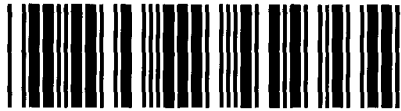


Control Number: 46803



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO.

**46803**

RECEIVED

2017 JAN 25 PM 4:00

PETITION BY CARMA EASTON LLC  
TO DECERTIFY A PORTION OF  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
NO. 11029

§  
§  
§  
§  
§

BEFORE THE PUBLIC UTILITY COMMISSION  
FILING CLERK

COMMISSION OF TEXAS

**CARMA EASTON LLC'S PETITION  
TO DECERTIFY A PORTION OF WATER  
CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11029**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

Carma Easton LLC ("Petitioner") files this Petition to Decertify a Portion of Water Certificate of Convenience and Necessity ("CCN") No. 11029 with the Public Utility Commission of Texas ("PUC") pursuant to TEXAS WATER CODE ("TWC") §13.254 (a-5) and 16 TEX. ADMIN. CODE ("TAC") §24.113(r) of the PUC's Rules, and in support thereof would respectfully show as follows.

**1. PURPOSE FOR THE PETITION AND DECERTIFICATION CRITERIA**

Petitioner files this petition seeking release of two tracts that Petitioner owns in Travis County, Texas from Water CCN No. 11029 held by Creedmoor-Maha Water Supply Corporation ("CMWSC"). While one of the tracts is smaller than 25 acres, it is adjacent to and contiguous with the second tract, which is larger than 25 acres and is also under Petitioner's ownership.

Under the authority of TWC §13.254(a-5) and 16 TAC §24.113(r), the owner of a tract of land that is at least 25 acres and that is not receiving water service may petition the PUC for expedited release of the area from a CCN, and the owner is entitled to release if the property is located in Travis County (among other counties). Under prior PUC orders interpreting TWC §13.254 (a-5), the area being removed from a certificated service area may be smaller than 25

11111

acres if that area is part of a tract of land that (a) is at least 25 acres, (b) is not receiving water or sewer service, and (c) is located in a qualifying county. Order, *Pet. of Tyler Blue Ridge LLC to Amend Tall Timbers Util. Co., Inc.'s Certificate of Convenience & Necessity in Smith County by Expedited Release*, PUC Dkt. No. 44507, at 3 (May 28, 2015); Order, *Petition Of Carma Easton LLC To Amend Creedmoor-Maha Water Supply Corporation's Certificate Of Convenience and Necessity In Travis County By Expedited Release*, PUC Dkt. No. 45902 (September 28, 2016).

## **2. REQUEST FOR DECERTIFICATION**

*A. Background:* Petitioner owns land in Travis County, Texas that is approximately 2,160 contiguous acres in size (the "Property"). Exhibit 1 is a map showing the approximate 2,160 acres that Petitioner owns. In May of 2008, Petitioner filed a petition with the Texas Commission on Environmental Quality ("TCEQ") under TWC §13.254 (a-1) seeking the expedited release of approximately 1,900 acres of the Property from Water CCN No. 11029 held by CMWSC, and in August of 2008, the TCEQ issued an order granting that petition. That proceeding eventually led to an opinion from the Third Court of Appeals of Texas, Austin affirming the TCEQ order. *Creedmoor-Maha Water Supply Corp. v. Tex. Comm'n on Env'tl. Quality*, 307 S.W.3d 505 (Tex. App.—Austin 2010, no pet.). Since that time, Petitioner has purchased other tracts located within the Property that were not subject to the 2008 petition and therefore remain within CMWSC's certificated water service area. This Petition is for two of those tracts.

*B. Current Request:* From this Property, Petitioner now seeks the expedited release of two tracts, one that is 37.390 acres (Parcel A) and the other that is 21,064 square feet or approximately 0.484 acres (Parcel B). Parcels A and B are identified on Exhibits 1 and 3, and both are located completely within the certificated water service area of CCN No. 11029. Exhibit

2 shows the general location of both parcels in relation to Austin Bergstrom Airport and downtown Austin. While Parcel B is smaller than 25 acres, it is adjacent to and contiguous with Parcel A.

Neither Parcel A nor Parcel B is receiving water service from CMWSC or any other water provider. Exhibit 4 is an affidavit from Chad Matheson, Chief Financial Officer of Petitioner, attesting to that fact. Upon information and belief, CMWSC has never provided water service to Parcel B, thus CMWSC has no facilities or lines committed to providing water to that parcel.

Exhibit 5 contains a deed with accompanying metes and bounds description for Parcel A (Deed Number 2008179828). Exhibit 6 contains a deed with accompanying metes and bounds description for Parcel B (Deed Number 2016052393), which is referenced on the deed as "Water Site."

Deed Number 2008179828 shows a corporate predecessor of Carma Easton LLC, Jona Acquisition Inc., as the Grantee. Exhibit 7 is comprised of corporate documents showing name changes from Jona Acquisition Inc. to Carma Easton Inc. and from Carma Easton Inc. to Petitioner.

A copy of the original petition was sent to CMWSC by certified mail on January 25, 2017, the same day that this original Petition was submitted to the PUC.

### **3. LIST OF EXHIBITS**

Exhibit 1: Overall Map

Exhibit 2: Location Map

Exhibit 3: Tract Map

Exhibit 4: Affidavit of Chad Matheson, Chief Financial Officer of Carma Easton LLC

Exhibit 5: Deed No. 2008179828 with Metes and Bounds Description for the 37.390 Acre Tract A

Exhibit 6: Deed No. 2016052393 with Metes and Bounds Description for the 21,064 square foot Tract B

Exhibit 7: Corporate Documents

- Certificate of Amendment of Carma Easton Inc. formerly Jona Acquisition Inc.
- Certificate of Conversion of Carma Easton Inc. into Carma Easton LLC

#### **4. CONCLUSION AND PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner Carma Easton LLC respectfully requests that the Public Utility Commission of Texas process this Petition and release Petitioner's Tracts A and B from Certificate of Convenience and Necessity No. 11029 pursuant to TEXAS WATER CODE §13.254 (a-5) and 16 TEX. ADMIN. CODE §24.113(r).

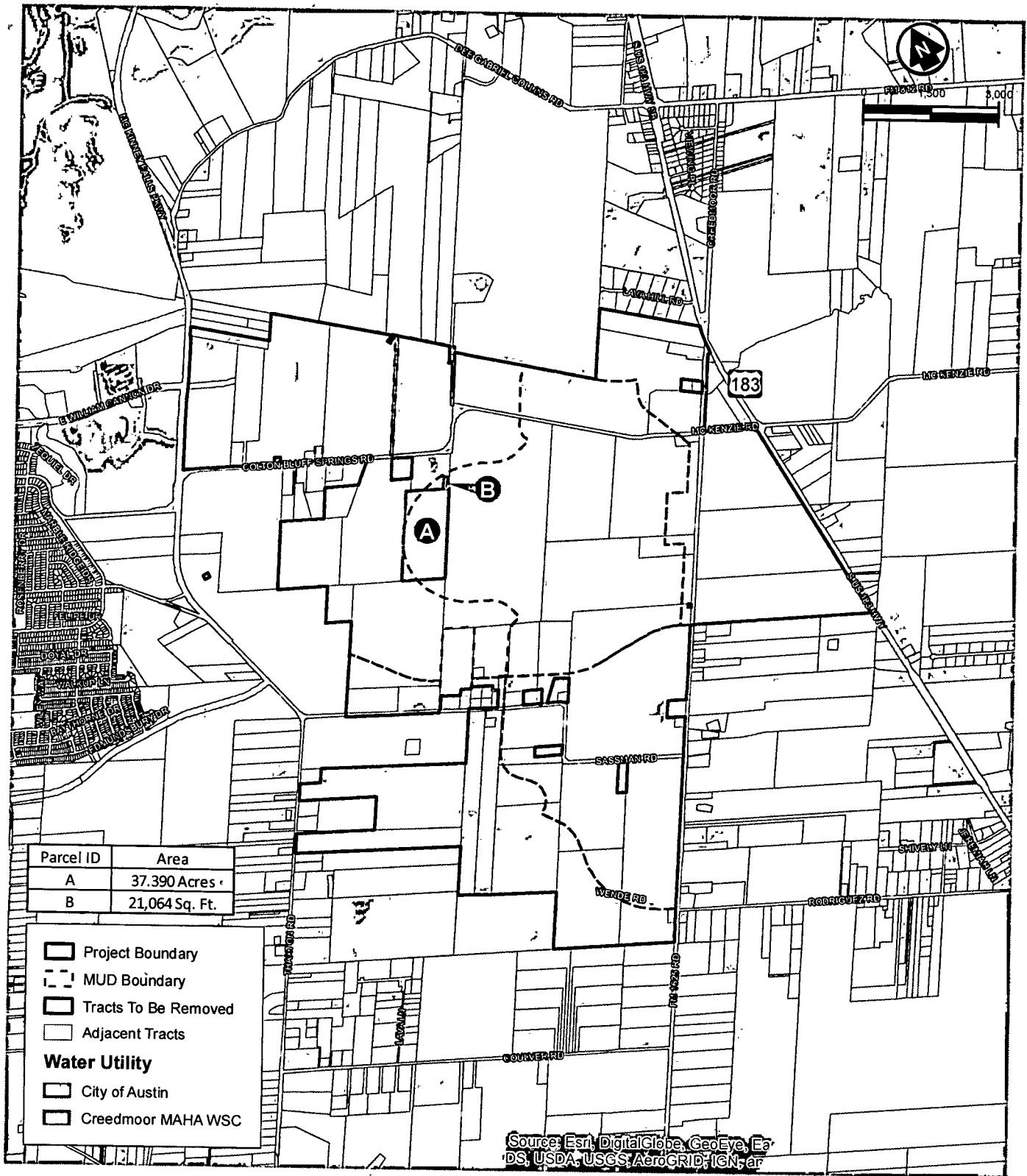
Respectfully submitted,

LAW OFFICES OF KEN RAMIREZ, PLLC

By: Kenneth R. Ramirez  
Kenneth R. Ramirez  
State Bar No. 16502200  
901 Mopac Expressway South  
Barton Oaks Plaza One, Suite 300  
Austin, Texas 78746  
(512) 329-2722  
(512) 329-2707 (Fax)  
ken@kenramirezlaw.com

COUNSEL FOR PETITIONER  
CARMA EASTON LLC

# EXHIBIT 1



## KITCHEN TABLE CIVIL SOLUTIONS

6805 N. CAPITAL OF TEXAS HIGHWAY | SUITE 315  
AUSTIN, TEXAS 78731 | TEL (512) 758-7474  
TBPE FIRM NO F-18129

## PUBLIC UTILITY COMMISSION OF TEXAS

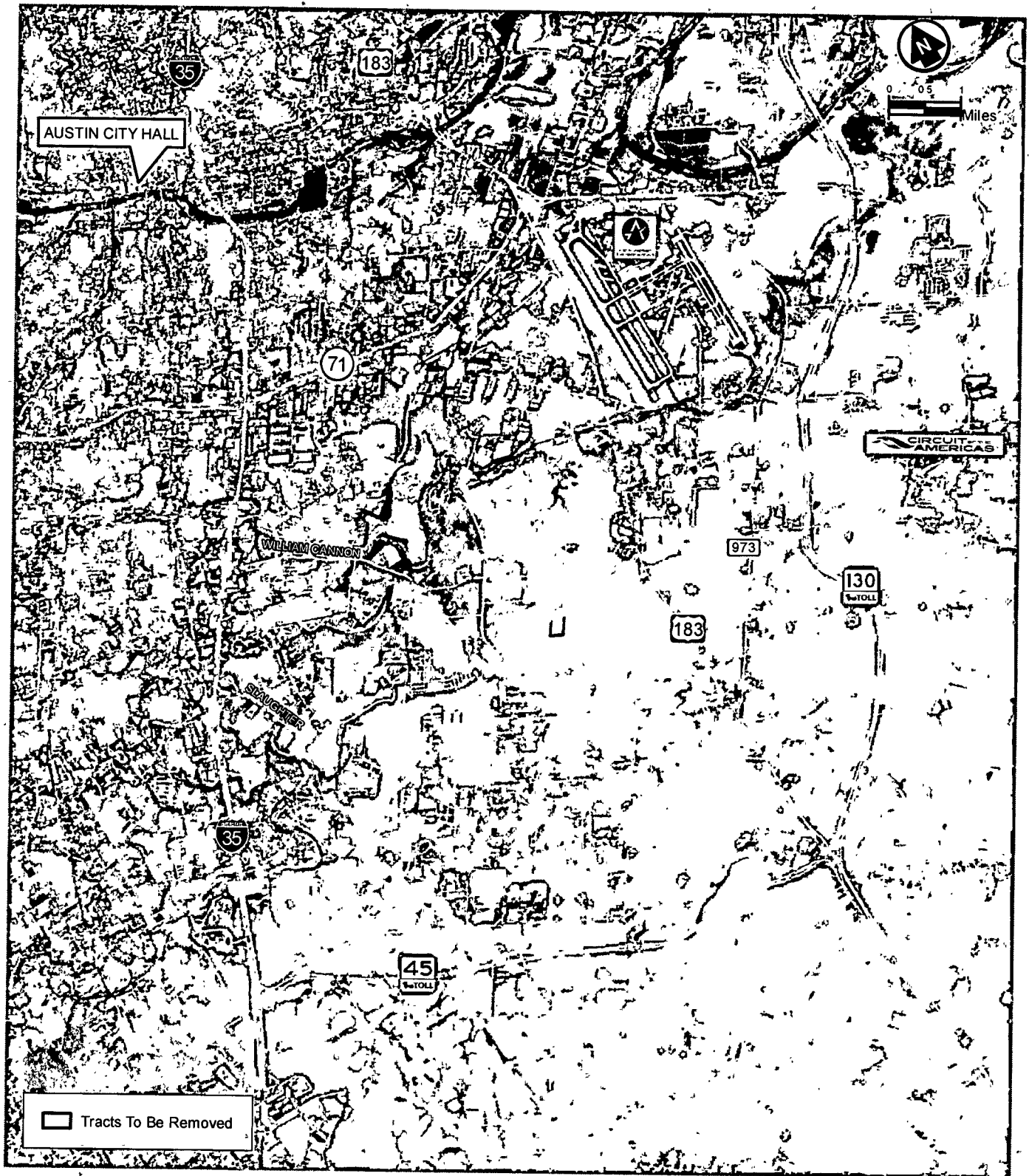
## OVERVIEW MAP

PETITION 3 - TRACTS TO BE REMOVED FROM  
CREEDMOOR MAHA WSC'S WATER CCN  
AUSTIN, TRAVIS COUNTY, TEXAS

EXH01



# EXHIBIT 2



## KITCHEN TABLE CIVIL SOLUTIONS

6805 N. CAPITAL OF TEXAS HIGHWAY | SUITE 315  
AUSTIN, TEXAS 78731 | TEL (512) 758-7474  
TBPE FIRM NO F-18129

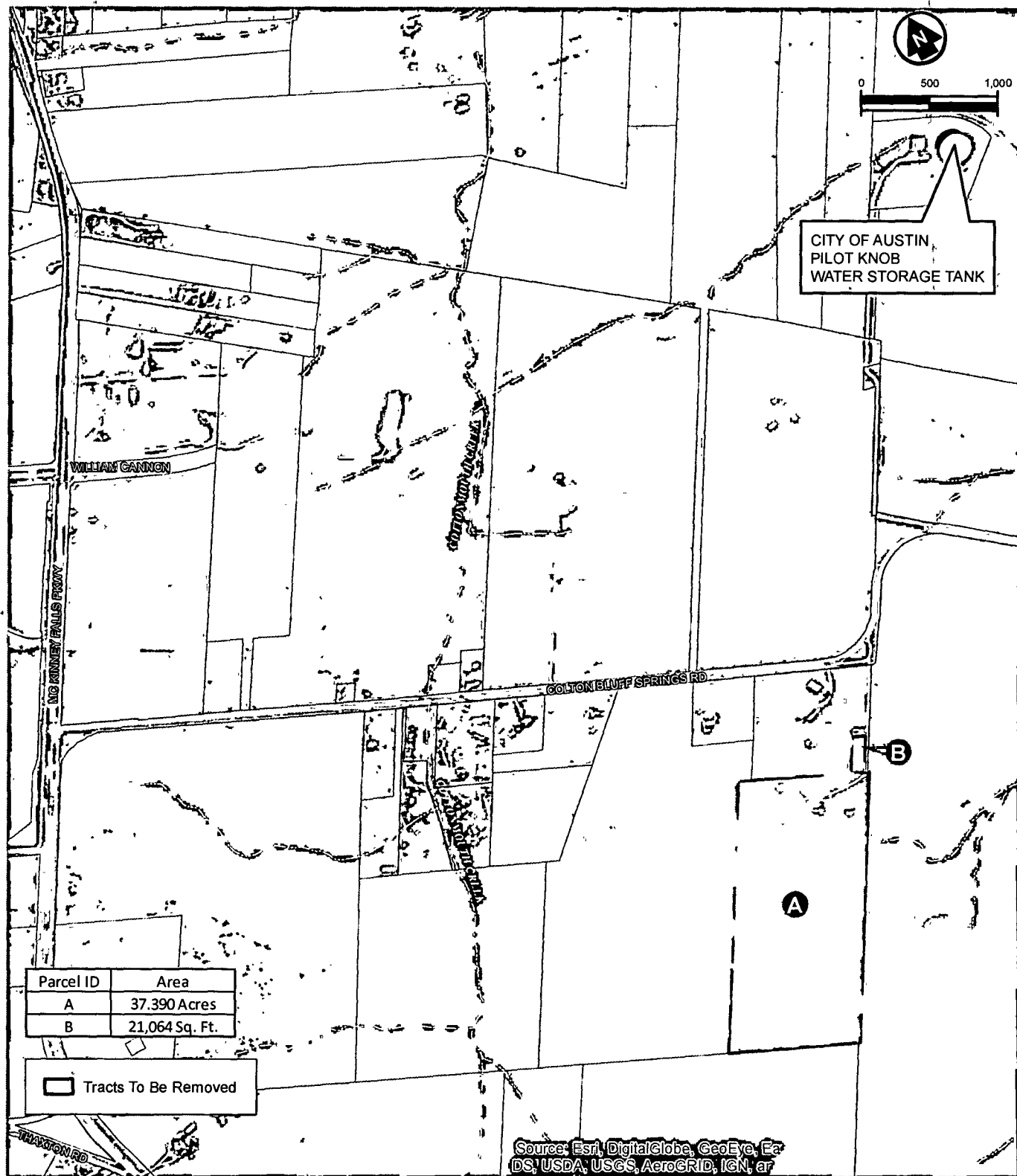
## PUBLIC UTILITY COMMISSION OF TEXAS

## LOCATION MAP

PETITION 3 - TRACTS TO BE REMOVED FROM  
CREEDMOOR MAHA WSC'S WATER CCN  
AUSTIN, TRAVIS COUNTY, TEXAS

EXH02

# EXHIBIT 3



**KITCHEN TABLE**  
CIVIL SOLUTIONS

6805 N. CAPITAL OF TEXAS HIGHWAY | SUITE 315  
AUSTIN, TEXAS 78731 | TEL (512) 758-7474  
TBPE FIRM NO. F-18129

PUBLIC UTILITY  
COMMISSION OF TEXAS

DETAILED MAP

PETITION 3 - TRACTS TO BE REMOVED FROM  
CREEDMOOR MAHA WSC'S WATER CCN  
AUSTIN, TRAVIS COUNTY, TEXAS

EXH03

# EXHIBIT 4

**EXHIBIT 4**

STATE OF TEXAS       §  
                                 §  
COUNTY OF TRAVIS   §

**AFFIDAVIT OF CHAD MATHESON  
IN SUPPORT OF CARMA EASTON, LLC'S  
PETITION TO DECERTIFY PORTIONS OF WATER CCN. NO 11029**

BEFORE ME, the undersigned notary, personally appeared Chad Matheson, the affiant, a person who is known to me. After administering the oath, the affiant testified that:

"My name is Chad Matheson. I am over the age of eighteen years, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

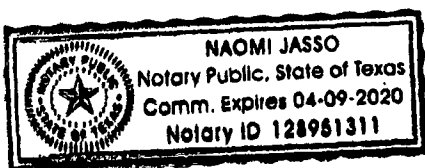
I am Chief Financial Officer of Carma Easton, LLC, which owns land in Travis County, Texas that is approximately 2,160 contiguous acres in size. From this, Carma Easton seeks to decertify from Creedmoor-Maha Water Supply Corporation's Water Certificate of Convenience and Necessity No. 11029 two separate tracts, one that is 37.390 acres (Parcel A) and the other that is 21,064 square feet (Parcel B). Parcels A and B are depicted on Exhibits 1 and 3 of Carma Easton LLC's Petition to Decertify A Portion Of Water Certificate of Convenience and Necessity No. 11029 ("Petition"). Parcel A is Deed Number 2008179828, while Parcel B is Deed Number 2016052393. Neither Parcel A nor Parcel B is receiving water service from Creedmoor-Maha Water Supply Corporation or any other retail public utility.

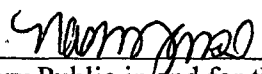
By this Petition, I hereby request that the Public Utility Commission of Texas release this tract from Water CCN No. 11029"

FURTHER SAYETH AFFIANT NOT.

  
Chad Matheson, Chief Financial Officer of Carma Easton

SUBSCRIBED AND SWORN TO BEFORE ME, by Chad Matheson on the 25 day of January, 2017.



  
Notary Public in and for the State of Texas  
My Commission Expires: 04/09/2020

# EXHIBIT 5



WD

2008179828

6 PGS

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

THE STATE OF TEXAS §

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

joined herein proforma by spouse,  
Lois L. Roe

THAT, Neal Roe, Trustee for the Neal Roe Trust ("Grantor") for and in consideration of the sum of \$10.00 cash in hand paid by Jona Acquisition Inc., a Texas corporation ("Grantee"), whose address is c/o E. Scott Lineberry, DuBois, Bryant & Campbell, LLP, 700 Lavaca, Suite 1300, Austin, Texas 78701, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, those certain tracts of real property situated in Travis County, Texas, and described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Land") and all buildings, fixtures and other improvements located on the Land, if any, together with all and singular the rights, privileges, hereditaments, and appurtenances pertaining to such real property, including, but not limited to, any right, title and interest of Grantor in and to any and all mineral interests of whatever nature, producing or nonproducing, relating to said tract, including, but not limited to, rights of Grantor under any and all oil and gas leases covering said tract (collectively, the "Property").

For the same consideration, Grantor has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, without warranty, express or implied, all interest of Grantor, if any, in (1) strips and gores, if any, within the Property or between the Property and any abutting properties, whether owned or claimed by deed, limitations or otherwise, and whether located inside or outside the Property; and (2) any land lying in or under the bed of any creek, stream or waterway or any highway, avenue, street, road, alley, easement or right of way, open or proposed, in, or across, abutting or adjacent to the Property.

This conveyance is being made by Grantor and accepted by Grantee subject only to those certain title exceptions set forth in Exhibit "B" attached hereto and made a part hereof for all purposes, but only to the extent that such exceptions are valid, existing, and, in fact, affect the Property.

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's successors and assigns forever; and subject only to the exceptions set forth on the attached Exhibit "B", Grantor does



hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

The undersigned Grantor further represents and warrants to Grantee, Grantee's heirs, personal representatives and assigns, as appropriate, that Grantor is the currently serving trustee of the Trust, and that Grantor has full power and authority to sell and convey the above-described premises by this Deed, without the further consent or approval of any person or entity whatsoever, and the execution and delivery of this Deed does not contravene in any way the trust agreement of the Trust or any other document or instrument binding upon the Trust or its properties.

EXECUTED to be effective the 30 day of October, 2008.

GRANTOR:

Neal Roe  
Neal Roe, Trustee of the Neal Roe Trust  
Lois L. Roe  
~~XXXXXXXXXXXX~~ Lois L. Roe

THE STATE OF TEXAS §

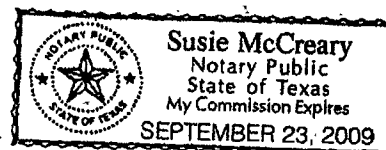
COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 30, 2008, by Neal Roe, Trustee of the Neal Roe Trust.

Susan McCreary  
Notary Public, State of Texas  
[Seal]

After Recording, Return to:

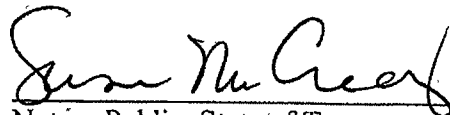
E. Scott Lineberry  
DuBois, Bryant & Campbell, L.L.P.  
700 Lavaca, Suite 1300  
Austin, Texas 78701



THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 30th day of October, 2008  
by Lois L. Roe.

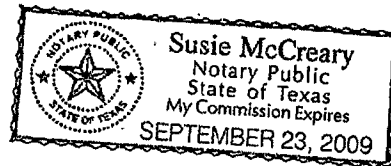
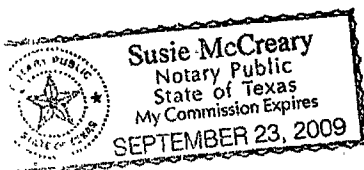


Notary Public, State of Texas

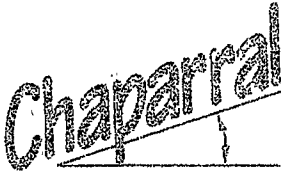
Printed Name of Notary:

My commission expires:

(seal)



**EXHIBIT A**  
**Legal Description**



**Professional Land Surveying, Inc.**  
**Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**37.390 ACRES (TRACT 28)**  
**SANTIAGO DEL VALLE GRANT,**  
**ABSTRACT NO. 24**

A DESCRIPTION OF 37.390 ACRES OF LAND (APPROXIMATELY 1,628,661 S.F.) OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT 37 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO THE NEAL ROE TRUST, DATED AUGUST 28, 1997 AND RECORDED IN VOLUME 13031, PAGE 1455 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 37.390 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with cap set for the southeast corner of said 37 acre tract, same being the northeast corner of a 116.05 acre tract, described in Volume 12641, Page 317 of the Real Property Records of Travis County, Texas, also being in the west line of a 198.302 acre tract described in Document No. 2006244772 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found at the southwest corner of said 198.302 acre tract bears, South 26°55'04" West, a distance of 1074.41 feet;

**THENCE** North 62°42'32" West, with the south line of said 37 acre tract, same being the north line of said 116.05 acre tract, at a distance of 1.73 feet passing a 1" iron pipe found, and continuing for a total distance of 857.51 feet to a 1/2" rebar with cap set for the southwest corner of said 37 acre tract, same being the southeast corner of a 68.3 acre tract described in Volume 12641, Page 317 of the Real Property Records of Travis County, Texas;

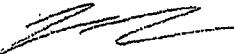
**THENCE** North 27°02'57" East, with the west line of said 37 acre tract, same being the east line of said 68.3 acre tract, a distance of 1907.45 feet to a mag nail with "Chaparral Boundary" washer set for the northwest corner of said 37 acre tract, same being an angle point in the east line of said 68.3 acre tract;

**THENCE** South 62°15'58" East, with the north line of said 37 acre tract, same being the east line of said 68.3 acre tract, at a distance of 92.80 feet passing a 1/2" rebar found at a northeast corner of said 68.3 acre tract, same being the southwest corner of a 12.7 acre tract described in Volume 1883, Page 515 of the Deed Records of Travis County, Texas, and continuing with the north line of said 37 acre tract, same being the south line of said 12.7 acre tract, at a distance of 734.16 feet passing a 1/2" rebar with "Chaparral Boundary" cap set for the south line of said 12.7 acre tract, also being the southwest corner of a 21,064 square foot tract described in Document No. 1999070566 of the Official Public Records of Travis County, Texas, and continuing with the north line of said 37 acre tract, same being the south line of said 12.7 acre tract, also being the south line of said 21,064 square foot tract, at a distance of 818.32 feet, passing a 1/2" rebar found at the southeast corner of said 21,064 square foot tract, and continuing with the north line of said 37 acre tract, same being the south line of said

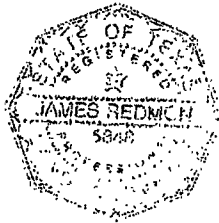
12.7 acre tract at a distance of 852.13 feet, passing a 1/2" rebar found, and continuing for a total distance of 853.20 feet, to a 1/2" rebar with cap set for the northeast corner of said 37 acre tract, same being the southeast corner of said 12.7 acre tract, also being in the west line of said 198.302 acre tract, from which a 1/2" rebar found in the south right-of-way line of Colton Bluff Springs Road (70' Right-of-Way) bears North 26°55'04" East, a distance of 743.36 feet;

**THENCE** South 26°55'04" West, with the east line of said 37 acre tract, same being the west line of said 198.302 acre tract, a distance of 1900.88 feet to the **POINT OF BEGINNING**, containing 37.390 acres, more or less.

Surveyed on the ground July 27, 2007. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 500-001-BD28. Caps placed on set rebars are plastic, stamped "Chaparral Boundary"

  
James Redmon  
Registered Professional Land Surveyor  
State of Texas No. 5848

9-12-08



**EXHIBIT B**  
**Permitted Exceptions**

1. Water line easement granted to Creedmoor-Maha Water Supply Corp. by instrument recorded under Document Number 1999070561 in the Official Public Records of Travis County, Texas, and as indicated on survey dated September 12, 2008, prepared by James Redmon, Registered Public Land Surveyor No. 5848.
2. Water line easement granted to Creedmoor-Maha Water Supply Corp. by instrument recorded under Document Number 1999070565 in the Official Public Records of Travis County, Texas, and as indicated on survey dated September 12, 2008, prepared by James Redmon, Registered Public Land Surveyor No. 5848.
3. Lack of right of access to and from the property.
4. Rights of persons who are in possession of any portion of the property that lies outside of the fences shown on the survey-plat dated September 12, 2008, made by James Redmon, Registered Public Surveyor.

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2008 Oct 31 10:26 AM 2008179828

CLARKMM \$36.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

LOCATION MAP  
(NOT TO SCALE)

[illegible]

FENCE 3.7  
OFF SUBJECT

PORTION  
THE ETC

**FLOOD-PLAIN NOTE**

Portions of the tract shown herein to which Zone "X" Flood-insure., Zone "A" [areas of 500-year flood return period] have been assigned are shown as being less than 1 foot or less drainage depth from base line 100'-year flood, Zone "A" [no base flood elevations determined] as identified by the Federal Emergency Management Administration, as shown on map no. 49CSC0175F, dated and incorporated therein. It is noted that while an actual statement does not imply that the property and/or the flood damage. This flood statement shall not create liability.

(When determined to be suitable 200-year or 100-year flood with adequate depth of water, and stress predicted by levee from structural and Zone 200-year flood inundation management Agency, Federal Inundation, on January 15, 2000, the Federal Inundation official special flood hazard areas, the flood structure thereon will be kept from flooding or dry on the part of the surveyor.

# EXHIBIT 6

GENERAL WARRANTY DEED

03 0247-5094-SM/V  
 THE STATE OF TEXAS

COUNTY OF TRAVIS

§  
 § KNOW ALL MEN BY THESE PRESENTS:  
 §

THAT, CREEDMOOR-MAHA WATER SUPPLY CORPORATION (collectively, "Grantor"), for and in consideration of the sum of \$10.00 cash in hand paid by CARMA EASTON LLC, a Texas limited liability company ("Grantee"), whose address is 11501 Alterra Parkway, Suite 100, Austin, Texas 78758, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, the following tracts of real property situated in Travis County, Texas (collectively, the "Land"):

WATER SITE

All that certain parcel or tract of land being 21,064 sq. ft. out of the Santiago Del Valle Grant, Travis County, Texas and being a portion of that 12.70 acre tract conveyed to Raymond L. Kicke by deed of record in Volume 1883, Page 515 of the Deed Records of Travis County, Texas, being the same property conveyed to Creedmoor-Maha Water Supply Corporation by deed recorded under Document Number 1999070566, Official Public Records of Travis County, Texas, said 21,064 sq. ft. of land being more specifically described by metes and bounds in Exhibit "A" and shown by sketch to accompany metes and bounds of water site and access prepared by Michael Samford, R.P.L.S., and designated as Exhibit "B", each of which exhibits are attached hereto and incorporated herein by reference for all purposes.

ACCESS EASEMENT

All that certain parcel or tract of land being 0.567 acre out of the Santiago Del Valle Grant, Travis County, Texas and being a portion of that 12.70 acre tract conveyed to Raymond L. Kicke by deed of record in Volume 1883, Page 515 of the Deed Records of Travis County, Texas, being the same easement conveyed to Creedmoor-Maha Water Supply Corporation by deed recorded under Document Number 1999070566, as affected by that instrument recorded under Document Number 2004208507, Official Public Records of Travis County, Texas said 0.567 acre of land being more specifically described by metes and bounds in Exhibit "A" and shown by sketch to accompany metes and bounds of water site and access prepared by Michael Samford, R.P.L.S., and designated as Exhibit "B", each of which exhibits are attached hereto and incorporated herein by reference for all purposes.

and all buildings, fixtures and other improvements located on the Land, if any, together with all and singular the rights, privileges, hereditaments, and appurtenances pertaining to such real property, including, but not limited to, any right, title and interest of Grantor in and to any and all mineral interests of whatever nature, producing or nonproducing, relating to said tract, including, but not limited to, rights of Grantor under any and all oil and gas leases covering said tract (collectively, the "Property").

For the same consideration, Grantor has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, without warranty, express or implied, all interest of Grantor, if any, in (1) strips and gores, if any, within the Property or between the Property and any abutting properties, whether owned or claimed by deed, limitations or



otherwise, and whether located inside or outside the Property; and (2) any land lying in or under the bed of any creek, stream or waterway or any highway, avenue, street, road, alley, easement or right of way, open or proposed, in, or across, abutting or adjacent to the Property.

This conveyance is being made by Grantor and accepted by Grantee subject only to those certain title exceptions set forth in Exhibit "C" attached hereto and made a part hereof for all purposes, but only to the extent that such exceptions are valid, existing, and, in fact, affect the Property.

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's successors and assigns forever; and subject only to the exceptions set forth on the attached Exhibit "C", Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, and it is not intended that this deed contain, and it shall not be deemed to contain, any other covenants, express or implied.

*[signatures follow on the next page]*

EXECUTED on the date set forth in the acknowledgment below to be effective the 6 day of April, 2016. -

GRANTOR:

CREEDMOOR-MAHA WATER SUPPLY  
CORPORATION

By: Bennie Bock II  
Name: Bennie Bock II  
Title: President  
Bennie Bock, II, President

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF TRAVIS    §

This instrument was acknowledged before me on April 6, 2016, by Bennie Bock II  
President of Creedmoor Maha Water Supply Corporation.

Susie McCreary  
Notary Public, State of Texas  
[Seal]

After Recording, Return to:  
Carma Easton LLC  
11501 Alterra Parkway #100  
Austin, TX 78758

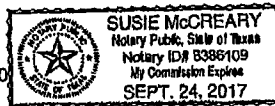


EXHIBIT "A"

METES AND BOUNDS DESCRIPTION  
WATER SITE  
21,064 SQ. FT. OUT OF THE SANTIAGO DEL VALLE GRANT  
TRAVIS COUNTY, TEXAS

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 21,064 SQ. FT. OUT OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 1270 ACRE TRACT CONVEYED TO RAYMOND L. KIEKE BY DEED OF RECORD IN VOLUME 1883, PAGE 314 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 21,064 SQ. FT. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING FOR REFERENCE at a 1/2" iron rod found in the south R.O.W. line of F.M. 1625, also known as Colton Bluff Springs Road at the most easterly corner of said Kieke Tract and northwest line of a 198.37 acre tract of land conveyed to J.P. Jordan Estate-Partnership by deed of record in Volume 11322, Page 609 of the Real Property Records of Travis County, Texas, THENCE with the northwest line of said Jordan Tract and the southeast line of said Kieke Tract, S28°42'W for a distance of 743.14 feet to a 1/2" iron rod set at the most southerly corner of said Kieke Tract and the most easterly corner of a 37.5 acre tract of land conveyed to Neal Roe by deed of record in Volume 838, Page 28 of the Deed Records of Travis County, Texas, THENCE with the southwest line of said Kieke Tract and the northeast line of said Roe Tract, N60°35'W for a distance of 32.68 feet to a 1/2" iron rod set for the most southerly corner and POINT OF BEGINNING hereof

THENCE with the northeast line of said Roe Tract and southwest line of said Kieke Tract, N60°35'W for a distance of 33.99 feet to a 1/2" iron rod set for the most westerly corner hereof

THENCE through said Kieke tract for the following three calls

- 1) N28°42'E for a distance of 251.02' to a 1/2" iron rod set at the most easterly corner of a 4,444 sq. ft. tract of land leased to GTE Mobilnet of Austin by instrument of record in Volume 12546, Page 304 of the Real Property Records of Travis County, Texas, for the most northerly corner hereof
- 2) With the southwest line of said GTE Tract, S60°17'24"E for a distance of 84.00 feet to a 1/2" iron rod set at the most southerly corner of said GTE Tract and the most westerly corner of a tract of land referred to as an access and utility easement by said instrument of record in Volume 12546, Page 304 of the Real Property Records of Travis County, Texas, for the most easterly corner hereof

Water Site  
Page 2

- 3) S28°42'W for a distance of 250.59 feet to the POINT OF BEGINNING hereof and containing 21,064 sq. ft. of land, more or less, according to a survey performed on the ground by Sanford & Associates, Land Surveying, on March 24, 1999

  
Michael Sanford, R.P.L.S. 3693  
9900043-B



**METES AND BOUNDS DESCRIPTION  
ACCESS EASEMENT  
0.567 AC. OUT OF THE SANTIAGO DEL VALLE GRANT  
TRAVIS COUNTY, TEXAS**

**ALL THAT CERTAIN PARCEL OR TRACT OF LAND  
BEING 0.567 ACRE OUT OF THE SANTIAGO DEL  
VALLE GRANT, IN TRAVIS COUNTY, TEXAS, AND  
BEING A PORTION OF THAT 12.79 ACRE TRACT  
CONVEYED TO RAYMOND L. KIEKE BY DEED OF  
RECORD IN VOLUME 1583, PAGE 514 OF THE DEED  
RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.567  
ACRE FT TRACT BEING MORE PARTICULARLY  
DESCRIBED BY METES AND BOUNDS AS  
FOLLOWS**

**BEGINNING** at an iron rod found in the southwest R O W line of Cotton Bluff Springs Road at the east corner of said Kieke tract and east corner of that certain access easement described in a Memorandum of Lease between Raymond Kieke and GIB Mobilist of Austin, of record in Volume 12546, Page 304 of the Real Property Records of Travis County, Texas, being the west corner of that certain 198.37 acre tract described in a deed to the ZP Jordan Estate, of record in Volume 11322, Page 600 of the Real Property Records of Travis County, Texas, for the east corner and **POINT OF BEGINNING** hereof

**THENCE** with the northwest line of said Jordan tract, southeast line of said Kieke tract, and southeast line of said access easement,  $S28^{\circ}42'W$ , at a distance of 492.88 feet passing the south corner of said access easement and continuing on said line, leaving said access easement, and additional 250.26 feet for a total distance of 743.14 feet to a  $\frac{1}{4}"$  iron rod set in said Jordan line, at the east corner of that certain tract called 37.5 acres in a deed to Neal Roe, of record in Volume 838, Page 26 of the Deed Records of Travis County, Texas, at the south corner of said Kieke tract, for the south corner hereof, and from which point a  $\frac{1}{4}"$  iron rod found at the west corner of said Kieke tract bears  $N60^{\circ}35'W$  at a distance of 759.16 feet, and from which west corner a  $\frac{1}{4}"$  iron rod found in the northwest line of said Kieke line at the south corner of that certain tract called 4.132 acres in a deed to Cheryl L. K. Barron bears  $N28^{\circ}12'E$  at a distance of 270.27 feet, and from which Barron south corner, a  $\frac{1}{4}"$  iron rod found in the southwest R O W line of Cotton Bluff Springs Road, at the north corner of said Kieke tract and east corner of said Barron tract bears  $N38^{\circ}30'E$  at a distance of 450.43 feet, the last two points mentioned immediately above being the basis of bearing for this survey

**THENCE** with the southwest line of said Kieke tract and northwest line of said Roe tract,  $N60^{\circ}35'W$  for a distance of 23.68 feet to a  $\frac{1}{4}"$  iron rod set at the south corner of the above described Water Site for the west corner hereof

Access Easement  
Page 2

THENCE with the southeast line of said Water Sec. N28°42'E for a distance of 250.59 feet to a 1/4" iron rod set at the south corner of that certain 4.444 ac. ft. GTE Mobilnet site described in said Lease instrument, being the west corner of said GTE access easement, for an angle point hereof

THENCE with the southeast line of said GTE Mobilnet site and northwest line of said GTE access easement, N29°37'E for a distance of 50.09 feet to the east corner of said GTE site for an angle point hereof

THENCE with the northwest line of said GTE Mobilnet access easement, N28°40'E for a distance of 441.92 feet to a point in the southwest line of Cotton Bluff Springs Road, for the north corner hereof, and from which point a 1/2" iron rod found on said R O W line bears N61°31'W at a distance of 217.63 feet

- 4) THENCE with the northeast line of said Kieke tract and southwest R O W line of Cotton Bluff Springs Road, S60°14'E for a distance of 33.12 feet to the POINT OF BEGINNING hereof and containing 0.597 acre of land, more or less according to a survey performed on the ground by Sanford & Associates, Land Surveying, on March 24, 1999

*Michael Sanford*

Michael Sanford, R.P.L.S. 3693  
9900941-B



SAMFORD & ASSOCIATES  
LAND SURVEYING  
TEL 441 5901 FAX 441-5903

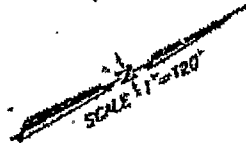
# EXHIBIT "B"

4540 S CONGRESS AVENUE  
SUITE 104  
AUSTIN, TEXAS 78745

RAYMOND L. KIEKE 63.778 AC. [1883/521]  
CHERYL L.K. BARRON 4.132 AC. - [8971/137]

NE 1/4 SEC 37, T2S  
R2E, S2E 28.48'

NE 1/4 SEC 37, T2S  
R2E, S2E 28.48'



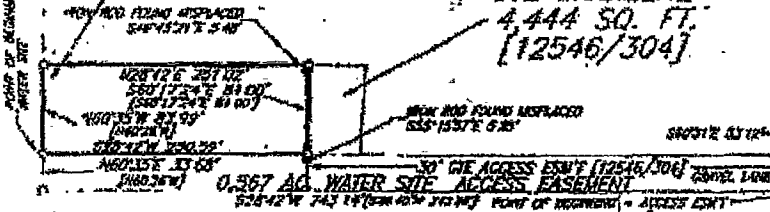
## LEGEND

- - IRON ROD FOUND
- - IRON ROD SET
- [ ] - FROM DEED RECORDS

RAYMOND L. KIEKE  
REMAINDER OF  
12.70 ACRES  
[1883/514]

CREEDMOOR - MAHA  
WATER TANK SITE  
21,064 SQ. FT.

GTE MOBILENET  
4,444 SQ. FT.  
[12546/304]



Z.P. JORDAN ESTATE - 198.37 AC. - [11322/600]

SKETCH TO ACCOMPANY METES & BOUNDS  
OF WATER SITE & ACCESS OUT OF 12.70 AC.  
RAYMOND L. KIEKE TRACT OF  
RECORD IN VOLUME 1883, PAGE 514,  
DEED RECORDS, TRAVIS COUNTY, TEXAS.



PLAN No. 920094-2-B

SURVEY DATE MARCH 24, 1999

Michael Samford, Surveyor

**EXHIBIT "C"**

**Exceptions**

1. Restrictive Covenant recorded under Document No: 2004208507, Official Public Records of Travis County, Texas.
2. All terms, conditions, and provisions of that certain Lease dated September 1, 1995, as evidenced by that certain Memorandum, recorded in Volume 12546, Page 304, of the Real Property Records of Travis County, Texas; as affected by Assignment and Assumption Agreement recorded in Document No. 2001082598, Official Public Records, Travis County, Texas.
3. All terms, conditions and provisions of that Affidavit of Release recorded under Document Number 2008142576, Official Public Records of Travis County, Texas.

2259834.2



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dana Debeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

April 07 2016 08:06 AM

FEE: \$ 58.00 2016052393



# EXHIBIT 7

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Hope Andrade  
Secretary of State

## Office of the Secretary of State

### CERTIFICATE OF AMENDMENT OF

Carma Easton Inc.  
800551600

[formerly: Jona Acquisition Inc.]

The undersigned, as Secretary of State of Texas, hereby certifies that the attached Articles of Amendment for the above named entity have been received in this office and have been found to conform to law.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law hereby issues this Certificate of Amendment.

Dated: 03/11/2009  
Effective: 03/11/2009



A handwritten signature in cursive script, appearing to read "Hope Andrade".

Hope Andrade  
Secretary of State

ARTICLES OF AMENDMENT  
TO THE  
ARTICLES OF INCORPORATION  
OF  
JONA ACQUISITION INC.

**FILED**  
In the Office of the  
Secretary of State of Texas  
MAR 11 2009  
Corporations Section

Pursuant to the provisions of Article 4.04 of the Texas Business Corporation Act, Jona Acquisition, Inc., a Texas corporation (the "Corporation"), adopts the following amendment to the Articles of Incorporation of the Corporation:

**FIRST**

The name of the Corporation is Jona Acquisition Inc.

**SECOND**

On February 27, 2009, the directors of the Corporation executed a written consent setting forth the following amendment to the Articles of Incorporation of the Corporation and directing that such amendment be submitted to the sole shareholder of the Corporation for approval and adoption:

ARTICLE ONE of the Corporation's Articles of Incorporation is amended in its entirety to read as follows:

"The name of the Corporation is Carma Easton Inc."

**THIRD**

The above amendment to the Articles of Incorporation was adopted by the sole shareholder of the Corporation on February 27, 2009.

**FOURTH**

The number of shares of the Corporation outstanding and entitled to vote at the time of adoption of the foregoing amendment was 1,000 shares of the Corporation's common stock, \$.01 par value.

**FIFTH**

The holder of all the issued and outstanding shares of the Corporation entitled to vote on the foregoing amendment executed a written consent approving and adopting such amendment.

IN WITNESS WHEREOF, the undersigned has caused these Articles of Amendment to be executed as of February 27, 2009.

JONA ACQUISITION INC.

By: DAVID C. HARVE  
Name: DAVID C. HARVE  
Title: SENIOR VICE-PRESIDENT

**FILED**  
**In the Office of the**  
**Secretary of State of Texas**  
**DEC 28 2011**

**Corporations Section**

**CERTIFICATE OF CONVERSION**  
**OF**  
**CARMA EASTON INC.**  
**(a corporation)**  
**INTO**  
**CARMA EASTON LLC**  
**(a limited liability company)**

Pursuant to the provisions of Article 2.15 of the Texas Revised Corporation Act (the "Act"), the undersigned Texas corporation, Carma Easton Inc. (the "Converting Entity"), adopts the following Certificate of Conversion for the purpose of converting Carma Easton LLC, a Texas limited liability company (the "Converted Entity") and hereby certified as follows:

**FIRST:** The name of the Converting Entity is Carma Easton Inc. The Converting Entity is a limited liability company. The jurisdiction of formation of the Converting Entity is Texas. The date of formation of the Converting Entity is September 29, 2005, and the file number issued to the Converting Entity by the Secretary of State is 800551600.

**SECOND:** The Converting Entity plans to convert into the Converted Entity. The Converted Entity will be named Carma Easton LLC and will be a limited liability company formed under the laws of the State of Texas. A Plan of Conversion (the "Plan") has been approved by the Converting Entity.

**THIRD:** An executed Plan is on file at the principal place of business of the Converting Entity. The address of the principal place of business of the Converting Entity is 9737 Great Hills Trail, Suite 260, Austin, Texas 78759. An executed Plan will be on file, from and after the conversion, at the principal place of business of the Converted Entity. The address of the principal place of business of the Converted Entity will be 9737 Great Hills Trail, Suite 260, Austin, Texas 78759.

**FOURTH:** A copy of the Plan will be furnished by the Converting Entity (prior to the conversion) or by the Converted Entity (after the conversion), on written request and without cost, to any partner of the Converting Entity or any member of the Converted Entity.

**FIFTH:** The Converted Entity is a Texas limited liability company. The Certificate of Formation of the Converted Entity is attached to this Certificate as Exhibit A hereto.

**SIXTH:** The approval of the Plan was duly authorized by all action required by the laws under the the Converting Entity was incorporated; formed or organized and by its constituent documents.

**SEVENTH:** This document becomes effective on December 31, 2011.

**EIGHTH:** The converted entity acknowledges that it will be responsible for all Texas franchise tax obligations of the converting entity.

[signature page follows]

EXECUTED the 7<sup>th</sup> day of December, 2011.

CARMA EASTON INC.

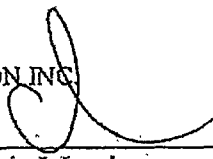
By:   
Name: Craig J. Laurie  
Title: Chief Financial Officer

EXHIBIT A  
CERTIFICATE OF FORMATION  
OF CONVERTED ENTITY

**CERTIFICATE OF FORMATION**  
**OF CARMA EASTON LLC**  
**A Texas Limited Liability Company**

**Corporations Section**

The undersigned hereby adopts the following Certificate of Formation for Carma Easton LLC, a Texas limited liability company (the "Company"). The Company is being formed pursuant to the Plan of Conversion of Carma Easton Inc., a Texas corporation with a principal place of business at 9737 Great Hills Trail, Suite 260, Austin, Texas 78759, originally formed on September 29, 2005, and assigned the filing number 800551600.

**ARTICLE ONE.**

The name of the Company is Carma Easton LLC.

**ARTICLE TWO.**

The Company is a domestic limited liability company.

**ARTICLE THREE.**

The Company is organized for the purposes of transacting any and all lawful business for which limited liability companies may be organized under the TBOC.

**ARTICLE FOUR.**

The address of the initial registered office of the Company is 800 Brazos, Suite 400 , Austin, Texas 78701 and the name of the initial registered agent of the Company at that address is Capitol Corporate Services, Inc.

**ARTICLE FIVE.**

The Company is to be managed by its member and shall have no managers. The name and address of the initial member are as follows:

Brookfield Residential (Texas) LLC  
9737 Great Hills Trail, Suite 260  
Austin, Texas 78759

**ARTICLE SIX.**

A member of the Company shall not be liable to the Company or its other members for monetary damages for an act or omission in the member's capacity as a member, except that this Article Six does not eliminate or limit the liability of a member to the extent the member is found liable for (i) a breach of the member's duty of loyalty to the Company or its members; (ii) an act or omission not in good faith that constitutes a breach of duty of the member to the Company or an act or omission that involves intentional misconduct or a knowing violation of the law; (iii) a transaction from which the member received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the member's office; (iv) an act or omission for which the liability of a member is expressly provided in an applicable statute.



transaction from which the member received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the member's office; (iv) an act or omission for which the liability of a member is expressly provided in an applicable statute.

Any repeal or amendment of this Article Six by the member of the Company shall be prospective only and shall not adversely affect any limitation on the liability of a member of the Company existing at the time of such repeal or amendment. In addition to the circumstances in which the member of the Company is not liable as set forth in the preceding sentences, the member shall not be liable to the fullest extent permitted by any provision of the statutes of Texas hereafter enacted that further limits the liability of a member.

#### ARTICLE SEVEN.

The name and address of the sole organizer of the Company are:

Robin Rutherford  
Brookfield Homes Services LLC  
12865 Pointe Del Mar Way, Suite 200  
Del Mar, California 92014

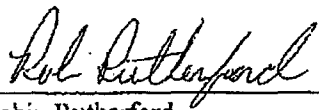
IN WITNESS WHEREOF, this Certificate of Formation has been executed to be effective as of December 31, 2011.

#### SOLE ORGANIZER

  
\_\_\_\_\_  
Robin Rutherford

#### DISCLAIMER

I, the undersigned organizer of Carma Easton LLC, a limited liability company to be organized in the State of Texas, do hereby disclaim any and all interests in said limited liability company.

  
\_\_\_\_\_  
Robin Rutherford

Form 401-A  
(Revised 12/09)



Acceptance of Appointment  
and  
Consent to Serve as Registered Agent  
§5.201(b) Business Organizations Code

The following form may be used when the person designated as registered agent in a registered agent filing is an individual.

<u>Acceptance of Appointment and Consent to Serve as Registered Agent</u>		
I acknowledge, accept and consent to my designation or appointment as registered agent in Texas for		
<i>Name of represented entity</i> I am a resident of the state and understand that it will be my responsibility to receive any process, notice, or demand that is served on me as the registered agent of the represented entity; to forward such to the represented entity; and to immediately notify the represented entity and submit a statement of resignation to the Secretary of State if I resign.		
x:	<i>Signature of registered agent</i>	<i>Printed name of registered agent</i> <i>Date (mm/dd/yyyy)</i>

The following form may be used when the person designated as registered agent in a registered agent filing is an organization.

<u>Acceptance of Appointment and Consent to Serve as Registered Agent</u>		
I am authorized to act on behalf of <u>Capitol Corporate Services, Inc.</u>		
<i>Name of organization designated as registered agent</i>		
The organization is registered or otherwise authorized to do business in Texas. The organization acknowledges, accepts and consents to its appointment or designation as registered agent in Texas for: <u>Carma Easton LLC</u>		
<i>Name of represented entity</i> The organization takes responsibility to receive any process, notice, or demand that is served on the organization as the registered agent of the represented entity; to forward such to the represented entity; and to immediately notify the represented entity and submit a statement of resignation to the Secretary of State if the organization resigns.		
x:	<i>Signature of person authorized to act on behalf of organization</i>	<i>Printed name of authorized person</i> <i>Date (mm/dd/yyyy)</i>