

STATE OF TEXAS §

COUNTY OF HIDALGO §

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This AMENDMENT to the PROFESSIONAL SERVICE AGREEMENT by and between **Hidalgo County, Texas** acting by and through the **Hidalgo County Urban County Program** (“Party”) and **CVQ Land Surveying, LLC** (“Surveyor”) is entered into between the parties effective this ___th day of _____, 2014.

WHEREAS, Party and Surveyor entered into a Professional Services Agreement dated November 6, 2013 in which Surveyor agreed to provide certain surveying services for the Penitas Drain (the “Agreement”);

WHEREAS, the Agreement now requires amendment in order to add additional tracts of land requiring surveys and to revise the fee to the Surveyor for the additional work; and

WHEREAS, the parties desire to amend the Agreement as herein provided;

NOW THEREFORE, for and in consideration of the terms and provisions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Party and Surveyor agree to the following amendments to the Agreement:

1. The Agreement is amended by the addition of seven (7) additional parcels more particularly described on Exhibit A-1 attached hereto as Exhibit A-1 requiring surveys.
2. Exhibit B is amended to increase the fee to the Surveyor for the surveys of the additional seven (7) tracts of land by the amount of Sixteen Thousand Eight Hundred and no100ths Dollars (\$16,800.00).
3. Except as modified herein, all terms and conditions of the Agreement, as amended, remain in full force and effect and Party and Surveyor ratify and confirm the terms and provisions of the Agreement, as amended.

EXECUTED effective as of the day and year first written above.

CVQ Land Surveyors, LLC

By: Carlos Vasquez, R.P.L.S.

Its: _____

**COUNTY OF HIDALGO URBAN acting
by and through its URBAN COUNTY
PROGRAM**

By: Diana R. Serna,

Its: Director

**APPROVED AS TO FORM:
ATLAS, HALL & RODRIGUEZ, LLP**

By: _____

Stephen L. Crain

EXHIBIT A-1

TITLE MEMORANDUM

GF# 138697

All of Lots, 213, 218, 223 and 228, HOMEVILLE ASSN. SUBDIVISION "A", Hidalgo County, Texas, according to the map recorded in Volume 0, Pages 24-25, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

TITLE MEMORANDUM

GF# 138728

All of Lots 208, HOMEVILLE ASSN. SUBDIVISION "A", Hidalgo County, Texas, according to the map recorded in Volume 0, Pages 24-25, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

TITLE MEMORANDUM

GF # 138729

All of Lots 233 and 238, HOMEVILLE ASSN. SUBDIVISION "A", Hidalgo County, Texas, according to the map recorded in Volume 0, Pages 24-25, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

TITLE MEMORANDUM
GF# 138697

PREPARED FOR:

Hidalgo County Precint 3
724 North Breyfogle
Mission, TX 78574

DESCRIPTION:

All of Lots, 213, 218, 223 and 228, HOMEVILLE ASSN. SUBDIVISION "A", Hidalgo County, Texas, according to the map recorded in Volume 0, Pages 24-25, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

RECORD TITLE OWNER:

Mil Encinos Development, Ltd., a Texas limited partnership by virtue of a Warranty Deed from Gerald Bell, Trustee under the Testamentary Trust created under the last will and testament of Barbara Bell, Deceased dated January 28, 2004 filed February 9, 2004 under Document Number 1295637, Official Records, Hidalgo County, Texas.

BUILDING RESTRICTIONS:

NONE

EXCEPTIONS:

- A. Statutory easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 6.
- B. Roads, easements and reservations as may appear on the map and dedication of Homeville Association Subdivision "A", recorded in Volume 0, Pages 24-25, Map Records of Hidalgo County, Texas.
- C. Terms, stipulations and conditions contained in a Memorandum of Oil, Gas and Mineral Lease, November 20, 2008, filed November 20, 2008 under Document Numbers 2008-1948163, dated November 19, 2008, filed November 20, 2008 under Document Number 2008-1947857 and dated October 7, 2013, filed November 1, 2013 under Document Number 2013-2460534, all Official Records of Hidalgo County, Texas.

- D. Terms, stipulations and conditions contained in Water Rights Partition Place of Use, dated April 30, 2010, filed May 4, 2010 under Document Number 2010-2099463, and Correction dated May 26, 2010, filed June 1, 2010 under Document Number 2010-2107742, Official Records of Hidalgo County, Texas.
- E. Conveyance of Water Rights in favor of the ST. Mary Land & Exploration Company as shown by instrument dated April 30, 2010, filed May 4, 2010 under Document Number 2010-2099465, and Correction dated May 26, 2010, filed June 1, 2010 under Document Number 2010-2107743, Official Records of Hidalgo County, Texas.
- F. Mineral and/or royalty reservation contained in deed dated January 28, 2004, filed February 9, 2004 under Document Number 1295637, Official Records of Hidalgo County, Texas.

Title to the herein described mineral interest not checked subsequent to date of aforesaid instrument.

- G. Mineral and/or royalty interest granted in Mineral Deeds filed February 11, 2000 under Document Number 845688, filed October 25, 2011 under Document Number 2011-2252242, filed October 25, 2011 under Document Number 2011-2252243, and filed October 25, 2011 under Document Number 2011-2252244, Official Records of Hidalgo County, Texas.

Title to the herein described mineral interest not checked subsequent to date of aforesaid instrument.

- H. Subject to the subdivision regulations of the County of Hidalgo and/or Ordinances or governmental regulation of the City in which the property may be located or holding extra-territorial jurisdiction of said property.
- I. Rights of parties in possession.
- J. Visible and apparent easements on or across the property herein described.
- K. Any portion of the property described herein within the limits or boundaries of any public or private roadway and/or highway.
- L. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

LIENS:

Deed of Trust executed by Mil Encinos Development, Ltd., a Texas Limited Partnership, D & S Bell Enterprise, Ltd., a Texas Limited Partnership and G.E. Bell Properties, Ltd., a Texas Limited Partnership to Mark A. Miller, Trustee, dated October 24, 2013, filed October 25, 2013 under Document Number 2013-2459039 in the Official Records, Hidalgo County, Texas, securing the payment of one note of even date therewith in the principal sum of \$4,300,000.00, executed by Mil Encinos Development, Ltd., Duane Vernon Bell and Gerald Everett Bell and payable to Texas AgFinance, FLCA; and all the terms, conditions and stipulations contained therein, including, but not limited to, any additional indebtedness, if any, secured by said instrument. (Among other property)

The foregoing information is based on the examination of records in the Office of Valley Land Title Co. and liability for any errors or omissions in the preparation of this Title Memorandum shall be limited to the amount of the fee paid to VALLEY LAND TITLE CO., for the preparation hereof as agreed liquidated damages. This report is for the sole use of addressee hereinabove and may not be used by anyone other than Addressee.

This examination is as of May 9, 2014 at 5:00 p.m.

VALLEY LAND TITLE CO.

By: _____

Mario Garza, Vice-President

TITLE MEMORANDUM
GF# 138728

PREPARED FOR:

Hidalgo County Precint 3
724 North Breyfogle
Mission, TX 78574

DESCRIPTION:

All of Lots 208, HOMEVILLE ASSN. SUBDIVISION "A", Hidalgo County, Texas, according to the map recorded in Volume 0, Pages 24-25, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

SAVE AND EXCEPT A 1.18 acre tract of land, more or less, out of Lot Two Hundred Eight (208), HOMEVILLE ASSN. SUBDIVISION "A", Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 0, Page 24, Map Records, Hidalgo County, Texas, reference to which is here made for all purposes, said 1.18 acre tract of land being more particularly described by metes and bounds as follows, to wit:

COMMENCING at the Southwest corner of said Lot 208,

THENCE, with the West line of Lot 208 North 09 degrees 15 minutes East, 38.2 feet to the Southwest corner and POINT OF BEGINNING of this description;

THENCE, with the West line of Lot 208, North 09 degrees 15 minutes East, at 50.1 feet pass the centerline of the main canal of the Hidalgo County Water Control and Improvement District No.6, at 110.2 feet for the Northwest corner of this description;

THENCE, South 84 degrees 38 minutes East, 467.8 feet to a point on the East line of Lot 208 for the Northeast corner of this description;

THENCE, with the East line of Lot 208, South 09 degrees 15 minutes West, at 60.1 feet pass the centerline of the main canal of the Hidalgo County Water Control and Improvement District No. 6, at 110.2 feet for the Southeast corner of this description;

THENCE, North 84 degrees 38 minutes West, 467.8 feet to the Southwest corner of this description and POINT OF BEGINNING, and containing 1.18 acres of land, more less.

RECORD TITLE OWNER:

D & S Bell Enterprise, Ltd. by virtue of a Warranty Deed from Duane V. Bell a/k/a Duane Bell a/k/a Duane Vernon Bell dated March 19, 2003 filed March 27, 2003 under Document Number 1181932, Official Records, Hidalgo County, Texas.

BUILDING RESTRICTIONS:

None

EXCEPTIONS:

- A. Statutory easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 6.
- B. Roads, easements and reservations as may appear on the map and dedication of Homeville Association Subdivision "A", recorded in Volume 0, Pages 24-25, Map Records of Hidalgo County, Texas.
- C. Terms, stipulations and conditions contained in a Memorandum of Oil, Gas and Mineral Lease, November 20, 2008, filed November 20, 2008 under Document Numbers 2008-1948163, dated November 19, 2008, filed November 20, 2008 under Document Number 2008-1947857 and dated October 7, 2013, filed November 1, 2013 under Document Number 2013-2460534, all Official Records of Hidalgo County, Texas.
- D. Terms, stipulations and conditions contained in Water Rights Partition Place of Use, dated April 30, 2010, filed May 4, 2010 under Document Number 2010-2099463, and Correction dated May 26, 2010, filed June 1, 2010 under Document Number 2010-2107742, Official Records of Hidalgo County, Texas.
- E. Conveyance of Water Rights in favor of the ST. Mary Land & Exploration Company as shown by instrument dated April 30, 2010, filed May 4, 2010 under Document Number 2010-2099465, and Correction dated May 26, 2010, filed June 1, 2010 under Document Number 2010-2107743, Official Records of Hidalgo County, Texas.
- F. Mineral and/or royalty reservation contained in deed dated March 19, 2003, filed March 27, 2003 under Document Number 1181932, Official Records of Hidalgo County, Texas.

Title to the herein described mineral interest not checked subsequent to date of aforesaid instrument.

- G. Mineral and/or royalty interest granted in Mineral Deeds filed February 11, 2000 under Document Number 845688, filed October 25, 2011 under Document Number 2011-2252242, filed October 25, 2011 under Document Number 2011-2252243, and filed October 25, 2011 under Document Number 2011-2252244, Official Records of Hidalgo County, Texas.

Title to the herein described mineral interest not checked subsequent to date of aforesaid instrument.

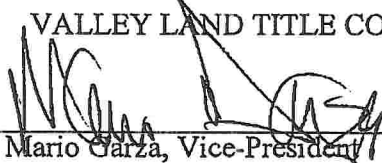
- H. Subject to the subdivision regulations of the County of Hidalgo and/or Ordinances or governmental regulation of the City in which the property may be located or holding extra-territorial jurisdiction of said property.
- I. Rights of parties in possession.
- J. Visible and apparent easements on or across the property herein described.
- K. Any portion of the property described herein within the limits or boundaries of any public or private roadway and/or highway.
- L. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

LIENS:

None

The foregoing information is based on the examination of records in the Office of Valley Land Title Co. and liability for any errors or omissions in the preparation of this Title Memorandum shall be limited to the amount of the fee paid to VALLEY LAND TITLE CO., for the preparation hereof as agreed liquidated damages. This report is for the sole use of addressee hereinabove and may not be used by anyone other than Addressee.

This examination is as of May 12, 2014 at 5:00 p.m.

By: 
VALLEY LAND TITLE CO.
Mario Garza, Vice-President

TITLE MEMORANDUM
GF# 138729

PREPARED FOR:

Hidalgo County Precint 3
724 North Breyfogle
Mission, TX 78574

DESCRIPTION:

↓ 238

All of Lot 233, HOMEVILLE ASSN. SUBDIVISION "A", Hidalgo County, Texas, according to the map recorded in Volume 0, Pages 24-25, Map Records in the Office of the County Clerk of Hidalgo County, Texas, reference to which is here made for all purposes.

RECORD TITLE OWNER:

Robert B. Thompson, Sarah Lee Thompson Lamont and John Brady (if married spouse should join in the execution of documents).

BUILDING RESTRICTIONS:

NONE

EXCEPTIONS:

- A. Statutory easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 6.
- B. Roads, easements and reservations as may appear on the map and dedication of Homeville Association Subdivision "A", recorded in Volume 0, Pages 24-25, Map Records of Hidalgo County, Texas.
- C. Conveyance of Water Rights in favor of the Gerald E. Bell and Duane V. Bell as shown by instrument dated May 6, 2008, filed November 4, 2008 under Document Number 2008-1943130, Official Records of Hidalgo County, Texas.
- D. Conveyance of Water Rights in favor of the Mil Encinos Development, Ltd. as shown by instrument dated October 30, 2008, filed November 5, 2008 under Document Number 2008-1943921, Official Records of Hidalgo County, Texas.

- E. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated February 4, 1953, recorded in Volume 140, Page 267 and dated February 5, 1953, recorded in Volume 140, Page 304, Oil and Gas Records of Hidalgo County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to ownership or holder of such interest(s).
- F. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated August 22, 2013, filed on September 4, 2013, under Document Number 2013-2445467, 2013-2445470, 2013-2445471, 2013-2445472, 2013-2445473, 2013-2445474, 2013-2445475, 2013-2445476 Official Records of Hidalgo County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to ownership or holder of such interest(s).
- G. Mineral and/or royalty reservation contained in deed dated February 4, 1942, recorded in Volume 490, Page 419, Deed Records of Hidalgo County, Texas.

Title to the herein described mineral interest not checked subsequent to date of aforesaid instrument.

- H. Subject to the subdivision regulations of the County of Hidalgo and/or Ordinances or governmental regulation of the City in which the property may be located or holding extra-territorial jurisdiction of said property.
- I. Rights of parties in possession.
- J. Visible and apparent easements on or across the property herein described.
- K. Any portion of the property described herein within the limits or boundaries of any public or private roadway and/or highway.
- L. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

LIENS:

- A. According to the information furnished to this office, M.L. Brady is presumed to be deceased, therefore we require satisfactory evidence of his/her death and satisfactory evidence that Federal Estate taxes are paid, or will be paid, in accordance with Procedural Rule P-11.b.(9). If decedent left no Will, we should be furnished with an Affidavit of Heirship, in recordable form and the joinder in any conveyance of all the Heirs-at-Law. If decedent left a Will which has not

been admitted to Probate, in addition to the Heirship Affidavit, we require the joinder in any conveyance of the devisees under the unprobated Will and the joinder of the Heirs-at-Law. If any type of Probate proceeding is pending, necessary or contemplated, we require the submission of the Probate papers for examination to determine who has authority to convey. At such time, Valley Land Title Co. reserves the right to make additional requirements.

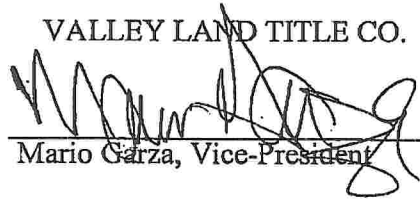
- B. According to the information furnished to this office, Jack Brady is presumed to be deceased, therefore we require satisfactory evidence of his/her death and satisfactory evidence that Federal Estate taxes are paid, or will be paid, in accordance with Procedural Rule P-11.b.(9). If decedent left no Will, we should be furnished with an Affidavit of Heirship, in recordable form and the joinder in any conveyance of all the Heirs-at-Law. If decedent left a Will which has not been admitted to Probate, in addition to the Heirship Affidavit, we require the joinder in any conveyance of the devisees under the unprobated Will and the joinder of the Heirs-at-Law. If any type of Probate proceeding is pending, necessary or contemplated, we require the submission of the Probate papers for examination to determine who has authority to convey. At such time, Valley Land Title Co. reserves the right to make additional requirements.
- C. According to the information furnished to this office, Frank Brady is presumed to be deceased, therefore we require satisfactory evidence of his/her death and satisfactory evidence that Federal Estate taxes are paid, or will be paid, in accordance with Procedural Rule P-11.b.(9). If decedent left no Will, we should be furnished with an Affidavit of Heirship, in recordable form and the joinder in any conveyance of all the Heirs-at-Law. If decedent left a Will which has not been admitted to Probate, in addition to the Heirship Affidavit, we require the joinder in any conveyance of the devisees under the unprobated Will and the joinder of the Heirs-at-Law. If any type of Probate proceeding is pending, necessary or contemplated, we require the submission of the Probate papers for examination to determine who has authority to convey. At such time, Valley Land Title Co. reserves the right to make additional requirements.
- D. We must be furnished with a copy of the Agreement, Indenture or Declaration of Trust of The Frank Brady Testamentary Trust, together with copies of any amendments, modifications, or revocations to determine it's Trustee or Trustees and powers thereof. In the event there have been no amendments, modifications, or revocations, we will require satisfactory evidence to that effect. At the time we are furnished these items, we reserve the right to make additional requirements or exceptions.

The foregoing information is based on the examination of records in the Office of Valley Land Title Co. and liability for any errors or omissions in the preparation of this Title Memorandum shall be limited to the amount of the fee paid to VALLEY LAND TITLE CO., for the preparation hereof as agreed liquidated damages. This report is for the sole use of addressee hereinabove and may not be used by anyone other than Addressee.

This examination is as of May 12, 2014 at 5:00 p.m.

VALLEY LAND TITLE CO.

By:



Mario Garza, Vice-President