

STATE OF TEXAS §

COUNTY OF TRAVIS §

NOTICE OF DEDICATORY INSTRUMENTS FOR SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.

Document reference. Reference is hereby made to that certain Amended Declaration of Covenants, Conditions and Restrictions, Summerwood Homeowners' Association of Austin, filed at Vol. 5148, Pg. 622 in the Deed Records of Travis County, Texas (together with all amendments and supplemental documents thereto, the "Declaration").

WHEREAS the Declaration provides that owners of lots subject to the Declaration are automatically made members of Summerwood Homeowners' Association of Austin, Inc. (the "Association"); and

WHEREAS Section 202.006 of the Texas Property Code requires that a homeowners association record all dedicatory instruments in the county in which the related property is located;

THEREFORE the Association does hereby file the attached dedicatory instruments of record to put members of the public on notice of their existence and substance.

SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.

[Handwritten signature of Connie N. Heyer]

By: Connie N. Heyer Title: Attorney-in-Fact

- Exhibit "A": Articles of Incorporation Exhibit "B": Articles of Amendment

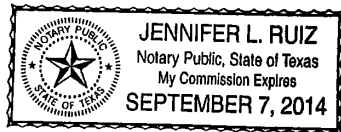
Acknowledgement

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was executed before me on the 23rd day of February, 2012, by Connie N. Heyer in the capacity stated above.

[Handwritten signature of Jennifer L. Ruiz] Notary Public, State of Texas





# The State of Texas

SECRETARY OF STATE

The undersigned, as Secretary of State of the State of Texas, **HEREBY CERTIFIES** that the attached is a true and correct copy of the following described instruments on file in this office:

SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.

Articles of Incorporation

April 3, 1975

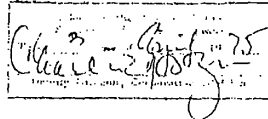


*IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this*

25th day of May, A.D. 1993

John Hannah Jr dh  
Secretary of State

358781-1



ARTICLES OF INCORPORATION  
OF  
SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.

We the undersigned natural persons of the age of twenty-one years or more, at least two of whom are citizens of the State of Texas, acting as Incorporators of a Corporation under the Texas Non-Profit Corporation Act, adopt the following Articles of Incorporation for such Corporation.

ARTICLE I

Name

The name of the Corporation is SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC., which shall hereafter be referred to as the "Association".

ARTICLE II

Not-For-Profit

The Association is a Non-Profit Corporation.

ARTICLE III

Duration

The period of its duration is perpetual.

ARTICLE IV

Purpose

The Association is organized exclusively for the purpose of promoting, organizing and operating a club exclusively for the pleasure, recreation and other non-profitable purposes of its members.

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## ARTICLE V

Classes of Members, Qualifications ofMembership and Voting Rights

Section 1. Membership. Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is now or which may hereafter be subject to the Declaration of Covenants, Conditions and Restrictions of Record in Volume 5148, Page 622, of the Deed Records of Travis County, Texas, hereinafter called the "Declaration," shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is now subject to or which may hereafter be subject to the Declaration.

Section 2. Property Now Subject to the Declaration. The property, upon which such Lots are located, presently subject to the Declaration is more particularly described as follows:

FIELD NOTES FOR 3.49 ACRES OF LAND OUT OF SUMMER WOOD, A PROPOSED SUBDIVISION OF 23.33 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 18 IN TRAVIS COUNTY, TEXAS, CONVEYED TO JONES AND LAKE COMPANY BY DEED RECORDED IN VOLUME 4707, PAGE 33, OF THE TRAVIS COUNTY DEED RECORDS: SAID 3.49 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the south line of the said Summer Wood tract of land, said point of beginning also being the north right-of-way line of Steck Avenue, from which point of beginning an iron pin at a point of curvature in the north line of Steck Avenue at the intersection of Steck Avenue with Greenslope Drive bears N 61° 04' W, 293.74 feet, said point of beginning also being the most southerly southwest corner of the herein described tract of land;

THENCE N 28° 56' E, 27.83 feet to a point;

THENCE N 04° 26' E, 9.89 feet to a point;

THENCE N 85° 34' W, 11.00 feet to a point;

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THENCE N 04° 26' E, 10039 feet to a point;  
THENCE N 61° 04' W, 133.62 feet to a point for the most westerly southwest corner of the herein described tract of land;  
THENCE N 28° 56' E, 136.00 feet to a point;  
THENCE S 61° 04' E, 3.26 feet to a point;  
THENCE N 28° 56' E, 108.36 feet to a point for the northwest corner of the herein described tract of land;  
THENCE S 61° 04' E, 91.79 feet to a point;  
THENCE S 38° 28' E, 91.03 feet to a point;  
THENCE S 61° 04' E, 110.00 feet to a point;  
THENCE N 28° 56' E, 10.00 feet to a point of curvature;  
THENCE along a curve to the right that has an internal angle of 8° 42', a radius of 206.51 feet, a tangent of 15.71 feet, an arc length of 31.36 feet, and a chord that bears N 33° 17' E, 31.33 feet to a point of tangency;  
THENCE S 61° 04' E, 95.61 feet to a point;  
THENCE S 64° 31' E, 29.03 feet to a point;  
THENCE S 42° 15' E, 95.00 feet to a point for the northeast corner of the herein described tract of land;  
THENCE S 33° 22' W, 281.53 feet to a point for the southeast corner of the herein described tract of land;  
THENCE N 87° 23' W, 132.88 feet to a point;  
THENCE S 28° 56' W, 5.75 feet to a point in the north right-of-way line of Steck Avenue;  
THENCE along the north right-of-way line of Steck Avenue N 61° 04' W, 176.00 feet to the original point of beginning containing 3.49 acres of land; and being a part of the property shown in Subdivision Plat of Summer Wood Section One Amended of record in Book 71, Page 79, of the Plat Records of Travis County, Texas.

Section 3. Property Which May Hereafter Become Subject to the Declaration. The property, all or part of which may hereafter become subject to the Declaration and upon which additional such Lots may be situated, is more particularly described as follows:

Tract No. One

A TRACT OF LAND CONTAINING 19.2967 ACRES OUT OF THE JAMES P. WALLACE SURVEY NO. 18 IN THE CITY OF AUSTIN, TRAVIS COUNTY,

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TEXAS: BEING A PORTION OF A 99.34 ACRE TRACT CONVEYED TO W.L. MAYFIELD BY DEED OF RECORD IN VOLUME 3303, PAGE 2270 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 19.2967 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the curving easterly R.O.W. line of Greenslope Drive as dedicated by a proposed plat of "Hillcrest Baptist Church Subdivision"; said point bears:

(a) N 26° 01' E, 96.54 feet;

(b) N 24° 53' E, 14.50 feet; from an iron pin found in the easterly R.O.W. line of Greenslope Drive as dedicated to the City of Austin by a plat of "Hillcrest Mesa Townhouse Subdivision", of record in Plat Book 60, Page 80 of the Plat Records of Travis County, Texas; said iron pin being at the most easterly corner of said subdivision; and from said beginning point runs the following courses and distances:

Along the easterly R.O.W. line of Greenslope Drive aforesaid; the following five (5) courses and distances:

1. On a curve, curving to the left, with the following elements:  $I = 19^\circ - 42' - 56''$ ,  $Rad. = 366.34$  feet,  $Tan. = 63.66$  feet,  $Arc = 126.06$  feet, and whose longchord bears N  $13^\circ - 54'$  E, 125.44 feet to an iron pin found at a point of tangency;

2. N  $4^\circ - 02'$  E, 58.00 feet to an iron pin found at a point of curvature;

3. On a curve, curving to the right, with the following elements:  $I = 28^\circ - 32'$ ,  $Rad. = 301.77$  feet,  $Tan. = 76.73$  feet,  $Arc = 150.28$  feet, and whose longchord bears N  $18^\circ - 18'$  E, 148.73 feet to an iron pin found at a point of tangency;

4. N  $32^\circ - 34'$  E, 212.94 feet to an iron pin found at a point of curvature;

5. On a curve, curving to the right, with the following elements:  $I = 82^\circ - 19'$ ,  $Rad. = 22.16$  feet,  $Tan. = 19.37$  feet,  $Arc = 31.84$  feet, and whose longchord bears N  $73^\circ - 43'$  E, 29.17 feet to an iron pin found at a point of tangency; thence:

6. N  $17^\circ - 36'$  E, 4.75 feet to an iron pin set in the southerly R.O.W. line of Cima Serena Drive as dedicated by a deed recorded in Volume 2816, Page 1, with a five (5) foot widening line on the south side recorded in Volume 4294, Page 1094 of the Deed Records of Travis County, Texas; but which it runs the following four (4) courses and distances:

7. S  $80^\circ - 09'$  E, 323.84 feet to a P.I. in same;

8. S  $85^\circ - 51'$  E, 443.91 feet to a point of curvature;

9. On a curve, curving to the right, with the following elements:  $I = 14^\circ - 18'$ ,  $Rad. = 744.32$  feet,  $Tan. = 93.37$  feet,  $Arc = 185.77$  feet, and whose longchord bears S  $78^\circ - 42'$  E, 185.29 feet to a point of tangency;

10. S  $71^\circ - 33'$  E, 154.38 feet to an iron pin found; thence through the 99.34 acre tract aforesaid;

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11. S 23° - 27' E, 950.41 feet to a point in the northerly line of a 39.60 acre tract conveyed to W.L. Mayfield by deed recorded in Volume 3632, Page 1683 of the Deed Records of Travis County, Texas; by which it runs:

12. N 60° - 26' W, 1077.45 feet to the point and place of beginning and containing 19.2967 acres of land as surveyed and compiled by Bryant-Curington, Inc. in March, 1973.

Tract No. Two

A TRACT OF LAND CONTAINING 3.9477 ACRES OUT OF THE JAMES P. WALLACE SURVEY NO. 18 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF A 39.60 ACRE TRACT CONVEYED TO W.L. MAYFIELD BY DEED OF RECORD IN VOLUME 3632, PAGE 1683 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.9477 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron pin found in the easterly R.O.W. line of Greenslope Drive as dedicated to the City of Austin by a plat of "Hillcrest Mesa Townhouse Subdivision", a subdivision of record in Plat Book 60, Page 80 of the Plat Records of Travis County, Texas; said iron pin being at the most easterly corner of said subdivision; and from said iron pin runs the following courses and distances:

1. N 26° - 01' E, 96.54 feet to an iron pin found at a point of curvature in the easterly R.O.W. line of Greenslope Drive aforesaid; as to be dedicated by a proposed plat of "Hillcrest Baptist Church Subdivision";
2. On a curve, curving to the left, with the following elements: I = 2° - 16' - 04", Rad. = 366.34 feet, Tan. = 7.25, Arc = 14.50 feet and whose longchord bears N 24° - 53' E, 14.50 feet to a point in said R.O.W., where the southerly line of a 99.34 acre tract conveyed to W.L. Mayfield by deed of record in Volume 3303, Page 2270 of the Deed Records of Travis County, Texas, crosses same; thence along the 99.34 acre tract aforesaid;
3. S 60° - 26' E, 1077.45 feet to a point in said line; thence through the 39.60 acre tract aforesaid;
4. S 23° - 27' W, 182.63 feet to an iron pin found at an angle point;
5. S 78° - 56' W, 176.60 feet to an iron pin found at a point of curvature in the northerly R.O.W. line of Steck Avenue, as dedicated to the City of Austin by a proposed Plat of "Forest Mesa P.U.G.", by which it runs the following three (3) courses and distances:
6. On a curve, curving to the left, with the following elements: I = 50° - 00', Rad. = 490.35 feet, Tan. = 228.65, arc = 427.91 feet, and whose longchord bears N 36° - 04' W, 414.46 feet to an iron pin found at a point of tangency;
7. N 61° - 04' W, 560.90 feet to an iron pin found at a point of curvature;

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8. On a curve, curving to the right, with the following elements:  $I = 87^\circ - 05'$ ,  $Rad. = 16.84$  feet,  $Tan. = 16.00$  feet,  $Arc = 25.59$  feet, and whose longchord bears  $N 17^\circ - 32' W$ , 23.20 feet to an iron pin found at a point of tangency in the easterly R.O.W. of Greenslope Drive aforesaid; thence by same;

9.  $N 26^\circ - 01' E$ , 5.23 feet to an iron pin found, the point and place of beginning; and containing 3.9477 acres of land as surveyed and computed by Bryant-Curlington, Inc. in March, 1973.

(Note: Included within the description of the Two Tracts last described above is the tract of land described in Section 2 of this Article above.)

Section 4. Classes of Members and Voting Rights. The Association shall have two classes of voting membership, viz.:

Class A. Class A members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B member(s) shall be the Declarant and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, except that Class B membership may be revived upon annexation of additional property in the manner permitted by the Declarant if such be the logical result of such annexation; or



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(b) on December 31, 1981.

ARTICLE VI

Miscellaneous Provisions

Section 1. Encumbrance of Property. No part of the real or personal property of the Association may be encumbered as security for any debt unless the consent thereto of two-thirds (2/3) of the members of each class entitled to vote is given.

Section 2. Merger. The Association may merge with any other association which has objectives and purposes similar to the Association upon a vote of two-thirds (2/3) of the members of each class entitled to vote.

Section 3. Other Powers of Association. In addition to the powers, rights and privileges which a non-profit corporation organized and created under and by virtue of the laws of the State of Texas may exercise, the Association may exercise all of the powers, rights and privileges and may perform all of the duties and obligations set forth in the Declaration.

Section 4. Property Rights. No member of any class shall have any rights in the property of the Association; and no member of any class shall be personally liable for the debts, liabilities or obligations of the Association.

ARTICLE VII

Additional Provisions Regulating

Internal Affairs

The following additional provisions are inserted for regulation of the internal affairs of the Association:

Section 1. Net Earnings Not to Benefit Private Persons.  
No part of the net earnings of the Association shall inure to the

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benefit of or be distributable to its directors, officers, members, or other private persons, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article IV hereof.

Section 2. No Regular Trade or Business. No part of the activities of the Association shall be the carrying on of any regular trade or business of a kind ordinarily engaged in for profit.

Section 3. Other Prohibited Activities. Notwithstanding any other provision of these Articles to the contrary, the Association shall not engage in any activities not permitted to be carried on by a Corporation exempt from Federal income tax under Section 501(c)(7) of the Internal Revenue Code of 1954, as amended, or the corresponding provisions of any future United States Internal Revenue Law.

Section 4. Dissolution. Upon the dissolution of the Association, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Association, dispose of all of the assets of the Corporation exclusively for the purposes of the Association in such manner, or to such organization or organizations organized and operated exclusively for the pleasure, recreation or other non-profitable purposes of its members as shall at the time qualify as an exempt organization or organizations under Section 501(c)(7) of the Internal Revenue Code of 1954, as amended, or the corresponding provision of any future United States Internal Revenue Law, as the Board of Trustees shall determine. Any of such assets not so disposed of shall be disposed of by the District Court of the county in which the registered office of the Corporation is then located, exclusively for such purposes.

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## ARTICLE VIII

Registered Office, and Agent

The street address of the Association's initial registered office is 9415 Neils Thompson Drive in Austin, Travis County, Texas; and the name of its initial registered agent at such address is MIKE PREWITT.

## ARTICLE IX

Board of Directors

The affairs of this Association shall be managed by a Board of nine (9) Directors, who need not be members of the Association. The number of directors may be changed by amendment of the By-Laws of the Association, which number shall never be less than three. The names and addresses of the persons who are to act in the capacity of directors until the selection and qualification of their successors are:

<u>NAME</u>	<u>ADDRESS</u>
<u>Wilburn E. Jones</u>	<u>5829 Joyce Way, Dallas, Texas</u>
<u>Edwin W. Prewitt Jr.</u>	<u>2510 Lehigh Dr., Austin, Tx.</u>
<u>John E. H. Street</u>	<u>2610 Pinewood Terrace, Austin, Tx.</u>
<u>Jim S. Lake</u>	<u>5210 Deloche, Dallas, Texas</u>
<u>Clyde Denham</u>	<u>2204 Shady Creeks, Richardson, Tx.</u>
<u>Laverne Brooks</u>	<u>Suite 1410, Two Turtle Creek Village, Dallas, Texas</u>
<u>John T. Jones</u>	<u>3630 Quietette, Austin, Texas</u>
<u>Arnold Armstrong</u>	<u>1906 West 42nd St., Austin, Tx.</u>
<u>Bob C. Thomas</u>	<u>8805 Wildridge, Austin, Tx.</u>

At the first annual meeting the members shall elect three directors for a term of one year, three directors for a term of two years and three directors for a term of three years; and at each annual meeting thereafter the members entitled to vote shall elect three directors for a term of three years.

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ARTICLE X

Amendments

Amendment of these Articles shall require the assent of 75 percent (75%) of the members entitled to vote.

ARTICLE XI

Incorporators

The names and addresses of the Incorporators are:

<u>NAME</u>	<u>ADDRESS</u>
<u>Edwin W. Prewitt, Jr.</u>	<u>251C Lehigh Drive, Austin, Texas</u>
<u>John E. H. Street</u>	<u>261C Pinewood Terrace, Austin, Tx.</u>
<u>Jim S. Lake</u>	<u>521C Deloche, Dallas, Texas</u>

ARTICLE XII

FHA/VA Approval

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration if such action is to be binding upon either of them: annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Texas, we, the undersigned, constituting the incorporators of this Association, have executed these Articles of Incorporation this the 3 day of April, 1975.

Edwin W. Prewitt, Jr.  
John E. H. Street  
Jim S. Lake

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STATE OF TEXAS                    ()  
  ()  
COUNTY OF TRAVIS                ()

I,                     Laura Sherman                    , a Notary Public,  
do hereby certify that on this, the 3rd day of April, 1975,  
personally appeared                     Edwin W. Frewitt, Jr.                    , who being  
by me first duly sworn, declared that he is one of the persons who  
signed the foregoing instrument as Incorporator, and that the state-  
ments therein contained are true.

*Laura Sherman*

                    Laura Sherman                      
Notary Public in and for Travis  
County, Texas

(SEAL)

My Commission Expires:         June 1, 1975        

STATE OF TEXAS                    ()  
  ()  
COUNTY OF TRAVIS                ()

I,                     Laura Sherman                    , a Notary Public,  
do hereby certify that on this, the 3rd day of April, 1975,  
personally appeared                     John E. H. Street                    , who being  
by me first duly sworn, declared that he is one of the persons who  
signed the foregoing instrument as Incorporator, and that the state-  
ments therein contained are true.

*Laura Sherman*

                    Laura Sherman                      
Notary Public in and for Travis  
County, Texas

(SEAL)

My Commission Expires:         June 1, 1975

-12-

STATE OF TEXAS                    ()  
                                      ()  
COUNTY OF TRAVIS                ()

I,                                   Laura Sherman                                  , a Notary Public,  
do hereby certify that on this, the 3rd day of April, 1975,  
personally appeared                                   Jim S. Lake                                  , who being  
by me first duly sworn, declared that he is one of the persons who  
signed the foregoing instrument as Incorporator, and that the state-  
ments therein contained are true.

                                  *Laura Sherman*                                    
Laura Sherman  
Notary Public in and for Travis  
County, Texas

(SEAL)

My Commission Expires:                   June 1, 1975



# The State of Texas

## SECRETARY OF STATE CERTIFICATE OF AMENDMENT OF

SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.  
CHARTER NO. 358781

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Amendment to the Articles of Incorporation of the above corporation duly executed pursuant to the provisions of the Texas Non-Profit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Amendment to the Articles of Incorporation and attaches hereto a copy of the Articles of Amendment.

Dated: May 6, 1996



*[Handwritten signature]*

dln

Antonio O. Garza, Jr.  
Secretary of State

EILED  
In the Office of the  
Secretary of State of Texas

MAY 06 1996

Corporations Section

ARTICLES OF AMENDMENT  
to the  
ARTICLES OF INCORPORATION  
of  
SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.

1. The name of the corporation is SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.
2. ARTICLE IX is amended to read:

ARTICLE IX

Board of Directors

The affairs of this Association shall be managed by a Board of nine (9) Directors, who must be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association, which number shall never be less than three. The names and addresses of the persons who are to act in the capacity of Directors until the selection and qualification of their successors are:

<u>NAME</u>	<u>ADDRESS</u>
Wilburn E. Jones	5829 Joyce Way, Dallas, TX
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Laverne Brooks	Suite 1430, Two Turtle Creek Village, Dallas, TX
John T. Jones	3630 Quietie, Austin, TX
Arnold Armstrong	1906 West 42nd St., Austin, TX
Bob C. Thomas	8805 Wildridge, Austin, TX



At the first annual meeting the members shall elect three Directors for a term of one year, three Directors for a term of two years and three Directors for a term of three years; and at each annual meeting thereafter the members entitled to vote shall elect three Directors for a term of three years.

3. The date of the meeting of the members at which this amendment was adopted was May 24, 1994. A quorum was present, and the amendment received at least a two-thirds vote of the members.

SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC.

BY Norman Higgins  
Its President

**After recording, please return to:**

Niemann & Heyer, L.L.P.  
Attorneys At Law  
Westgate Building, Suite 313  
1122 Colorado Street  
Austin, Texas 78701

Fileserver:CLIENTS:Summerwood:NoticeDedictoryInstruments2-12.doc



**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Dana Debeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

February 27 2012 12:15 PM

FEE: \$ 84.00 2012028817