

NO. 91-03402

LUTHER BRIGHT AND ERNESTINE BRIGHT	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-12229

HARRY E. BURKETT, JR. AND ANGELA BURKETT	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-51754

ROY CADE AND DOROTHY CADE	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-41571

VINCENT J. CAMPO AND ANNA CAMPO	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-25393

JAMES D. CANARD	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-12226

IVORY COATNEY AND FRANCIS COATNEY	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-10168

LOUIS DUBCAK	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-14597

GENE W. DUKE	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-25389

ALTON B. EDMONSTON	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-56713

CHARLES HIGGINBOTHAN AND JOYCE HIGGINBOTHAN	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-23592

ALLEN W. HOLT AND KATIE HOLT	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-03405

DENNIS J. HUTCHINS	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-41564

ROBERT L. PRUITT AND GLORIA PRUITT	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-44480

WALTER B. SKINNER AND MARY SKINNER	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

CAUSE NO. 91-11034

MORRIS W. SMITH AND PANSY SMITH	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-54267

ELIJAH SPRIGGS AND RITA SPRIGGS	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

CAUSE NO. 91-04698

JAMES A. WELCH AND SANDRA WELCH	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

NO. 91-63669

CHARLES P. ZARSKY	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
FIBREBOARD CORPORATION, ET AL	§	334TH JUDICIAL DISTRICT

AFFIDAVIT OF RICHARD A. NOWLAND

THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS	§	

BEFORE ME, the undersigned authority, personally appeared **Richard A. Nowland**, who after being duly sworn upon his oath, deposed and stated as follows:

1. "My name is Richard A. Nowland. I am over the age of 21 years, am of sound mind and am fully capable of making this affidavit. I have never been convicted of any felony or misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and know them to be true and correct.

2. I am Treasurer of **Cactus Construction Company.**

3. **Cactus Construction Company**, a Texas Corporation, was incorporated on the 14th day of February, 1969.

4. **Cactus Construction Company** since its inception has never conducted any business and has remained at all times an inactive corporation.

5. **Cactus Construction Company** since the time of its inception and incorporation on February 14, 1969, has never manufactured or sold any asbestos containing product.

6. **Cactus Construction Company** at the time of its inception and at all times subsequent thereto has never purchased, merged with or in any way assumed the tort liabilities of any corporation, partnership or sole proprietorship that either manufactured or sold asbestos containing products.

7. I have reviewed the pleadings and answers to Interrogatories for the individual Plaintiffs herein referenced and can state without reservation that **Cactus Construction Company** since its inception has never manufactured, sold or installed any asbestos containing product to the work sites identified by Plaintiffs.

8. The documents contained in Exhibit "A" are true and correct copies of records on file with the office of the Texas Secretary of State.

Further Affiant sayeth not.

RICHARD A. NOWLAND

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, by **Richard A. Nowland**, on this the 24 day of February, 1993, to certify which witness my hand and seal of office.

NOTARY PUBLIC - STATE OF TEXAS

EXHIBIT "A"

The State of Texas

OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF INCORPORATION
OF

CACHE CONSTRUCTION COMPANY
CHARTER NO. 238137

The undersigned, as Secretary of State of the State of Texas, hereby certifies that duplicate originals of Articles of Incorporation for the above corporation duly signed and verified pursuant to the provisions of the Texas Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Incorporation and attaches hereto a duplicate original of the Articles of Incorporation.

Dated February 4, 1969

Secretary of State

CACTUS CONSTRUCTION COMPANY

ARTICLES OF INCORPORATION

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 corporat under the Texas Business Corporation Act, do hereby adopt t following Articles of Incorporation for such corporation:

ARTICLE ONE

The name of the corporation is CACTUS CONSTRUCTION COMPANY.

ARTICLE TWO

The period of its duration is perpetual.

ARTICLE THREE

The purpose or purposes for which the corporation organized are:

1. To engage in the construction business general including the design, engineering, construction, repair, mai nance, and demolition of all types of structures.

2. To engage in the business of buying, selling, developing, leasing, and operating, apartment houses, hotels motels, office buildings, shopping centers, warehouses, garm theaters, factories, refineries and other types of buildings

3. To engage in the oil and gas and other mineral business, including the leasing, exploration, drilling, deve ing, production, mining, treatment refining, and marketing o oil, gas and other minerals.

4. To engage in the transportation of persons, co modities, goods, wares, merchandise, livestock, liquids and

5. To engage in the buying, selling, leasing, man facturing, repairing and operating of all types of vehicles, boats, vessels, equipment, goods, wares, and merchandise.

6. To engage in the farming and ranching business

ARTICLE FOUR

The aggregate number of shares which the corporati shall have authority to issue is One Hundred (100) shares, without par value.

ARTICLE FIVE

The corporation will not commence business until has received for the issuance of its shares consideration the value of One Thousand Dollars ($1,000.00), consisting money, labor done or property actually received, which sum at least equal to ten percent (10%) of the total capitaliza of said corporation and not less than $1,000.00.

ARTICLE SIX

The post office address of its initial registered office is 5211 Bayou Glen, Houston, Texas, and the name of i initial registered agent at such address is William A. Brown.

ARTICLE SEVEN

The number of directors constituting the initial board of directors is three (3), and the names and addresses of the persons who are to serve as directors until the first annual meeting of the shareholders or until their successors are elected and qualified are:

William A. Brown	5211 Bayou Glen, Houston, Texas
A. S. Brown	5211 Bayou Glen, Houston, Texas
Albert Maverick	4130 Clinton Drive, Houston, Texa

ARTICLE EIGHT

The names and addresses of the incorporators are:

William A. Brown	5211 Bayou Glen, Houston, Texas
A. S. Brown	5211 Bayou Glen, Houston, Texas
Albert Maverick	4100 Clinton Drive, Houston, Texas

IN WITNESS WHEREOF, we have hereunto set our hands, this 17 day of January, 1949.

William A. Brown

A. S. Brown

Albert Maverick

THE STATE OF TEXAS |
|
COUNTY OF HARRIS |

I, the undersigned notary public, do hereby certify that on this 2nd day of [illegible], 19[illegible] personally appeared before me [illegible], A. J. BROWN, and ALBERT MAVERICK, who each being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements therein contained are true.

[illegible]
Notary Public in and for
Harris County, Texas.

[illegible]

The State of Texas

OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF INCORPORATION
OF

CACTUS CONSTRUCTION COMPANY
CHARTER NO. 236157

The undersigned, as Secretary of State of the State of Texas, hereby certifies that duplicate originals of Articles of Incorporation for the above corporation duly signed and verified pursuant to the provisions of the Texas Business Corporation Act, have been received in this office and are found to conform to law.

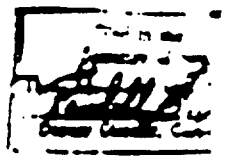
ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Incorporation and attaches hereto a duplicate original of the Articles of Incorporation.

Dated February 4, 1969

Martin Dies, Jr.
Secretary of State

CACTUS CONSTRUCTION COMPANY

ARTICLES OF INCORPORATION



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 Business Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE ONE

The name of the corporation is CACTUS CONSTRUCTION COMPANY.

ARTICLE TWO

The period of its duration is perpetual.

ARTICLE THREE

The purpose or purposes for which the corporation is organized are:

1. To engage in the construction business generally, including the design, engineering, construction, repair, maintenance, and demolition of all types of structures.

2. To engage in the business of buying, selling, developing, leasing, and operating, apartment houses, hotels, motels, office buildings, shopping centers, warehouses, garages, theaters, factories, refineries and other types of buildings.

3. To engage in the oil and gas and other mineral business, including the leasing, exploration, drilling, developing, production, mining, treatment refining, and marketing of oil, gas and other minerals.

4. To engage in the transportation of persons, commodities, goods, wares, merchandise, livestock, liquids and gase

5. To engage in the buying, selling, leasing, manufacturing, repairing and operating of all types of vehicles, boats, vessels, equipment, goods, wares, and merchandise.

6. To engage in the farming and ranching business.

ARTICLE FOUR

The aggregate number of shares which the corporation shall have authority to issue is One Hundred (100) shares, without par value.

ARTICLE FIVE

The corporation will not commence business until it has received for the issuance of its shares consideration of the value of One Thousand Dollars ($1,000.00), consisting of money, labor done or property actually received, which sum is at least equal to ten percent (10%) of the total capitalization of said corporation and not less than $1,000.00.

ARTICLE SIX

The post office address of its initial registered office is 5211 Bayou Glen, Houston, Texas, and the name of its initial registered agent at such address is William A. Brown.

ARTICLE SEVEN

The number of directors constituting the initial board of directors is three (3), and the names and addresses of the persons who are to serve as directors until the first annual meeting of the shareholders or until their successors are elected and qualified are:

William A. Brown	5211 Bayou Glen, Houston, Texas
A. S. Brown	5211 Bayou Glen, Houston, Texas
Albert Maverick	4130 Clinton Drive, Houston, Texas.

ARTICLE EIGHT

The names and addresses of the incorporators are:

William A. Brown	5211 Bayou Glen, Houston, Texas
A. S. Brown	5211 Bayou Glen, Houston, Texas
Albert Maverick	4130 Clinton Drive, Houston, Texas

IN WITNESS WHEREOF, we have hereunto set our hands, this 17 day of January, 1969.

William A. Brown

A. S. Brown

Albert Maverick

THE STATE OF TEXAS |
|
COUNTY OF HARRIS |

I, the undersigned notary public, do hereby certify that on this 27 day of [redacted], 1969, personally appeared before me [redacted], A. J. BROWN, and ALBERT MAVERICK, who each being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements therein contained are true.

[redacted]
Notary Public in and for
Harris County, Texas.

[redacted]