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CAUSE NO 2014-30354

FIRST PRESBYTERIAN CHURCH OF
HOUSTON,

Plaintiff

v

PRESBYTERY OF NEW COVENANT, INC ,

Defendant

§ IN THE DISTRICT COURT
§
§
§
§ HARRIS COUNTY, TEXAS
§
§
§ 234TH JUDICIAL DISTRICT
§

FIRST AMENDED FINAL SUMMARY JUDGMENT AND PERMANENT INJUNCTION

On February 16, 2015, the Court heard Plaintiff First Presbyterian Church of Houston's Motion for Summary Judgment seeking a declaratory judgment and permanent injunction. The parties appeared before the Court for a hearing on the motion.

After considering the Plaintiff's Motion for Summary Judgment and Memorandum in Support, the response thereto, the pleadings, depositions, answers to interrogatories, admissions on file, affidavits, testimony, exhibits, argument and memoranda of counsel, and applicable law, the Court grants the motion finding that there is no genuinely disputed issue of material fact, and that Plaintiff is entitled to judgment as a matter of law.

The Court further finds that there is no enforceable trust or property interest created by any version of the Presbyterian Church (U S A) Book of Order or the Presbyterian Church of the United States Book of Church Order under the neutral principle factors set forth by the Texas Supreme Court in *Masterson v Diocese of Nw Texas*, 422 S W 3d 594 (Tex 2013) See also *Windwood Presbyterian Church Inc* , 438 S W 3d 597, 606 (Tex App – Houston [1st Dist], 2014, no pet)

The Court further finds that there is no enforceable trust or property interest created through constructive trust, promissory estoppel or quasi-estoppel

Therefore, the Court finds that Plaintiff is entitled to the entry of a final judgment and permanent injunction,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Summary Judgment and Memorandum in Support is GRANTED, and the Court hereby renders judgment for Plaintiff

IT IS FURTHER ORDERED that judgment be and it is hereby granted declaring that all property, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of First Presbyterian Church of Houston (collectively "Personal and Real Property"), which immovable Property is more particularly described in the attached **Exhibit A**, is held and owned by First Presbyterian Church of Houston, which holds and owns all Property in its name in full, complete, unfettered, fee simple, and absolute ownership and title, all in accordance with the laws of the State of Texas, Plaintiff's recorded deeds and Plaintiff's recorded articles of incorporation, as may be amended from time to time

IT IS FURTHER ORDERED that the trust and other property interest claims asserted by Presbytery of New Covenant, Inc , including pursuant to G-4 0203 (formerly G-8 0201) of the PCUSA Book of Order, G-4 0204 (formerly G-8 0301) of the PCUSA Book of Order, G-4 0205 (formerly G-8 0401) of the PCUSA Book of Order and Chapter 6 of the 1982/83 edition and previous editions of the PCUS Book of Church Order, are unenforceable and without legal force and effect as to said Personal and Real Property, and that neither the Presbytery of New

Covenant, Inc nor any person, entity, administrative unit, agency, commission, committee, or governing body acting on behalf of the Presbytery of New Covenant, Inc or in its stead, or claiming by, through or under it, has any right, title or interest in or to the Personal and Real Property, whether in trust or otherwise, express or implied, nor any right, express or implied, to determine or control, directly or indirectly, the use, ownership or disposition of the Personal and Real Property, including particularly the immovable Property described in the attached **Exhibit A**

IT IS FURTHER ORDERED that a Permanent Injunction be and it is hereby issued against the Presbytery of New Covenant, Inc of the Presbyterian Church (U S A), its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery of New Covenant, Inc, or acting by or through the Presbytery or on its behalf or in its stead This Permanent Injunction pertains to all Personal and Real Property held by or for First Presbyterian Church of Houston, including particularly the immovable Property described in the attached **Exhibit A** The Presbytery of New Covenant, Inc is enjoined from filing any documents in the mortgage and conveyance records of Harris County to assert ownership, use or control, or rights to determine ownership, use or control, to any immovable (real) Property titled in the name of First Presbyterian Church of Houston or to assert a trust on behalf of the Presbytery of New Covenant, Inc or other affiliated third party over immovable (real) Property titled in the name of First Presbyterian Church of Houston, or otherwise held by or for First Presbyterian Church of Houston, the effect of which would be to place a cloud on the title of said immovable (real) Property, or otherwise interfere with or disturb Plaintiff's ownership, use, control, or disposition of Plaintiff's Personal or Real Property, or interfere with

Plaintiff's right to determine the ownership, use, control, or disposition of Personal or Real Property held by or for First Presbyterian Church of Houston or held in the possession of, control of, or owned by or titled in the name of First Presbyterian Church of Houston

IT IS FURTHER ORDERED that the Presbytery of New Covenant, Inc , and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are permanently enjoined from taking any action that could affect the property rights of First Presbyterian Church of Houston, including but not limited to 1) seeking to change the locks of First Presbyterian Church of Houston, 2) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of First Presbyterian Church of Houston which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation, 3) dissolving First Presbyterian Church of Houston or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over First Presbyterian Church of Houston in order to assume or effect control over the ownership, use, or disposition of the Personal or Real Property, or, 4) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of First Presbyterian Church of Houston, the governing body of Plaintiff (the Session), or the board of trustees (the governing body of Plaintiff) or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of First Presbyterian Church of Houston, which claims to Plaintiff's Personal and Real Property are fully adjudicated herein, as reflected by this Final Summary Judgment and Permanent Injunction

Nothing in this Permanent Injunction shall preclude the Presbytery of New Covenant, Inc from taking ecclesiastical action for non-pretexual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of First Presbyterian Church of Houston

IT IS FURTHER ORDERED that this Judgment and Permanent Injunction be final, that it disposes of all claims and all parties, that it is appealable and that it may be filed in the office of the Court Clerk and entered of record

SIGNED this 20th day of February, 2015

FEB 20 2015



HONORABLE WESLEY R. WARD
JUDGE PRESIDING

EXHIBIT A
FIRST PRESBYTERIAN CHURCH OF HOUSTON'S REAL PROPERTY

- 1 Lots Forty-three (43), Forty-four (44), Forty-five (45), Forty-six (46), Forty-seven (47) and Forty-eight (48) in Block Forty-four (44) of Central Park Subdivision of the City of Houston, Harris County, Texas,

Being the same property acquired by "First Presbyterian Church of Houston, Texas" from "Central Park Presbyterian Church" on August 17, 1927, and recorded as Instrument No 381666 recorded at D7800349 in the records of Harris County, Texas on January 3, 1929

- 2 Lots Forty-four (44), Forty-five (45), Forty-six (46) and Forty-seven (47) in Colby Court Addition to the City of Houston, Harris County, Texas,

Being the same property acquired by "First Presbyterian Church of Houston, Texas" from "The Pauline Sterne Wolf Memorial Home" on January 12, 1946, by Instrument No 294684 recorded at D13820050 in the records of Harris County, Texas on January 18, 1946

- 3 Lots Thirty-six (36) and Thirty-seven (37) and the East 1/2 of Lot Thirty-eight (38), of COLBY ADDITION, an addition in Harris County, Texas according to the map or plat thereof recorded in Volume 525, Page 422 of the Deed Records of Harris County, Texas,

Being the same property acquired by "The First Presbyterian Church of Houston" from "The Frank O McGehee Sr Management Trust" by Instrument No S018953, recorded at 509-18-2232 — 509-18-2235 of the records of Harris County, Texas on July 15, 1996

- 4 The West 1/2 of Lot Eighteen (18) all of Lot Nineteen (19), and the East 1/2 of Lot Twenty (20), of COLBY COURT, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 525, Page 422, of the Deed Records of Harris County, Texas,

Being the same property acquired by "First Presbyterian Church" from "Richard H Pearce, Jr" by Instrument No 20100175432 recorded in the records of Harris County, Texas on April 30, 2010

- 5 Lots One (1) through Fourteen (14), inclusive, COLBY COURT, a SUBDIVISION in Harris County, Texas according to the map or plat thereof recorded in Volume 525, Page 422 of the Deed Records of Harris County, Texas,

Being the same property acquired by "The First Presbyterian Church of Houston" from "The Museum of Fine Arts, Houston" by Instrument No

20070402171 recorded in the records of Harris County, Texas on July 2, 2007

- 6 Lots Twenty-eight (28) and the adjoining West one-half (1/2) of Lot Twenty-nine (29), of COLBY COURT, an addition to the City of Houston, in Harris County, Texas, according to the map or plat thereof recorded in Volume 525, Page 422, of the Deed Records of Harris County, Texas,

Being the same property acquired by "The First Presbyterian Church of Houston" from "Dale Avenue Properties" by Instrument No 20100397217 recorded in the records of Harris County, Texas on September 15, 2010

- 7 A tract or parcel of land containing 0.3139 acre (13,672 square feet) of land situated in the O Smith Survey, Abstract Number 309, Harris County, Texas, being all of Lots 15 and 16 of Colby Court, an addition to the City of Houston in Harris County Texas, according to the map thereof recorded in Volume 525, Page 422, of the Harris County Deed Records, and being a portion of the abandoned part of Portland Avenue and part of Fractional Lot 4 of Fractional Block 3 of South End Villa Addition, an addition to the City of Houston in Harris County, Texas, according to the map thereof recorded in Volume 1, Page 4, of the Harris County Deed Records, said tracts out of South End Villa Addition being described as "A Portion of the west end of Portland Street and the south end of Milam Street in the South End Villa Addition" in Warranty Deed from the City of Houston to T L Denman recorded in Volume 523, Page 507 of the Harris County Deed Records, and "A part of Fractional Lot 4 in Fractional Block 3, South End Villa Addition", conveyed to T L Denman in Warranty Deed recorded in Volume 523, Page 506 of the Harris County Deed Records, said 0.3139 acre being that same tract conveyed to The Institute for Rehabilitation and Research Foundation as described in Warranty Deed Recorded under Harris County Clerk's File Number Z272056,

Being the same property acquired by "The First Presbyterian Church of Houston" from "Dale Avenue Properties" by Instrument No 20100397218 recorded in the records of Harris County, Texas on September 15, 2010

- 8 Lots Forty-two (42) and Forty-three (43) of COLBY COURT ADDITION, an addition in Harris County, Texas, according to the map or plat thereof, recorded in Volume 525, Page 422, of the Deed Records of Harris County, Texas,

Being the same property acquired by "The First Presbyterian Church of Houston" from "Dale Avenue Properties" by Instrument No 20120271671 recorded in the records of Harris County, Texas on June 20, 2012

- 9 Lot Thirty-Three (33) and the adjoining east one-half (1/2) of Lot Thirty-Two (32), Lot Thirty-Nine (39) and the adjoining west one-half of Lot Thirty-Eight (38) of Colby Court, an addition to the City of Houston, in Harris County, Texas, according to the map thereof recorded in Volume 525, Page 422 of the Deed Records of Harris County, Texas,

Being the same property acquired by "The First Presbyterian Church of Houston" from "W J Crawford and wife Elisabeth S Crawford" by Instrument No G631211, recorded at 163-96-1507 — 163-96-1516 of the records of Harris County, Texas on August 7, 1980

- 10 Lot Thirty (30) and that portion of Lot Twenty-Nine (29), of COLBY COURT, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 525, Page 422, of the Deed Records of Harris County, Texas
- 11 Lots Forty-Four (44), Forty-Five (45), Forty-Six (46), Forty-Seven (47), Forty-Eight (48), Forty-Nine (49), Fifty (50), Fifty-One (51), Fifty-Two (52), Fifty-Three (53), Fifty-Four (54), Fifty-Five (55), and Fifty-Six (56), of COLBY COURT ADDITION, an addition in Harris County, Texas, according to the map or plat thereof, recorded in Volume 525, Page 422, of the Deed Records of Harris County, Texas
- 12 All that certain tract or parcel of land situated in the Turner Addition in the original or large Lot No Fourteen (14) of the Obedience Smith Survey, in the City of Houston, upon the south side of Buffalo Bayou in Harris county, Texas, and consisting of all of Block No Seventy-six (76) of said Turner Addition and all that part of Block No Seventy-four (74) of said Turner Addition lying south of the south line of Colby Court, and addition to the City of Houston, and west of the west line of Main Street or Boulevard as said Main Street or Boulevard has been widened, and all of that part of block No Seventy-five (75) of said Turner Addition lying west of the west line of said Main Street or Boulevard as said Main Street or Boulevard has been widened, and all of those portions or parts of blocks numbered Seventy-seven (77) and Seventy-eight (78) of said Turner Addition lying west of the said west line of Main Street or Boulevard as said Main Street or Boulevard has been widened, and north of the old county farm road now known as Bissonett Avenue as the lines of said Bissonett Avenue are now located or established on the ground, said tract of land hereby conveyed being bounded on the east or southeast side by the west line of said Main Street or Boulevard as the said west line of Main Street or Boulevard is now located or established, on the south by the north line of the old county farm road now known as Bissonett Avenue, as the north line of said Bissonett Avenue is now located or established, and on the west by the east line of Magnolia Street, and on the north by the south line of said Colby Court, and containing five (5) acres of land more or less (said tract of land reduced as specified in

the act of conveyance between First Presbyterian Church of Houston and Hermann Hospital Estate, recorded in the Harris County Deed Records on June 12, 1933),

Being the same property acquired by "First Presbyterian Church of Houston, Texas" from "Board of Trustees of the Hermann Hospital Estate" by Instrument No 381665 recorded at D7800345—D7800348 of the records of Harris County, Texas on January 3, 1929,

Less and Except

The South 2 021 acres of said original 5 570 acre tract, consisting of all that part of said original 5 570 acre tract lying south of the center line of Berthea Street, extended in an easterly direction on its same lines and courses, with a width of forty (40) feet, to the west line of said Main Street or Boulevard, and not including the balance of said original 5 570 acre tract, such balance being all that part of said original 5 570 acre tract lying north of the said center line of Berthea Street extended on its same lines and courses with a width of forty feet to the said west line of Main Street or Boulevard,

The immediately-preceding property, being the same property more particularly described in that re-conveyance by "The First Presbyterian Church of Houston" to "Hermann Hospital Estate" evidenced by Instrument No 579121 recorded at D9280125—D9280129 of the records of Harris County, Texas on June 12, 1933

- 13 100,352 square feet of land, more or less, being a part of the Joseph Gamble Survey and also parts of Blocks 77 and 78 of the Turner Addition in Original or Large Lot No 14 of the Obedience Smith Survey in the City of Houston, on the South side of Buffalo Bayou, in Harris County, Texas, described by metes and bounds as follows, to-wit

Beginning at the intersection of the West line of Main Street as said Street is now located on the ground and a projection of the center line of Berthea Street extended Easterly from Roseland Street on its same line and course to Main Street, said beginning point being the Northeastly corner of a tract of land conveyed to the Board of Trustees of the Hermann Hospital Estate by The First Presbyterian Church of Houston by deed dated May 23, 1933, recorded in Volume 928, page 125, of the Deed Records of Harris County, Texas,

Thence South 35 Degrees 00' West along the Westerly line of Main Street as said Street is located on the ground a distance of 437 51 feet to the intersection of the Westerly line of Main Street with the present Northerly line of Bissonnet Street,

Thence in a Northwesterly direction following the arc of a curve to the left having a central angle of 22 degrees 45' 06'' and a radius of 493 19 feet along the Northerly line of Bissonnet Street as said Street is now located on the ground a distance of 195 84 feet to a point on the projection South 0 degrees 15' East of the Easterly line of Roseland Street,

Thence North 0 degrees 15' West along said projection of the Easterly line of Roseland Street and along the Easterly line of Roseland Street a total distance of 278 29 feet, being the Northwest corner of the tract of land conveyed to the Hermann Hospital Estate by the deed dated May 23, 1933, above referred to, said point being also at the intersection of the East line of Roseland Street with the center line of Berthea Street extended Easterly,

Thence North 89 degrees 45' East along the Northerly line of said tract conveyed to Hermann Hospital Estate by the deed dated May 23, 1933 above referred to, being along the center line of said Berthea Street extended Easterly on its same line and course a distance of 430 30 feet to the place of beginning.

The immediately-preceding property consisting of three contiguous tracts of land as follows

- 1 All of that certain tract of land conveyed by the First Presbyterian Church of Houston to Hermann Hospital Estate by deed dated May 23, 1933, recorded in Volume 928, page 12, of the Deed Records of Harris County, Texas
- 2 All of the abandoned portion of the old right-of-way of Bissonnet Street described in Part Third of Agreement and Conveyance dated April 1, 1949, recorded in Volume 1916, page 181, of the Deed Records of Harris County, Texas, by and between The Museum of Fine Arts of Houston, the City of Houston, and the Board of Trustees of Hermann Hospital Estate

A triangular tract of land lying South of the old right-of-way of Bissonnet Street and North of the present rig-of-way of said Street, being the first tract as described in Part Second of Agreement and Conveyance dated April 1, 1949, recorded in Volume 1916, page 181, of the Deed Records of Harris County, Texas, by and between The Museum of Fine Arts of Houston, the City of Houston, and the Board of Trustees of the Hermann Hospital Estate,

Being the same property acquired by "The First Presbyterian Church of Houston" from "The Hermann Hospital Estate" by Instrument No B356477

recorded at Volume 4416, Pages 10-18 (pp 054-16-0233—054-16-0241) of the records of Harris County, Texas on June 30, 1961,

Less and Except

All that certain 2 1689 acres out of Blocks 77 and 78, Turner's Addition according to the plat thereof as filed in Volume 359, Page 335, Harris County Deed Records and being out of that certain tract as described in a deed dated 06-14-1961 from Hermann Hospital Estate to First Presbyterian Church of Houston as filed in Volume 4416, Page 10, Harris County Deed Records and being more particularly described by metes and bounds as follows (bearings based on the northwest right-of-way line of Main Street to be S 35° 16' 40" W)

Commencing at City of Houston Engineering Department Reference Rod No 390 being a found 3/4" iron rod in asphalt from which City of Houston Engineering Department Reference Rod No 426 being a found 3/4" iron rod in asphalt bears Due North - 1,140 28' for reference, Thence Due South - 290 13' to a point, Thence S 89° 58' 20" E - 251 94' to a 5/8" iron rod marking the northwest corner of said deed from Hermann Hospital Estate to First Presbyterian Church of Houston as filed in Volume 4416, Page 10 Harris County Deed Records, Thence S 00° 01' 40" W - 13 80' with the east line of that certain tract as described in a deed dated 12-19-1984 from Museum of Fine Arts, Houston to City of Houston as filed in Official Records of Real Property of Harris County at Clerk's File Number J-868187, Film Code Number 005-68-1087 to a set 5/8" iron rod with cap (stamped C L DAVIS-RPLS 4464) marking the POINT OF BEGINNING of herein described tract,

Thence S 89° 58' 20" E - 420 54' to a set 5/8" iron rod with cap (stamped C L DAVIS-RPLS 4464) for corner,

Thence S 35° 16' 40" W - 420 61' with the northwest right-of-way line of Main Street (120' wide) to a found 5/8" iron rod marking a point on a curve to the left having a radius of 493 19' and a central angle of 22° 45' 05",

Thence with said curve and the northerly right-of-way line of Bissonnet Street an arc distance of 195 84' and a chord bearing and distance of N 66° 00' 55" W - 194 55' to a found 5/8" iron rod for corner,

Thence N 00° 01' 40" E - 264 49' with the east line of said City of Houston tract to the POINT OF BEGINNING and containing 2 1689 acres (94,478 square feet) of land more or less,

The immediately-preceding property being the same property that was re-conveyed by "The First Presbyterian Church of Houston" to "The Museum of Fine Arts, Houston" by Instrument No 20070402172 recorded in the records of Harris County, Texas on July 2, 2007

- 14 The N/2 N/2 of Section 75, Block 14, H & TC Ry Co Survey, Abstract 392, Irion County, Texas, from the surface down to 5,100 feet, containing 160 acres, more or less,

The Ela C Sugg A Lease being N/2 N/2 of Section 53, Block 14, H & TC Ry Co Survey, Irion County, Texas, from the surface down to a depth of 5,100 feet beneath the surface,

The Ela C Sugg B Lease being N/2 N/2 of Section 75, Block 14, H & TC Ry Co Survey, Irion County, Texas, from the surface down to a depth of 5,100 feet beneath the surface,

All that certain tract or parcel of land lying and being situated about 17 miles north 30 E from the City of Houston, a part of the E Ruhl survey in Harris County, Texas, more particularly described as follows BEG at the NWC of A May's labor survey for which a pine 22 inches in dia marked E bears SE vrs, THENCE W with R Dunman's SBL 444 vrs to SWC of same a stake from which a pine 18'' in diameter marked X brs S 12 W 49 vrs, Thence S 225 vrs to James Strange's SEC from which a red oak 24'' in dia marked X brs N 6 1/2 W 53 vrs, THENCE W 40 vrs to corner on said Strange's SBL from which a pine 18'' in dia marked R brs N 42 E 90 vrs, THENCE S 630 vrs to corner in prairie, THENCE E 844 vrs to corner on A May's WBL, THENCE N 855 vrs to the place of beginning, SAVE AND EXCEPT 20 acres located in the NEC of said survey sold to Henry Fox et al, and 2 90 acres on the N & W line sold to A W Wagner, Tst, leaving a balance of 88 10 acres SAVE AND EXCEPT 23 78 acres out of the westerly 28 acres of that certain 88 10 acres out of the E Ruhl Survey, Harris County, Texas, as described under "First Tract" in assignment dtd Sept. 20, 1955 from Traders Oil Co of Houston and McAlister Fuel Co to Joseph Cullinan II and being located in the County of Harris, State of Texas, Lot 41 out of the Second Subdivision of the J M Bennett Ranch, as said Subdivision appears of record at Volume 2, Page 43 of the Map or Plat Records of Jackson County, Texas,

An undivided one-fourth (1/4) interest in and to Lots One (1) through Eight (8), in Block One (1) of LYNCHBURG TOWNSITE, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume "S," page 139, Deed Records of Harris County, Texas, SAVE AND EXCEPT the surface estate in a 0 587-acre parcel conveyed to Harris

County by Deed dated June 9, 1972, executed by Coast Properties Company, et al (Tax Account No 023-107-001-0005),

An undivided one-eighth (1/8) interest in and to

- (a) Lots One (1) through Six (6) and Lot Eight (8), in Block Two (2) of LYNCHBURG TOWNSITE, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume "S," page 139, Deed Records of Harris County, Texas, SAVE AND EXCEPT the surface estate in a 0.068-acre parcel conveyed to Harris County by Deed dated June 9, 1972, executed by Coast Properties Company, et al (Tax Account No 023-107-001-0005), and
- (b) A lot or parcel containing 0.14 acre in front of Block One (1) between the road and water and a lot or parcel containing 0.5 acre in front of Block Two (2) between the road and water, all such lots or parcels are shown on the map or plat of the CITY OF LYNCHBURG, TEXAS, as recorded in Volume 5, page 139, Deed Records of Harris County, Texas (Tax Account No 040-291-000-0013),

All that land described in that certain Unit Designation for the BALLARD EXPLORATION COMPANY, INC HALL'S BAYOU RANCH -ORYX #1 HOUSTON FARMS UNIT, dated April 8, 1991 and recorded under Film Code No 007-51-1154 in the Official Public Records of Real Property of Galveston County, Texas,

All of the above-described parcels being part of that conveyance by "Judith J Potter, Personal Representative of the Estate of Louise L. Jamison" unto "The First Presbyterian Church of Houston" by Instrument No 300564929 and/or No V138693 recorded in the records of Harris County, Texas on June 27, 2001

- 15 Such other tracts or parcels of land which may have been inadvertently omitted from this Exhibit A, but which are currently held by, for, or in the name of FPC, which FPC currently possesses and enjoys, to which FPC holds title, or over which FPC exercises exclusive control