ATTACHMENT 3

Question 9

Certification of Account Status

AMC Creekside LLC 31200 Northwestern Highway Farmington Hills, MI 48334



Franchise Tax Account Status

As of: 05/09/2016 12:58:43 PM

This Page is Not Sufficient for Filings with the Secretary of State

	AMC CREEKSIDE LLC
Texas Taxpayer Number	32045703249
Mailing Address	399 PARK AVE C/O NORTHSTAR REALTY FINANCE CORP NEW YORK, NY 10022-4614
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	11/21/2011
Texas SOS File Number	0801510493
Registered Agent Name	C T CORPORATION SYSTEM
_	1999 BRYAN ST., STE. 900 DALLAS, TX 75201

ATTACHMENT 4

Question 11B

Texas Commission on Environmental Quality Correspondence, Rules, and Orders

AMC Creekside LLC 31200 Northwestern Highway Farmington Hills, MI 48334 Bryan W. Shaw, Ph.D., P.E., Chairman Toby Baker, Commissioner Zak Covar, Commissioner Richard A. Hyde, P.E., Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 3, 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Signature 91 3408 2133 3931 9092 3849 Confirmation # 91 3408 2133 3931

Ms. Elizabeth Dulberger, Associate Vice President, Operations AMC Creekside LLC 101 University Boulevard, Suite 240 Denver, Colorado 80206

Re: Notice of Enforcement Action

AMC Creekside LLC; RN101442424; PWS ID No. 0610191 Docket No. 2013-2172-PWS-E; Enforcement Case No. 48018

FOR SETTLEMENT PURPOSES ONLY

Dear Ms. Dulberger:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against AMC Creekside LLC for violations of the Texas Health & Safety Code and/or Commission Rules. These violations were discovered during a record review conducted on October 10, 2013, and documented in a letter dated December 9, 2013, from the TCEQ Dallas/Fort Worth Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of Five Hundred Twenty-Five Dollars (\$525). We are proposing a one time offer to defer One Hundred Five Dollars (\$105) of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is Four Hundred Twenty Dollars (\$420). The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Fort Worth or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas*

Ms. Elizabeth Dulberger Page 2 February 3, 2014

Register, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save AMC Creekside LLC and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order and the penalty payment (check payable to "TCEQ" and referencing AMC Creekside LLC, Docket No. 2013-2172-PWS-E) to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or pay for a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. If you are interested in performing a SEP, you must agree to the penalty amount and submit a SEP proposal within 30 days of receipt of this proposed order.

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at http://www.tceq.texas.gov/legal/sep/ or contact the Enforcement Coordinator listed below.

Please note that any agreements we reach are subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).

Ms. Elizabeth Dulberger Page 3 February 3, 2014

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 Tex. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 Tex. Admin. Code ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 Tex. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled Obtaining TCEQ Rules (GI-032) are located on our agency website at http://www.tceq.texas.gov for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Jorge Ibarra, P.E., of my staff at (817) 588-5890.

Sincerely, Jorg Hora

Sandy Van Cleave, Manager Enforcement Division

Texas Commission on Environmental Quality

SV/jai

cc:

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet,

Site Compliance History

Manager, Water Section, Dallas/Fort Worth Regional Office, TCEQ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING AMC CREEKSIDE LLC RN101442424	\$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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AGREED ORDER DOCKET NO. 2013-2172-PWS-E

I. JURISDICTION AND STIPULATIONS

On ________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding AMC Creekside LLC ("Respondent") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a public water supply located at 4,000 Ace Lane in Lewisville, Denton County, Texas (the "Facility") that has approximately 557 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 14, 2013.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- An administrative penalty in the amount of Five Hundred Twenty-Five Dollars (\$525) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Twenty Dollars (\$420) of the administrative penalty and One Hundred Five Dollars (\$105) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all

requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to provide emergency power that will deliver water at a rate of 0.35 gallons per minute ("gpm") per connection in the event of the loss of normal power supply, in violation of 30 Tex. Admin. Code § 290.45(b)(1)(D)(v) and Tex. Health & Safety Code § 341.0315(c), as documented during a record review conducted on October 10, 2013. Specifically, the Respondent failed to provide an emergency power source, such as a back-up generator, which is required for a Facility that does not meet the elevated storage requirement and serves 250 or more service connections.
- 2. Failed to provide a total well capacity of 0.6 gpm per connection, in violation of 30 Tex. ADMIN. CODE 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c), as documented during a record review conducted on October 10, 2013. Specifically, at the time of the record review, the Facility had 557 connections which require a minimum well capacity of 334 gpm. The Facility was producing 170 gpm, indicating a 49% deficiency.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: AMC Creekside LLC, Docket No. 2013-2172-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order:
 - i. Provide emergency power that will deliver water at a minimum of 0.35 gpm per connection, in accordance with 30 Tex. ADMIN. CODE § 290.45; and
 - ii. Provide a total well capacity of 0.6 gpm per connection, as required by 30 Tex. ADMIN. CODE § 290.45.
 - b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 6. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONM	ENTAL QUALITY
For the Commission	
For the Executive Director	Date
agree to the attached Agreed Order on I	erstand the attached Agreed Order. I am authorized to behalf of the entity indicated below my signature, and I ecified therein. I further acknowledge that the TCEQ, in nt, is materially relying on such representation.
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Signature	Date
Name (Printed or typed) Authorized Representative of AMC Creekside LLC	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Policy Revision 3 (5		alty Calculation	n Worksheet ((PCW) pcw revisio	on August 3, 2011
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Screening Date 10-Dec-2013

Docket No. 2013-2172-PWS-E

PCW

Respondent AMC Creekside LLC
Gase ID No. 48018
Reg. Ent. Reference No. RN101442424
Media Statute Public Water Supply
Enf. Coordinator Jorge Ibarra, P.E.

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

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NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	. 1	5%
	Other written NOVs	3 0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	- XXXXXV	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	X 0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	1. MARTINE	0%
Emissions	Chronic excessive emissions events (number of events)	" (101) "	0%
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	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	. No	0%
S Cure S	Participation in a voluntary pollution reduction program	No .	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

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	Egonomic	Benefit Worksheet	
Responden Case ID No	AMC Creekside LLC 48018		
Regi Ent. Reference No	RN101442424 Public Water Supply		Years of
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Notes for AVOIDED costs			
Approx. Cost of Compliance	\$10,000	The state of the s	\$571

Screening Date 10-Dec-2013	Docket No. 2013-2172-PWS-E
Respondent AMC Creekside LLC	Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No. RN101442424	FCH REVIOLUTION STATES
Media Statute Public Water Supply	
Enf. Coordinator Jorge Ibarra, P.E.	
Violation Number *** 2.2	
Rule Cite(s)	Code 290.45(b)(1)(D)(I) and Tex. Health & Safety-Code 5
32, 200, e3, 2011.	341.0315(g)
"Failed to provide a	rtotal well capacity of 0:6 gpm per connection as documented
during a record rev	iew.conducted on October 10, 2013, Specifically, at the time of the Facility, had 557 connections which require a minimum well
Violation Description the record review	gpm. The Facility was producing 170 gpm indicating a.49%
	deficiency.**
The state of the s	
	Base Penalty \$1,000
SS Englormentalk Total Tom Kilmini	รีสานีการโกษาระ
	larm
SC 201 (301 201)	derate Minor
OTR Actual Potential	Percent 5.0%
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Matrix Failure to provide adequate well	capacity, may result in water shortages of Outages which could on significant amount of contaminants which would not exceed
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	Economic Benefit Worksho	et
Rikespondent Case ID No	AMC Creekside LLC	
Reg. Enti Reference No.		
	Public Water Supply	Percent Interest Degraciation
AViolation No	3.2 Secondary files States Secondary S econdary Secondary Secondary Secondary Secondary Secondary Secondary Secondary	5.0 15
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	Estimated cost to provide well capacity of 0.6 gpm per connection	on. Date required is the date of the record
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Other (as needed)	**************************************	Michigan VV D. R. Califia
Notes for AVOIDED costs		
Approx. Cost of Compliance	\$20,000	†O†AL \$1,599

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The TCEQ is committed to accessibility. To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN604398917, RN101442424, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

_						
Customer, Respondent, Owner/Operator:	or CN604398917, AMC Cree	kside LLC	Classification	NOT APPLICABL	.E Rating	: N/A
Regulated Entity:	RN101442424, CREEKSID	E WATER SYSTEM	Classification	NOT APPLICABI	E Rating	: N/A
Complexity Points:	N/A	· · · · · · · · · · · · · · · · · · ·	Repeat Violator	·: N/A		
CH Group:	14 - Other			***************************************	· · · · · · · · · · · · · · · · · · ·	
Location:	4,000 ACE LN LEWISVILL	E, TX, DENTON COL	INTY			
TCEQ Region:	REGION 04 - DFW METRO	PLEX				
ID Number(s): PUBLIC WATER SYSTEM/S	UPPLY REGISTRATION 0610	191 WATE	R LICENSING LICE	NSE 0610191		
Compliance History Peri	od: September 01, 2008	to August 31, 2013	Rating Yea	r; 2013	Rating Date:	09/01/2013
Date Compliance History	Report Prepared:	December 13, 201	3			
Agency Decision Requir	ng Compliance History	: Enforcemen	:			
Component Period Selec	ted: December 13, 200	8 to December 13,	2013			
TCEQ Staff Member to C	ontact for Additional In	formation Rega	rding Th i s Com	pliance Histor	y.	
Name: Jorge Ibarra, P	.E.		Phone:	(817) 588-5890		
•	٠,					
Site and Owner/Oper	ator History:					
 Has the site been in existen Has there been a (known) or 				•	YES NO	
3) If YES for #2, who is the cu	rrent owner/operator?	N/A				
4) If YES for #2, who was/wer owner(s)/operator(s)?	e the prior	N/A				
5) If YES, when did the changoccur?	ge(s) in owner or operator	N/A				•
Components (Multime	dia) for the Site Are	Listed in Sect	ions A - J			
 Final Orders, court june N/A 	dgments, and consent	decrees:				
3. Criminal convictions:						
C. Chronic excessive em	issions events:		V			
The approval dates of N/A	investigations (CCEDS	i Inv. Track. No	.):			
	lations (NOV) (CCEDS : ents a written allegation of a n is not a final enforcement a	violation of a speci	fic regulatory requin		ommission to a n	egulated
•	17/2013 (1075142)	• •	4398917	,		
Self Report?	NO (2010012)	2.100	Classification:	Minor		
Citation:	30 TAC Chapter 290, Sub	Chapter D 290.38(2	(4)			

Description:

Failure to get approval from the Executive Director to use dual primary electric service

as emergency power in an area not subject to large scale power outages due to natural

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.45(a) 290.45 (b)(1)(D)(i) - Failure to meet well capacity requirements. Description:

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

N/A

Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Bryan W. Shaw, Ph.D., Chairman Carlos Rubinstein, Commissioner Toby Baker, Commissioner Zak Covar, Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 9, 2013

ESIGNATURE CONFIRMATION # 91 3408 2133 3931 9094 5520

Elizabeth Dulberger Associate Vice President, Operations CR Property Management 101 University Blvd., Suite 240 Denver, CO 80206

Re: Notice of Enforcement for the Comprehensive Compliance Investigation at:

Creekside Water System, Lewisville, Denton County, Texas

TCEQ PWS No.: 0610191, RN No.: 101442424, Investigation No.: 1075142

Dear Ms. Dulberger:

On February 26, 2013, Mr. Robert E. Ferry of the Texas Commission on Environmental Quality (TCEQ) Dallas / Fort Worth (DFW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply systems. During this investigation, certain outstanding alleged violations were documented. Enclosed is a summary which lists the investigation findings and recommended corrective actions. Additional recommended corrective actions may be provided by the Enforcement Division.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at http://www.tceq.state.tx.us for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the DFW Region Office at 817-588-5800 or the Central Office Publications Ordering Team at 512-239-0028.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

Ms. Elizabeth Dulberger December 9, 2013 Page 2

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violations documented in this notice have been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below:

Manager, Drinking Water Section Enforcement Division, MC 219 Re: Enforcement Meeting Request Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Ferry in the DFW Metroplex Region Office at (817) 588-5814.

Sincerely,

Jeff Tate

Water Program Manager DFW Regional Office

JT / ref

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

CREEKSIDE WATER SYSTEM

Investigation #

1123363 Investigation Date: 10/10/2013

, DENTON COUNTY,

Additional ID(s): 0610191

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 495641

Compliance Due Date: To Be Determined

30 TAC Chapter 290.45(a)

Alleged Violation:

Investigation: 1075142

Comment Date: 03/27/2013

290.45 (b)(1)(D)(i) - Failure to meet well capacity requirements. A capacity of 332 gpm is required for a system with 553 connections. The wells are producing a combined total of 295 gpm (88.9%).

Investigation: 1123363

Comment Date: 11/18/2013

290.45 (b)(1)(D)(i) - Failure to meet the well production capacity requirement of at least 0.6 gpm. A follow-up investigation was conducted on October 17, 2013. The system has two wells for the current 557 connections. Well #1 was measured at 170 gallons per minute (gpm), down from the 192 gpm measured during the February 26, 2013, CCI. Well #2 was not in operation. The well had been out of service ever since being struck by lightning two months ago. The required capacity of 0.6 gpm per connection for 557 connections is 334.2 gpm. The current well capacity is therefore 49.1% deficient.

Summary of Investigation Findings

CREEKSIDE WATER SYSTEM

Investigation # 1123363

Investigation Date: 10/10/2013

, DENTON COUNTY,

Additional ID(s): 0610191

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 384656

30 TAC Chapter 290.38(24)

Alleged Violation: Investigation: 784356

Comment Date: 12/30/2009

Failure to get approval from the Executive Director to use dual primary electric service as emergency power in an area not subject to large scale power outages due to natural

disasters.

Investigation: 1075142

Comment Date: 04/02/2013

Failure to get approval for the use of dual electrical feeds for emergency power requirements. Investigation: 1123363 Comment Date: 10/10/2013

Failure to get approval from the Executive Director to use dual primary electric service as emergency power in an area not subject to large scale power outages due to natural disasters.

Recommended Corrective Action: Contact the TCEQ Water Supply Division at (512) 239-4691 and request an exception as per 290.38(24). Submit the results of this action to the Region 4 office by April 12, 2010.

Resolution: The system has contacted the Central Office and begun the process of receiving approval for the use of a dual power source for emergency power.

Remus Leung (MacCap)

Subject:

RE: Creekside Mobile Home Community, Denton TX

From: Bob Ferry [mailto:bob.ferry@tceq.texas.gov]
Sent: Wednesday, November 13, 2013 2:44 PM

To: Elizabeth Dulberger-CRM

Subject: Creekside Mobile Home Community, Denton TX

Ms. Dulberger;

I recently did an inspection at the Creekside Public Water System. During the background research it was discovered that Creekside has Certificate of Convenience and Necessity (CCN) number 12032. This number is assigned to a previous owner named C P Limited Partnership. This Certificate needs to be assigned to the current owners. When a sale transpires for a public water system, a Sale, Transfer, Merger (STM) form needs to be submitted for approval. Without this, the water system is still considered the property of the person or company who has the CCN. Call me at 817 / 588-5814 to discuss this matter. Thanks for your cooperation.

Bob Ferry 817 / 588-5814

If you would like to comment on my customer service, you can use the following link:

http://www.tceg.texas.gov/customersurvey., or you can contact my supervisor directly at: charles.marshall@tceg.texas.gov.

NOTICE OF CONFIDENTIALITY

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Fisher, Jason M.

From:

Elizabeth Dulberger-CRM < E.Dulberger@crmanagement.ca>

Sent:

Friday, January 31, 2014 1:29 PM

To:

Fisher, Jason M.

Subject:

Fw: NEEDED ASAP ----- TCEQ-Revenue & Assessment Report

Attachments:

TCEQ Final Assessment report.pdf

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Vicki Harris

Sent: Thursday, January 30, 2014 3:13 PM

To: Elizabeth Dulberger-CRM

Subject: FW: NEEDED ASAP ---- TCEQ-Revenue & Assessment Report

This is what we did for 2012.

From: Dana Robinson

Sent: Wednesday, March 28, 2012 12:23 PM **To:** Vicki Harris; Jason Hagen; Nicole Wortman

Subject: RE: NEEDED ASAP ---- TCEQ-Revenue & Assessment Report

Attached is the completed TCEQAssessment form. Payment needs to be sent to TCEQ with the full assessment calculation form.

Calculations:

Water

\$106,607 HTA Reimbursement + \$14,630 Amc Reimbursement = \$121,237 \$29,694 HTA Expense + \$2,284 AMCExpense = \$31,978 \$121,237-\$31,978=\$89,259 Assessment Fee \$89,259 X .01=\$892.59

Late Payment Penalty

\$892.59 X .10= \$89.26

Late Payment Interest

\$892.59 x .01=\$8.93

Total Due \$990.78

SEWER

\$109,916 HTA sewer Reimbursement + \$15,427 AMC Reimbursment = \$125,343 \$125,621 HTA Sewer Expenses + \$8,188.78 AMC Sewer Expenses = \$133,809.78

-8,466.78 No money Due

Community Manager~Creekside

AMC REIT

4000 Ace Lane Lewisville, TX. 75067 P:972.316.1600 F:1.866.278.4249

www.AmcReit.com // drobinson@amcreit.com

From: Vicki Harris

Sent: Wednesday, March 28, 2012 10:11 AM

To: Jason Hagen; Nicole Wortman

Cc: Dana Robinson

Subject: RE: NEEDED ASAP ---- TCEQ-Revenue & Assessment Report

Dana is working on this for us today and will be sending in for payment today as well. Thanks Dana!

"Get into the Green and into the Clean"

Vicki Harris, MITX Region Manager American Manufactured Communities REIT 14131 Midway Road Addison, TX 75001 830-237-4878 vharris@amcreit.com

From: Vicki Harris

Sent: Monday, March 26, 2012 9:49 AM **To:** Jason Hagen; Nicole Wortman

Cc: Dana Robinson

Subject: RE: NEEDED ASAP ----- TCEQ-Revenue & Assessment Report

OK. Will do. Thank you Nicole!

"Get into the Green and into the Clean"

Vicki Harris, MITX Region Manager American Manufactured Communities REIT 14131 Midway Road Addison, TX 75001 830-237-4878 vharris@amcreit.com From: Jason Hagen

Sent: Monday, March 26, 2012 9:49 AM

To: Nicole Wortman; Vicki Harris

Cc: Dana Robinson

Subject: RE: NEEDED ASAP ---- TCEQ-Revenue & Assessment Report

Thanks Nicole

Jason Hagen AMC REIT VP, Operations 630-376-6790

From: Nicole Wortman

Sent: Monday, March 26, 2012 9:48 AM

To: Vicki Harris

Cc: Jason Hagen; Dana Robinson

Subject: RE: NEEDED ASAP ---- TCEQ-Revenue & Assessment Report

Here it is.

Nicole Wortman Controller AMC REIT Direct Phone 630-519-4226 Direct Fax 630-376-6944

From: Vicki Harris

Sent: Monday, March 26, 2012 8:56 AM

To: Nicole Wortman

Subject: FW: NEEDED ASAP ---- TCEQ-Revenue & Assessment Report

Importance: High

Hi Nicole

Just checking to see if you can get this info for Dana this week, so she can turn in payment for what we owe in March. Thanks Nicole. Have a great week!

"Get into the Green and into the Clean"

Vicki Harris, MITX Region Manager American Manufactured Communities REIT 14131 Midway Road Addison, TX 75001 830-237-4878 vharris@amcreit.com

From: Vicki Harris

Sent: Tuesday, March 20, 2012 12:01 PM

To: Jason Hagen **Cc:** Nicole Wortman

Subject: NEEDED ASAP ----- TCEQ-Revenue & Assessment Report

Importance: High

Jason

Creekside is required to pay a fee to TCEQ (Texas Commission on Environmental Quality) at the first of every year on water and sewer profit from the prior year at Creekside. I got a copy of this from Dana on March 9. She got all the info she needed from HTA up until December. Attached is what Tom Curatalo from HTA sent her. We need to get the info from AMC now on water and sewer income and expense for December 2011, so she can fill the form out and get it sent into Christina for payment. This is due in January and you have to pay a late fee thereafter, so we will have to pay a late fee of around \$100, I believe.

I have attached what HTA sent Dana (there are tabs at the bottom of the form) and a copy of the form that needs to be filled out, so we can pay TCEQ? I'm not sure if we get this form sent to us or if Dana pulls it from the TCEQ website. I can find out and we can have this form sent to the Chicago office every year, if they do sent them out.

"Get into the Green and into the Clean"

Vicki Harris, MITX Region Manager American Manufactured Communities REIT 14131 Midway Road Addison, TX 75001 830-237-4878 vharris@amcreit.com

From: Dana Robinson

Sent: Tuesday, March 20, 2012 11:40 AM

To: Vicki Harris

Subject: FW: TCEQ-Revenue & Assessment Report

Can you request Dec. Revenues and expenditures for Creekside's water? Once I have those it will take me 5 min. to fill this out and send up to you for approval and payment.

Dana Robinson~ Community Manager~Creekside

AMC REIT

4000 Ace Lane Lewisville, TX. 75067 P:972.316.1600 F:1.866.278.4249

www.AmcReit.com // drobinson@amcreit.com

From: Tom Curatolo [tcuratolo@hometownamerica.net]

Sent: Friday, March 09, 2012 3:44 PM

To: Dana Robinson Cc: Vicki Harris

Subject: FW: TCEQ-Revenue & Assessment Report

Dana – here are the revenue and expense #'s.

Please let me know if you have any questions.

Thanks!

From: Clint Foster

Sent: Friday, March 09, 2012 3:26 PM

To: Tom Curatolo

Subject: RE: TCEQ-Revenue & Assessment Report

Attached are excel excerpts from our GL for both water/sewer expenses and revenues from 2011.

From: Tom Curatolo

Sent: Friday, March 09, 2012 3:11 PM

To: Clint Foster

Subject: FW: TCEQ-Revenue & Assessment Report

Clint – please run a report to provide Water & sewer charge backs, and W&S expenditures?

Thanks!

From: Dana Robinson [mailto:DRobinson@amcreit.com]

Sent: Friday, March 09, 2012 3:14 PM

To: Tom Curatolo **Cc:** Vicki Harris

Subject: TCEQ-Revenue & Assessment Report

Tom,

Creekside is Required to record our Revenue and pay a fee to TCEQ for 2011 Revenues from water. Can you please provide me with the final dollar amount collected from Water & Sewer for 2011 along with expenditures for 2011. Can I have a copy of the report for back up?

Would HTA be responsible for 11 months of this fee since we were still under HTA ownership?

Can you also look into the following invoices that were submitted to HTA prior the sale but are still showing as outstanding with our vendors.

Prime Pest - Invoice Number 203598 11/08 \$162.38

Alpha Plumbing Invoice 29501 date 11/28/2011-\$325.00 & 11/30/2011 Invoice 29522 \$541.25

Dana Robinson~ Community Manager~Creekside

AMC REIT

4000 Ace Lane Lewisville, TX. 75067 P:972.316.1600 F:1.866.278.4249

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Revenue and Regulatory Assessment Report For PUBLIC UTILITY

UTILITY: CREEKSIDE WATER ACCOUNT: 12032

TILLIT: CREEKSIDE WATER	7,0000777 72002
Revenue and Regulatory Assessment Report for the Calendar Y	ear 2012
Enter total revenues from retail water and sewer service in year 2012	1.82,258.98
2. Enter amount collected OR multiply item 1 by 0.01	2.822.58
 Late payment penalty: 5% - If paid after January 30th and before March 1st - multiply line 2 by 0.05 10% - If paid after March 1st - multiply line 2 by 0.10 	3. 82.26
 4. Late payment interest, 1% per month if paid after March 31st: a. Multiply line 2 by 0.01 = monthly interest due, then b. Multiply monthly interest due by the number of months payment is made after March 31, rounded to the nearest month. 	4.
5. Amount due and payable (Add lines 2, 3, and 4).	5.904.84
Please note if the utility was inactive for more than a month during the year or experien which affected revenues (attach an additional page if necessary):	ced other circumstances
MOCIN CIVILLIANS	elief. Date $\frac{3}{9}$

VIPP Form WC04C5 / TCEQ-20098

Calendar Year 2012 REVENUE & REGULATORY ASSESSMENT REPORT

For PUBLIC UTILITY

PLEASE RETURN ENTIRE ORIGINAL FORM WITH CHECK OR MONEY ORDER PAYABLE TO:



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Haddallandal

AMOUNT ENCLOSED	ACCOUNT NO.
	12032

CHECK HERE IF YOUR ADDRESS OR YOUR PHONE NUMBER HAVE CHANGED. PLEASE INDICATE ADDRESS OR PHONE NUMBER CHANGE ON BACK.

PAYMENTS NOT RECEIVED BY JANUARY 30, WILL RECEIVE A NOTICE OF VIOLATION

0000012032 1533242 00000000000130137

PAYMENT INFORMATION

Please return ENTIRE ORIGINAL FORM with your payment in the enclosed envelope.

Your check, certified check, or money order should be made payable to Texas Commission on Environmental Quality. Please include your account number on your check to ensure that payment is properly credited.

If you have questions regarding the regulatory assessment or desire assistance in completing the Revenue & Regulatory Assessment Report, please contact our Regulatory Assessment Coordinator at 512/239-4691.

When submitting assessment payments to the Commission, please note the following:

- 1. The regulatory assessment applies to charges for water and sewer service only. The fee should not be assessed against surcharges, tap fees, reconnect fees, late fees, or return check charges.
- 2. Address changes should be submitted on this form, or in writing during the year as changes occur.
- 3. REPORT EACH UTILITY ON SEPARATE REPORT APPLICABLE TO THAT UTILITY.

ADDRESS	
CITY	
STATE	
ZIP CODE	
PHONE	
NO.	Sector/projection in the specimen and the section of the section o

RETURN ORIGINAL FORM TO COMMISSION ☆☆☆ RETAIN COPY FOR YOUR FILES

TCEQ VIPP Form WC04C (Rev. 08-16-02)

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
PO BOX 13089
AUSTIN TX 78711-3089

AMC REIT ***Check Request ***

TODAY'S DATE:	3/4/13					
PAYEE NAME:	TCEQ	VENDOR NUMBER:				
ADDRESS:	PO Box 13089 Austin TX	78711-3089				
CHECK AMOUNT:	\$904.84					
DESCRIPTION:	Revenue	e & Regulatory fees 904.84		a		
	Dana Robinson Requested by			Authorited by		
	FORWARD CHECK TO:	V	/endor			
	PROPERTY NAME:	Cre	eekside			
8U #	PROPERTY NAME: BU Name	Cre G/L Description	eekside G/L Number	Project/Job/PO #	Amount	
8U #				Project/Job/PO #		4.84
	BU Name	G/L Description	G/L Number	Project/3ob/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO #		
	BU Name	G/L Description	G/L Number	Project/3ob/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO #		
	BU Name	G/L Description	G/L Number	Project/3ob/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO #		
	BU Name	G/L Description	G/L Number	Project/3ob/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO #		
	BU Name	G/L Description	G/L Number	Project/Job/PO # TOTAL	90	
	BU Name	G/L Description License, Fees and Dues	G/L Number 50180.000		90	4.84

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Revenue and Regulatory Assessment Report For PUBLIC UTILITY

UTILITY: CREEKSIDE WATER

UTILITY: CREEKSIDE WATER	
Revenue and Regulatory Assessment Report for the Calendar Ye	ear 2011
Enter total revenues from retail water and sewer service in year 2011	1.89,25900
2. Enter amount collected OR multiply item 1 by 0.01	2. 89259
3. Late payment penalty: 5% - If paid after January 30th and before March 1st - multiply line 2 by 0.05 10% - If paid after March 1st - multiply line 2 by 0.10	3.
 Late payment interest, 1% per month if paid after March 31st: Multiply line 2 by 0.01 = monthly interest due, then Multiply monthly interest due by the number of months payment is made after March 31, rounded to the nearest month. 	8.93
5. Amount due and payable (Add lines 2, 3, and 4).	5. 990.78

	Please note if the utility was inactive for more than a month during the year or experienced other circumstances which affected revenues (attach an additional page if necessary):		
Sign	ature ature		d belief. Date 3 78/12 Phone number 972-316-1600

VIPP Form WC04C5 / TCEQ-20098

Calendar Year 2011

REVENUE & REGULATORY ASSESSMENT REPORT

For PUBLIC UTILITY

PLEASE RETURN ENTIRE ORIGINAL FORM WITH CHECK OR MONEY ORDER PAYABLE TO:



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

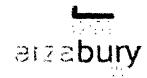
 AMOUNT ENCLOSED	ACCOUNT NO.
990.78	12032

ACCOUNT: 12032

CHECK HERE IF YOUR ADDRESS OR YOUR PHONE NUMBER HAVE CHANGED, PLEASE INDICATE ADDRESS OR PHONE NUMBER CHANGE ON BACK.

PAYMENTS NOT RECEIVED BY JANUARY 30, WILL RECEIVE A NOTICE OF VIOLATION

0000012032 1533242 00000000000130129

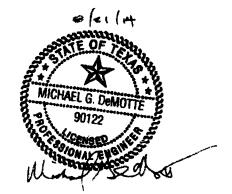


Memorandum

To: Richard Marengere From: Michael DeMotte, P.E.

Date: 3/13/14

Re: Creckside Mobile Home Park Status Update



On Wednesday, March 12th, I visited the Creekside community to observe operation of the newly-installed water well pumps and flow meters. As you are aware, the Creekside community had previously been inspected by Mr. Robert Ferry of the Texas Commission on Environmental Quality (TCEQ) and had been cited for failure to provide sufficient firm production capacity.

The TCEQ requires that for groundwater systems, total well production capacity be at least 0.6 gallons per minute (gpm) per connection (the requirement is for total production capacity with all wells in service). At 583 potential connections in Creekside (at build-out), a total well production capacity of 350 gpm is required (TCEQ's records actually only show 553 connections, so the violation indicates a required flow of 332 gpm). The rated flows for wells #1 and #2 were 230 gpm and 200 gpm, respectively; however, upon testing the wells, the TCEQ found that the actual flows are 192 gpm and 103 gpm, for a total production capacity of 295 gpm. This deficiency required action to improve the total well production capacity, or required that a waiver be obtained, as explained in detail in my Technical Memorandum dated December 16, 2013.

AMC previously hired A&V Water to inspect and clean the wells and flow test the wells in order to assess the well production capability, determine corrective actions, and hopefully improve flows. A&V performed the cleaning (brushing and acidification) of both wells, but no improvements in flow resulted. Subsequently, the well #1 pump/motor was replaced with a larger capacity pump and installed deeper within the existing well. Replacement of the well #1 pump/motor resulted in an increase in flow, but the increase was less than hoped for. It was suspected that the flow meter for well #1 was defective due to its age (wear, etc.), and we recommended replacement of the flow meter.

Just after the well #1 pump/motor was replaced, the well #2 pump failed. The well #2 pump/motor has now been replaced, along with the flow meters for both wells. Upon replacement of the flow meters and installation of the new pump/motor for well #2, flows were measured at startup and after drawdown. Sustained flows (after drawdown) were noted as follows:

Well #1: 275 gpmWell #2: 167 gpm

This brings the total well production capacity to 442 gpm, well above the requirement of 350 gpm for the water system. As such, the facility is no longer in violation of the production capacity requirement.

Thank you again for the opportunity to be of service to RHP for this project. Please don't hesitate to call me if I can be of further assistance.

ATTACHMENT 5

Question 16

Financial Sheets

AMC Creekside LLC 31200 Northwestern Highway Farmington Hills, MI 48334

ENTITY: 00F0	Balance Sheet
ENTITY: 2252	CREEKSIDE
Accrual	
	Dec 2015
Assets	
Rental Property	
Land	14,201,635.05
Land Improvements	20,954,084.50
Buildings & Other Depreciable Property	389,549.18
Total Rental Property	35,545,268.73
Accumulated Depreciation	(1,980,274.59)
Net Rental Property	33,564,994.14
Cash and Cash Equivalents	191,239.67
Rents Receivable	19,376.48
Restricted Deposits and Funded Reserves	391,198.12
Prepaid Expenses and Other Assets	14,094.63
Intangible Assets - Net	927,841.20
Total Assets	35,108,744.24
ichilities and Equity	
Liabilities and Equity Liabilities:	
Mortgage Payable -1st	33,000,000.00
Above-Market Debt	(9,291.25)
oans Payable	3,424.85
Accounts Payable	40,445.40
accrued Expenses	599,403.23
eferred Property Management Fee	7,888.05
Security Deposits	184,041.88
otal Liabilities	33,825,912.16
TO BIOCHTON	55,625,812.16

1,282,832.08

35,108,744.24

Equity

Total Liabilities and Equity

Database: MRI-PROD	Income Statement	Page: 1
ENTITY: 2252	Summary Statement	Date: 3/10/2016
	MRI-PROD	Time: 09:45 AM
	CREEKSIDE	
Accrual		
	Report includes an open period. Entries are not final.	
	Current Period	T12
	1 Month	12 Months
	Thru: Dec 2015	Dec 2015
Revenue:		
Gross Potential Rent	286,426.00	3,421,827.15
Vacancy Loss.		
Dealer/ Lender Discounts	(1,017.91)	(11,101.28)
Concessions/Promotions	(3,046.00)	(17,477.50)
Non Rev Units - Models	(7,592 00)	(74,558.17)
Vacancy Loss	(1,050.00)	(41,528.26)
Total Vacancy/Concessions	(12,705.91)	(144,665.21)
Net Rental Income	273,720.09	3,277,161.94
Other Resident Income:		
Application Fee	0.00	70.00
Attorney/Court Cost Recovery	0.00	1,390.00
Cleaning & Damage Fees	100.00	6,554.78
Late Charges	3,633.13	50,212.10
Maint/Repair Recovery	180.00	5,625.00
Month to Month Premium	4,650.00	67,045.64
Double Wide Premium	8,520.00	102,024.35
Miscellaneous Income	300 00	4,781 04
NSF Charges	30.00	600.00
Security Deposit Forfeiture	0 00	7,434.12
Pet Fees	150.00	2,800.00
Total Other Resident Income	17,563.13	248,537.03
Gross Resident Income	291,283.22	3,525,698.97
Bad Debt (Expense)/Recovery	(1,285 48)	(31,809.00)
Net Resident Income	289,997.74	3,493,889.97
Utility Recovery Income:		
Trash Recovery	10,735.00	127,736.33
Water/Sewer Income Recovery	23,828 57	263,413.26
Total Utility Recovery Income	34,563 57	391,149.59
Other Property Income:		
Vending Revenue	0.00	267.40
Storage Rental Income	380.00	4,820.00
Total Other Property Income	380.00	5,087.40
Gross Effective Income	324,941.31	3,890,126.96

Database: MRI-PROD	Income Statement	Page:
ENTITY: 2252	Summary Statement	Date: 3/10/201
	MRI-PROD	Time: 09:45 AM
	CREEKSIDE	
Accrual	Report includes an open period. Entries are no	final
	Report includes an open period. Entres are no	Tillian.
	Current Period	T12
	1 Month	12 Months
	Thru: Dec 2015	Dec 2015
Operating Expenses:		
Employee Staffing & Benefits	13,472.83	203,484.76
Utility Expenses		
Electric	4,746.96	52,966.49
Gas	170.82	990.56
Water & Sewer	12,125.81	157,166.99
Rubbish - Curbside	0.00	45,392.76
Rubbish - Rolloff/Dumpster	8,082.34	29,167.75
Communication Expense	666.66	7,992.70
Total Utility Expenses	25,792.59	293,677.25
R & M Expenses:		
Building R & M	820.63	18,904.34
Grounds R & M	16,398.43	29,581 84
Total R & M Expenses	17,219.06	48,486.18
General and Administrative	23,092.38	114,483.48
Resident / Landlord Legal Filings	0.00	810.52
Marketing Expenses	641.88	10,264.59
Management Fee	7,888.05	95,895.80
Insurance	5,984.44	57,683.96
Taxes	31,471.71	419,075.92
Total Operating Expenses	69,078.46	1,243,862.46
Net Operating Income	199,378.37	2,646,264.50

Gross Effective Income	Total Other Property Income	Other Property Income: Vending Revenue Storage Rental Income	Total Utility Recovery Income	Utility Recovery Income: Trash Recovery Water/Sewer Income Recovery	Net Resident Income	Bad Debt (Expense)/Recovery	Gross Resident Income	Total Other Resident Income	Security Deposit Forfeiture Pet Fees	Miscellaneous Income	Double Wide Premium	Month to Month Premium	Maint/Repair Recovery	Late Charges	Attorney/Court Cost Recovery	Other Resident Income: Application Fee	Net Rental Income	Total Vacancy/Concessions	Vacancy Loss	Concessions/Promotions Non Rev Units - Models	Vacancy Loss Dealer/Lender Discounts	Gross Potential Rent	
3,890,127	5,087	267 4,820	391,150	127,736 263,413	3,493,890	(31,809)	3,525,699	248,537	7,434 2,800	4,781 600	102,024	67,046	5,625	50,212	1,390	70	3,277,162	(144,665)	(41,528)	(17,478) (74,558)	(11,101)	3,421,827	Actual 2015
4,073,841	5,240	275 4,965	402,884	131,568 271,316	3,665,717	(32,763)	3,698,480	255,993	7,657 2,884	4,924	105,085	69,057	5,794	51.718	1,432	. 72	3,442,487	(141,772)	(40,698)	(17,128) (73,067)	(10,879)	3,584,259	Proforma 2016
4,225,321	5,345	281 5,064	410,942	134,200 276,742	3,809,035	(33,419)	3,842,453	261,113	7,810 2,942	5,023	107,187	70,438	5,910	52,753	1,460	74	3,581,340	(138,936)	(39,884)	(71,606)	(10,662)	3,720,277	Proforma 2017
4,372,863	5,452	287 5,165	419,161	136,884 282,277	3,948,250	(34,087)	3,982,337	266,335	7,966 3,001	5,123	109,331	71,847	6,028	53,808	1,490 7,024	75	3,716,002	(136,158)	(39,086)	(70,174)	(10,448)	3,852,160	Proforma 2018
4,504,288	5,561	292 5,268	427,544	139,621 287,922	4,071,183	(34,769)	4,105,952	271,662	8,126 3,061	5,226	111,517	73,284	6,148	54,884	1,519 7 165	77	3,834,290	(133,435)	(38,304)	(16,121) (68,770)	(10,239)	3,967,725	Proforma 2019
4,639,388	5,672	298 5,374	436,095	142,414 293,681	4,197,622	(35,464)	4,233,086	277,095	8,288 3,122	5,330 660	113,747	74,750	6,271	55,982	1,550 7,308	78	3,955,990	(130,766)	(37,538)	(15,798) (67,395)	(10,035)	4,086,756	Proforma 2020

Net Operating Income	Total Operating Expenses	General and Administrative Resident / Landlord Legal Filings Marketing Expenses Management Fee Insurance Taxes	Total R & M Expenses	R & M Expenses: Building R & M Grounds R & M	Total Utility Expenses	Electric Gas Water & Sewer Rubbish - Curbside Rubbish - Rolloff/Dumpster Communication Expense	Employee Staffing & Benefits Utility Expenses:	Operating Expenses.
2,646,265	1,243,862	114,483 811 10,265 95,896 57,684 419,076	48,486	18,904 29,582	293,677	52,966 991 157,167 45,393 29,168 7,993	203,485	Actual 2015
2,805,101	1,268,740	116,773 827 10,470 97,814 58,838 427,457	49,456	19,282 30,173	299,551	54,026 1,010 160,310 46,301 29,751 8,153	207,554	Proforma 2016
2,931,207	1,294,115	119,109 843 10,679 99,770 60,014 436,007	50,445	19,668 30,777	305,542	55,106 1,031 163,517 47,227 30,346 8,316	211,706	Proforma 2017
3,052,866	1,319,997	121,491 860 10,893 101,765 61,215 444,727	51,454	20,061 31,392	311,653	56,208 1,051 166,787 48,171 30,953 8,482	215,940	Proforma 2018
3,157,891	1,346,397	123,921 877 11,111 103,801 62,439 453,621	52,483	20,463 32,020	317,886	57,333 1,072 170,123 49,135 31,572 8,652	220,258	Proforma 2019
3,266,064	1,373,325	126,399 895 11,333 105,877 63,688 462,694	53,533	20,872 32,661	324,243	58,479 1,094 173,525 50,117 32,204 8,825	224,664	Proforma 2020

ATTACHMENT 6

Question 19

Franchise Agreement (Consent From the City)

AMC Creekside LLC 31200 Northwestern Highway Farmington Hills, MI 48334

Fisher & Newsom, P.C.

Allomeye at Law

111 Congress Avenue, Suite 820 Austin, Texas 78701-4043 (512) 477-4121 FAX (512) 477-2860 Las Colinas Office: 4201 Wingren, Suite 106 Irving, Texas 75062 (972) 281-5820 FAX: (972) 650-1057

Skip Newsom*

January 17, 2000

VIA FAX AND U.S. FIRST CLASS MAIL

Steven L. Bacchus
Assistant City Manager
City of Lewisville
1197 W. Main at Civic Circle
P.O. Box 299002
Lewisville, Texas 75029-9002

RE: Creekside Mobile Community Investors, L.P., TPDES Permit No. 13043-001; Sewer Connection Agreement

Dear Mr. Bacchus;

This correspondence will constitute Creekside Mobile Community Investor's (Creekside) letter of intent to connect its Creekside Community Mobile Home Park retail wastewater collection system to the City of Lewisville's (City) wastewater treatment and disposal system and the terms and conditions thereof. Should the City desire a more formal connection and service agreement to effectuate the parties' intent, please let me know, but this format was used in order to have this matter considered at the City's January 18, Council session. I have attempted to incorporate the substantive provisions of your discussions with Creekside personnel, with two modifications. I have removed the requirement that Creekside immediately withdraw its pending application with the TNRCC, as to do so would result in Creekside's interim operation of wastewater facilities without any permit authority, in violation of state Iaw. I have also included a provision addressing Creekside's ability to recover its costs through future rate change applications to be filed with the City, since, following municipal annexation of the property, the City is now Creekside's Regulatory Authority for rate change approvals under Texas Water Code Chapter 13. The terms of the agreement are as follows:

- TPDES Permit No. 13043-001, TNRCC Docket No. 1999-1573-MWD
 - 1.1 City shall withdraw its protest of Creekside's Application to amend and renew TPDES Permit No. 13043-001, currently scheduled for contested case proceedings in TNRCC Docket No. 1999-1573-MWD; and



^{*}Board Certified, Administrative Law-Texas Board of Legal Specialization

1.2 Creekside shall request that TNRCC's renewal or amendment of TPDES
Permit No. 13043-001 be made subject to Creekside's connection to the
City's wastewater treatment and disposal system on or before January 31,
2001. Upon Creekside's connection to the City's wastewater system,
Creekside will abandon its rights under said permit and close its
wastewater treatment plant in accordance with applicable TNRCC closure
requirements.

2. Wastewater Extension Project Construction and Funding

- 2.1 City shall construct a wastewater pipeline extension of approximately 1500 linear feet from its existing pipeline facilities north of State Highway 121 to Creekside's property, where City shall also construct a metering station at the terminus of said line on Creekside's property with which to measure the volume of Creekside wastewater flows transmitted to City for treatment and disposal. City shall be responsible for the acquisition of any and all easements necessary to the installation, maintenance and operation of such facilities constructed by City provided, however, if any portion of such easements are on Creekside's property and such property can reasonably accommodate City's intended use, Creekside shall donate said easements at no cost to Lewisville;
- 2.2 Creekside, at its own expense, shall construct, maintain and operate all necessary wastewater lines, extensions and lift stations located or to be located upon its own property and on its side of the City's Creekside metering station for the transmittal of all wastewater generated within Creekside's certificated sewer service area boundaries to said metering station constructed by City;
- 2.3 City shall pay 50% of all offsite project expenses and costs associated with the extension and connection of the City's existing system to Creekside's property line, including, but not limited to the costs of Engineering, design, geotechnical evaluations and surveys, appraisals, legal fees, easements, costs of court, meter station and pipe installation; provided that City shall pay 100% of all oversizing costs associated with the construction of a line extension exceeding a 12 inch diameter pipe. Such offsite project expenses, with contingencies, are currently estimated to total \$260,000.00;
- 2.4 Creekside shall pay 50% of offsite project expenses associated with the City's extension of its existing system to Creekside's property line as enumerated in 2.3 above, but shall not be responsible for the costs of oversizing such line extension beyond a 12 inch diameter pipe;

XH, IEX

- 2.5 Creekside shall place \$130,000.00 in an interest bearing escrow account to be maintained by the City as Creekside's initial payment for its 50% share of project costs. Interest earnings will accrue to and be part of the escrow account. Total project costs will be calculated upon the completion of construction by City. Should Creekside's 50% share of project costs be less than the funds remaining in the escrow account, City shall reimburse Creekside all such funds remaining in the account. Should Creekside's 50% share of such project costs exceed such funds remaining in the escrowed account, Creekside shall forward the difference to the City upon receipt of an invoice from City for the balance owed;
- 2.6 Creekside and City jointly agree to facilitate the connection of Creekside's wastewater collection system to the City's treatment and disposal system and to complete all construction work required therefor as expeditiously as practicable following execution of this agreement;
- 2.7 City agrees to calculate and assess, and Creekside agrees to pay, City's current sewer service impact fee for Creekside's physical connection to the City's wastewater system, such fee to be based upon a 2 inch water meter equivalence; and
- Upon completion of project construction and the connection of Creekside's sanitary sewer facilities to the City's wastewater system, Creekside, at its sole expense, will be responsible for the closure of its wastewater treatment plant in accordance with all applicable TNRCC regulatory criteria and will notify the TNRCC of its abandonment of TPDES Permit No. 13043-001.

3. Creekside Service Obligations and Rates

- 3.1 Nothing in this agreement affects, or shall be construed to affect,
 Creekside's ownership of, or its rights and obligations under, its water and
 sewer certificates of convenience and necessity issued by the TNRCC or
 its statutory predecessors for retail water and wastewater service.
 Creekside shall provide a copy of its certificated water and sewer service
 area maps to the City;
- 3.2 Following the commencement of City wastewater service to Creekside, City shall invoice Creekside for monthly wastewater service, based upon City's applicable minimum retail customer charge and gallonage rate (multiplied by Creekside's actual metered volume) as established from time to time by the City's Code of Ordinances for all other City retail customers;



- 3.3 Creekside shall be responsible for its own internal wastewater service billing and revenue collection from its own retail customers as it deems necessary to provide payment to the City for its single sewer meter charges invoiced by the City and any and all other expenses and costs incurred by Creekside in connection with its private ownership and separate operation and maintenance of retail wastewater facilities and services;
- Creekside shall be responsible for the construction, replacement, repair, maintenance and operation of all sewer service facilities located upon its property and on its side of the meter used to measure the volume of Creekside wastewater transmitted to City for treatment and disposal. Creekside shall be further responsible for the prevention of any sewage spills or overflows associated with the operation of its private retail sewer system and agrees both that it will maintain and operate its lift station and all other wastewater system components in a manner designed to prevent the spillage, overflow or release of sewage and that any such release will be subject to enforcement under applicable local, state and federal laws; and
- City recognizes that, as a private retail utility, Creekside is entitled to pass 3.5 on to its individual customers the prorata cost of municipal wastewater service invoiced by City to Creekside pursuant to 3.2 above and to recover its investment and depreciation costs of its existing collection and wastewater treatment system, and of its soon to be incurred costs of connection to the City's wastewater system and closure of Creekside's wastewater treatment plant, together with all reasonable costs of wastewater maintenance, repair, operation, billing and administration. Accordingly, as Creekside's Regulatory Authority having original jurisdiction over Creekside's service rates and tariffs under Texas Water Code Section 13.042, City agrees that it will give due, deliberate and expeditions consideration to all such costs of treatment and disposal service and invested capital, depreciation and operations expenses when presented to City in conjunction with a Statement of Intent to change rates filed by Creekside. City agrees that by entering into this agreement with Creekside, Creekside's utility operations and the financial integrity thereof will not be compromised or jeopardized in the exercise of City's authority and original jurisdiction to establish fair and reasonable retail service rates.

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Should you believe that this letter of intent satisfies the City's requirements and is acceptable, please set same for your City Council's consideration and authorization for execution. I appreciate your help and attention in this matter.

Yours very truly,

Skip Newsom

SN/keg

cc: Ron Freeman Wayne Loper

This agreement with each of the above foregoing terms is hereby accepted:

City of Lewisville

Claude King City Manager

Creekside Mobile Home Investors, L.P.

Joe Sherwood, Registered Agent

Attest:

Marty Hendrix (CMC/AAF City Secretar

Attest:

AN OX

OFFICIAL FILE COPY

ASSUMPTION OF SEWER CONNECTION AGREEMENT

THIS ASSUMPTION OF SEWER CONNECTION AGREEMENT ("Assumption"), is executed and delivered as of August 10, 2015 (the "Effective Date"), by and between AMC Creekside LLC, a Texas limited liability corporation ("AMC Creekside") and the City of Lewisville, Texas ("City").

WITNESSETH:

WHEREAS, the City provides wastewater service to the Creekside Community Mobile Home Park ("Creekside Community MHP") pursuant to a sewer connection agreement dated January 17, 2000 between the City and Creekside Mobile Community Investors, L.P. (the "Agreement"), attached hereto as Exhibit "A" and incorporated as if fully set forth herein;

WHEREAS, subsequent to the date of the Agreement, the Creekside Community MHP was annexed into the City;

WHEREAS, AMC Creekside has purchased the Creekside Community MHP and filed an application to transfer the Certificates of Convenience and Necessity for water and sewer service into its name;

WHERES, as part of this process, the Public Utility Commission has requested evidence of an agreement between the City and AMC Creekside for the provision of sewer service.

WHEREAS, AMC Creekside desires to assume the terms and conditions of the Agreement to ensure the continued provision of sewer service to the Creekside Community MHP.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and sufficient consideration, the parties hereto agree as follows:

- 1. AMC Creekside assumes all of the terms, conditions and obligations of Creekside Mobile Community Investors, L.P. under the Agreement.
- 2. The City will continue providing sewer service to the Creekside Community MHP in accordance with the Agreement and all applicable City ordinances.
- 4. This Assumption may be modified, amended or otherwise altered only in writing, signed by AMC Creekside and the City, or their respective successors or assigns.
- 5. This Assumption may be executed in two or more counterparts with the same effect as if all parties had executed the same document.

IN WITNESS WHEREOF, AMC Creekside and the City have executed this Assumption as of the date first above written.

By: Anna Darron City Manager
AMC CREEKSIDE LLC, A Delaware limited liability company:
By: Ross H. Partrich Authorized Signatory
ACKNOWLEDGEMENT
STATE OF MICHIGAN § COUNTY OF §
This instrument was acknowledged before me thisday of
015, by Ross H. Partrich, the Authorized Signatory of AMC Creekside LLC, on behalf of said mited liability company.
Notary Public in and for the State of Michigan
JOTARY SEAL)