



Control Number: 46723



Item Number: 1

Addendum StartPage: 0

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**PETITION BY CAC GEORGETOWN
ESTATES, L.P. FOR EXPEDITED
RELEASE FROM CERTIFICATE OF
CONVENIENCE AND NECESSITY NO.
10970 OF JONAH SPECIAL UTILITY
DISTRICT IN WILLIAMSON COUNTY**

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§

**BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS**

PUBLIC UTILITY COMMISSION
FILING CLERK

CAC GEORGETOWN ESTATES, L.P.'S PETITION FOR EXPEDITED RELEASE

TO THE PUBLIC UTILITY COMMISSION OF TEXAS (PUC):

COMES NOW, CAC GEORGETOWN ESTATES, L.P., a Texas Limited Partnership, ("Applicant", "Petitioner", or "CAC") and files this Petition for release from Jonah Special Utility District's ("JSUD") Certificate of Convenience and Necessity ("CCN") No. 10970 in Williamson County, Texas, by expedited release ("Petition").¹ In support thereof, CAC would show the following.

I. PURPOSE OF THE PETITION AND EXPEDITED RELEASE CRITERIA

CAC files this Petition primarily to seek an expedited CCN release through an amendment to CCN No. 10970 for 15.51 acres (the "Property"), which Property is part of multiple tracts that comprise approximately 71.3 contiguous total acres located in Williamson County, Texas ("Parent Tract").² Pursuant to Texas Water Code §13.254 and P.U.C. SUBST. R. 24.113:

- (1) [T]he owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a [CCN] and is entitled to that release "if located in an eligible county"; and
- (2) the Commission "shall grant a petition received under Subsection (a-5) not later than the 60th

¹ For purposes of this proceeding, the Petition is considered the Application as defined in the Commission's Procedural Rules under P.U.C. PROC. R. 22.2(6). Also, the Petitioner is the Applicant under P.U.C. Proc. R. 22.102(a)(1).

²Parent Tract is comprised of approximately 71.3 acres. Property is comprised of approximately 15.51 acres. The two tracts are contiguous. The PUC has determined that tracts less than twenty-five acres which are contiguous to and owned by the same entity may be released from an existing CCN under the expedited release process. PUC Docket No. 45902, Petition of Carma Easton LLC to Amend Creedmoor-Maha Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Expedited Release (Final Order September 28, 2016).

day after the date the landowner files the petition.”³

Williamson County is an eligible county because it is adjacent to Travis County, which has a population in excess of 1,000,000. The Parent Tract in question owned by Petitioner is larger than 25 acres, and the Property “is not receiving service” from JSUD even though the Property is included entirely within JSUD’s CCN No. 10970.⁴ JSUD does not have any utility plant located on the Property that is currently used to provide utility service to CAC or any existing building or dwelling. No service for compensation is being provided for agricultural, commercial, or industrial purposes. Therefore, all applicable requirements are met for the Petitioner to seek and the Commission to grant expedited release of the Property from CCN No. 10970 under Texas Water Code §13.254(a-5)-(6) and P.U.C. SUBST. R. 24.113(r)-(s).

II. REQUEST FOR DECERTIFICATION

In support of the expedited release requested, Petitioner has attached the “Affidavit of Craig Biggar on Behalf of CAC Georgetown Estates, L.P., in Support of its Petition for Expedited Release.” (“Petitioner’s Affidavit” attached hereto and incorporated by reference as **Exhibit A**). The Petitioner’s Affidavit verifies that CAC owns the Property, the Property proposed for release is located in Williamson County, and the Property is not receiving, nor has it ever received utility service from JSUD. **Exhibit A**.

The Petitioner’s Affidavit also includes: (1) a large scale map showing the location of the seven contiguous tracts comprising the 71.3 total acres owned by CAC in Williamson County (**Exhibit 1**); (2) a small scale map that shows the general location of the 71.3 total acres owned by CAC in Williamson County (**Exhibit 2**); (3) another large scale map showing the location of Petitioner’s 15.31 acres that comprise the Property for which CAC seeks expedited release (**Exhibit 3**); CAC’s deed for the seven tracts that include the Property (**Exhibit 4**); and CAC’s survey for the seven tracts that comprise the 71.3 acre Parent Tract, including the Property (**Exhibit 5**). We have also submitted all [shape files] for the area to be released corresponding to the maps attached to Petitioner’s Affidavit in accordance with the on-line submittal process.

Petitioner is sending a copy of this Petition via certified mail, return receipt requested to the CCN holder, JSUD, on the same day as its submission to the Commission.⁵ The information included with this

³ Texas Water Code §13.254(a-5)-(a-6); P.U.C. SUBST. R. 24.113(r)-(s).

⁴ *Id.*

⁵ 16 TEX ADMIN. CODE §24.113(s).

Petition is sufficient for the Commission to grant this request.

Jonah Special Utility District
 Bill Brown, General Manager
 4050 FM 1660
 Hutto, TX 78634

III. CONCLUSION

CAC Georgetown Estates, L.P. respectfully requests the Commission accept this Petition as administratively complete and proceed with processing to amend Jonah Special Utility District CCN No. 10970 so that the Property is decertified by expedited release pursuant to Texas Water Code §13.254(a-5) - (a-6) and P.U.C. SUBST. R. 24.113(r) - (s). If for any reason the Commission finds the information submitted with this Petition is insufficient for application acceptance, Petitioner respectfully request it be notified immediately and provided an opportunity to cure any deficiencies identified.

Respectfully Submitted,

By: _____



Mark H. Zeppa
 State Bar No. 22260100
 Law Offices of Mark H. Zeppa, PC
 4833 Spicewood Springs Road #202
 Austin, Texas 78759-8435
 (512) 289-4599, Fax (512) 346-6847

Adam S. Wilk
 State Bar No. 24037707
 3300 Bryker Drive
 Austin, Texas 78703
 Tel: (512) 587-3379
awilkrealestate@gmail.com
 ATTORNEYS FOR CAC
 GEORGETOWN ESTATES, LP

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 4
2017 in accordance with P.U.C. Procedural Rule 22.74

A handwritten signature in black ink, appearing to read "Mark H. Zeppa", written over a horizontal line.

Mark H. Zeppa

EXHIBIT A
AFFIDAVIT OF CRAIG BIGGAR
ON BEHALF OF CAC GEORGETOWN ESTATES, L.P
IN SUPPORT OF ITS PETITION FOR EXPEDITED RELEASE

STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Craig Biggar, whose identity is known to me. Upon being duly sworn he stated:

1. My name is Craig Biggar. I am capable of making this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true and correct.

2. I am a Manager of CAC Georgetown Land, LLC, the general partner of CAC Georgetown Estates, L.P., a Texas limited partnership ("CAC"). I have held that position since the inception of the partnership. I am authorized to sign on its behalf and make this affidavit in support of the Petition for Expedited Release filed by CAC with the Public Utility Commission of Texas ("Petition").

3. CAC is the owner of seven contiguous tracts of property comprising a total of 71.3 acres ("Parent Tract") located entirely in Williamson County, Texas. CAC seeks decertification by expedited release of 15.31 acres from the Parent Tract located within Certificate of Convenience and Necessity ("CCN") No. 10970 possessed by the Jonah Special Utility District ("JSUD").

4. **Exhibit 1** attached hereto and incorporated by reference (all exhibits are hereafter attached hereto and incorporated by reference) is a large scale map that accurately reflects the location of all contiguous tracts comprising 71.3 total acres in relation to utility CCNs in the area held by both JSUD and City of Georgetown.

5. **Exhibit 2** is a small scale map that accurately reflects the general location of the 71.3 total acres also shown in **Exhibit 1**.

6. **Exhibit 3** attached hereto and incorporated by reference is another large scale map that accurately reflects the location of the 15.31 acres within CAC's three tracts for which CAC seeks decertification by expedited release from JSUD's CCN No. 10970 (the "Property") in the manner

shown in **Exhibit 3**.

7. **Exhibit 4** is a true and correct copy of CAC's deed recorded in Williamson County (Instrument No. 2016081174) that shows CAC is the owner of the three tracts comprising the 15.31 acres comprising the Property sought for expedited release, shown in **Exhibits 1, 2, and 3**. A metes and bounds description of the three tracts is included with this deed. In addition, **Exhibit 4** also includes true and correct copy of CAC's deed recorded in Williamson County (Instrument No. 2016081171) that shows CAC is the owner of the adjacent 56.00 acres.

8. **Exhibit 5** is the final survey prepared by a licensed professional engineer retained by CAC that corresponds with the metes and bounds description included with the deed in **Exhibit 4**.

9. CAC retained a professional cartographer to create the maps attached as **Exhibits 1, 2, and 3** based, in part, on the metes and bounds and survey information included in **Exhibits 4 and 5** and publicly available CCN information. To the best of my knowledge, they are true and correct depictions of the Property and CAC's expedited CCN release request for same.

10. No portion of the 15.31 acres comprising the Property receives retail utility service from JSUD. CAC has not entered into any type of agreement with JSUD for retail utility service to the Property. There are no JSUD utility facilities on the Property. Further, to my knowledge, JSUD has not undertaken any type of planning or engineering efforts that would be necessary to construct facilities necessary to provide retail utility service to the Property.

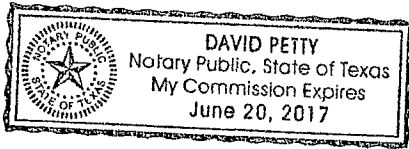
11. CAC, as owner of the Property's entire 15.31 acres, respectfully requests that the Property be released from JSUD water CCN No. 10970 in accordance with Texas Water Code 13.254(a-5)0¹(a-6) and P.U.C. SUBST. R. 24.113(r)-(s) for reasons more fully explained in CAC's filed Petition.

Further affiant sayeth not.

Craig Biggar
Craig Biggar
Manager of CAC Georgetown Land, LLC
for CAC Georgetown Estates, L.P.

SWORN TO AND SUBSCRIBED before me by Craig Biggar on January 3 ²⁰¹⁷ ~~2016~~. ^{DP}

(Seal)

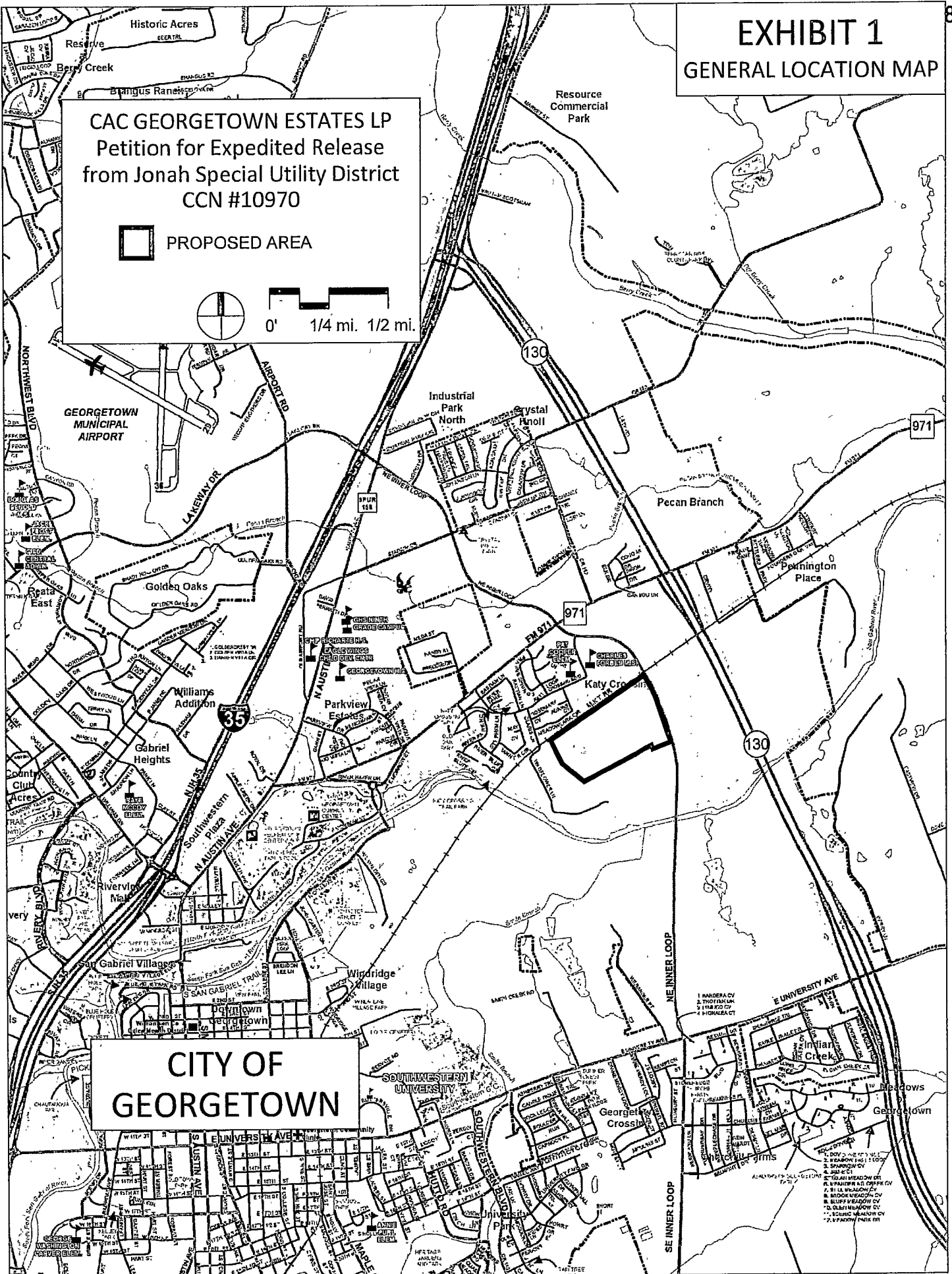
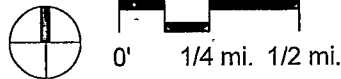


David Petty
Notary Public in and for the State of Texas
My commission expires: JUNE 20 2017

EXHIBIT 1 GENERAL LOCATION MAP

CAC GEORGETOWN ESTATES LP
Petition for Expedited Release
from Jonah Special Utility District
CCN #10970

 PROPOSED AREA




CITY OF
GEORGETOWN

- 1. WANDERER CV
- 2. THORNHILL LN
- 3. SPANISH CV
- 4. JAMES CT
- 5. TIGER MEADOW DR
- 6. SPANISH BLVD DRIVE CV
- 7. BLUE MEADOW CV
- 8. BLUE MEADOW CV
- 9. BLUE MEADOW CV
- 10. BLUE MEADOW CV
- 11. BLUE MEADOW CV
- 12. BLUE MEADOW CV

EXHIBIT 2
PROJECT MAP

971

CAC GEORGETOWN ESTATES LP
Petition for Expedited Release
from Jonah Special Utility District
CCN #10970

 PROPOSED AREA



0' 250' 500'

HARLES
ORRES M.S.

Katy Crossing

NE INNER LOOP

LOOP
CROSSING BLVD

ROSEMARY
CV

ADKINS
CV

MEADOWLARK CIR

M.K.T. RR

WILDFLOWER LN

SAN GABRIEL RIVER

EXHIBIT 3
DEED MAP

971

STILLWATER PARTNERS
Petition for Expedited Release
from Jonah Special Utility District
District ID 5110000

 STILLWATER TRACT - 71.3 AC.



0' 250' 500'

HARLES
ORBES M.S.

Katy Crossing

M.K.T. RR

NE INNER LOOP

SAN GABRIEL RIVER

LOOP
CROSSING BLVD

ROSEMARY
CV

ADKINS
CV

MEADOWLARK CIR

WILDFLOWER LN

A
5.10 AC.

B
5.10 AC.

C
5.11 AC.

D
10.52 AC.

E
10.36 AC.

F
10.89 AC.

G
24.23 AC.

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

TRACT 1: Being all of that certain tract or parcel of land containing 5.1 acres,

more or less, situated in the John Berry Survey, Abstract No. 51, Williamson County, Texas, said tract being more particularly described by metes and bounds in the deed recorded under Document No. 2006090104 of the Official Public Records of Williamson County, Texas, and shown on Exhibit "A" attached hereto and made a part hereof; and

TRACT 2: Being all of that certain tract or parcel of land containing 5.1 acres, more or less, situated in the John Berry Survey, Abstract No. 51, Williamson County, Texas, said tract being more particularly described by metes and bounds in the deed recorded under Document No. 2006090102 of the Official Public Records of Williamson County, Texas, and shown on Exhibit "B" attached hereto and made a part hereof; and

TRACT 3: Being all of that certain tract or parcel of land containing 5.11 acres, more or less, situated in the John Berry Survey, Abstract No. 51, Williamson County, Texas, said tract being more particularly described by metes and bounds in the deed recorded under Document No. 2006090103 of the Official Public Records of Williamson County, Texas, and shown on Exhibit "C" attached hereto and made a part hereof (Tract 1, Tract 2 and Tract 3 being collectively called the "Property");

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance is made by Grantor and accepted by Grantee subject to any and all easements, covenants, leases, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, relating to the Property, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of

the County Clerk of the County in the State of Texas in which the Property is located, or which are apparent on the Property.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this the 31st day of August, 2016.

ASHBY PARK, INC.,
a Texas corporation

By: Phyllis Biggar
Name: Phyllis Biggar
Title: Director

BENTON PARK, INC.,
a Texas corporation

By: Phyllis Biggar
Name: Phyllis Biggar
Title: Director

BIG MANAGEMENT, INC.,
a Texas corporation

By: Phyllis Biggar
Name: Phyllis Biggar
Title: Director

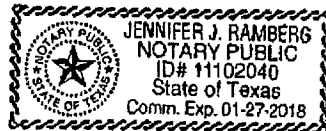
Address for Grantee:
6811 Mesa Drive
Austin Texas 78746

THE STATE OF TEXAS ☐
☐
 COUNTY OF TRAVIS ☐

BEFORE ME, the undersigned authority, on this day personally appeared Phyllis Biggar, Director of **ASHBY PARK, INC.**, a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31 day of August, 2016.

Seal



[Signature]
 NOTARY PUBLIC, State of Texas

Printed Name: _____

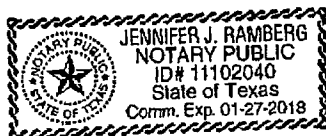
My Commission Expires: _____

THE STATE OF TEXAS ☐
☐
 COUNTY OF TRAVIS ☐

BEFORE ME, the undersigned authority, on this day personally appeared Phyllis Biggar, Director of **BENTON PARK, INC.**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31 day of August, 2016.

Seal



[Signature]
 NOTARY PUBLIC, State of Texas

Printed Name: _____

My Commission Expires: _____

THE STATE OF TEXAS

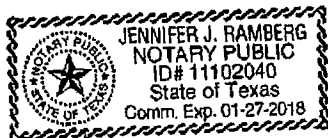
☐☐

COUNTY OF TRAVIS

☐

BEFORE ME, the undersigned authority, on this day personally appeared Phyllis Baggar, Director of **BIG MANAGEMENT, INC.** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31 day of August, 2016.



Seal

[Signature]
NOTARY PUBLIC, State of Texas

Printed Name: _____

My Commission Expires: _____

AFTER RECORDING, RETURN TO:

11-GF# 201600460 JJR
RETURN TO: HERITAGE TITLE
401 CONGRESS AVE., STE. 1500
AUSTIN, TEXAS 78701

LEGAL DESCRIPTION FOR GILP, INC.

TRACT 1

BEING 5.10 acres of land, situated in the John Berry Survey, Abstract No. 51, in Williamson County, Texas, said land being a portion of that certain tract of land, called 22.63 acres, as conveyed to GILP, Inc., by deed recorded as Document No. 2005014647 of the Official Public Records of Williamson County, Texas. Surveyed on the ground in the month of June, 2003, and September, 2006, under the supervision of Brian F. Peterson, Registered Professional Land Surveyor, and being more particularly described as follows:

BEGINNING at an iron pin found on, or near, the west line of the John Berry Survey, Abstract No. 51, being on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being on the south line of the Georgetown Railroad Right-of-Way, as described in a Quitclaim Deed of record in Volume 2267, Page 954, of the Official Records of Williamson County, Texas, marking the Northwest corner of the above-referenced 22.63 acre GILP, Inc. tract, being the Northeast corner of that certain tract of land, called 10.5 acres, as described in a Contract of Sale and Purchase between the Veterans' Land Board of Texas and Milton Dwight Carlson of record in Volume 706, Page 599, of the Deed Records of Williamson County, Texas, for the Northwest corner hereof;

THENCE, along the said south line of the said Georgetown Railroad Right-of-Way, N 56° 25' E, 400.58 feet to an iron pin set for the Northeast of the said 22.63 acre GILP, Inc. tract, being the Northwest corner of the remainder of that certain tract of land, called 57.75 acres, as conveyed to Williamson County by deed recorded as Document No. 2002013670 of the Official Public Records of Williamson County, Texas, being the west line of Northeast Inner Loop, for the Northeast corner hereof;

THENCE, along the east line of the said 22.63 acre GILP, Inc. tract, being the west line of the said remainder of the 57.75 acre Williamson County, Texas tract, being the west line of Northeast Inner Loop, along a curve to the right, (Radius = 2,924.61 feet, Long Chord bears S 27° 44' 15" E, 557.16 feet), an arc distance of 558.01 feet to an iron pin set for the Southeast corner hereof;

THENCE, S 69° 00' W, 456.70 feet to an iron pin set on, or near, the said west line of the John Berry Survey, Abstract No. 51 and on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being the west line of the said 22.63 acre GILP, Inc. tract and the east line of the said 10.5 acre Carlson tract, for the Southwest corner hereof;

THENCE, N 20° 57' W, 466.00 feet to the Place of BEGINNING and containing 5.10 acres of land.

STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS:

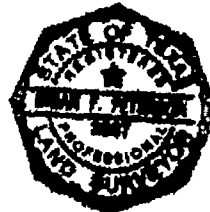
COUNTY OF WILLIAMSON }

I, Brian F. Peterson, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, to the best of my knowledge and belief.

To certify which, witness my hand and seal at Georgetown, Williamson County, Texas, this the 26th day of September, 2006, A.D.


 Brian F. Peterson
 Registered Professional Land Surveyor, No. 3967
 State of Texas

20695-1d-Tract 1



STEGE RIZZELL

1978 S. Austin Ave
 Georgetown, TX 78626
 (512) 830-8412

Exhibit "B" LEGAL DESCRIPTION FOR GILP, INC.**TRACT 2**

BEING 5.10 acres of land, situated in the John Berry Survey, Abstract No. 51, in Williamson County, Texas, said land being a portion of that certain tract of land, called 22.63 acres, as conveyed to GILP, Inc., by deed recorded as Document No. 2005014647 of the Official Public Records of Williamson County, Texas. Surveyed on the ground in the month of June, 2003, and September, 2006, under the supervision of Brian F. Peterson, Registered Professional Land Surveyor, and being more particularly described as follows:

BEGINNING for Reference at an iron pin found on, or near, the west line of the John Berry Survey, Abstract No. 51, being on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being on the south line of the Georgetown Railroad Right-of-Way, as described in a Quitclaim Deed of record in Volume 2267, Page 954, of the Official Records of Williamson County, Texas, marking the Northwest corner of the above-referenced 22.63 acre GILP, Inc. tract;

THENCE, along, or near, the said west line of the John Berry Survey, Abstract No. 51, being on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being the west line of the said 22.63 acre GILP, Inc. tract and the east line of that certain tract of land, called 10.5 acres, as described in a Contract of Sale and Purchase between the Veterans' Land Board of Texas and Milton Dwight Carlson of record in Volume 706, Page 599, of the Deed Records of Williamson County, Texas, S 20° 57' E, 466.00 feet to an iron pin set for the Northwest corner and Point of BEGINNING hereof;

THENCE, N 69° 00' E, 456.70 feet to an iron pin set on the east line of the said 22.63 acre GILP, Inc. tract, being the west line of the remainder of that certain tract of land, called 57.75 acres, as conveyed to Williamson County by deed recorded as Document No. 2002013670 of the Official Public Records of Williamson County, Texas, being the west line of Northeast Inner Loop, for the Northeast corner hereof;

THENCE, along the east line of the said 22.63 acre GILP, Inc. tract, being the west line of the said remainder of the 57.75 acre Williamson County, Texas tract, being the west line of Northeast Inner Loop, along a curve to the right, (Radius = 2,924.61 feet, Long Chord bears S 20° 44' 30" E, 155.99 feet), an arc distance of 156.01 feet to an iron pin set and S 19° 13' E, 334.57 feet to an iron pin set, for the Southeast corner hereof;

THENCE, S 69° 00' W, 446.02 feet to an iron pin set on, or near, the said west line of the John Berry Survey, Abstract No. 51 and on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being the west line of the said 22.63 acre GILP, Inc. tract and the east line of the said 10.5 acre Carlson tract, for the Southwest corner hereof;

THENCE, N 20° 57' W, 490.39 feet to the Place of BEGINNING and containing 5.10 acres of land.

STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON }

I, Brian F. Peterson, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, to the best of my knowledge and belief.

To certify which, witness my hand and seal at Georgetown, Williamson County, Texas, this the 26th day of September, 2006, A.D.


Brian F. Peterson
Registered Professional Land Surveyor, No. 3967
State of Texas

20695-ld-Tract 2



STEGE ABIZZELL

1978 S. Austin Ave
Georgetown, TX 78626
(512) 930-9412

Exhibit "C" LEGAL DESCRIPTION FOR GILP, INC.

TRACT 3

BEING 5.11 acres of land, situated in the John Berry Survey, Abstract No. 51, in Williamson County, Texas, said land being a portion of that certain tract of land, called 22.63 acres, as conveyed to GILP, Inc., by deed recorded as Document No. 2005014647 of the Official Public Records of Williamson County, Texas. Surveyed on the ground in the month of June, 2003, and September, 2006, under the supervision of Brian F. Peterson, Registered Professional Land Surveyor, and being more particularly described as follows:

BEGINNING for Reference at an iron pin found on, or near, the west line of the John Berry Survey, Abstract No. 51, being on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being on the south line of the Georgetown Railroad Right-of-Way, as described in a Quitclaim Deed of record in Volume 2267, Page 954, of the Official Records of Williamson County, Texas, marking the Northwest corner of the above-referenced 22.63 acre GILP, Inc. tract;

THENCE, along, or near, the said west line of the John Berry Survey, Abstract No. 51, being on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being the west line of the said 22.63 acre GILP, Inc. tract and the east line of that certain tract of land, called 10.5 acres, as described in a Contract of Sale and Purchase between the Veterans' Land Board of Texas and Milton Dwight Carlson of record in Volume 706, Page 599, of the Deed Records of Williamson County, Texas, S 20° 57' E, 956.39 feet to an iron pin set for the Northwest corner and Point of BEGINNING hereof;

THENCE, N 69° 00' E, 446.02 feet to an iron pin set on the east line of the said 22.63 acre GILP, Inc. tract, being the west line of the remainder of that certain tract of land, called 57.75 acres, as conveyed to Williamson County by deed recorded as Document No. 2002013670 of the Official Public Records of Williamson County, Texas, being the west line of Northeast Inner Loop, for the Northeast corner hereof;

THENCE, along the east line of the said 22.63 acre GILP, Inc. tract, being the west line of the said remainder of the 57.75 acre Williamson County, Texas tract, being the west line of Northeast Inner Loop, S 19° 13' E, 383.81 feet to an iron pin set at the beginning of a curve to the right, (Radius = 2,392.42 feet, Long Chord bears S 17° 42' 30" E, 124.38 feet), an arc distance of 124.40 feet to an iron pin set for the Southeast corner hereof;

THENCE, S 69° 00' W, 426.82 feet to an iron pin set on, or near, the said west line of the John Berry Survey, Abstract No. 51 and on, or near, the east line of the Antonio Flores Survey, Abstract No. 235, being the west line of the said 22.63 acre GILP, Inc. tract and the east line of that certain tract of land, called 0.97 of an acre, as conveyed to Milton D. Carlson by deed as recorded in Volume 706, Page 590, of the Deed Records of Williamson County, Texas, for the Southwest corner hereof;

THENCE, N 21° 19' 30" W, 90.00 feet to an iron pin found marking the Northeast corner of the said 0.97 of an acre Carlson tract, being the Southeast corner of the said 10.5 acre Carlson tract, and N 20° 57' W, 417.81 feet to the Place of BEGINNING and containing 5.11 acres of land.

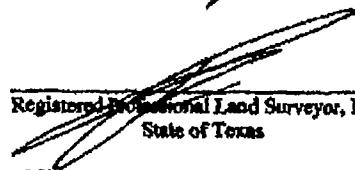
STATE OF TEXAS)

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON)

I, Brian F. Peterson, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, to the best of my knowledge and belief.

To certify which, witness my hand and seal at Georgetown, Williamson County, Texas, this the 26th day of September, 2006, A.D.


Brian F. Peterson
Registered Professional Land Surveyor, No. 3967
State of Texas

20695-1d-Tract 3



STEEGERS BIZZELL

1978 S. Austin Ave
Georgetown, TX 78626
(512) 930-9412

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2016081174

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Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LIEN
(Seller Financing)

Date: August 31st, 2016

Grantor: NANCY DAVIS CARLSON, individually and as Independent Executor of the Estate of MILTON DWIGHT CARLSON, Deceased

Grantor's Mailing Address (including county):
c/o Stump & Stump, 803 S. Main St, Georgetown, Texas 78626 (Williamson)

Grantee: CAC GEORGETOWN ESTATES, LP, a Texas limited partnership

Grantee's Mailing Address (including county):
6811 Mesa Drive, Austin, Texas 78731 (Travis)

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the additional consideration of the execution of a promissory note of even (or approximately even) date herewith in the amount of Five Hundred Forty-Three Thousand Nine Hundred Seventy and No/00 Dollars (\$543,970.00) from Grantee to NANCY DAVIS CARLSON ("Lender") which is secured by a vendor's lien retained herein for the benefit of Lender, and is additionally secured by a Deed of Trust from Grantee as Grantor to Randall C. Stump, Trustee for benefit of Lender as beneficiary;

Property (including any improvements):

Being five (5) tracts of land located in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas, and being more particularly described by metes and bounds on Exhibits A, B, C, D, E & F, which are attached hereto and incorporated by referenced in **EXHIBIT A**.

Reservations Exceptions to Conveyance and Warranty: Any and all restrictions, covenants, conditions, easements, mineral and royalty interest, if any, of record in Williamson County, Texas, relating to the property, but only to the extent they are still in effect and shown of record in Williamson County, Texas; and to prescriptive rights, and access rights in third parties, and leases which are recorded or unrecorded creating rights of possession in tenants. Ad valorem taxes for current and subsequent years, the payment of which is assumed by Grantee.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, personal representatives, successors, and assigns, to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

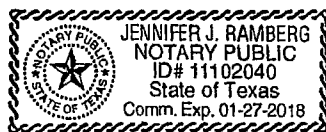
When the context requires, singular nouns and pronouns include the plural.

Nancy Davis Carlson
 NANCY DAVIS CARLSON, individually
 as Independent Executor of the Estate of
 MILTON DWIGHT CARLSON, Deceased

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on August 31, 2016, by NANCY DAVIS CARLSON, individually, and as Independent Executor on behalf of the Estate of MILTON DWIGHT CARLSON, Deceased, in the capacities therein stated.



[Signature]
 Notary Public, State of Texas

AFTER RECORDING, PLEASE RETURN TO:

TRACT 1: Being all of that certain tract or parcel of land containing 24.230 acres, more or less, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "A" attached hereto and made a part hereof.

TRACT 2: Easement Estate for the benefit of the above described Tract 1, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas and being a portion of Claris Lane and Katy Crossing dedicated per plat recorded in Cabinet N, Slides 323 - 326 of the Plat Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "B" attached hereto and made a part hereof, save and except that portion over the above described Tract 1.

TRACT 3: Being all of that certain tract or parcel of land containing 10.89 acres, more or less, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "C" attached hereto and made a part hereof.

TRACT 4: Easement Estate for the benefit of the above described Tract 3, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas and being a portion of Claris Lane and Katy Crossing dedicated per plat recorded in Cabinet N, Slides 323 - 326 of the Plat Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "D" attached hereto and made a part hereof, save and except that portion over the above described Tract 3.

TRACT 5: Being all of that certain tract or parcel of land containing 10.5 acres, more or less, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "E" attached hereto and made a part hereof.

TRACT 6: Easement Estate for the benefit of the above described Tract 5, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas and being a portion of Claris Lane and Katy Crossing dedicated per plat recorded in Cabinet N, Slides 323 - 326 of the Plat Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "F" attached hereto and made a part hereof.

Exhibit "A"

BEING 24,230 acres of the Antonio Flores Survey, Abstract No. 235, in Williamson County, Texas, part of a 54.432 acre tract described in a deed from Mrs. Edna Munson to James Munson of record in Vol. 531, Page 491, Deed Records of Williamson County, Texas. Surveyed on the ground in July of 1978, under the direction of W. F. Forest, Registered Public Surveyor No. 101.

BEGINNING at an iron pin found in the North line of a 30 foot wide road easement, in the South R.O.W. line of the M.K. & T. Railroad, at the Northeast corner of the said 54.432 acre tract, the Northwest corner of a 34.14 acre tract conveyed to James Munson in Vol. 531, Page 491, Deed Records, and at the Northwest corner of a 10.89 acre tract conveyed to Milton D. Carlson by deed recorded in Vol. 706, Page 572, Deed Records.

THENCE S 25° 59' 15" E 1245.81 feet to an iron pin found at the Southwest corner of the 10.89 acre tract.

THENCE S 65° 57' W 319.68 feet to an iron pin found at a fence corner, and S 63° 53' 53" W 384.44 feet to an iron pin set at a fence corner.

THENCE N 49° 18' 55" W 623.31 feet to an iron pin set and N 24° 20' 55" W 566.55 feet to an iron pin set in the North line of a 30 foot wide access easement, and in the South R.O.W. line of the M.K. & T. Railroad, a point on a curve with an approximate radius of 55.03 feet.

THENCE with the arc of the curve to the right, the chord bears N 57° 10' 10" E 187.08 feet to the end of the curve.

THENCE N 58° 18' 20" E at 357.50 feet pass an iron pin, continuing in all 752.32 feet with the North line of the access easement and the North line of the 54.432 acre tract, to the POINT OF BEGINNING.

Exhibit "B"

BEING the center line description of a 30 foot wide road easement crossing portions of a 54.432 acre tract as described in deed to James Munson of record in Vol. 531, Page 491, Deed Records of Williamson County, Texas. Also crossing the 100 foot wide R.O.W. of the M. K. & T. Railroad and following the center line of a 30 foot wide road easement previously granted by Duke.

BEGINNING at a point the N. W. corner of a 10.89 acre tract heretofore conveyed to Milton D. Carlson by deed of record in Vol. 531, Page 491, Deed Records of Williamson County, Texas, the same being the tract east of and adjacent to the tract herein conveyed and being the N.E. corner of the tract herein conveyed;

THENCE S 25° 59' 15" E 15 feet from a common corner of said two above described tracts;

THENCE S 58° 24' W 697.22 feet to the east end of the curve of the south R.O.W. of the M. K. & T. Railroad;

THENCE about S 56° W 419.44 feet to a point 15 feet south of the south R.O.W. of the M. K. & T. Railroad;

THENCE N 36° across the railroad 115.28 feet to a point in the north line of the M. K. & T. Railroad;

THENCE N 16° 15' W 1866.67 feet with the center of the 30 foot road easement granted to Duke to the north end of the Duke easement in the South line of F.M. 971.

Exhibit "C"

BEING 10.89 acres of the Antonio Flores Survey, Abstract No. 235, in Williamson County, Texas, part of a 34.14 acre tract described in a Deed to James Munson of record in Vol. 531, Page 491, Deed Records of Williamson County, Texas. Surveyed on the ground in February of 1978, under the direction of W. F. Forest, Registered Public Surveyor No. 101.

BEGINNING at an iron pin set at the Northwest corner of the said 34.14 acre tract, in the South line of the M. K. & T. Railroad 100 foot wide R.O.W., at the Northeast corner of a 54.432 acre tract described in Vol. 531, Page 491, Deed Records, and in the North line of a 30 foot wide road easement which provides access from F.M. 971.

THENCE N 68° 12' 30" E 311.84 feet with the South line of the railroad R.O.W. to find an iron pin at the Northwest corner of a 10.4 acre tract.

THENCE S 31° 45' 30" E 1284.97 feet to find an iron pin at the Southwest corner of the said 10.4 acre tract, in the South line of the 34.14 acre tract.

THENCE S 64° 06' W 439.77 feet to set an iron pin at the Southwest corner of the 34.14 acre tract.

THENCE N 25° 59' 15" W 1246.22 feet with the East line of the 54.432 acre tract to the POINT OF BEGINNING.

Exhibit "D"

BEING the centerline description of a 30 foot wide road easement crossing portions of a 54.432 acre tract and a 34.14 acre tract described in Vol. 531, Page 491, Deed Records, in a conveyance to James Munson. Also crossing the 100 foot wide R.O.W. of the M. K. & T. Railroad and following the centerline of a 30 foot wide road easement previously granted by Duke.

BEGINNING at a point in the West line of a 10.4 acre tract being conveyed by Grantor to the Veterans' Land Board of the State of Texas the same being the tract east of and adjacent to the tract herein conveyed, being the northwest corner of said 10.4 acre tract and the northeast corner of the tract herein conveyed,

THENCE South $31^{\circ} 46' 30''$ East 15 feet from the common corner of said two above described tracts, the northeast corner of the 34.14 acre tract stands north $50^{\circ} 12' 30''$ East 840.66 feet from said common corner,

THENCE South $58^{\circ} 12' 30''$ West 311.84 feet to west line of the 34.14 acres and the east line of the 54.432 acres,

THENCE S $68^{\circ} 24' W$ 697.22 feet to the East end of the curve of the South R.O.W. of the M. K. & T. Railroad.

THENCE about S $56^{\circ} W$ 419.44 feet to a point 15 feet South of the South R.O.W. of the M. K. & T. Railroad.

THENCE N $36^{\circ} W$ across the railroad 115.28 feet to a point in the North line of the M. K. & T. Railroad.

THENCE N $16^{\circ} 15' W$ 1866.67 feet with the center of the 30 foot road easement granted to Duke to the North end of the Duke easement in the South line of F.M. 971.

Exhibit "E"

all that certain tract or parcel of land lying and being situated in Williamson County, Texas and described as follows:

BEING 10.5 acres of the Antonio Flores Survey, Abstract No. 235, in Williamson County, Texas, part of a 34.14 acre tract described in a Deed to James Munson of record in Vol. 631, Page 491, Deed Records of Williamson County, Texas. Surveyed on the ground in November of 1977, under the direction of W. F. Forest, Registered Public Surveyor No. 101.

BEGINNING at an iron pin set beside a fence corner post at the Northeast corner of the said 34.14 acre tract, in the South line of the M.K. & T. Railroad.

THENCE S 19° 07' 45" E 1374.10 feet with a fence to set an iron pin at the Southeast corner of the 34.14 acre tract.

THENCE S 64° 06' W 193.10 feet with the South line of the 34.14 acres to set an iron pin at the Southeast corner of another 10.5 acre tract.

THENCE N 31° 47' W 1320.86 feet with the East line of the other 10.5 acre tract to set an iron pin at the Eastern termination of the North line of a 30 foot wide road easement and in the fenced North line of the 34.14 acres.

THENCE N 58° 12' 30" E 493.13 feet with the North line of the 34.14 acres to the POINT OF BEGINNING.

Exhibit "F"

BEING the centerline description of a 30 foot wide road easement crossing portions of a 54.432 acre tract and a 34.14 acre tract described in Vol. 531, Page 491, Deed Record, in a conveyance to James Munson. Also crossing the 100 foot wide R.O.W. of the M. K. & T. Railroad and following the centerline of a 30 foot wide road easement previously granted by Duke.

BEGINNING at a point in the East line of a 10.5 acre tract and the West line of a 10.5 acre tract surveyed this date, S 31° 47' E 15.0 feet from the common corner of the 10.5 acre tracts, the Northeast corner of the 34.14 acre tract stands N 58° 12' 30" E 493.13 feet from said common corner.

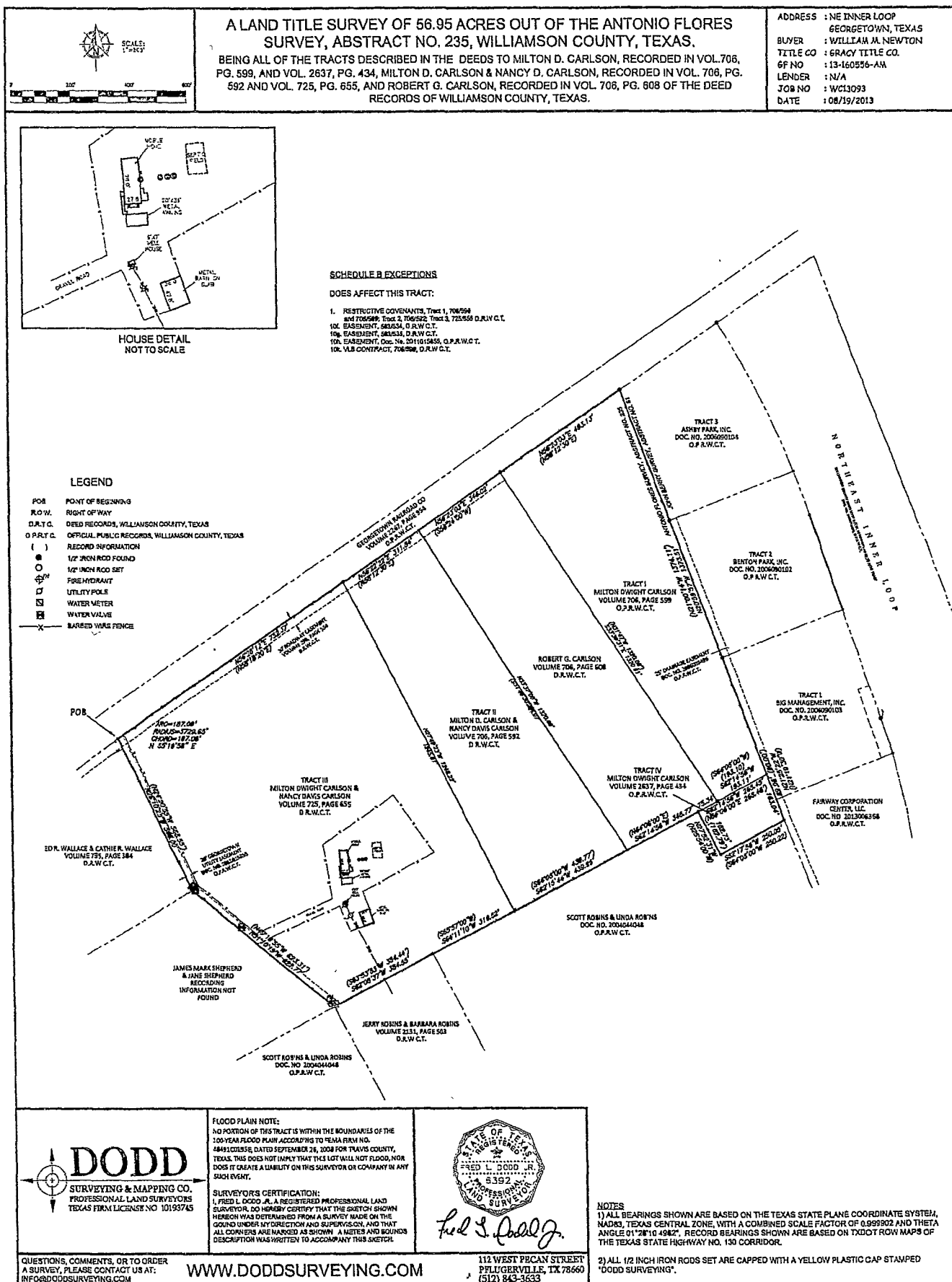
THENCE S 58° 12' 30" W at 347.45 feet pass the West line of a 10.5 acre tract and the East line of a 13.14 acre tract, continuing in all 660.86 feet to the West line of the 34.14 acres and the East line of the 54.432 acres.

THENCE S 58° 24' W 697.22 feet to the East end of the curve of the South R.O.W. of the M. K. & T. Railroad.

THENCE about S 56° W 419.44 feet to a point 16 feet South of the South R.O.W. of the M. K. & T. Railroad.

THENCE N 36° W across the railroad 115.28 feet to a point in the North line of the M.K. & T. Railroad.

THENCE N 16° 15' W 1866.67 feet with the center of the 30 foot road easement granted by Duke to the North end of the Duke easement in the South line of F.M. 971.



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

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS ☐
 ☐ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF WILLIAMSON ☐

That **HAROLD GEHARD CARLSON** ("Grantor"), for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt and sufficiency of which are hereby acknowledged, and for the further consideration of the execution and delivery by Grantee of that one certain promissory note of even date herewith in the principal sum of \$460,000.00, payable to the order of Harold Carlson (the "Lender"), as therein provided, bearing interest at the rate therein specified and containing provisions for acceleration of maturity and for attorney's fees, the payment of which Note is secured by the vendor's lien retained herein and is additionally secured by a deed of trust of even date herewith to Pamela Carlson, Trustee, has **GRANTED, SOLD and CONVEYED**, and by these presents does **GRANT, SELL and CONVEY** unto **CAC GEORGETOWN ESTATES, LP, a Texas limited partnership** ("Grantee"), all of the following-described real property in Williamson County, Texas, to wit:

TRACT 1: Being all of that certain tract or parcel of land containing 10.4 acres, more or less, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas, said tract being more particularly described by metes and bounds shown on **Exhibit "A"** attached hereto and made a part hereof; and

TRACT 2: Easement Estate for the benefit of the above described Tract 1, situated in the Antonio Flores Survey, Abstract No. 235, Williamson County, Texas and being a portion of Claris Lane and Katy Crossing dedicated per plat recorded in Cabinet N, Slides 323 - 326 of the Plat Records of Williamson County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "B" attached hereto and made a part hereof, save and except that portion within the above described Tract 1 (Tract 1 and Tract 2 shall be hereinafter called the "Property");

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The vendor's lien against and superior title to the Property are retained until the Note and all other sums payable thereunder shall have been paid in full in accordance with the terms thereof, when this deed shall become absolute. Lender, at the request of Grantee, has advanced and paid in cash to Grantor that portion of the purchase price evidenced by the Note. The vendor's lien against and superior title to the Property are retained herein for the benefit of Lender and are hereby transferred and assigned to Lender without recourse on or against Grantor.

This conveyance is made by Grantor and accepted by Grantee subject to any and all easements, covenants, leases, rights-of-way, conditions, restrictions, outstanding mineral

interests and royalty interests, if any, relating to the Property, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of the County in the State of Texas in which the Property is located, or which are apparent on the Property.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this the 6 day of September, 2016.


HAROLD GEHARD CARLSON

Address for Grantee:

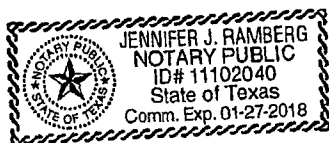
6811 Mesa Drive
Austin, Travis County, Texas 78731

THE STATE OF Texas☐COUNTY OF Travis☐☐

BEFORE ME, the undersigned authority, on this day personally appeared **HAROLD GEHARD CARLSON**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 6 day of September, 2016.

Seal



[Signature]
NOTARY PUBLIC, State of Texas

Printed Name: _____

My Commission Expires: _____

AFTER RECORDING, RETURN TO:

Exhibit "A"

BEING 10.4 acres of the Antonio Flores Survey, Abstract No. 235, in Williamson County, Texas, part of a 34.14 acre tract described in a deed to James Munson of record in Vol. 531, Page 491, Deed Records of Williamson County, Texas. Surveyed on the ground in November of 1977, under the direction of W. F. Forest, Registered Public Surveyor No. 101.

BEGINNING at an iron pin set in the North line of the 34.14 acre tract, in the South line of the M. K. & T. Railroad 100 foot R.O.W., at the Northwest corner of a 10.5 acre tract, the Northeast corner of the 34.14 acre tract stands N 58° 12' 30" E 493.13 feet.

THENCE S 31° 47' E at 15 feet pass the centerline of a 30 foot wide road easement which parallels the North line of this tract and extends westward, continuing in all 1320.86 feet to set an iron pin in the South line of the 34.14 acre tract.

THENCE S 64° 06' W 349.63 feet with the South line of the 34.14 acres to set an iron pin.

THENCE N 31° 46' 30" W at 1269.97 feet pass the centerline of the 30 foot wide road easement, continuing in all 1284.97 feet to set an iron pin in the North line of the 34.14 acres and in the South line of the M. K. & T. Railroad.

THENCE N 58° 12' 30" E 347.53 feet with the North line of the 34.14 acre tract to the POINT OF BEGINNING.

Exhibit "B"

BEING the centerline description of a 30 foot wide road easement crossing portions of a 54.432 acre tract and a 34.14 acre tract described in Vol. 531, Page 491, Deed Records, in a conveyance to James Munson. Also crossing the 100 foot wide R.O.W. of the M. K. & T. Railroad and following the centerline of a 30 foot wide road easement previously granted by Duke.

BEGINNING at a point in the East line of the 10.4 acre tract herein conveyed and the West line of a 10.5 acre tract also being conveyed to the Veterans Land Board of the State of Texas, south $31^{\circ} 47'$ East 15 feet from the common corner of the 10.4 and the 10.5 acre tract, the northeast corner of the 34.14 acre tract stands north $58^{\circ} 12' 30''$ East 493.13 feet from said common corner;

THENCE S $58^{\circ} 12' 30''$ W at 347.45 feet pass the West line of said 10.4 acre tract and the East line of a 10.89 acre tract, continuing in all 660.86 feet to the West line of the 34.14 acres and the East line of the 54.432 acres,

THENCE S $58^{\circ} 24' 16''$ W 697.22 feet to the East end of the curve of the South R.O.W. of the M. K. & T. Railroad.

THENCE about S 56° W 419.44 feet to a point 15 feet South of the South R.O.W. of the M. K. & T. Railroad.

THENCE N 36° W across the railroad 115.28 feet to a point in the North line of the M. K. & T. Railroad.

THENCE N $16^{\circ} 15'$ W 1866.67 feet with the center of the 30 foot road easement granted by Duke to the North end of the Duke easement in the South line of F.M. 971.