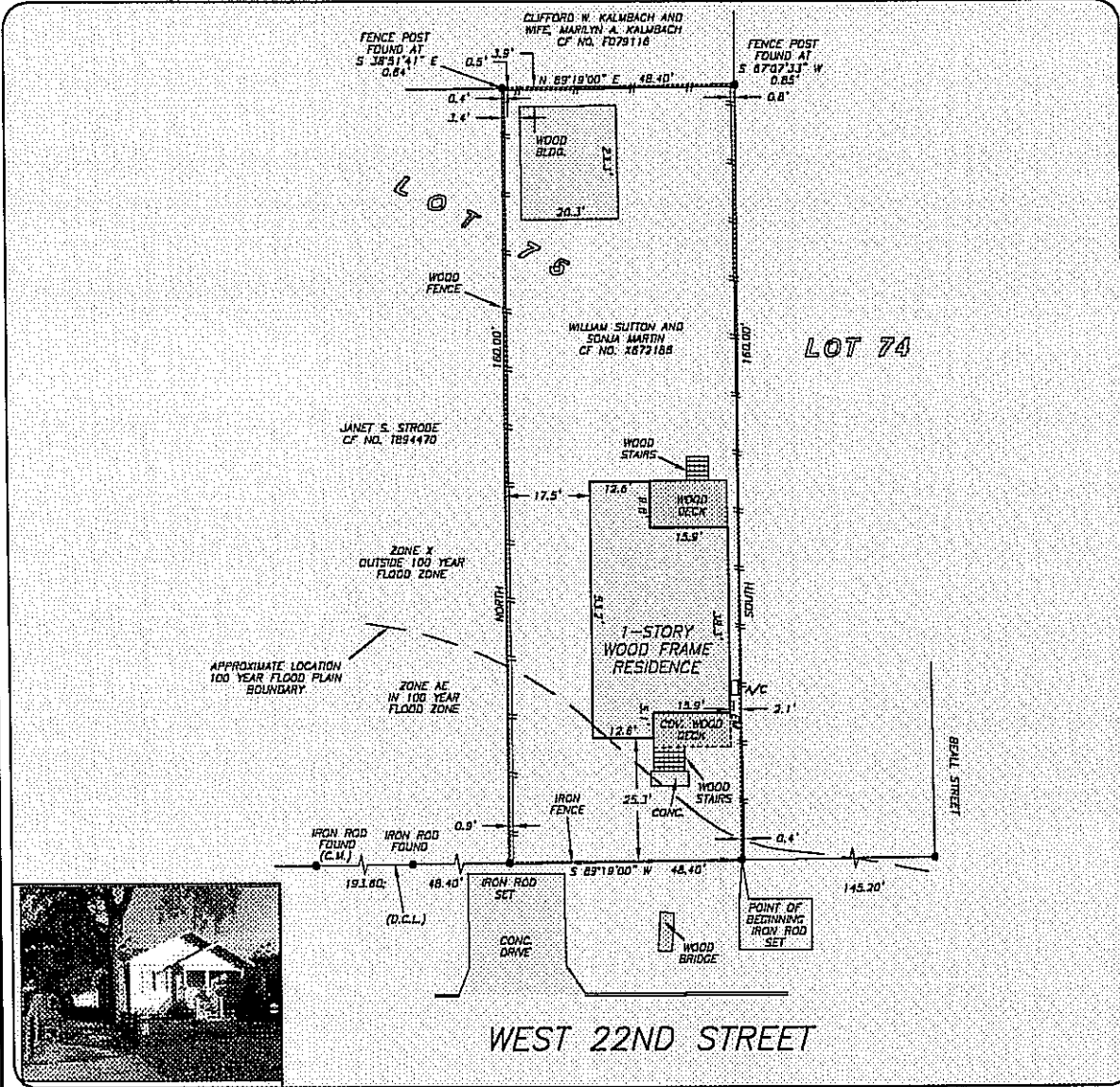


GF NO. 11005194 OLD REPUBLIC TITLE
 ADDRESS: 1113 WEST 22ND STREET
 HOUSTON, TEXAS 77008
 BORROWER: CHRISTOPHER AARON NEWPORT AND
 ALLISON KELLY NEWPORT

0.1778 ACRES
 OUT OF LOT 75
 SHADYACRES

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 6, PAGE 53 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS
 (SEE ATTACHED METES AND BOUNDS DESCRIPTION)



A PORTION OF THIS PROPERTY LIES WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 48201C 0870 L
 MAP REVISION: 06/18/07
 ZONE X & AE
 BASED ONLY ON VISUAL EXAMINATION OF MAPS.
 INACCURACIES OF FEMA MAPS PREVENT EXACT
 DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
 RECORD BEARING: VOL. 8, PG. 53, H.C.M.R.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND, THAT THIS PLAT CORRECTLY
 REPRESENTS THE FACTS FOUND AT THE
 TIME OF SURVEY AND THAT THERE ARE NO
 ENCROACHMENTS APPARENT ON THE GROUND,
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS
 CERTIFIED FOR THIS TRANSACTION ONLY AND
 ABSTRACTING PROVIDED IN THE ABOVE
 REFERENCED TITLE COMMITMENT WAS RELIED
 UPON IN PREPARATION OF THIS SURVEY.

TERRANCE MISH
 PROFESSIONAL LAND SURVEYOR
 NO. 4981
 JOB NO. 11-11032
 DECEMBER 28, 2011



DRAWN BY: BR



DIANE NEW
 713-626-9220



PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionsurveyors.com
 281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
 14925 MEMORIAL DRIVE SUITE B100 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217

STATE OF TEXAS §
§
§
§
COUNTY OF HARRIS §

Metes & Bounds Description

A tract of land containing 0.1778 Acre being out of Lot 75 of Shadyacres, according to the map or plat thereof recorded in Volume 6, Page 53 of the Harris County Map Records, (H.C.M.R.) Harris County, Texas, being the same tract recorded in the name of the William Sutton & Sonja Martin under Harris County Clerk's File (H.C.C.F.) No. X672186 of the Real Property Records of Harris County, Texas and being more particularly described by metes and bounds as follows (bearings based said H.C.C.F. Number X672186);

BEGINNING at an iron rod set on the northerly right-of-way line of West 22nd Street (70 Feet wide), being the southerly or front common corner of Lots 74 & 75 and the southeast corner of this tract;

THENCE, SOUTH 89° 19' 00" WEST, with the northerly right-of-way line of West 22nd Street, a distance of 48.40 Feet to an iron rod set at the southwest corner of this tract;

THENCE, across and through Lot 75 the following two (2) courses:

1. NORTH, with the east line of a tract recorded in the name of Janer S. Strode under H.C.C.F. No. T894470, a distance of 160.00 Feet to a point at the northwest corner of this tract from which a fence post bears South 38° 51' 41" East a distance of 0.64 Feet;

2. NORTH 89° 19' 00" EAST, with the south line of a tract recorded in the name of Clifford W. Kalmbach and wife, Marilyn A. Kalmbach under H.C.C.F. No. F079116, a distance of 48.40 Feet to a point on the common line between Lots 74 & 75, at the northeast corner of this tract from which an fence post bears South 67° 07' 33" West, a distance of 0.85 Feet;

THENCE, SOUTH, with the common line between Lots 74 & 75, a distance of 160.00 Feet to the POINT OF BEGINNING and containing 0.1778 Acre of land.

(See attached drawing)



Terrance P. Mish
Registered Professional Land Surveyor
No. 4981
Job No. 11-11032
December 28, 2011

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expires March 31, 2012

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name CHRISTOPHER AARON NEWPORT & ALLISON KELLY NEWPORT		For Insurance Company Use:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1113 WEST 22 ND STREET		Policy Number
City HOUSTON State TX ZIP Code 77008		Company NAIC Number
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) 0.1178 ACRE OUT OF LOT 75, SHADYACRES, HARRIS COUNTY, TEXAS		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>		
A5. Latitude/Longitude: Lat. <u>29.80602</u> Long. <u>-95.41875</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983		
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number <u>5</u>		
A8. For a building with a crawlspace or enclosure(s):		A9. For a building with an attached garage:
a) Square footage of crawlspace or enclosure(s) <u>NA</u> sq ft		a) Square footage of attached garage <u>NA</u> sq ft
b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>NA</u>		b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>NA</u>
c) Total net area of flood openings in A8.b <u>NA</u> sq in		c) Total net area of flood openings in A9.b <u>NA</u> sq in
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number CITY OF HOUSTON, 480296		B2. County Name HARRIS	B3. State TEXAS	
B4. Map/Panel Number 48201 C 0670	B5. Suffix L	B6. FIRM Index Date 06-18-2007	B7. FIRM Panel Effective/Revised Date 06-18-2007	B8. Flood Zone(s) X & AE
B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 56.0 FEET				

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
 FIS Profile FIRM Community Determined Other (Describe) _____

B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other (Describe) _____ Yes No

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?
Designation Date _____ CBRS OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. Use the same datum as the BFE.
Benchmark Utilized RM050053, EL.=56.00 FT. Vertical Datum NAVD 1988
Conversion/Comments 2001 ADJ.

- Check the measurement used.
- | | |
|--|---|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) <u>60.6</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |
| b) Top of the next higher floor <u>NA</u> | <input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |
| c) Bottom of the lowest horizontal structural member (V Zones only) <u>NA</u> | <input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |
| d) Attached garage (top of slab) <u>NA</u> | <input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |
| e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) <u>56.8</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |
| f) Lowest adjacent (finished) grade next to building (LAG) <u>56.2</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |
| g) Highest adjacent (finished) grade next to building (HAG) <u>56.7</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support <u>NA</u> | <input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only) |

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.
Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Certifier's Name TERRANCE MISH	License Number 4981
Title R.P.L.S.	Company Name PRECISION SURVEYORS, INC
Address 14925 MEMORIAL DRIVE, B100 City HOUSTON	State TX ZIP Code 77079
Signature <i>Terrance Mish</i>	Date 12-28-2011 Telephone 281 496 1586



IMPORTANT: In these spaces, copy the corresponding information from Section A.	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1113 WEST 22ND STREET	Policy Number
City HOUSTON State TX ZIP Code 77008	Company/NAIG Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments
C2. e): AIR CONDITIONER PAD.

Signature *[Signature]* Date 12-28-2011 Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.
b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name _____

Address _____	City _____	State _____	ZIP Code _____
Signature _____	Date _____	Telephone _____	
Comments _____			

Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8 and G9.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. Permit Number _____	G5. Date Permit Issued _____	G6. Date Certificate Of Compliance/Occupancy Issued _____
-------------------------	------------------------------	---

- G7. This permit has been issued for: New Construction Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters (PR) Datum _____
- G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters (PR) Datum _____
- G10. Community's design flood elevation _____ feet meters (PR) Datum _____

Local Official's Name _____	Title _____
Community Name _____	Telephone _____
Signature _____	Date _____
Comments _____	

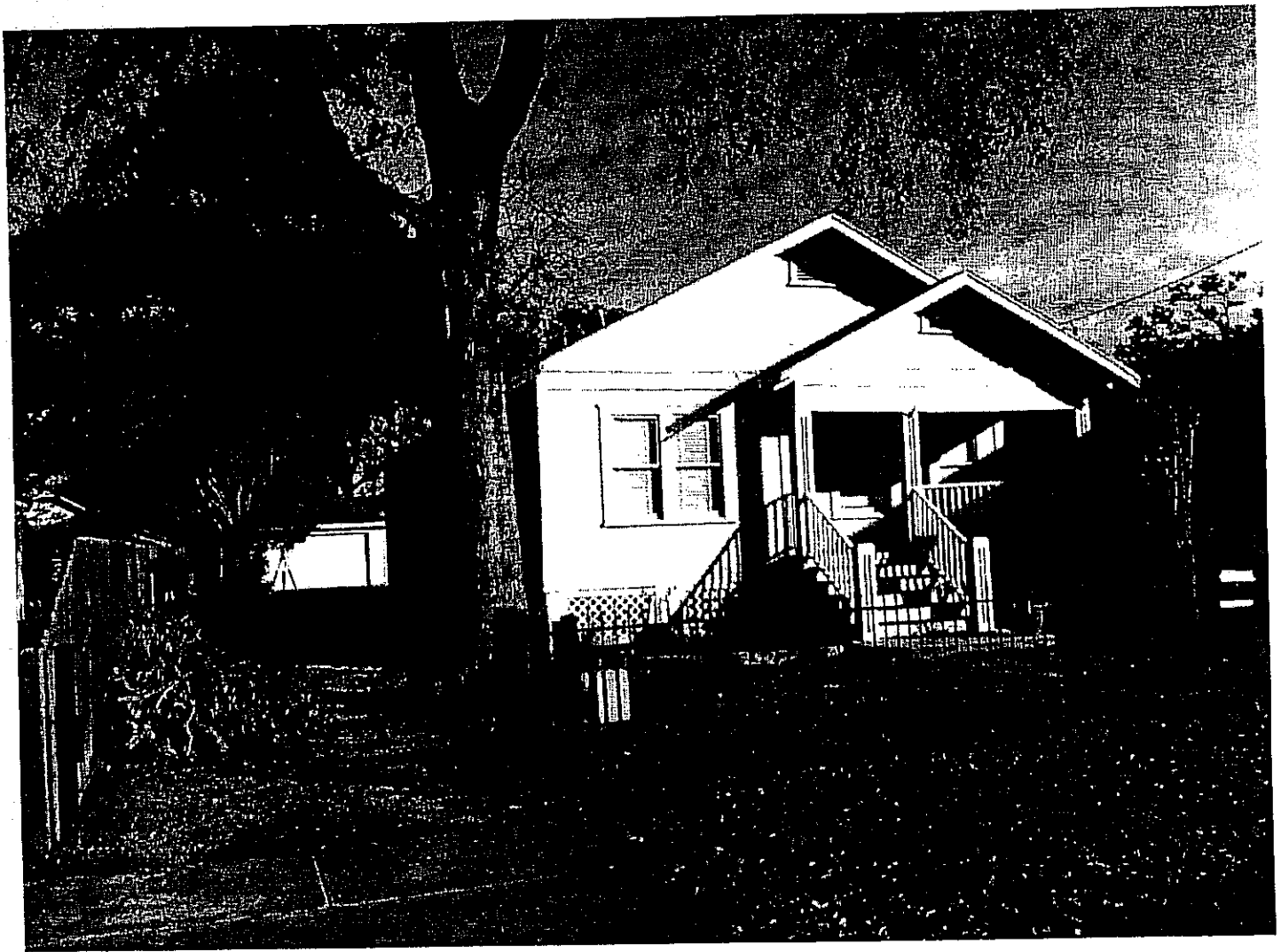
Check here if attachments

Building Photographs

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1113 WEST 22ND STREET	For Insurance Company Use:
City HOUSTON State TX ZIP Code 77008	Policy Number
	Company NAIC Number
If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.	

FRONT VIEW, 12-28-2011

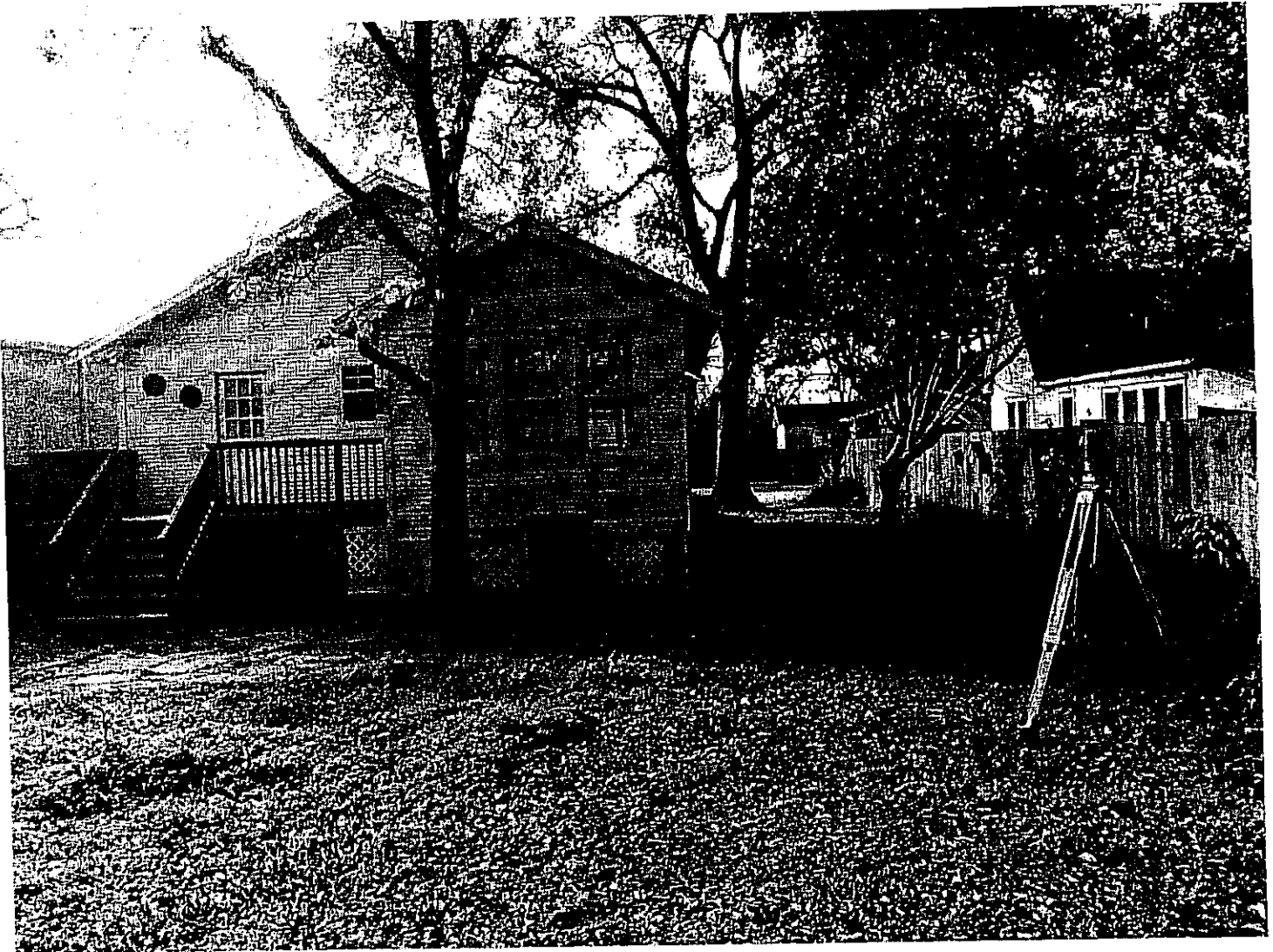


Building Photographs

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1113 WEST 22ND STREET	For Insurance Company Use: Policy Number
	Company NAIC Number
City HOUSTON State TX ZIP Code 77008	
If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View."	

REAR VIEW, 12-28-2011



SCHEDULE A

Diane New
NC/NC TD: M6/53 (1st Revision/NC)
Effective Date: December 19, 2011, 8:00 A.M.

G.F. No. or File No. 11005194

Issued Date: December 29, 2011

1. The policy or policies to be issued are:
 - (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount:
PROPOSED INSURED:
 - (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE -
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)
Policy Amount: \$239,000.00
PROPOSED INSURED: CHRISTOPHER AARON NEWPORT and ALLISON KELLY NEWPORT
 - (c) LOAN POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount: \$244,138.00
PROPOSED INSURED: PrimeLending, A PlainsCapital Company , and each successor in ownership of the indebtedness secured by the insured mortgage, except a successor who is an obligor under the provisions of Section 12(c) of the conditions and stipulations.

Proposed Borrower: CHRISTOPHER AARON NEWPORT and ALLISON KELLY NEWPORT
 - (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:
 - (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount:
PROPOSED INSURED:
Proposed Borrower:
 - (f) OTHER
Policy Amount:
PROPOSED INSURED:
2. The interest in the land covered by this Commitment is: Fee Simple
3. Record title to the land on the Effective Date appears to be vested in:

WILLIAM SUTTON A/K/A WILLIAM BRENT SUTTON and SONJA MARTIN A/K/A SONJA L. SUTTON, by virtue of Deed, dated June 4, 2004, filed for record on June 8, 2004, under County Clerk's File No(s). X-672186.
4. Legal description of the land:

All of that certain tract or parcel of land being a portion of Lot Seventy-five (75), of SHADYACRES , a subdivision in County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 53 of the Map Records of County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached.

Countersigned
Old Republic National Title Insurance Company



Authorized Signature

EXHIBIT "A"

A tract of land containing 0.1778 Acre being out of Lot 75 of Shadyacres, according to the map or plat thereof recorded in Volume 6, Page 53 of the Harris County Map Records, (H.C.M.R.) Harris County, Texas, being the same tract recorded in the name of the William Sutton & Sonja Martin under Harris County Clerk's File (H.C.C.F.) No. X672186 of the Real Property Records of Harris County, Texas and being more particularly described by metes and bounds as follows (bearings based said H.C.C.F. Number X672186):

BEGINNING at an iron rod set on the northerly right-of-way line of West 22nd Street (70 Feet wide), being the southerly or front common corner of Lots 74 & 75 and the southeast corner of this tract;

THENCE, SOUTH 89° 19' 00" WEST, with the northerly right-of-way line of West 22nd Street, a distance of 48.40 Feet to an iron rod set at the southwest corner of this tract;

THENCE, across and through Lot 75 the following two (2) courses:

1. NORTH, with the east line of a tract recorded in the name of Janer S. Strode under H.C.C.F. No. T894470, a distance of 160.00 Feet to a point at the northwest corner of this tract from which a fence post bears South 38° 51' 41" East a distance of 0.64 Feet;

2. NORTH 89° 19' 00" EAST, with the south line of a tract recorded in the name of Clifford W. Kalmbach and wife, Marilyn A. Kalmbach under H.C.C.F. No. F079116, a distance of 48.40 Feet to a point on the common line between Lots 74 & 75, at the northeast corner of this tract from which a fence post bears South 67° 07' 33" West, a distance of 0.85 Feet;

THENCE, SOUTH, with the common line between Lots 74 & 75, a distance of 160.00 Feet to the POINT OF BEGINNING and containing 0.1778 Acre of land.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

As set forth in Volume 776, Page 392 of the Deed Records of County, Texas. **BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.**

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any, of any spouse of any insured. (Applies to the Owner Policy only).
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.

(Applies to the Owner Policy only.)

5. Standby fees, taxes and assessments by any taxing authority for the year 2011, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, *Texas Tax Code*, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Mortgagee Policy (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2011 and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Mortgagee Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)

8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Mortgagee Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Mortgagee Policy (T-2R). (Applies to Texas Short Form Residential Mortgagee Policy (T-2R) only. Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Mortgagee Policy (T-2R).
10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
 - a. INTENTIONALLY DELETED.
 - b. 1/16th royalty interest in all of the oil, gas and other minerals in and under the herein described property, as reserved in instrument recorded in Volume 776, Page 392, of the Deed Records of County, Texas.
 - c. 3/8ths royalty interest in all of the oil, gas and other minerals in and under the herein described property, as reserved in instrument recorded in Volume 1915, Page 508, of the Deed Records of County, Texas.
 - d. Rights of parties in possession. (This exception may be modified or deleted upon physical inspection of the property by a member of the title company.) (Owner's Policy Only)
 - e. We have been furnished with a plat of survey made by Terrance Mish R. P. L. S. No. 4981, dated December 28, 2011. Said survey reflects the following matters:
 1. Fence does not follow true lot lines along the side property lines. (T17 and T19 endorsements are available as to this exception with no deletion.)

COMMITMENT FOR TITLE INSURANCE

SCHEDULE C

Your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - a. no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - b. all standby fees, taxes, assessments and charges against the property have been paid,
 - c. all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, subcontractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
 - d. there is legal right of access to and from the land,
 - e. (on a Mortgagee Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. Vendor's Lien retained in Deed dated June 4, 2004, filed for record on June 8, 2004, under County Clerk's File No. X672186, from Kirk W. Daniels, to William Sutton, a single person, and Sonja Martin, a single person, securing the payment of a note in the amount of \$258,000.00, payable to the order of "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as nominee for Merrill Lynch Credit Corporation, additionally secured by Deed of Trust of even date therewith, executed by William Sutton, an unmarried man, and Sonja Martin, an unmarried woman to Robert Frappier, Trustee(s), and subject to all of the terms, conditions and stipulations contained therein, including but not limited to any other and future indebtedness which may also be secured by this lien. Said Deed of Trust filed for record on June 8, 2004, under County Clerk's File No. X672187.

(NOTE: Deed of Trust contains an acceleration clause and/or other and future indebtedness clause. Before the lien can be assumed, secure written consent and approval from lien holder of the assumption and acknowledgement from Purchaser of existence of same.)
6. We must determine the marital status of the record owner(s) from June 4, 2004 to the present time and require joinder where applicable.
7. NOTE: This Commitment for Title Insurance (Form T-7) was prepared on the basis of an ordinary sales transaction. Should the transaction change, in any manner, including but not limited to a construction loan or a pass through transaction, the Company's examination personnel must be notified and the commitment amended accordingly.
8. Ordinance No. 89-1312 by the City of Houston, a certified copy of which is recorded under Harris County Clerk's File No. M337573, relating to the giving of a notice regarding Deed Restrictions to buyers of restricted property.
9. Ordinance No. 1999-262 by the City of Houston relating to rules, regulations, procedures and design standards for development and platting and providing for the establishing of building setback lines. (FOR INFORMATION PURPOSES)

ONLY)

10. Ordinance No. 91-1701 by the City of Houston, regarding the planting, preservation and maintenance of trees and decorative landscaping, a certified copy of which is filed under Harris County Clerk's File No. N556388. (FOR INFORMATION PURPOSES ONLY)
11. The purchaser(s) in this transaction, Christopher Aaron Newport and Allison Kelly Newport has/have ONLY been checked for the existence of a TEXAS WORKFORCE COMMISSION LIEN and FEDERAL JUDGMENT LIENS IN FAVOR OF THE UNITED STATES OR AN AGENT THEREOF, they have not been checked for other Abstracts of Judgment, Federal Tax Liens or any other adverse matter. Said purchaser(s) may be checked for other Abstracts of Judgment, Federal Tax Liens or any other adverse matter if requested. In the event said purchasers should undertake to convey, mortgage, or otherwise hypothecate said interest being acquired by them, this file is to be returned to the examination staff for possible additional requirements.

NOTE TO ALL BUYERS, SELLERS BORROWERS, LENDERS AND ALL PARTIES INTERESTED IN THE TRANSACTION COVERED BY THIS COMMITMENT. THE FOLLOWING CONSTITUTES A MAJOR CHANGE IN THE PROCEDURES AND REQUIREMENTS FOR DISBURSEMENT OF FUNDS BY THE TITLE AGENT. THE STATE BOARD OF INSURANCE HAS ADOPTED PROCEDURAL RULE P-27 WHICH WILL REQUIRE THAT "GOOD FUNDS" BE RECEIVED AND DEPOSITED BEFORE A TITLE AGENT MAY DISBURSE FROM ITS TRUST FUNDS ACCOUNT. "GOOD FUNDS" IS DEFINED AS:

- a. Cash or wire transfers;
- b. Uncertified funds in amounts less than \$1,500.00, including checks, traveler's checks, money orders, and negotiable orders of withdrawal; provided multiple items shall not be used to avoid the \$1,500.00 limitation;
- c. Certified checks, cashier's checks and teller's checks, as further described in definition "g" of this rule,
- d. Uncertified funds in amount of \$1,500.00 or more, drafts, and any other items when collected by the financial institution;
- e. State of Texas Warrants;
- f. United States Treasury Checks;
- g. Checks drawn on a bank or savings and loan association insured by the FDIC or FSLIC and for which a transaction code has been issued pursuant to, and in compliance with, a fully executed immediately available funds procedure agreement;

Countersigned
Old Republic National Title Insurance Company



Authorized Signature

COMMITMENT FOR TITLE INSURANCE

SCHEDULE D

Pursuant to the requirements of Rule P-21, Basic Manual of Rules, Rates and Forms for the writing of Title Insurance in the State of Texas, the following disclosures are made:

1. The following individuals are directors and/or officers, as indicated, of the Title Insurance Company issuing this Commitment

DIRECTORS OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

HARRINGTON BISCHOF
JOHN W. POPP
DENNIS P. VAN MIEGHEM
RANDE K. YEAGER

JOHN M. DIXON
ARNOLD L. STEINER
JAMES A. KELLOGG
CHARLES F. TITTERTON

STEVE R. WALKER
A. C. ZUCARO
FREDERICKA TAUBITZ
LEO E. KNIGHT, JR.

OFFICERS OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

MARK BILBREY, President	RANDE K. YEAGER, Chairman and CEO
STEPHEN C. WILSON, Executive Vice President, Vice Chairman	MARK M. BUDZINSKI, Executive Vice President
DANIEL M. WOLD, Sr. Vice President, Secretary, General Counsel	PATRICK A. CONNOR, Executive Vice President
GARY J. HORN, Executive Vice President, CFO	MIKE TARPEY, Vice President, Treasurer
R. WAYNE SHUPE, Executive Vice President	ROBERT J. CHAPMAN, Executive Vice President

2. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving a portion of the premium from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium* is:

Owners Policy	\$1,664.25
Mortgagee Policy	\$230.65
Total	\$1,894.90

Of this total amount: 15% will be paid to the policy issuing Title Insurance Company; 85% will be retained by the issuing Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows:

<u>Amount</u>	<u>To Whom</u>	<u>For Services</u>
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*The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the State Board of Insurance.

This commitment is invalid unless the insuring provisions and Schedules A, B, and C are attached