

FORT BEND COUNTY FY 2009  
COMMISSIONERS COURT AGENDA REQUEST FORM  
Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 07/01/2009 Submitted By: P.Batts  
Department: Engineering  
Court Agenda Date: 07/07/09 Phone Number: 281 633 7507

SUMMARY OF ITEM: Approve Payment of Invoice No. 2 (Pay Estimate No.2) in the amount of \$548,217.13 to Durwood Green Construction Company regarding West Belfort Paving and Drainage Project, Mobility Bond Project #731, Precinct 4. (Fund: Mobility Bonds) LAWSON P.O.#29906  
RENEWAL AGREEMENT/APPOINTMENT YES  NO   
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES  NO

FINANCIAL SUMMARY:  
BUDGETED ITEM: YES  NO   
FUNDNG SOURCE: Accounting Unit: Account Number:  
Activity (If Applicable):  
DESCRIPTION OF LAWSOM ACCOUNT: \_\_\_\_\_

Instructions to submit Agenda Request Form:  
• Completely fill out agenda form: incomplete forms will not be processed.  
• Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.  
• All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.  
DISTRIBUTION:  
Original Form Submitted with back up to County Judge's Office  (✓ when completed)  
If by E-Mail to [ospindon@co.fort-bend.tx.us](mailto:ospindon@co.fort-bend.tx.us) If by Fax to (281) 341-8609  
Distribute copies with back-up to all listed below. If by fax, send to numbers below:  

<input type="checkbox"/> Auditor (281-341-3774)	<input type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input type="checkbox"/> Budget Officer (281-344-3954)	<input type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input type="checkbox"/> Information Technology (281-341-4526)	<input type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:  
Special Handling Requested (specify):

**Estimate and Certification for Payment**

PROJECT: Construction of West Bellfort from Martinez Street to FM 1464

OWNER Fort Bend County  
Address: 1124 Blume Rd.  
Rosenberg, Texas 77471

ATTN: Louis E. Hood, P.E.

Estimate No: 2  
Invoice No: 200906-131  
Start Date: 04-01-2009  
Current Contract Completion Date: 01-11-2010  
Estimate Cut Off Date: 06-25-2009  
Date of Estimate: 06-25-2009

Initial Contract Time 195 days  
Current Approved Extensions ± 000 days  
Previous Approved Extensions ± 000 days  
Total Contract Time 195 days  
Spent Days 062 days  
Days Remaining 133 days  
  
Rain Days to Date 000 days

A. Contract Amount to Date:  
1. Contract Price: \$4,293,222.30  
2. Approved Change Orders: \_\_\_\_\_

Total Changes to Date: \_\_\_\_\_ + or - \$0.00  
Total Contract Amount: \$4,293,222.30

B. Earnings to Date:  
1. Previous Work Completed: \_\_\_\_\_ Previous Earnings: \$851,179.70  
2. Work Completed this Period: \_\_\_\_\_ Earnings This Period: \$609,130.15  
3. Materials on Site: \_\_\_\_\_ \$0.00  
Total Earnings: \$1,460,309.85

C. Reductions:  
1. Retainage: 10% of \$1,460,309.85 \$146,030.99  
Total Payments Due: \$1,314,278.86  
Less Previous Payments: \$766,061.73

Total Amount Due Contractor This Estimate: \$548,217.13

The undersigned Contractor certifies that to the best of his knowledge, information, and belief that the Work has been completed in accordance with the Plans and Specifications and the current payment shown on this Application for Payment is now due.

Prepared By: Stephen L. Evans - V.P. Date: 06-29-09  
Contractor: Durwood Greene Construction Co.

The foregoing estimate of work completed is true and correct to the best of my knowledge and belief.

Approved by: Stephen L. Evans Date: 6/30/09  
Project Representative:

Approved by: Stephen L. Evans Date: 6/30/09  
Engineer:

**CONTRACTOR:** Durwood Greene Construction Co.  
P. O. Box 1338  
Stafford, Texas 77497-1338

**OWNER:** Fort Bend County Purchasing  
c/o Kelly R. Kaluza & Associates, Inc.  
3014 Avenue I  
Rosenberg, Texas 77471

**DATE:** 25-Jun-09  
**INVOICE NO.:** 200906-131  
**JOB NO.:** 1609  
**EST. NO.:** 2

**ENGINEER:** Kelly R. Kaluza & Associates, Inc.  
3014 Avenue I  
Rosenberg, Texas 77471

**PROJECT:** Construction of West Bellfort  
from Martinez Street to FM 1464  
in Fort Bend County, Texas

ITEM	DESCRIPTION	UNIT	CONTRACT QUANTITY	UNIT PRICE	CONTRACT AMOUNT	COMPLETED TO DATE QUANTITY	COMPLETED TO DATE AMOUNT	COMPLETE LAST ESTIMATE QUANTITY	COMPLETE LAST ESTIMATE AMOUNT	COMPLETE THIS ESTIMATE QUANTITY	COMPLETE THIS ESTIMATE AMOUNT
<b>DRAINAGE</b>											
1	7' X 4' PRECAST RCB, STANDARD BED & BKFL	LF	50.00	250.00	12,500.00	0.00	0.00	0.00	0.00	0.00	0.00
2	7' X 4' PRECAST RCB, CEMENT STAB SAND BED & BKFL	LF	74.00	260.00	19,240.00	0.00	0.00	0.00	0.00	0.00	0.00
3	66" RCP, STANDARD BED & BKFL	LF	57.00	145.00	8,265.00	57.00	8,265.00	57.00	8,265.00	0.00	0.00
4	54" RCP, STANDARD BED & BKFL	LF	1,072.00	100.00	107,200.00	480.00	48,000.00	480.00	48,000.00	0.00	0.00
5	48" RCP, STANDARD BED & BKFL	LF	1,246.00	85.00	105,910.00	1,108.00	94,180.00	1,108.00	94,180.00	0.00	0.00
6	48" RCP, CEMENT STAB SAND BED & BKFL	LF	76.00	130.00	9,880.00	76.00	9,880.00	76.00	9,880.00	0.00	0.00
7	42" RCP, STANDARD BED & BKFL	LF	1,345.00	75.00	100,875.00	1,000.00	75,000.00	1,000.00	75,000.00	0.00	0.00
8	42" RCP, CEMENT STAB SAND BED & BKFL	LF	249.00	100.00	24,900.00	120.00	12,000.00	120.00	12,000.00	0.00	0.00
9	36" RCP, STANDARD BED & BKFL	LF	1,522.00	60.00	91,320.00	320.00	19,200.00	320.00	19,200.00	0.00	0.00
10	36" RCP, CEMENT STAB SAND BED & BKFL	LF	200.00	67.00	13,400.00	0.00	0.00	0.00	0.00	0.00	0.00
11	30" RCP, STANDARD BED & BKFL	LF	1,074.00	44.00	47,256.00	126.00	5,544.00	126.00	5,544.00	0.00	0.00
12	30" RCP, CEMENT STAB SAND BED & BKFL	LF	146.00	64.00	9,344.00	0.00	0.00	0.00	0.00	0.00	0.00
13	30" ASPHALT COATED CMP, STANDARD BED & BKFL	LF	44.00	55.00	2,420.00	0.00	0.00	0.00	0.00	0.00	0.00
14	24" RCP, STANDARD BED & BKFL	LF	3,154.00	35.00	110,390.00	990.00	34,650.00	990.00	34,650.00	0.00	0.00
15	24" RCP, CEMENT STAB SAND BED & BKFL	LF	1,510.00	50.00	75,500.00	0.00	0.00	0.00	0.00	0.00	0.00
16	24" ASPHALT COATED CMP, STANDARD BED & BKFL	LF	96.00	44.00	4,224.00	0.00	0.00	0.00	0.00	0.00	0.00
17	18" RCP, STANDARD BED & BKFL	LF	126.00	31.00	3,906.00	0.00	0.00	0.00	0.00	0.00	0.00
18	18" RCP, CEMENT STAB SAND BED & BKFL	LF	114.00	35.00	3,990.00	0.00	0.00	0.00	0.00	0.00	0.00
19	18" REINFORCED 6:1 SLOPE CONCRETE PIPE S.E.T.	EA	2.00	1,200.00	2,400.00	0.00	0.00	0.00	0.00	0.00	0.00
20	TRENCH SAFETY FOR STORM SEWER EXCAVATION	LF	12,155.00	0.10	1,215.50	4,277.00	427.70	4,277.00	427.70	0.00	0.00
21	TYPE "C" STORM SEWER MANHOLE	EA	12.00	1,500.00	18,000.00	8.00	12,000.00	6.00	9,000.00	2.00	3,000.00
22	TYPE "C" STORM SWR MH WITH TYPE "E" INLET TOP	EA	1.00	1,600.00	1,600.00	1.00	1,600.00	0.00	0.00	1.00	1,600.00

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23	STORM SWR JUNCTION BOX WITH TYPE "A" INLET TOP	EA	13.00	2,200.00	28,600.00	4.00	8,800.00	4.00	8,800.00	0.00	0.00
24	TYPE "A" INLET	EA	29.00	2,300.00	66,700.00	2.00	4,600.00	1.00	2,300.00	1.00	2,300.00
25	TYPE "E" INLET	EA	28.00	2,000.00	56,000.00	12.00	24,000.00	12.00	24,000.00	0.00	0.00
26	TYPE "H-2" INLET	EA	35.00	1,200.00	42,000.00	4.00	4,800.00	4.00	4,800.00	0.00	0.00
27	BACKSLOPE INTERCEPTOR STRUCTURE	EA	4.00	3,300.00	13,200.00	0.00	0.00	0.00	0.00	0.00	0.00
28	CONCRETE HEADWALL WITH RESTRICTOR PLATE	EA	1.00	9,000.00	9,000.00	0.00	0.00	0.00	0.00	0.00	0.00
29	CONCRETE HEADWALL FOR 7' X 4' RCB	EA	2.00	17,000.00	34,000.00	0.00	0.00	0.00	0.00	0.00	0.00
30	5" THICK CONCRETE SLOPE PAVEMENT	SY	1,300.00	45.00	58,500.00	0.00	0.00	0.00	0.00	0.00	0.00
31	6" THICK CONCRETE PILOT CHANNEL	SY	650.00	50.00	32,500.00	0.00	0.00	0.00	0.00	0.00	0.00
32	ROAD R-O-W SWALE	LF	15,000.00	3.00	45,000.00	0.00	0.00	0.00	0.00	0.00	0.00
33	DETENTION POND BACKSLOPE SWALE	LF	2,300.00	3.00	6,900.00	0.00	0.00	0.00	0.00	0.00	0.00
34	DETENTION POND EXCAVATION	CY	12,500.00	3.00	37,500.00	0.00	0.00	0.00	0.00	0.00	0.00
35	CLEAN EXISTING DITCH	LF	240.00	5.00	1,200.00	240.00	1,200.00	240.00	1,200.00	0.00	0.00
36	CLEAN EXISTING DRIVEWAY CULVERT	LF	90.00	5.00	450.00	0.00	0.00	0.00	0.00	0.00	0.00
37	RESET EXISTING DRIVEWAY CULVERT	EA	1.00	700.00	700.00	0.00	0.00	0.00	0.00	0.00	0.00
38	REM & DISP OF EXIST STORM CULVERT PIPE (OFFSITE)	LF	1,600.00	5.00	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00
39	CONNECT NEW 24" RCP TO EXISTING INLET	EA	1.00	400.00	400.00	1.00	400.00	1.00	400.00	0.00	0.00
40	12" THICK CLAY LINER IN DETENTION BASIN (IF REQD)	SY	300.00	7.50	2,250.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL - DRAINAGE</b>							<b>364,546.70</b>		<b>357,646.70</b>		<b>6,900.00</b>
<b>PAVING &amp; MISCELLANEOUS</b>											
1	REMOVE EXIST TREES & VEGETATION FROM R-O-W	LS	1.00	15,000.00	15,000.00	0.75	11,250.00	0.50	7,500.00	0.25	3,750.00
2	REMOVE EXIST FENCE (ALL TYPES)	LF	2,000.00	1.00	2,000.00	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00

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3	REM & DISP OF EXIST SIGNS & MISCELLANEOUS ITEMS	LS	1.00	2,000.00	2,000.00	1.00	2,000.00	1.00	2,000.00	0.00	0.00
4	PROVIDE TEMP. & PERM. RELOCATION OF MAILBOXES	EA	23.00	150.00	3,450.00	8.00	1,200.00	8.00	1,200.00	0.00	0.00
5	REMOVE & RECONSTRUCT 6" CRUSH GRANITE TRACK	SY	130.00	40.00	5,200.00	0.00	0.00	0.00	0.00	0.00	0.00
6	INSTALL 6' CHAIN LINK FENCE INCL (1) 6' WIDE GATE	LF	360.00	17.00	6,120.00	0.00	0.00	0.00	0.00	0.00	0.00
7	SAWCUT EXIST ASPHALT & CONCRETE PAVEMENT	LF	1,300.00	8.00	10,400.00	720.00	5,760.00	140.00	1,120.00	580.00	4,640.00
8	REMOVE & DISPOSE OF EXIST CONCRETE	SY	1,000.00	8.00	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00
9	MILL & REMOVE EXIST ASPHALT PAVEMENT	SY	800.00	7.00	5,600.00	0.00	0.00	0.00	0.00	0.00	0.00
10	EXCAVATION OF STREET & DRWYS INCL ASPH & BASE	CY	30,300.00	3.55	107,565.00	24,000.00	85,200.00	10,600.00	37,630.00	13,400.00	47,570.00
11	LIME, HYDRATED, TYPE B, SLURRY (7%)	TON	1,700.00	135.00	229,500.00	725.71	97,970.85	347.40	46,899.00	378.31	51,071.85
12	PLACE LIME, MANIPULATE & COMPACT 8" SUBGRADE	SY	67,400.00	1.10	74,140.00	29,500.00	32,450.00	13,900.00	15,290.00	15,600.00	17,160.00
13	9.5" THICK COMPACTED ASPHALT BASE	SY	4,530.00	28.00	126,840.00	0.00	0.00	0.00	0.00	0.00	0.00
14	3" THICK HMLH ASPHALT CONCRETE (SURFACE)	SY	5,100.00	10.00	51,000.00	0.00	0.00	0.00	0.00	0.00	0.00
15	4.5" THICK CONCRETE DRIVEWAY	SY	1,900.00	30.00	57,000.00	0.00	0.00	0.00	0.00	0.00	0.00
16	6" THICK CONCRETE DRIVEWAY	SY	350.00	33.00	11,550.00	0.00	0.00	0.00	0.00	0.00	0.00
17	7" THICK CONCRETE DRIVEWAY	SY	550.00	35.00	19,250.00	0.00	0.00	0.00	0.00	0.00	0.00
18	6" THICK CRUSH LIMESTONE BASE (OR EQ) DRWY	SY	450.00	15.00	6,750.00	0.00	0.00	0.00	0.00	0.00	0.00
19	8" THICK CONCRETE	SY	54,530.00	30.20	1,646,806.00	21,100.00	637,220.00	9,420.00	284,484.00	11,680.00	352,736.00
20	6" CONCRETE CURB	LF	32,400.00	2.15	69,660.00	11,050.00	23,757.50	5,400.00	11,610.00	5,650.00	12,147.50
21	6" CONCRETE CURB & GUTTER	LF	373.00	17.00	6,341.00	0.00	0.00	0.00	0.00	0.00	0.00
22	4.5" THICK CONCRETE SIDEWALK	SY	4,400.00	30.00	132,000.00	440.00	13,200.00	0.00	0.00	440.00	13,200.00
23	SIDEWALK RAMP	EA	67.00	850.00	56,950.00	0.00	0.00	0.00	0.00	0.00	0.00
24	PAVEMENT MARKINGS (BUTTONS, STRIPING, ETC.)	LS	1.00	26,000.00	26,000.00	0.00	0.00	0.00	0.00	0.00	0.00
25	STOP SIGN	EA	2.00	400.00	800.00	0.00	0.00	0.00	0.00	0.00	0.00

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26	COMBINATION STREET & STOP SIGN	EA	10.00	400.00	4,000.00	0.00	0.00	0.00	0.00	0.00	0.00
27	MISCELLANEOUS SIGNS	EA	17.00	400.00	6,800.00	0.00	0.00	0.00	0.00	0.00	0.00
28	TYPE III BARRICADE	EA	4.00	750.00	3,000.00	0.00	0.00	0.00	0.00	0.00	0.00
29	HYDROMULCH SEED DISTURBED AREAS & WATER	SY	62,500.00	0.30	18,750.00	0.00	0.00	0.00	0.00	0.00	0.00
30	SOLID SOD BERMUDA GRASS & WATER	SY	2,600.00	4.00	10,400.00	0.00	0.00	0.00	0.00	0.00	0.00
31	SWPPP (FURNISH, INSTALL & MAINTAIN ALL)	LS	1.00	20,000.00	20,000.00	0.50	10,000.00	0.25	5,000.00	0.25	5,000.00
32	TRAFFIC CONTROL PLAN FOR FM 1464 PER TXDOT	LS	1.00	7,000.00	7,000.00	0.50	3,500.00	0.25	1,750.00	0.25	1,750.00
33	TRAFFIC CONTROL DEVICES (ALL) & DETOUR PLANS	LS	1.00	25,000.00	25,000.00	0.50	12,500.00	0.25	6,250.00	0.25	6,250.00
34	TEMPORARY ACCESS ROAD (8" BLACK BASE)	SY	4,000.00	25.00	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00
35	TEMPORARY ACCESS ROAD (CRUSHED CONC)	SY	2,300.00	10.00	23,000.00	2,300.00	23,000.00	0.00	0.00	2,300.00	23,000.00
36	CONTRACTOR MOBILIZATION	LS	1.00	25,000.00	25,000.00	1.00	25,000.00	1.00	25,000.00	0.00	0.00
37	BONDS, INSURANCE & MISCELLANEOUS PER CONTRAC	LS	1.00	30,000.00	30,000.00	1.00	30,000.00	1.00	30,000.00	0.00	0.00
38	CONSTRUCTION STAKING	BDGT	1.00	30,000.00	30,000.00	0.75	22,500.00	0.50	15,000.00	0.25	7,500.00
39	PROJECT SIGN (4' X 8')	EA	4.00	900.00	3,600.00	2.00	1,800.00	2.00	1,800.00	0.00	0.00
<b>TOTAL - PAVING &amp; MISCELLANEOUS</b>							<b>1,039,308.35</b>		<b>493,533.00</b>		<b>545,775.35</b>
<b>WATER</b>											
1	8" PVC WATER LINE	LF	783.00	17.00	13,311.00	783.00	13,311.00	0.00	0.00	783.00	13,311.00
2	8" PVC WATER LINE, CEMENT STAB SAN BED & BKFL	LF	130.00	25.00	3,250.00	130.00	3,250.00	0.00	0.00	130.00	3,250.00
3	6" PVC WATER LINE	LF	512.00	11.00	5,632.00	512.00	5,632.00	0.00	0.00	512.00	5,632.00
4	4" PVC WATER LINE	LF	263.00	11.00	2,893.00	263.00	2,893.00	0.00	0.00	263.00	2,893.00
5	TRENCH SAFETY FOR WATER LINE EXCAVATION	LF	1,688.00	0.10	168.80	1,688.00	168.80	0.00	0.00	1,688.00	168.80
6	8" X 8" TAPPING SLEEVE & VALVE WITH BOX	EA	5.00	4,200.00	21,000.00	1.00	4,200.00	0.00	0.00	1.00	4,200.00

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in Fort Bend County, Texas

ITEM	DESCRIPTION	UNIT	CONTRACT QUANTITY	UNIT PRICE	CONTRACT AMOUNT	COMPLETED TO DATE QUANTITY	COMPLETED TO DATE AMOUNT	COMPLETE LAST ESTIMATE QUANTITY	COMPLETE LAST ESTIMATE AMOUNT	COMPLETE THIS ESTIMATE QUANTITY	COMPLETE THIS ESTIMATE AMOUNT
7	6" GATE VALVE & BOX	EA	3.00	500.00	1,500.00	3.00	1,500.00	0.00	0.00	3.00	1,500.00
8	4" GATE VALVE & BOX	EA	1.00	450.00	450.00	1.00	450.00	0.00	0.00	1.00	450.00
9	8" X 6" TEE	EA	2.00	120.00	240.00	2.00	240.00	0.00	0.00	2.00	240.00
10	6" X 6" TEE	EA	1.00	120.00	120.00	1.00	120.00	0.00	0.00	1.00	120.00
11	8" X 90-DEGREE BEND	EA	1.00	120.00	120.00	1.00	120.00	0.00	0.00	1.00	120.00
12	8" X 45-DEGREE BEND	EA	15.00	120.00	1,800.00	11.00	1,320.00	0.00	0.00	11.00	1,320.00
13	8" X 22.5-DEGREE BEND	EA	1.00	120.00	120.00	1.00	120.00	0.00	0.00	1.00	120.00
14	8" X 6" REDUCER	EA	1.00	60.00	60.00	1.00	60.00	0.00	0.00	1.00	60.00
15	6" X 4" REDUCER	EA	1.00	60.00	60.00	1.00	60.00	0.00	0.00	1.00	60.00
16	8" PLUG & CLAMP	EA	5.00	110.00	550.00	0.00	0.00	0.00	0.00	0.00	0.00
17	4" PLUG & CLAMP WITH 2" TAP	EA	1.00	110.00	110.00	1.00	110.00	0.00	0.00	1.00	110.00
18	MISCELLANEOUS FITTINGS	TON	2.00	110.00	220.00	0.00	0.00	0.00	0.00	0.00	0.00
19	2" BLOW-OFF ASSEMBLY	EA	1.00	650.00	650.00	2.00	1,300.00	0.00	0.00	2.00	1,300.00
20	RELOCATE EXISTING FIRE HYDRANT	EA	3.00	1,100.00	3,300.00	0.00	0.00	0.00	0.00	0.00	0.00
21	REM EXIST WATER LINE, CSS BKFL & COMPACT TO SUE	LF	1,510.00	11.00	16,610.00	200.00	2,200.00	0.00	0.00	200.00	2,200.00
22	CONNECT TO EXIST 8" WATER LINE	EA	4.00	1,100.00	4,400.00	3.00	3,300.00	0.00	0.00	3.00	3,300.00
23	RELOCATE WATER SERVICE (LONG) & METER	EA	13.00	850.00	11,050.00	16.00	13,600.00	0.00	0.00	16.00	13,600.00
24	RELOCATE WATER SERVICE (SHORT) & METER	EA	5.00	500.00	2,500.00	5.00	2,500.00	0.00	0.00	5.00	2,500.00
<b>TOTAL - WATER</b>							<b>90,114.80</b>		<b>0.00</b>		<b>56,454.80</b>
<b>GRAND TOTAL</b>							<b>4,293,222.30</b>		<b>851,179.70</b>		<b>609,130.15</b>



# PARTIAL/FINAL WAIVER OF LIEN

THE STATE OF TEXAS |

COUNTY OF FORT BEND |

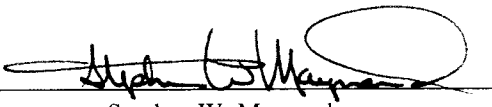
The undersigned contracted by Fort Bend County, Texas to furnish labor and materials in connection with certain improvements to real property located in the Fort Bend County, Texas and owned by Fort Bend County, Texas which improvements are described as follows:

West Bellfort Paving and Drainage Improvements from Martinez Street to FM 1464  
for Fort Bend County  
BID 90-055

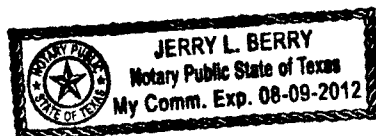
in consideration of Pay Estimate No. 2 in the amount of Five Hundred Forty Eight Thousand Two Hundred Seventeen and 13/100 DOLLARS (\$ 548,217.13) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned does hereby waive and release any mechanics' lien or materialmen's lien or claims of lien that the undersigned has or hereafter has on the above-mentioned real property on account of any labor performed or materials furnished or to be furnished or labor performed and materials furnished by the undersigned pursuant to the above-mentioned contract or any constitutional lien that the undersigned may have.

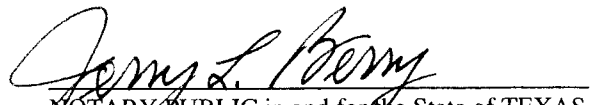
Undersigned hereby guarantees that all bills for labor performed and/or materials furnished in the erection and construction of such improvements on the Property have been fully paid and satisfied and Undersigned does further guarantee that if for any reason a lien or liens are filed for material or labor against said Property arising out of any bills for material or labor in connection with the erection or construction of said improvements thereon, Undersigned will obtain a settlement of such lien or liens and a proper release thereof shall be obtained.

Durwood Greene Construction Co.  
CONTRACTOR

By:   
Stephen W. Maynard  
Vice President

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 29th day of June, 2009, to certify which witness my hand and seal of office.



  
NOTARY PUBLIC in and for the State of TEXAS  
My Commission Expires: 8-9-12