



Control Number: 47114



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 47114

RECEIVED

PETITION OF II C.B., LP TO
AMEND TALTLY WATER SUPPLY
CORPORATION'S WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN KAUFMAN
COUNTY BY EXPEDITED RELEASE

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BEFORE THE
2017 JUN -6 PM 3:30
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**II C.B., LP. RESPONSE TO
ORDER NO. 2**

II C.B., LP. ("II C.B." or "Petitioner") files this response pursuant to the Public Utility Commission's ("Commission") Order No. 2.¹ II C.B. provides the attached property deed to cure the material deficiency noted in Commission Staff's Recommendation filed on June 1, 2017.

As shown in the attached Substitute Trustee's Deed dated October 4, 2011, the property owner is the same as Petitioner.

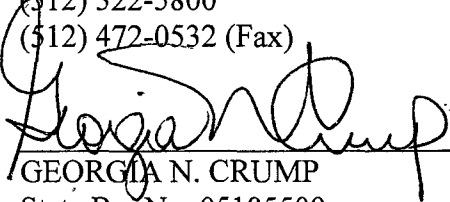
Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701

(512) 322-5800

(512) 472-0532 (Fax)

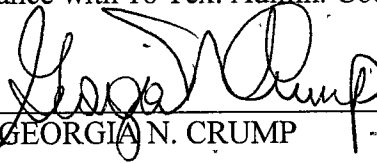

GEORGIA N. CRUMP
State Bar No. 05185500

ATTORNEYS FOR II C.B., LP

¹ Order No. 2, Finding the Petition Administratively Incomplete and Deficient, Establishing Deadlines for Opportunity to Cure (June 5, 2017).

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2017, true and correct copy of the foregoing document has been served on all parties of record in accordance with 16 Tex. Admin. Code § 22.74.



GEORGIA N. CRUMP

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2011-0015072

DEED

Party: BECKMAN JACK

Billable Pages: 5
Number of Pages: 6

FILED AND RECORDED - REAL RECORDS	CLERKS COMMENTS
On: 10/04/2011 at 10:57 AM	WALK IN
Document Number: <u>2011-0015072</u>	SUBSTITUTE TRUSTEE'S DEED
Receipt No: <u>11-15557</u>	
Amount: \$ <u>32.00</u>	
Vol/Pg: <u>V:4014 P:144</u>	



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Kim Kozelski, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Record and Return To:

II CB LP
2825 WILCREST
SUITE 300
HOUSTON, TX 77042



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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

SUBSTITUTE TRUSTEE'S DEED

STATE OF TEXAS

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COUNTY OF KAUFMAN

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WHEREAS, Michael A. McFerrin (the "Mortgagor"), in order to secure the payment of one (1) certain Promissory Note (the "Note") for the sum set forth in said Note, payable to the order of II C.B., LP, made, executed and delivered to Michael G. Tapp, Trustee, a certain Deed of Trust and Security Agreement (the "Deed of Trust") dated the 5th day of October, 2009, and recorded in the Real Property of Kaufman County under instrument number 20090016976, Texas reference to which Deed of Trust is here made for a detailed description of said Note, the terms and covenants of said Deed of Trust, and the land and premises therein conveyed; said land and premises being situated in Kaufman County, Texas, and being more particularly described as follows:

179.407 ACRES OF LAND OUT OF THE MARTHA MUSICK SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, TEXAS, BEING PART OF THAT CALLED 196.663 ACRE TRACT CONVEYED TO MICHAEL A. MCFERRIN BY MARY ELIZABETH HOFKER, A.K.A. BETTY COLEMAN MCFERRIN ON FEBRUARY 20004, RECORDED IN VOLUME 2361, PAGE 445 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS, AND BEING MORE COMPLETELY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSE

WHEREAS, the owner and holder of said Note and beneficiary under said Deed of Trust ("Holder") has appointed and substituted the undersigned as Substitute Trustee ("Substitute Trustee") under the Deed of Trust by an Appointment of Substitute Trustee. As Substitute Trustee, the undersigned is vested with and succeeds to all powers and duties given the original Trustee(s); and

WHEREAS, it is provided in said Deed of Trust that failure to make any of the payments in the above described Note as the same become due and payable, or failure to comply with any or all of the covenants and conditions of said Deed of Trust, shall, at the option of the legal or equitable owner or holder thereof, mature the whole of said Note and in such event or events and at the request of the Holder of said Note secured by said Deed of Trust, the said Trustee or his successors shall enforce said trust by selling the hereinbefore described land and premises in accordance with the provisions of said Deed of Trust, all as more fully set out in said Deed of Trust; and

WHEREAS, default was made in the payment of said Note according to the terms, tenor and effect thereof, and the Holder, after all required notices were given, declared the whole Note immediately due and payable and requested the undersigned to sell said land and premises, according to law and in accordance with the provisions of said Deed of Trust, in satisfaction of the indebtedness secured by said Deed of Trust; and

WHEREAS, the said land and premises above described were advertised for sale, and written Notice(s) of Substitute Trustee's Sale ("Notice") was posted in accordance with the terms of said Deed of Trust and in accordance with the laws of the State of Texas pertaining to foreclosure under deeds of trust, said land and premises having been advertised for sale at least twenty-one (21) days preceding the date of the sale at the courthouse door of the county above set forth and a copy of the said Notice was also filed with the County Clerk in the county in which the property is located, and, if provided by said Deed of Trust, in two other public places in said county, said land and premises having been advertised to be sold at the courthouse of such county on the first Tuesday in said month and said Notice having specified the area of the courthouse where designated by the commissioners court; and

WHEREAS, the Holder served written notice of the proposed sale by certified mail at least twenty-one (21) days preceding the date of sale on each debtor obligated to pay such debt according to the records of the Holder by deposit of the Notice, enclosed in a post paid wrapper, properly addressed to each debtor at the most recent address as shown by the records of the Holder, in a post office or official depository under the care and custody of the United States postal service; and

WHEREAS, I, the said Substitute Trustee, did, between the hours of 10:00 A.M. and 1:00 P.M. on the date for which said sale was advertised, offer said land and premises for sale at public auction at the area of the courthouse of said county where the commissioners court has designated such sales to take place; and

WHEREAS, at said sale II C.B., LP ("Grantee") bid for said land and premises the sum of \$ 1,041,600.00 which was the highest and best bid offered therefore, whereupon said land and premises were sold for said sum to the said Grantee in accordance with the terms and provisions of said Deed of Trust; and

WHEREAS, all prerequisites required by law and by said Deed of Trust have been duly complied with by the Holder and by the said Substitute Trustee;


NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned Substitute Trustee, named and appointed under the terms of said Deed of Trust, acting herein and by virtue of the power conferred upon me by said Deed of Trust, and in accordance with the laws of the State of Texas, for and in consideration of the sum bid as aforesaid, which amount has been applied in accordance with the terms of said Deed of Trust on the indebtedness secured by it, do hereby bargain, sell and convey unto the Grantee the hereinbefore described land and premises, together with all and singular the rights and appurtenances in anywise belonging to the same.

TO HAVE AND TO HOLD the said property unto said Grantee, its (his) heirs, executors, successors and assigns, forever, in fee and manner aforesaid, by virtue of the power vested in me under the terms of said Deed of Trust, I do hereby bind and obligate the said Mortgagor(s) to warrant and forever defend, all and singular, the right and title to said property unto the said Grantee, its (his) heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The address of the Grantee is:

II C.B., LP
2825 Wilcrest, Suite 300
Houston, Texas 77042

WITNESS MY HAND this the 4th day of October, 2011.



Jack Beckman, Substitute Trustee

STATE OF TEXAS

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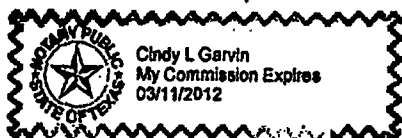
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COUNTY OF KAUFMAN

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BEFORE ME, the undersigned authority, on this day personally appeared Jack Beckman, Substitute Trustee, personally 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 4th day of October, 2011.





NOTARY PUBLIC - State of Texas

Return to:
II C.B., LP
2825 Wilcrest, Suite 300
Houston, Texas 77042

**FIELD NOTES FOR MICHAEL A. McFERRIN
MARTHA MURICK SURVEY, ABSTRACT NO. 312
KAUFMAN COUNTY, TEXAS**

All that certain lot, tract or parcel of land, part of the Martha Murick Survey, Abstract No. 312, Kaufman County, Texas, part of that certain called 196.663 acre tract conveyed to Michael A. McFerrin by Mary Elizabeth Hoffer, a.k.a. Betty Coleman McFerrin on February 2, 2004, recorded in Vol. 2361 page 443 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a point in the Northeast line of the above mentioned 196.663 acre tract, being S 43 deg. 46 min. 34 sec. E-100.06 ft. from the North corner of same, at the East corner of the Hubert C. White, Jr. And Mary Nancy White 1.882 acre Tract One, recorded in Vol. 2893 page 77 of the Deed Records of Kaufman County, Texas and being in the centerline of High Country Lane, from which a 3/8" Iron rod found in the Southwest line of said High Country Lane bears S 48 deg. 14 min. 19 sec. W-22.40 ft.

THENCE S 43 deg. 46 min. 34 sec. E, with the centerline of High Country Lane, a distance of 1418.68 ft. to a point at the intersection of same with the Southwest Right of Way line of Old Farm to Market Road No. 741, in the Southwest line of a certain 0.36 acre tract described in a Right of Way Deed to the State of Texas, recorded in Vol. 320 page 249 of the Deed Records of Kaufman County, Texas and being in a curve to the left, the radius point of which bears S 81 deg. 34 min. 27 sec. E-89.70 ft.

THENCE, in a Southerly direction with said Right of Way line and with said curve to the left, the angle of which is 51 deg. 56 min. 42 sec., the radius is 89.70 ft. and the tangent is 43.70 ft., a distance of 81.32 ft. to a 3/8" Iron rod set at the P.T. of said curve to the left.

THENCE S 43 deg. 51 min. 09 sec. E, continuing with the Southwest Right of Way line of Old Farm to Market Road No. 741, now known as High Country Lane, a distance of 469.04 ft. to a 3/8" Iron rod set at the North corner of the Heartland Tract B Phase 1A, as shown by the Amended Plat of same, recorded in Exhibit 3 page 74 of the Plat Records of Kaufman County, Texas.

THENCE S 43 deg. 24 min. 12 sec. W, with the Northwest line of said Heartland Tract B Phase 1A, a distance of 694.60 ft. to a 3/8" Iron rod found for corner.

THENCE S 29 deg. 15 min. 15 sec. W, continuing with the Northwest line of said Heartland Tract B Phase 1A, passing the West corner of same, continuing a total distance of 712.32 ft. to a 5/8" Iron rod found for corner.

THENCE S 25 deg. 38 min. 35 sec. W, with the Northwest line of the Heartland 600 Development Land, L.P. 204.452 acre Tract 4, recorded in Vol. 2658 page 510 of the Deed Records of Kaufman County, Texas, a distance of 918.27 ft. to a 3/8" Iron rod found at the West corner of same and being at the Easely North corner of the 8700, Ltd. 56.90 acre tract, recorded in Vol. 2207 page 178 of the Deed Records of Kaufman County, Texas.

THENCE S 26 deg. 07 min. 54 sec. W, with the line of said 56.90 acre tract, a distance of 482.87 ft. to a 3/8" Iron rod found at an old corner of same.

THENCE N 70 deg. 07 min. 41 sec. W, with the Westerly North line of said 56.90 acre tract, a distance of 2017.69 ft. to a point at the Northwest corner of same and being at the Northeast corner of the Shannon Story 12.509 acre tract recorded in Vol. 1068 page 976 of the Deed Records of Kaufman County, Texas and being in the centerline of Mustang Creek.

THENCE N 65 deg. 35 min. 21 sec. W, with the North line of said 12.509 acre tract, a distance of 177.63 ft. to a 3/8" Iron rod found at the Southwest corner of the David R. Littlefield, of ux 10.780 acre tract, recorded in Vol. 1190 page 528 of the Deed Records of Kaufman County, Texas.

THENCE N 9 deg. 56 min. 45 sec. W, with the East line of said 10.780 acre tract, passing the Northeast corner of same, continuing a total distance of 1735.50 ft. to a 1/4" Iron rod found at an

Exhibit "A"

angle corner of the Spradley / Kormay Development, Ltd. 613.573 acre Tract 1, recorded in Vol. 1915 page 215 of the Deed Records of Kaufman County, Texas.

THENCE N 44 deg. 15 min. 51 sec. E, with a line of said 613.573 acre tract, passing a corner of same, containing a total distance of 652.06 ft. to a 3/8" Iron rod found for corner.

THENCE N 77 deg. 19 min. 30 sec. E, a distance of 63.69 ft. to a 3/8" Iron rod found at a corner of the H. C. White 63.4 acre Tract, recorded in Vol. 342 page 585 of the Deed Records of Kaufman County, Texas.

THENCE N 82 deg. 28 min. 12 sec. E, with a line of said 63.8 acre tract, a distance of 34.72 ft. to a 3/8" Iron rod found at a corner of same.

THENCE S 3 deg. 54 min. 48 sec. E, with the Southerly West line of said 63.8 acre tract, a distance of 513.89 ft. to a 3/8" Iron rod found at the Southwest corner of same.

THENCE N 75 deg. 27 min. 00 sec. E, with the Westerly South line of said 63.8 acre tract, a distance of 430.87 ft. to a 3/8" Iron rod found at the Southwest corner of the Hubert C. White, Jr. And Mary Nancy White 10.009 acre tract, recorded in Vol. 2681 page 69 of the Deed Records of Kaufman County, Texas.

THENCE N 79 deg. 55 min. 57 sec. E, with the South line of said 10.009 acre tract, a distance of 49.45 ft. to a 3/8" Iron rod found for corner.

THENCE S 76 deg. 51 min. 01 sec. E, continuing with the South line of said 10.009 acre tract, a distance of 478.70 ft. to a 3/8" Iron rod found for corner.

THENCE S 72 deg. 29 min. 49 sec. E, continuing with the South line of said 10.009 acre tract, a distance of 147.55 ft. to a 3/8" Iron rod found at the Southeast corner of same.

THENCE N 52 deg. 31 min. 33 sec. E, with the Southeast line of said 10.009 acre tract, a distance of 90.58 ft. to a 3/8" Iron rod found for corner.

THENCE N 51 deg. 52 min. 28 sec. E, continuing with the Southeast line of said 10.009 acre tract, a distance of 480.00 ft. to a 3/8" Iron rod found at the East corner of same.

THENCE N 24 deg. 24 min. 22 sec. W, with the Northeast line of said 10.009 acre tract, a distance of 340.40 ft. to a 3/8" Iron rod found at the North corner of same, at the East corner of the Hubert C. White, Jr. And Mary Nancy White 4.960 acre Tract Two, recorded in Vol. 2383 page 77 of the Deed Records of Kaufman County, Texas and being at the South corner of the above mentioned 1.882 acre tract.

THENCE N 48 deg. 14 min. 19 sec. E, with the Southeast line of said 1.882 acre tract, a distance of 801.41 ft. to the point of beginning, containing 179.407 acres of land, of which 0.580 of an acre is within the above mentioned Hialeah Country Lane.

INST # 2009-0016976
Filed for record in Kaufman County
On: 10/8/09 at 11:14 AM

INST # 2011-0016072
Filed for record in Kaufman County
On: 10/24/11 at 10:57 AM