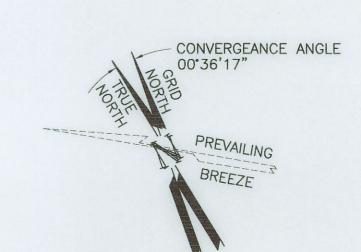


Counter 81932





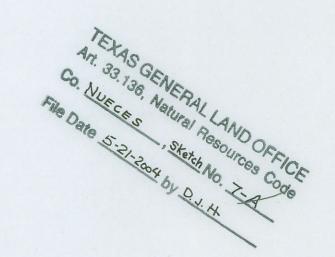


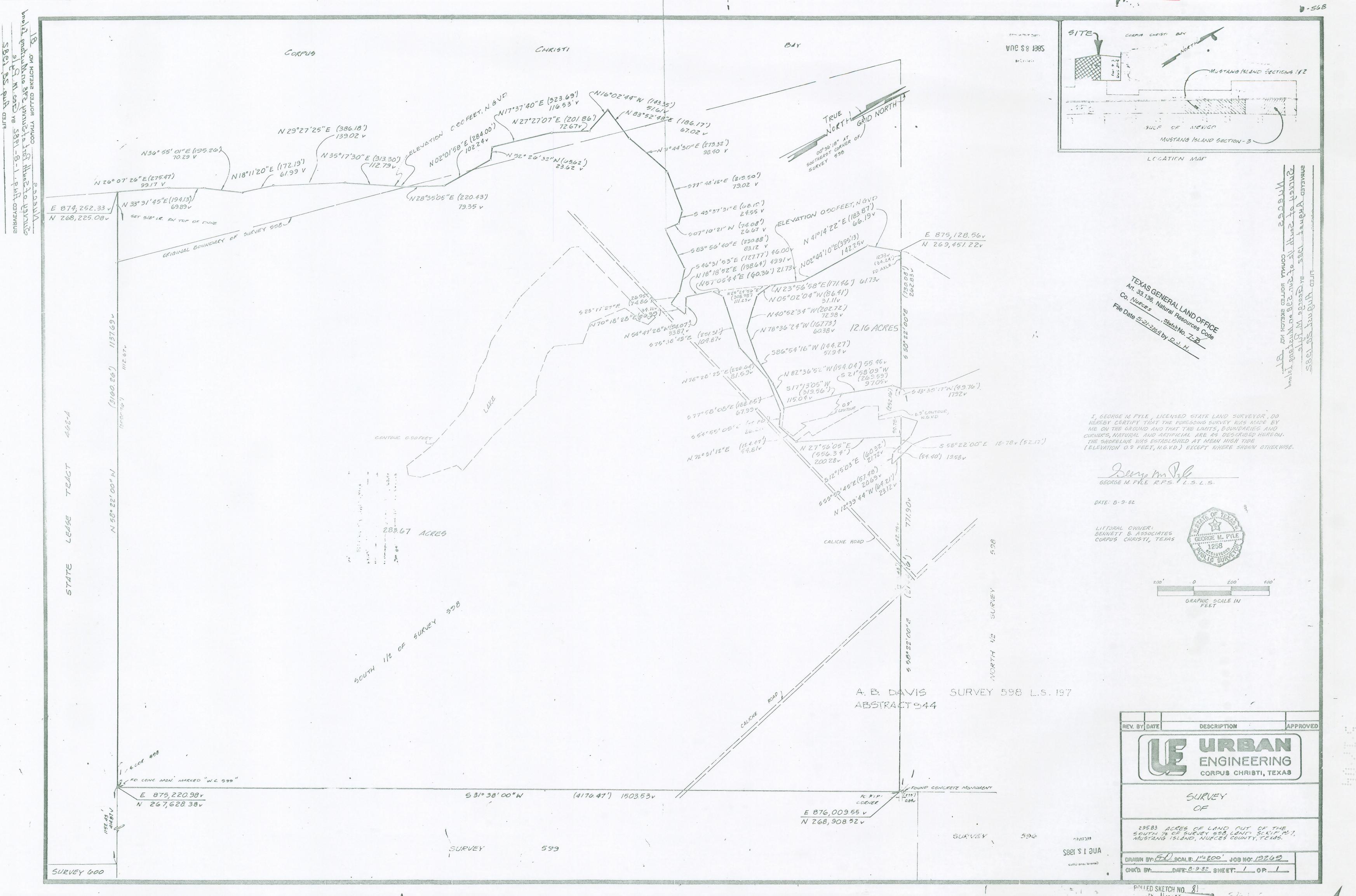
EXHIBIT TO ACCOMPANY THE SHORELINE SURVEY OF THE SOUTH ONE HALF OF THE NORTH ONE HALF OF THE A.B. DAVIS SURVEY 598, LAND SCRIP 197, ABSTRACT 944 BEING A PORTION OF THE NEEDMORE RANCH — MUSTANG ISLAND

PREPARED BY DAVID L. NESBITT, LICENSED STATE LAND SURVEYOR.

MAY 2004

INTENT IS TO SHOW THE STATE LAND BOUNDARY, AS SURVEYED, SUPERIMPOSED ON AN AERIAL PHOTOGRAPH BY LANMON AERIAL PHOTOGRAPHY DATED JULY 11, 2003

GRAPHIC SCALE (S): 0 100' 200' 400 1"=200'



POLIED SKETCH NO. 8) = 27: Counter# 81934

Coym, Rehmet & Gutierrez Engineering, Inc.

5656 S. STAPLES, SUITE 230 CORPUS CHRISTI, TX 78411 361-991-8550 361-993-7569 FAX

February 9, 2004

Mr. Jerry Patterson, Commissioner General Land Office, Stephen F. Austin Building 1700 North Congress Avenue Austin, Texas 78701

Attention: Mr. Ben Thomson, Director Surveying Division

Dear Ben,

Please find enclosed with this report a plat showing a shoreline survey of the South One Half of the North One Half of the A. B. Davis Survey 598, Land Scrip 197, Abstract 944 in Nueces County, Texas.

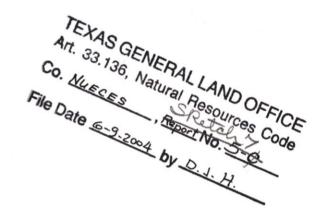
This survey was performed in accordance with Section 33.136, Natural Resources Code, for the purpose of evidencing the location of the shoreline in the area depicted in this survey as that shoreline existed before the commencement of erosion response activity, as required by Chapter 33, Natural Resources Code. The line depicted on this survey fixes the shoreline for the purposes of locating a shoreline boundary, subject to movement landward as provided by Section 33.136, Natural Resources Code.

This tract adjoins Corpus Christi Bay State Tract #462 and the littoral owner is Needmore Ranch II, Ltd.

See letter of correctiondated May 25, 2004

The Mean Higher High Water line on this tract was determined to be at elevation 0.9' above mean sea level, N.A.V.D. 1988, as determined by comparing published elevations of the primary benchmarks listed on the N.G.S. website to those elevations of the same points listed on the City of Corpus Christi database and found that they compared favorably with an average variation of 0.015'. I interpreted the elevation of Mean High Water from the N.A.S. Tide Gauge based upon one of its primary benchmarks which is listed on the same datum as the city monuments. I then ran an elevation from a city monument, SK 010 (also listed on the N.G.S. website as NGS PID #AH1675) as shown on the face of the survey, to the shoreline to determine the boundary. After establishing a temporary benchmark onsite, the shoreline meanders were then located using realtime kinematic G.P.S. methods. The shoreline contours shown on my sketch closely match the contours shown on a survey prepared by George M. Pyle of the south half of this Survey 598 as recorded in Nueces County Sketch File #67, August 28, 1982 and adjoining my work on the south line.

This portion of shoreline was heavily eroded by Hurricane Celia in 1970 and continues to erode,



Coym, Rehmet & Gutierrez

5656 S. STAPLES, SUITE 230 CORPUS CHRISTI, TX 78411 361-991-8550

Engineering. Incression accounts for the old tank ring being at the shoreline and and engineers the placement of the concrete riprap.

I have also enclosed with this report and sketch a copy of the George Pyle survey, a copy of the deed to Needmore Ranch, a copy of the Blucher description (unfortunately poor quality) and a print of this boundary overlaid on an aerial photograph by Lanmon Aerial Photography, Inc., scale 1"=200'

Please send the letter of acceptance to my office. Thank you.

Sincerely,

COYM, REHMET & GUTIERREZ

ENGINEERING, INC.

David L. Nesbitt, R.P.L.S., L.S.L.S.

TEXAS GENERAL LAND OFFICE

Co. Nueces

File Date 6-9 2004 by D.J.H.

Doc# 2003003093

SPECIAL WARRANTY DEED

THE STATE OF TEXAS § § KNOW ALL MEN BY THESE PRESENTS: COUNTY OF NUECES 8

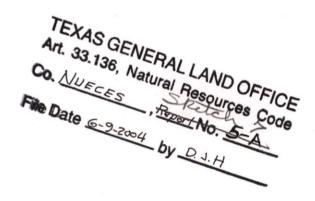
THAT, David H. Allin, Trustee of the Mustang Trust ("Grantor"), of the County of Nueces, State of Texas;

FOR AND IN CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid cash in hand by Needmore Ranch II, Ltd., a Texas limited partnership ("Grantee"), the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee, whose address is 3900 North McColl Road, McAllen, Texas, that certain real property in Nueces County, Texas, described on Exhibit A attached hereto and incorporated by reference, together with the fee estates and all other property, permits, interests and rights of every kind and character, real, personal, and mixed located thereon, or pertaining thereto, hereinafter referred to collectively as the "Property."

This conveyance is further made and accepted SUBJECT TO all effective encumbrances, reservations, conditions, restrictions and easements of record, if any, in the Deed, Plat and/or Real Property Records of Nueces County, Texas:

GRANTEE ACKNOWLEDGES THAT GRANTEE HAS BEEN GIVEN A REASONABLE OPPORTUNITY TO INSPECT AND INVESTIGATE THE PROPERTY, EITHER INDEPENDENTLY OR THROUGH AGENTS OF GRANTEE'S CHOOSING. AND THAT IN PURCHASING THE PROPERTY, GRANTEE IS NOT RELYING ON ANY REPRESENTATIONS OF GRANTOR OR GRANTOR'S AGENTS AS TO ITS FITNESS FOR ANY PARTICULAR USE, THE CONDITION OR SAFETY OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, SOILS AND GEOLOGY, OR SUITABILITY OF THE PROPERTY FOR PARTICULAR PURPOSES. GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN THE SPECIAL WARRANTY OF TITLE SET OUT HEREIN), PROMISES, COVENANTS, AGREEMENTS OR GUARANTEES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE

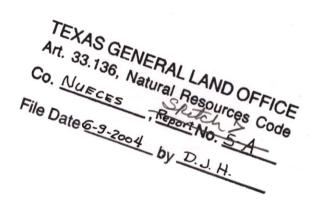
lamantia.gl\deed.mustang\mjy



WATER, SOIL, GEOLOGY, ITS LOCATION SEAWARD OF THE GULF INTRACOASTAL WATERWAY AS DESCRIBED IN SECTION 61.025, TEXAS NATURAL RESOURCES CODE, AND THE PRESENCE OF "WETLANDS" AS DESCRIBED BY FEDERAL LAW, (B) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (C) THE EXISTENCE OF ANY ENVIRONMENTAL HAZARDS OR CONDITIONS THEREON (INCLUDING THE PRESENCE OF ASBESTOS OR RADON OR ANY OTHER MATERIALS WHICH MAY BE HAZARDOUS), (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATIONS WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, INCLUDING WITHOUT LIMITATION THE AVAILABILITY OF UTILITIES TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING WITHOUT LIMITATION THE EXISTENCE IN OR ON THE PROPERTY OF HAZARDOUS MATERIALS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT GRANTOR DOES NOT WARRANT OR REPRESENT THE ACCURACY OF ANY INFORMATION PROVIDED BY GRANTOR AND AGREES TO ACCEPT THE PROPERTY AND WAIVE ALL OBJECTIONS OR CLAIMS AGAINST GRANTOR (INCLUDING, BUT NOT LIMITED TO, ANY RIGHT OR CLAIMS OF CONTRIBUTION) ARISING FROM OR RELATED TO THE PROPERTY OR TO ANY HAZARDOUS MATERIALS ON THE PROPERTY. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS. REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE OR SERVANT OF GRANTOR OR ANY OTHER PERSONS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE AND CONVEYANCE OF THE PROPERTY IS MADE ON AN "AS IS" "WHERE IS" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL OF THE PROPERTY IS SOLD AND CONVEYED BY GRANTOR AND PURCHASED AND ACCEPTED BY GRANTEE SUBJECT TO THE FOREGOING.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND

2



FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

EXECUTED this __/y_ day of __

2003

David Allin, Trustee, Mustang Trust

THE STATE OF AZ §
COUNTY OF FINA §

This instrument was acknowledged before me on the 14 day of 2003, by David Allin, Trustee of the Mustang Trust.



2

Some Chardry Notary Public Handry

AFTER RECORDING RETURN TO:

Marshall R. Wilkerson
Davis, Hutchinson & Wilkerson, L.L.P.
802 North Carancahua, Suite 1270
Corpus Christi, Texas 78470-0400

TEXAS GENERAL LAND OFFICE

Co. Alleges Salar Sources Code

File Date 6-9-2004 by D.J. H.

3

Exhibit A



January 9, 2003 Job No. 18394.A2.09

(361)854-3101

P.O. BOX 6355 . CORPUS CHRISTI, TEXAS 78466-6355

FAX (361)854-6001

STATE OF TEXAS COUNTY OF NUECES

FIELDNOTES for a 190.19 acre tract of land out of the south one-half of the north one-half of the A.B. Davis Survey 598, Land Scrip 197, Abstract 944, out of the south one-half of the A.B. Davis Survey 598, Land Scrip 197, Abstract 944, and out of the R.S. Harvey Survey 599, Land Scrip 150, Abstract 164, Mustang Island, Nueces County, Texas; said 190.19 acre tract being the same tract described in Warranty Deed recorded in Volume 1337, Page 166, Deed Records of Nueces County, Texas and in Deed of Trust recorded in Volume 2202, Page 503, Deed Records of Nueces County, Texas, and being more fully described by metes and bounds as follow:

BEGINNING at a point found on the centerline of Park Road No. 53, a 120 foot wide right-of-way easement recorded in Volume 620, Page 582, Deed Records of Nueces County, Texas, for a corner of this tract, same being the point of intersection of said centerline with the common boundary of said Survey 599 and the J.W. Waterbury Survey 596, Land Scrip 167, Abstract 408, Mustang Island, Nueces County, Texas;

THENCE, South 30°19'00" West along the said centerline of Park Road No. 53, a distance of 731.24 feet to a corner of this survey;

THENCE, North 58°22'00" West at 60.02 feet pass a 5/8 inch iron rod found on the northwest right-of-way line of Park Road No. 53, in all a total distance of 500.13 feet to a 5/8 inch iron rod found on the centerline of a 60.00 foot wide Central Power and Light Company easement and right-of-way recorded in Volume 1267, Page 391, Deed Records if Nueces County, Texas, and being a corner of this tract;

THENCE, North 30°19'00" East along centerline of said 60.00 foot wide easement and right-of-way, a distance of 611.69 feet to a 5/8 inch iron rod found for a corner of this tract;

THENCE, North 58°22'00" West parallel with the common boundary line of Survey 596 and Survey 599 and 120.00 feet distant therefrom, measured at right angles thereto, a distance of 2997.23 feet to a 5/8 inch iron rod found for and interior corner of this tract;

THENCE, South 31°38'00" West parallel with the common boundary line of Survey 298 and Survey 599 and 120.00 feet distant therefrom, measured at right angles thereto, a distance of 1037.25 feet for a corner of this tract;

THENCE, North 58°22'30" West (deed=North 58°22'00" West) parallel with the northeast boundary line of the South one-half of Survey 598 and 120.00 feet therefrom, measured at right angles thereto, a distance of 2003.74 feet (deed=2004.25 feet) to the

2725 SWANTNER DR. • CORPUS CHRISTI, TEXAS 78404 mail@urbaneng.com

Exhibit A

Exhibit A

shoreline of Corpus Christi Bay (elevation 0.9 feet, N.G.V.D., surveyed 08-09-82 by Urban Engineering) for a corner of this tract;

THENCE, North 27°56'05" East along said shoreline of Corpus Christi Bay, a distance of 120.24 feet to a point on the northeast boundary line of the said South one-half of Survey 598, same being a corner of this tract;

THENCE, North 58°22'15" West along northeast boundary line of said South one-half of Survey 598, a distance of 252.16 feet to the intersection of the northeast boundary of said South one-half of Survey 598 with the east shoreline boundary (elevation 0.90 feet N.G.V.D., August 9, 1982), and being a corner of this tract;

THENCE, South 43°39'17" West along said shoreline, a distance of 49.76 feet for a corner of this tract;

THENCE, South 21°58'09" West continuing along said shoreline a distance of 72.36 feet for a corner of this tract;

THENCE, North 58°22'30" West (deed=North 58°22'00" West) parallel with the northeast boundary line of said South one-half of the North one-half of Survey 598 and 120.00 feet distant therefrom, measured at right angles thereto, at 697.62 feet pass a 5/8 inch iron rod found on line, in all a total distance of 752.17 feet to the westerly shoreline boundary (elevation 0.90 feet N.G.V.D., august 9, 1982) of this tract for a corner of this tract;

THENCE, North 41°14'22" East along said shoreline, a distance of 121.71 feet to the northeast boundary of said South one-half of Survey 598 for a corner of this survey;

THENCE, North 58°22'15" West (deed=North 58°22'00" West) along the south line of said south one-half of the north one-half of Survey 598, a distance of 1,179.37 feet to the southwest corner of said south one-half of the north one-half of Survey 598, as shown on survey of Mustang Island by Conrad M. Blucher, Nueces County Surveyor, dated 1944 and 1945, for a corner of this tract;

THENCE, North 23°11'12" East along the west line of said South one-half of the North one-half of Survey 598 a distance of 1659.75 feet to a point which lies within water, same being a corner of this tract;

THENCE, South 62°54'32" East a distance of 739.87 feet to a 5/8 inch iron rod set on the northeast boundary of the south one-half of the north one-half of said Survey 598 for a corner of this tract:

THENCE, South 58°21'51" East (deed=South 58°22'00" East) along the northeast boundary line of the south one-half of the north one-half of said Survey 598 a distance of 3560.21 feet to point on the common boundary of said Survey 596 and Survey 599, also being a corner of this survey;

Exhibit A

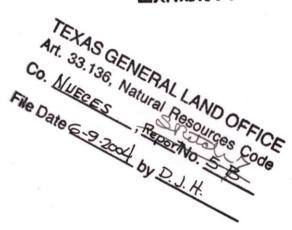


Exhibit A

THENCE, South 31°37'40" West (deed=South 31°38'30" West) along the common boundary of said Survey 596 and Survey 599, a distance of 662.72 feet (deed=665.96 feet) to a concrete monument with a 5/8 inch iron rod found at the point of intersection of said Survey 596, Survey 598, and Survey 599, and being a corner of this tract;

THENCE, South 58°21'48" East (deed=South 58°22'00" East) along the common boundary line of said Survey 596 and 599, at 3554.59 pass a 5/8 inch iron rod found on the northwest boundary line of Park Road No. 53, in all a total distance of 3614.20 feet (deed=3614.60 feet) to the Point of Beginning and containing 190.19 acres of land;

Bearings are based on the Texas Coordinate System-South Zone.

Unless this Fieldnotes Description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Urban Engineering

Dan I. Urban, R.P.L.S. No. 4710



CHARGE & RETURN TO:

San Jacinto Title Services 802 No. Carancahua, Suite 1500 Corpus Christi, Toxas 78470

GF # 020211596 NUMBER OF PAGES:

FEE:

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color Religion, Sex. Handicap, Familial Status or National Origin, is invalid and unenforceable under FEDERAL LAW, 3/12/89

2003003093

STATE OF TEXAS

COUNTY OF NUECES
I hereby certify that this instrument was FILED in File Numbo
scanned on the date and at the time stamped herein by me, and
was duly RECORDED, in the Official Public Records of
Nueces County, Texas

COUNTY CLERK **NUECES COUNTY, TEXAS**

Exhibit A

Co. Nueces Report No. 5 File Date 5-9:2004 by D.J. H.

No. 3

Field notes of a survey of a tract of land originally surveyed for A.B. Davis by wirtue of Land Eprip No. 187, dated at New Orleans, August 8th. 18: Said survey is Me. 598 in the mes County elthated on Mustans Asland about 14-1/8 miles 8:68 E.Trem WerDas Christi.

Beginning at a galvanized iren pipe the Beuthern berner of survey No. 597, William Mitte 278. No. 18 for the Pastern Corner of this survey Thence H. 57 30 W. with the Beuth Western Day Line er said survey No. 597, a 380 warms enter ria jat 1040 warms benter enallew water at 1390 warms les water; at 1711 varas a galvanised from pipe at the Western cerner of said survey Ne. 597, en the shere et Cerpis Christ. Bay for the Northern corner of this survey, Themse with the meandars of said Corpus Christi Bay sher along mean high water mark 3.89.47 W. 218.8 varas; the stand pipe at Corpu Christi bears N.72 08 W: S.RI 07, W 180 Warns; 5.17 22 W. XXR 339.2 Varas D7 W. at 45.5 waras intersect line of stakes marking North bank of Repes Unamel. 186.8 varas: 8.29 37 W. 436.6 varas: 8.24 07 W. 365 varas (ma Spanish Daggers) strip of land, dividing bay from flats on the loft, about 80 varas wide, S.17 07 W.801.6 varas set stake marked W.S.15 42 W.240.6 varas set a galvanized iron pipe for the West corner of this survey, when Spanish Dagger Dears N.62.37 E.119 varas, a clump of Spanish Daggers be A COMPLETE OF SECTION OF THE SECTION S.36 53 E.105 varas; stand pipe at Corpus Christi bears N.67 08 W. Thence S.57 30 E.at 203 varas enter barren sand flat, at 1163 varas set a galvar ized iron pipe for the Southern corner of this survey, Thence N. 32 30 E. through barren sand flat at 1824.25 varas cress Repes Channel; at 1876.85 varas pass the Western cerner of survey No. 596; at 1956.25 varas hears THE PROPERTY OF STREET "X1 3 3 3 1 4 said flat and enter grass land; at 2678.5 varas the place of beginning-Charles But were centaining according to this re-survey 696.78 acres.

Surbeyed July Elst. and August 2nd. 1902.

Carl F.K.v.Blucher Conrad M.v.Blucher (Chain Carriers.

TEXAS GENERAL LAND OFFICE Art. 33.136, Natural Resources Code OD NUECES Report No. 5-D File Date 6-9-2-4 by D. J. H.

From: Mueces Co. Surveyous Records

Suvers on Hustong Island"

Coym, Rehmet & Gutierrez **ENGINEERS • PLANNERS • SURVEYORS**

5656 S. STAPLES, SUITE 230 CORPUS CHRISTI, TX 78411 361-991-8550 361-993-7569 FAX

May 25, 2004

TEXAS GENERAL LAND OFFICE Art. 33.136, Natural Resources Code

Co. Nueces Report No. 5-7-File Date 6-7-2004 by D.J. H.

Mr. Ben Thomson, Director Surveying Division General Land Office Stephen F. Austin Building 1700 North Congress Avenue Austin, Texas 78701

Shoreline Boundary for Needmore Ranch on Mustang Island, A.B. Davis Survey 598, RE: Abstract 944, Nueces County

Dear Ben,

I am sending this letter at your request authorizing you to delete the word "Higher" from the description "Mean Higher High Water" so that it will read "Mean High Water."

Please let me know if I can be of any further service.

Sincerely,

COYM, REHMET & GUTIERREZ

ENGINEERING, INC.

NOTE 6 altered accordingly on Plat. D.J.H. 6-7-2004

David L. Nesbitt Registered Professional Land Surveyor #5302 Licensed State Land Surveyor

and L Nal

Report altered accordingly. 6-9-2004 D.J.H.

* * * Ad Receipt * * *

Corpus Christi Caller-Times 820 Lower N. Broadway Corpus Christi, TX 78401 (361)884-2011

Printed by: SandraO on May 25, 2004 at 3:37pm

- Account Information -

Phone: (361) 888-8100

Name: GOLDSTON ENGINEERING

Account #: 0C53-2216

Address: ATTN:MARY TEETER

PO BOX 2886

CORPUS CHRISTI, TX 78403-2886

Client:

Placed by: Roy Castillo / PO#3008

Fax #: 888-8600

- Ad Information -

Classification: 1110-Legal Notices

Size: 1 x 38.800 Billed size: 39.00 7.5pt lines

Start date: 05-28-04 Stop date: 05-28-04

Ad #: 4906550

Rate code: Legal Line

Ad type: Liner Ad

Insertions: 2

Taken by: Sandra Orum

Publications: Daily Caller-Times

CTI

Payment Information

Payment # Type Number Card Name

Approval Expires

Amount

Total payments:

\$ 0.00

Note: The above advertising may be subject to credit card approval

Gross price:

\$ 114.25 \$ 114.25

Net price: Total payments:

\$ 0.00

Amount Due:

\$ 114.25

Ad Copy:

Date

TEXAS GENERAL LAND OFFICE Art. 33.136, Natural Resources Code GENERAL LAND CO. NUECES, NO. 7

APPROVAL OF FILE Date 1-13-2016 by D. J. H. NOTICE

Pursuant to \$33,136 of the Texas Natural the Texas Natural Resources Code, notice is hereby given that Jerry Patterson, Commissioner of the General Land Office, approved a coastal boundary survey, filed as Nueces County NRC Art. 33.136 Sketch No. 7, submitted by David T. submitted by David L Nesbitt, a Licensed State Land Surveyor, conducted in October of 2003 and January of 2004, locating the following shoreline boundary:

The mean high water line of a portion of the shoreline of the R.S. Harvey Survey 599, Nucces County, Texas.

For a copy of this survey, contact Archives & Records, Texas General Land Office at 512-463 5277.

Please check this and and back and

Page 1