * State Certified General Real Estate Appraiser since 1998 - Present
- * Owner of G-3 Construction which primary focus is custom single-family residences and multifamily apartment complexes.
- * Commercial property manager throughout the City of McAllen & Pharr, Texas.
- * Appraiser Trainee from 1995 thru 1998 under the sponsorship of Leonel Garza Jr. Leonel Garza Jr. was a State Certified General Real Estate Appraiser in McAllen, Texas for over 18 years, and was a Board Member of the Texas State Appraisal Review Board from October 23, 1995 Through September 15, 1998 appointed by Governor George W. Bush for two terms.

December 11, 2004

- * National Uniform Standards of Professional Practice Course 400, Sponsored By The Houston Chapter Appraisal Institute, Houston, Texas.

November 16, 2004

- * Residential Cost Approach – Marshall & Swift Evaluation Cost Guide, Sponsored by the Lincoln Graduate Center, San Antonio, Texas.

September 12, 2003

- * 2003 Eminent Domain Seminar, Sponsored by the International Right of Way Association (IRWA) in San Marcos, Texas.

May 16, 2002

- * "Uniform Standards of Professional Appraisal Practice". Sponsored by the Houston Chapter of the Appraisal Institute, Houston, Texas.

December 15, 2000

- * Residential Appraisal Update, Course #117. Sponsored by The Columbia Institute in San Antonio, Texas.

September 18, 2000

- * "Current Issues in Ad Valorem Property Tax Valuation. Sponsored by the Institute for Real Estate Professionals, Inc. in Dallas, Texas.

September 19, 2000

- * "Uniform Standards of Professional Appraisal Practice". Sponsored by the Institute for Real Estate Professionals, Inc. in Dallas, Texas.

September 20, 2000

- * "Texas Property Tax Law 2000". Sponsored by the Institute for Real Estate Professionals, Inc. in Dallas, Texas.

October 8-14, 1998

- * Course 530: Advance Sale Comparison and Cost Approach, Sponsored by the Houston Chapter of the Appraisal Institute, Houston, Texas.

September 24-29, 1998

- * Course 510: Advance Income Capitalization, Sponsored by the Houston Chapter of the Appraisal Institute, Houston, Texas.

May 4 thru May 9, 1998

- * Course 320: Basic Income Capitalization, Sponsored by the Houston Chapter of the Appraisal Institute, Houston, Texas.

September 20 thru September 21, 1996

- * Austin Chapter of the Appraisal Institute, Uniform Standards of Appraisal Practice (USPAP) Part B, Course 420; Held in Austin, Texas.

September 18 thru September 19, 1996

* Austin Chapter of the Appraisal Institute, Uniform Standards of Appraisal Practice (USPAP) Part A, Course 410; Held in Austin, Texas.

June 25, 1996

* "Apartment and Rental Housing Legal Seminar"; Sponsored by the Texas Apartment Association of the Rio Grande Valley, McAllen, Texas.

April 11-16, 1996

* Course 120: Appraisal Procedures, Sponsored by the Houston Chapter of the Appraisal Institute, Houston, Texas.

February 15-20, 1996

* Course 110: Appraisal Principles, Sponsored by the Houston Chapter of the Appraisal Institute, Houston, Texas.

Clients For Whom Appraisals Have Been Prepared By This Appraiser			
Banks	Bankruptcy Courts	<u>Cities</u>	<u>Counties</u>
Attorneys	Texas Department of Transportation	Alamo	Hidalgo
Retailers	Homeowners	Mission	Cameron
Doctors	Rancher	McAllen	Star
Oil Companies	Banks	Pharr	
Farmers	National Franchises Estate Planners	Hidalgo	
Mortgage Companies		San Juan	
Hotel Franchises		Edinburg	
US Department of Interior		Mercedes	

Type of Appraisals Which Have Been Prepared By This Office		
Caliche Pits / Land Fills	Apartment Complexes	Agricultural Land
Commercial Lots	Automobile Agencies	Bar / Lounges
Convenience Stores	Mini-Storage Units	Grocery Stores
Farms & Ranches	Mobile Home Park Subdivision	Multi- Tenant Retail
Industrial (McAllen Foreign Trade Zone)	Motels / Hotels	Multi-Tenant Offices
Industrial Subdivisions	Ranches	Residential
Medical Offices	Residential Subdivisions	Vacant Residential Lots
Retail Commercial Strips	Restaurants	Veterinary Clinics
Warehouses	Right-of-Way Acquisitions	
	Truck Stops	

Areas Where Appraised Properties Have Been Performed By This Office			
Alamo	Georgewest	McAllen	Rio Grande City
Alice	Hargill	McCook	Roma
Austin	Harlingen	Mercedes	San Antonio
Beeville	Hidalgo	Mission	San Juan
Donna	Kingsville	New Braunfels	South Padre Island
Edcouch	Kyle	Palmview	Sullivan City
Edinburg	La Feria	Pleasanton	Weslaco
Eagle Pass	La Joya	Port Isabel	Zapata
Elsa	Los Ebanos	Progreso	

CERTIFIED LETTER OF INSPECTION TO PROPERTY OWNER

Leonel Garza Jr. & Associates LLC

State Certified General Real Estate Appraiser
Real Estate Property Tax Consultant

1419 Dove, Suite 1 - McAllen, Texas 78504
(956) 687-7295 (24 hour answering service) Fax (956) 687-9236
Email Address: leonel3@aol.com

April 24, 2006

Parcel 24
The Kristin Nicole Vackar Trust
104 Canary
McAllen, Texas 78504-2215

To Whom It May Concern:

Leonel Garza Jr. & Associates LLC has been contracted by Hidalgo County Right-of-Way Department to appraise various properties along 10th Street Road for the purpose of acquiring additional right-of-way. The purpose of such "right-of-way" is for the expansion and renovation of 10th Street Road. The project limits are from North of US 107 to FM 1925 (Monte Cristo Road). The County of Hidalgo is interested in acquiring a small portion of the frontage of your property for this expansion. Marked on the attached exhibit is the portion of land, which is to be appraised and purchased by the Hidalgo County Right-of-Way Department. This is the beginning process for future negotiations to acquire the land. Our office will inspect the subject property from the existing right-of-way on the week of April 24, 2006 thru May 19, 2006. If you or your representative, wish to meet with us for to discuss the purpose of the appraisal, and join me for an on-site inspection of your land, I can be reached at (956) 687-7295. I will be researching the market area for any and all real estate sales, and would appreciate any leads or information in which you may have. If you have any questions please call the office of Leonel Garza Jr. & Associates LLC at (956) 687-7295 or Benito Rodriguez, Hidalgo County Right-of-Way Agent, at (956) 383-3112.

With this letter I request permission to perform an off-site and on-site inspection and to photograph your property. If you have any objections to our inspection of your property please call the office of Leonel Garza Jr. and Associates LLC at (956) 687-7295 prior to the proposed inspection date. Thank you.

Sincerely,



Leonel Garza III
State Certified General
Real Estate Appraiser
TX - 1328375-General

Cc: Hidalgo County Right-of-Way Department
Benito Rodriguez - Right-of-Way Agent
902 N. Doolittle Road, Edinburg Texas 78539
(956) 383-3112

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>x [Signature]</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Address <i>A. Martinez</i></p> <p>C. Date of Delivery <i>4/25/06</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: <i>Parcel 24</i> <i>The Kristin Nicole Vackar Trust</i> <i>104 Canary</i> <i>McAllen, TX 78504-2215</i> <i>10th Street</i></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from a) <i>7005 1160 0000 0398 8566</i></p>	<p><small>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-00-10</small></p>

CERTIFIED LETTER TRACKING INFORMATION

USPS - Track & Confirm

Page 1 of 1



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Track & Confirm

Search Results

Label/Receipt Number: 7005 1160 0001 0398 8566
Status: **Delivered**

Your item was delivered at 4:19 pm on April 25, 2006 in MCALLEN, TX 78504.

[Track & Confirm](#)

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.



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WARRANTY DEED (Page 1 of 3)

CHARGE TO: EDWARDS ABSTRACT
GF # 739762

1519407

NOTICE OF CONFIDENTIALITY RIGHTS:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

RE: The East Twenty (E. 20) acres of Lot Fourteen (14), Section Two Hundred Thirty-Five (235), Texas-Mexican Railway Company Survey, Hidalgo County, Texas

Warranty Deed


1. Date: August 29, 2005
2. Grantor: JUDY LUNA and ROMULO LUNA, JR
3. Grantor's Mailing Address: 11613 N. 23rd. St. Mcallen Tx. 78504
4. Grantee: THE KRISTIN NICOLE VACKAR 2002 TRUST
5. Grantee's Mailing Address: 104 Canary, McAllen, Hidalgo County, Texas 78501
6. Consideration: Ten and No/100THS (\$10.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged,
7. Property: The East Twenty (E. 20) acres of Lot Fourteen (14), Section Two Hundred Thirty-Five (235), Texas-Mexican Railway Company Survey, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 1, Page 12, Map Records, Hidalgo County, Texas, being described by metes and bounds as follows:

BEGINNING at the Southeast corner of Lot 14;
THENCE, West with and along the South line of Lot 14 a distance of 660.0 feet;
THENCE, North at 20.0 feet a concrete monument, at 1,228.0 feet a concrete monument, at 1,320.0 feet a point in the North line of Lot 14 for the Northwest corner of this tract herein described;
THENCE, East with and along the North line of Lot 14, a distance of 660.0 feet to the Northwest corner of said lot, also the Northeast corner of the tract herein described.
THENCE, South, at 100.0 feet a concrete monument, at 1,300.0 feet a concrete monument, at 1,320.0 feet to the PLACE OF BEGINNING, the tract containing 20.0 acres of land;
LESS AND EXCEPT a canal right-of-way off the North end of said property, said canal right-of-way being described by metes and bounds as follows:
BEGINNING at the Northeast corner of Lot 14;
THENCE, South with and along the East line of Lot 14;
THENCE, West a distance of 660 feet to a concrete monument, said concrete monument being 92 feet South of the North line of Lot 14;
THENCE, North, with and along a line parallel to the East line of Lot 14, a distance of 92 feet to a point in the North line of Lot 14;
THENCE, East with and along the North line of Lot 14, a distance of 660.0 feet to the POINT OF BEGINNING, said right-of-way containing 1.4 acres.

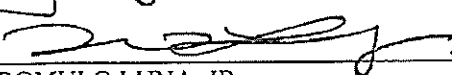
WARRANTY DEED (Page 2 of 3)

RE: The East Twenty (E. 20) acres of Lot Fourteen (14), Section Two Hundred Thirty-Five (235), Texas-Mexican Railway Company Survey, Hidalgo County, Texas

- 8. Reservations from and Exceptions to Conveyance and Warranty: This conveyance is made by Grantor and accepted by Grantee subject to the following:
 - A. See Exhibit "A", attached hereto and made a part hereof for all purposes.
 - B. The taxes for the year 2005 and subsequent years due to change in land usage or ownership
- 9. Granting Clause: Grantor, for valuable consideration the receipt of which is hereby acknowledged, and subject to the Reservations From, and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging (continue below):
- 10. Warranty of Title: To have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.
- 11. Miscellaneous: When the context requires, singular nouns and pronouns include the plural.
- 12. Signature:



 JUDY LUNA

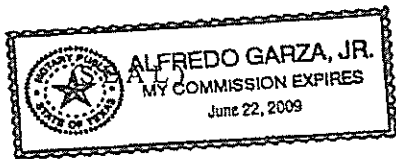



 ROMULO LUNA, JR.

The State of Texas
County of Hidalgo

(Acknowledgment)

This instrument was acknowledged before me on this 29th day of August, 2005, by JUDY LUNA AND ROMULO LUNA, JR.





 Notary Public, State of Texas
 My Commission Expires: 06/22/2009

After Recording Return To:

WARRANTY DEED (Page 3 of 3)

) An undivided 3/4 interest in all oil, gas, and other minerals on, in, under, or that be produced from the subject property as set forth in instrument dated July 19, 1958, recorded in Volume 922, Page 92, Deed Records, Hidalgo County, Texas.

Oil, Gas, and Mineral Leases dated September 28, 1944, recorded in Volume 58, Page 9, and dated December 6, 1954 recorded in Volume 166, Page 164, Oil and Gas Records, Hidalgo County, Texas.

Oil, Gas & Mineral Leases dated August 8, 1963, recorded in Volume 279, Page 204, and dated November 18, 1964, recorded in Volume 295, Page 333, Oil and Gas Records, Hidalgo County, Texas, and unitized in instrument dated April 26, 1965, recorded in Volume 297, Page 224, Oil and Gas Records, Hidalgo County, Texas.

Oil, Gas, and Mineral Leases dated July 20, 2000, recorded under Clerk's File No. 893178, dated April 14, 2000, recorded under Clerk's File No. 893240 and amended in instrument recorded under Clerk's File No. 1201794, and dated August 13, 2002, recorded under Clerk's File No. 1115916, Official Records, Hidalgo County, Texas.

Easement for RIGHT OF WAY granted to SHARYLAND WATER SUPPLY CORPORATION, as set forth in instrument recorded in Volume 1648, Page 247, Deed Records, Hidalgo County, Texas.

Subject to any portion of the property described herein within the limits or boundaries of any public or private roadway and/or highway and the rights of the public thereto.

Subject to any portion of subject property described herein lying within canal right of way.

Easements, Rules, Regulations and Rights in favor of Hidalgo County Irrigation District No. 1.

Easements and reservations as may appear upon the recorded map and dedication of said subdivision.

Filed for Record in:
Hidalgo County
by J. D. Salinas III
County Clerk
On: Sep 09, 2005 at 04:41P
As a Recording
Document Number: 1519407
Total Fees: 18.00
Receipt Number - 705098
By,
Rebecca Mariscal, Deputy

Exhibit "A"