

**RESOLUTION NO. 2012-10-001 (MHFC)**

**A RESOLUTION OF THE MCKINNEY HOUSING FINANCE CORPORATION OF THE CITY MCKINNEY, TEXAS, TERMINATING THE REQUIREMENTS OF THE REGULATORY AGREEMENT AND THE AMENDED AND RESTATED REGULATORY AGREEMENT ACCORDING TO THEIR TERMS HAVE BEEN SATISFIED**

**WHEREAS**, McKinney Housing Finance Corporation, a Texas nonprofit corporation (the "Issuer"), issued its Multifamily Housing Revenue Refunding Bonds (Park on the Creek Apartments Project) Series 1997A, in the original principal amount of \$11,000,000 (collectively, the "Bonds"), for the purpose of financing or refinancing a multifamily rental residential development known as Park on the Creek Apartments, located on approximately 12.35 acres within the City of McKinney, Collin County, Texas (the "Project");

**WHEREAS**, the Project is subject to certain regulatory restrictions established by that certain Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants dated as of October 1, 1997, filed for record in Collin County, Texas, at book 4060, page 0516 et seq (as subsequently modified or amended, the "Regulatory Agreement");

**WHEREAS**, the current owner of the Project, H-G Park on the Creek, LLC, a Delaware limited liability company (the "Owner"), received fee title to the Project pursuant to a Special Warranty Deed in Lieu of Foreclosure (the "Deed in Lieu") recorded February 28, 2011 at instrument 20110228000214270, Deed Records, Collin County, Texas;

**WHEREAS**, Issuer has received satisfactory evidence that all of the Bonds have been cancelled in accordance with their terms;

**WHEREAS**, conveyance of the Property pursuant to the Deed in Lieu and cancellation of all outstanding Bonds satisfied the requirements contained in the Regulatory Agreement for its termination;

**WHEREAS**, H-G Park on the Creek Lender, LLC, a Delaware limited liability company (the "Deed of Trust Beneficiary") was the current holder of the Multifamily Deed of Trust, Assignment of Rents and Security Agreement executed by the original owner of the Project and recorded against the Project on May 5, 1997 in Volume 3904, Page 1990, Collin County Records (as subsequently modified and assigned), and Deed of Trust Beneficiary executed and approved Owner's request that the Regulatory Agreement be terminated and released;

**WHEREAS**, Owner paid Issuer's fees and expenses associated with terminating the Regulatory Agreement, including without limitation reasonable attorneys' fees and expenses and the costs of recording the Termination and Release of Regulatory Agreement;

**WHEREAS**, a Termination and Release of Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants dated March 4, 2011 (the "Amended and Restated Regulatory Agreement") was filed for record on May 3, 2011 at instrument 20110503000456110, Deed Records, Collin County, Texas;

**WHEREAS**, the title company insuring the title of the Project has requested a clarification to the previously filed Amended and Restated Regulatory Agreement to confirm the intent to release and terminate the Regulatory Agreement and the Amended and Restated Regulatory Agreement; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of McKinney Housing Finance Corporation that (a) the requirements for termination of the Regulatory Agreement and the Amended and Restated Regulatory Agreement

according to their terms have been satisfied, (b) the form of Corrected Termination and Release of Regulatory Agreement attached to this resolution is hereby accepted and approved, (c) any officer or agent of the Issuer is hereby authorized and directed to take such actions as are necessary for the Corrected Termination and Release of Regulatory Agreement to be duly executed and recorded in accordance with this resolution in the appropriate records of Collin County, Texas, and (d) any act by an officer or agent of Issuer that would have been authorized by this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved and adopted.

**DULY PASSED AND APPROVED BY THE MCKINNEY HOUSING FINANCE CORPORATION OF THE CITY OF MCKINNEY, TEXAS ON THE 19<sup>th</sup> DAY OF OCTOBER 2012.**

MCKINNEY HOUSING FINANCE  
CORPORATION

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Secretary

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