



Control Number: 45870



Item Number: 34

Addendum StartPage: 0

PUC DOCKET NO. 45870
SOAH DOCKET NO. 473-16-4619.WS

RECEIVED

2016 JUL 27 PM 2:04

FORMAL COMPLAINT OF KER-SEVA
LTD. AGAINST THE CITY OF FRISCO,
TEXAS

§
§
§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**ADC WEST RIDGE, L.P. AND CENTER FOR HOUSING RESOURCES, INC.'S REPLY
TO CITY OF FRISCO'S RESPONSE TO COMPLAINANTS' MOTION TO
INTERVENE**

COMES NOW, ADC West Ridge, L.P.¹ and Center for Housing Resources, Inc. (hereinafter, "Movants") and file this Reply to the City of Frisco's Response to Motion to Intervene and would respectfully show as follows:

Movants joined in Ker-Seva, Ltd.'s complaint against the City of Frisco in the Amended Complaint and Second Amended Complaint after ADC West Ridge, L.P. purchased the property at issue in this proceeding. Out of an abundance of caution, Movants filed a Motion to Intervene contending that, although intervention was not necessary since they were complainants, they met the requirements to intervene as parties in this proceeding. The City of Frisco ("Frisco") filed a response on July 22, 2016, requesting production of evidence that ADC West Ridge, L.P. purchased the property. With such evidence, Frisco indicated it did not oppose the Motion to Intervene. This reply is timely filed.

Attached as Exhibit B to the Amended Complaint and the Second Amended Complaint is the Warranty Deed demonstrating ADC West Ridge, L.P. purchased the property and showing that Center for Housing Resources, Inc. is the manager of ADC West Ridge, L.P.'s general partner. For convenience, this Warranty Deed is attached hereto as Exhibit "1." Attached hereto as Exhibit "2" is a Correction Affidavit to the Warranty Deed indicating that ADC West Ridge,


¹ ADC West Ridge, L.P. has been incorrectly referred to as ADC West Ridge Villas, L.P.

L.P. was incorrectly identified in the warranty deed as ADC West Ridge Villas, L.P. ADC West Ridge, L.P. was also incorrectly identified in the Amended Complaint and Second Amended Complaint as ADC West Ridge Villas, L.P.

WHEREFORE, PREMISES CONSIDERED, ADC West Ridge, L.P. and Center for Housing Resources, Inc. respectfully request that they be admitted as parties, and, if intervention is considered necessary for complainants in this matter, they be permitted to intervene.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: 

Leonard Dougal - State Bar No. 06031400

Mallory Beck - State Bar No. 24073899

100 Congress, Suite 1100

Austin, Texas 78701

E: ldougal@jw.com

T: (512) 236 2233

F: (512) 391-2112

ATTORNEYS FOR COMPLAINANTS
KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING
RESOURCES, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 27th day of July 2016:

Art Rodriguez
Russell & Rodriguez, L.L.P.
1633 Williams Dr., Bldg. 2, Suite 200
Georgetown, Texas 78268
arodriguez@txadminlaw.com
Attorney for City of Frisco

Via email and U.S. First Class Mail

Sam Chang
Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
sam.chang@puc.texas.gov
Attorney for Public Utility Commission of Texas

Via email and U.S. First Class Mail

State Office of Administrative Hearings
300 West 15th St., Suite 502
Austin, Texas 78701
(512) 475-4993
(512) 322-2061- Fax

Via U.S. First Class Mail

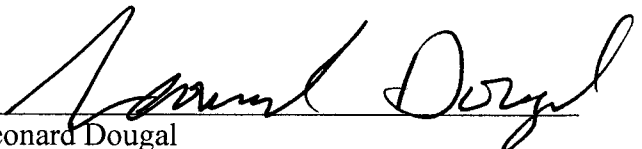

Leonard Dougal

Exhibit “1”

DOCUMENT CERTIFICATION


The undersigned hereby certifies that the attached document is a true and correct copy of the following document:

DEED

Recorded on this the 19th day of May, 2016

Under Document Number 2016 0519000612640 of the
Real Property Records of Collin County, Texas

Republic Title of Texas, Inc.

By: 
Name: Sandra J. Laukon
Title: SVP/EO
Date: 05-19-16

RTT 1018-134708

Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: the 17th day of May, 2016

Grantor: Ker-Seva, Ltd.

Grantor's Mailing Address: 9421 Westridge Blvd., McKinney, TX 75070

Grantee: ADC West Ridge Villas, LP

Grantee's Mailing Address: 347 Walnut Grove Ln., Coppell, TX 75019

Consideration: TEN and no/100 DOLLARS and other good and valuable consideration and further consideration of a promissory note ("TDHCA HOME Note") of even date herewith in the original principal sum of Three Million and no/100 DOLLARS (\$3,000,000.00) executed by Grantee and payable to the Texas Department of Housing and Community Affairs ("TDHCA"), a public and official agency of the State of Texas, secured by the vendor's lien herein retained in the amount of One Million and no/100 Dollars (\$1,000,000.00) and is additionally secured a deed of trust (with security agreement and assignment of rents) of even date herewith from Grantee to Timothy Irvine, Trustee

Property (including any improvements): Lot 2, Block A, Westridge Addition, Frisco, Collin County, Texas, containing approximately 4.916 acres.

Reservations from and Exceptions to Conveyance and Warranty:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against the Property and superior title to the Property are retained until that portion of the TDHCA HOME Note recurred by the vendor's lien is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the dates of our respective acknowledgements below.

GRANTOR: KER-SEVA, LTD. a Texas Limited Partnership

By: Ker-Seva Management, LTD, a Texas Limited Liability Company

By: Jastinder S. Jawanda
Jastinder S. Jawanda, Manager

GRANTEE:

ADC West Ridge, LP, a Texas limited partnership

By: CHR West Ridge Villas, LLC, a Texas limited liability company, its General Partner

By: Center for Housing Resources, Inc., a Texas Not for Profit Corporation, its Manager

By: Terri L. Anderson
Terri L. Anderson, Chairperson

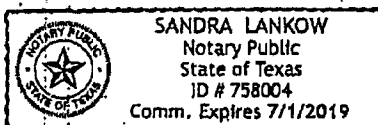
THE STATE OF TEXAS §
COUNTY OF DENTON §

KNOW ALL MEN BY THESE PRESENTS

This instrument was acknowledged before me on this 17th day of May, 2016, by Jastinder S. Jawanda, Manager of KER-SEVA MANAGEMENT, LTD, a Texas Limited Liability Company, of KER-SEVA, LTD., a Texas limited partnership.

Seal

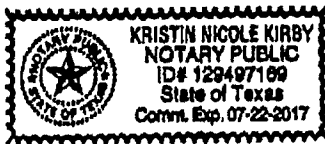
Terri L. Anderson
Notary Public, State of Texas



THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

KNOW ALL MEN BY THESE PRESENTS

This instrument was acknowledged before me on this 18th day of May, 2016, by Terri L. Anderson, Chairperson, Center for Housing Resources, Inc., Manager of CHR West Ridge, LLC, General Partner of ADC West Ridge, LP.



Kristin Nicole Kirby

Notary Public, State of Texas

Seal

AFTER RECORDING RETURN TO:

The Law Offices of Claire G. Palmer, PLLC
Attorney for Borrower
2224 Clearspring Drive South
Irving, TX 75063

Exhibit “2”

CORRECTION AFFIDAVIT
(NON-MATERIAL CORRECTION, Texas Property Code Sec. 5.028)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared SANDRA LANKOW, to me well known, and who, after being by me duly sworn, deposes and says that:

"My name is SANDRA LANKOW. I am a Vice President and Escrow Officer employed by Republic Title of Texas, Inc. and I am a 'person with personal knowledge' of the facts set forth herein, as defined in Section 5.028(a), Texas Property Code, as added by S.B. 1496.

The Warranty Deed filed of record on 05/19/2016, and recorded under cc#20160519000612640 Real Property Records of Collin County, Texas, and

contained an incorrect Grantee name as follows:

ADC West Ridge Villas, LP.

The correct Grantee name is and should have been:

ADC West Ridge, LP.

This correction is based on my review of the company documents for the Grantee and the closing documents.

A copy of this Correction Affidavit is being delivered via first class mail to all parties to the original instrument recorded."

FURTHER AFFIANT SAITH NOT.

Executed this 24th day of June, 2016



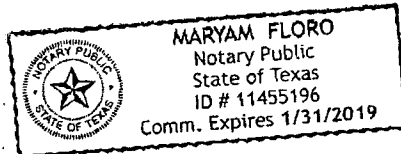
SANDRA LANKOW

STATE OF TEXAS

COUNTY OF

Denton

The above and foregoing instrument was acknowledged **subscribed and sworn to** before me, the undersigned authority, on this 27 day of June, 2016 by SANDRA LANKOW.



[Signature]

Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Republic Title of Texas, Inc.
3024 E. Hebron Pkwy.
Carrollton, Texas 75012