



Control Number: 50404



Item Number: 48

Addendum StartPage: 0



CCN<sup>2</sup> (“Original Petition”) and included a copy of the General Warranty Deed dated February 7, 2019 (“General Warranty Deed”), reflecting Petitioner’s ownership of 265.679 acres of land (“265.679-acre tract”).<sup>3</sup>

2. On February 3, 2020, Commission Staff (“Staff”) filed its recommendation that the Original Petition be deemed administratively incomplete and not accepted for filing because Petitioner’s maps did not meet the requirements under 16 Texas Administrative Code (“TAC”) § 24.245(m).<sup>4</sup> On February 6, 2020, Order No. 3 was issued, finding the Original Petition was deemed administratively incomplete.<sup>5</sup>

3. On February 11, 2020, Marilee filed its response to the Original Petition, asserting the 2020 Property could not be released as the 265.679-acre tract currently receives water “service” from Marilee, as defined by TWC § 13.002(21).<sup>6</sup> As seen therein, Marilee provided the following evidence in the response:

a. Marilee (its consultants) used the metes and bounds of the subject property provided in the Original Petition, and provided a map of the 265.679-acre tract, the 2020 Property, and the location of Marilee’s waterlines and meters located on and near the 2020 Property.<sup>7</sup>

b. Marilee used the metes and bounds from Petitioner’s General Warranty Deed<sup>8</sup> to show that Marilee’s Meters #309, #721, and #1528 (collectively, the “Meters”) are located *on* the 265.679-acre tract owned by Petitioner under that General Warranty Deed.<sup>9</sup>

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<sup>2</sup> Petition by Sterling Deason O’Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O’Donnell DD 2012 Trust under Agreement of the DD 2014-B Grantor Retained Annuity Trust Dated September 5, 2021 for Expedited Release Pursuant to Texas Water Code Section 13.254(a-5), at 2 (Jan. 2, 2020).

<sup>3</sup> *Id.* at Exhibit C.

<sup>4</sup> Commission Staff’s Recommendation on Administrative Completeness and Proposed Notice at 2, Memorandum (Feb. 3, 2020).

<sup>5</sup> Order No. 3 at 1 (Feb 6, 2020).

<sup>6</sup> Marilee Special Utility District’s Response to Petition for Expedited Release at 2 (Feb. 11, 2020).

<sup>7</sup> *Id.* at Exhibit B, p. 1.

<sup>8</sup> Petition at Exhibit C (Jan. 2, 2020).

<sup>9</sup> Marilee’s Response to Petition at Exhibit B, p. 2 (the key of this map states “Exhibit ‘C’ of Petition in Docket 50404” to show that the area was taken from the General Warranty Deed, which is Exhibit “C” of the Petition).

c. The Commission *denied* a petition in Docket No. 46866 of the preceding landowner Patricia Miller Deason in Docket No. 46866, where Ms. Deason attempted to remove 257.86 acres (“2017 Property”) out of the *same* 265.679-acre tract that Ms. Deason conveyed to Petitioner under the General Warranty Deed.<sup>10</sup> Marilee submitted the *same* map it filed in Docket No. 46866, showing the 2017 Property *excluded* three areas (two of which are identical to the areas proposed for removal under the Original Petition and the Amended Petition and one of which is in the same general location), each composed of a few acres and containing the same Meters at issue in the Original Petition and the Amended Petition, from the 265.679-acre tract.<sup>11</sup>

d. Two listings from the Collin County Central Appraisal District (“CAD”) website, reflecting Deason’s conveyance of the 265.679-acre tract to Petitioner under the General Warranty Deed being two separate tracts of land: a 21.335-acre tract (CAD’s Property ID No. 2121255, address of 9298 Myrtle Drive, Celina, TX 75009) and a 244.344 acre-tract (CAD’s Property ID No. 2795093, address of 9379 County Road 132, Celina, TX 75009).<sup>12</sup>

e. Billing statements of the Meters for water used on the two tracts that comprise the 265.679-acre tract at the time the Original Petition in this proceeding was filed showed that Marilee is currently providing actual water service to the 265.679-acre tract through Account/Meter #309 for service at the address 8887 County Road (CR) 132, owned by Patricia Deason; Account/Meter #721 for service at address 9298 Myrtle Drive (CAD’s Property ID No. 2121255), also owned by Patricia Deason; and Account/Meter #1528 for service at 9379 CR 132 (CAD’s Property ID No. 2795093, also owned by Patricia Deason).<sup>13</sup>

f. The Commission *denied* release of the 2017 Property finding Marilee was providing service through active water taps and that Deason did not demonstrate the 2017 Property was not receiving water from Marilee.<sup>14</sup>

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<sup>10</sup> *Id* at 5.

<sup>11</sup> *Id.* at Exhibit E.

<sup>12</sup> *Id.* at Exhibit D.

<sup>13</sup> *Id* at Exhibit C (where the Account Number at the top right corner of each billing statement coordinates with the Meter #).

<sup>14</sup> *Id* at 5.



g. Marilee established that the only differences between Docket No. 46866 and the Original Petition were that the landowner is now a Trust (possibly related to Patricia Miller Deason as evidenced by Co-Trustees Sterling Deason O'Donnell and Darwin Deason); the 2020 Property included an additional 2.512 acres; and the tenants who are paying for current water usage through the Meters are different.<sup>15</sup> Because the Commission denied release of the 2017 Property under nearly identical circumstances, Marilee asserted the Commission should also deny the Original Petition.<sup>16</sup>

4. On April 8, 2020, nearly two months after Marilee filed its response to the Original Petition, Petitioner filed its reply thereto, stating that the Commission's denial in Docket No. 46866 is irrelevant in this proceeding.<sup>17</sup>

5. On June 12, 2020, the Commission issued Order No. 5, finding the Original Petition to be administratively complete and establishing a procedural schedule, including the deadline for the sixty-day administrative approval of expedited release to be August 11, 2020.<sup>18</sup>

6. On August 20, 2020, Petitioner filed its motion requesting the Commission issue a decision on the petition, as the deadline to grant the petition by August 11, 2020 expired.<sup>19</sup>

7. The next filing occurred on November 19, 2020, where Order No. 6 denied Marilee's motion to dismiss on grounds of res judicata or collateral estoppel.<sup>20</sup>

8. Marilee filed its Response to Order No. 6 and Supplemental Motion to Dismiss.<sup>21</sup>

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<sup>15</sup> *Id.* at 6.

<sup>16</sup> *Id.*

<sup>17</sup> Reply to Marilee Special Utility District's Response to Petition for Expedited Release at 5 (Apr. 8, 2020).

<sup>18</sup> Order No. 5 at 2 (Jun. 12, 2020).

<sup>19</sup> Petitioner's Motion for Entry of Order Granting Administrative Approval at 1 (Aug. 20, 2020); *see* 16 TAC § 24.245(h)(7) ("The commission will issue a decision on a petition filed under this subsection no later than 60 calendar days after the presiding officer by order determines that the petition is administratively complete ....")

<sup>20</sup> Order No. 6 at 3 (Nov. 19, 2020).

<sup>21</sup> Marilee Special Utility District's Response to Order No. 6 and Supplemental Motion to Dismiss (Nov. 30, 2020).

9. Order No. 7 was issued on November 24, 2020, requiring the parties to file briefing for any contentions of inaccuracies of the various waterlines, meters, acreages, and other contentions.<sup>22</sup>

10. Marilee filed its Response to Order No. 7.<sup>23</sup>

11. On January 15, 2021, the Chief Administrative Law Judge for the Commission filed a Proposed Order, including an attached notice that the Commission would consider the petition on February 12, 2021 with a deadline to file any corrections or exceptions to the Proposed Order by February 1, 2021.<sup>24</sup> The Proposed Order inaccurately stated that the Commission denied the petition in Docket No. 46866 because two of the three lots receiving metered water service from Marilee were included in the property requesting release.<sup>25</sup> On January 27, 2021, the Chief Administrative Law Judge filed a Revised Proposed Order was filed to include ordering paragraphs number 4 and 5 and map and certificate.<sup>26</sup>

12. On February 1, 2021, Marilee filed its Response and Objection to the Proposed Order, reiterating, among other contentions, that the 2017 Property did *not* include the two “lots” containing Meter #309 or Meter #1528, and that the Commission found Marilee was providing water service to the *entire* 2017 Property.<sup>27</sup>

13. On February 5, 2021, a Revised Proposed Order Memorandum was filed, recommending the addition of Finding of Fact No. 26 to recognize Gunter Special Utility District as one of Marilee’s former names.<sup>28</sup> There were no other revisions suggested, including that Marilee was also formerly known as Gunter Rural Water Supply Corporation.<sup>29</sup>

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<sup>22</sup> Order No. 7 at 2 (Nov. 24, 2020).

<sup>23</sup> Marilee Special Utility District’s Response to Order No. 7 (Dec. 9, 2020).

<sup>24</sup> Proposed Order at notice (Jan. 15, 2021).

<sup>25</sup> *Id.* at 4, ¶ 32-33.

<sup>26</sup> Revised Proposed Order and Memorandum with Attachments (Jan. 27, 2021).

<sup>27</sup> Marilee Special Utility District’s Response and Objection to the Proposed Order at 3-5 (Feb. 1, 2021).

<sup>28</sup> Revised Proposed Order Memorandum at 2 (Feb. 5, 2021).

<sup>29</sup> *Id.*; see Marilee’s Response and Objection to the Proposed Order at 2-3, 15 (emphasizing that the Commission should recognize both of Marilee’s former names, which are reflected in service agreements, easements, and other related information submitted in this proceeding and Docket No. 46866).

14. On February 12, 2021, the Commissioner held an open meeting and tabled the agenda item to discuss the Revised Proposed Order Memorandum related to the Original Petition.

15. Chairman D'Andrea filed an Order stating that “[i]n a previous docket, Docket No. 46866, the Commission denied a petition because the petitioner had failed to demonstrate that the residence served by water meter 1528 was not located on the tract of land to be released.”<sup>30</sup> Further, the Order states that in this proceeding Marilee provided a map showing Meter #1528 is located within the 2020 Property but Petitioner failed to provide documentation to demonstrate that Meter #1528 itself was not located on the 2020 Property.<sup>31</sup> Further, “the Commission remand[ed] this proceeding to Docket Management for the petitioners to have the opportunity *to amend the petition* and address *water [M]eter 1528, along with any other relevant water meters, and any residences served by any of those meters* that are on the tract of land for which release is sought.”<sup>32</sup>

16. On April 8, 2021, Order No. 9 established the procedural schedule of deadlines for Petitioner to file an amended petition, for Marilee to file this Response, and for Staff to file a recommendation on final disposition.<sup>33</sup> Although the Petitioner had not yet filed the Amended Petition—and thus, it has not been deemed administratively complete in accordance with 16 TAC § 24.245(h)(5)-(6), Marilee was required to file this Response to the Amended Petition.

17. On April 27, 2021, Petitioner filed the Amended Petition pursuant to TWC § 13.2541 and 16 TAC § 24.245, requesting release of approximately 259.504 acres (the 2021 Property) of the 265.679-acre tract owned by Petitioner.<sup>34</sup> The Amended Petition includes a legal

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<sup>30</sup> Order Remanding to Docket Management at 1 (Apr. 7, 2021). *See Petition of Patricia Miller Deason to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 46866, Order at 5, ¶ 19-23 (May 19, 2017) (listing additional findings of fact regarding water service to the *entire* 2017 Property, including that Deason had not demonstrated that the 257.86 acres was not receiving water service from Marilee).

<sup>31</sup> Order Remanding to Docket Management at 1.

<sup>32</sup> *Id.* at 2 (emphasis added); *see* Tex. R. Civ. P. 65 (authorizing an amended petition to substitute for Petitioner's initial petition in this proceeding).

<sup>33</sup> Order No. 9 at 1 (requiring Staff to comment whether the Amended Petition should be deemed administratively complete by May 27, 2021).

<sup>34</sup> First Amended Petition by Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust under Agreement of the DD 2014-B Grantor Retained Annuity Trust Dated September

description of the 2021 Property by metes and bounds.<sup>35</sup> Exhibit “B-2” of the Amended Petition is a detailed map of the 2021 Property, where Petitioner does *not* include three areas comprised of 1.225, 2.478, and 2.473 acres out of the 265.679-acre tract.<sup>36</sup>

18. In an affidavit attached to the Amended Petition, Petitioner contends the 2021 Property is not receiving water service and Petitioner has not requested water service from Marilee or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.<sup>37</sup>

## II. ARGUMENTS AND AUTHORITY

Petitioner filed its Amended Petition pursuant to TWC § 13.2541,<sup>38</sup> which authorizes the “owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service [to] petition for expedited release of the *area* from a certificate of public convenience and necessity.”<sup>39</sup> Once the tract is released, the holder of the CCN no longer has the exclusive right to provide service to the property.

Whether or not a tract is “receiving water or sewer service” under TWC § 13.2541 is a fact question.<sup>40</sup> TWC § 13.002(21) defines “service” as “any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties[.]”<sup>41</sup> According to the plain text of that definition and the Commission’s and Texas courts’ interpretation of it, whether or not a tract is receiving “service” is not dependent on whether

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5, 2021 for Expedited Release Pursuant to Texas Water Code Section 13.2541 (“Amended Petition”) at 2, Exhibit C (Apr. 27, 2021).

<sup>35</sup> *Id.* at Exhibit B-3.

<sup>36</sup> *Id.* at Exhibit B-2 (as provided further in this Response, Marilee’s Meter #309 is installed on the 2.473 acres excluded from the 2021 Property, Meter #721 is installed on the 1.225 acres excluded from the 2021 Property, and Meter #1528 is installed on the 2.478 acres excluded from the 2021 Property).

<sup>37</sup> *Id.* at Exhibit A.

<sup>38</sup> Amended Petition at 2 (providing that the Amended Petition is also filed pursuant to 16 TAC § 24.245(h)).

<sup>39</sup> TWC § 13.2541 (emphasis added); *see* Amended Petition at 2 (stating that 16 TAC § 24.245(h) provides the same).

<sup>40</sup> *Petition of Patricia Miller Deason to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 46866, Commission Staff’s Recommendation on Final Disposition at 4 (Apr. 10, 2017).

<sup>41</sup> TWC § 13.002(21).

water or sewer is being used or has been requested on the tract sought to be released. Instead, a tract is “receiving” water or sewer service if either of the following conditions are met:

- any facilities are committed or used in the performance of the CCN holder’s duties as a retail public utility; or
- any lines are committed or used in the performance of the CCN holder’s duties as a retail public utility.<sup>42</sup>

The inquiry into whether a tract is “receiving ‘service’” requires the Commission to consider any lines or facilities committed to providing water to the tract.<sup>43</sup> As defined by TWC § 13.002(9), “facilities” includes “all the plant and equipment of a retail public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any retail public utility.”

The burden is on Petitioner to establish that the tract is not receiving service, as the TAC requires that the petitioner provide a “statement of facts that demonstrate that the Property is not currently receiving service.”<sup>44</sup> For example, in *Johnson County Specialty Utility District v. Public Utility Comm’n of Texas*,<sup>45</sup> the petitioner provided a detailed affidavit by a land broker of the grounds of the property to be decertified, in which the broker stated that he searched the property, which was inhabited, for several hours and found no district water meters or facilities, only “two shuttered ground well heads” and a “small, elevated water storage tank . . . implying that any dwelling on the [p]roperty required that water pressure be generated locally and not from a retail

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<sup>42</sup> See *id.*; see also *Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 130, 137 (Tex. App.—Austin 2014, pet. denied).

<sup>43</sup> *Petition of Patricia Miller Deason to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 46866, Commission Staff’s Recommendation on Final Disposition at 4 (Apr. 10, 2017).

<sup>44</sup> 16 TAC § 24.245(h)(3)(D).

<sup>45</sup> No. 03-17-00160-CV, 2018 WL 2170259 (Tex. App.—Austin (May 11, 2018, pet. denied)).

water utility service provider.”<sup>46</sup> The Commission ultimately found that the property to be decertified had received no water service from at least 2005.<sup>47</sup>

In contrast, the Commission held in Docket No. 46866, that the tracts of land Patricia Miller Deason sought to be decertified *were* receiving water service *at that time*. Staff recommended the petition be denied, and the Commission agreed.<sup>48</sup> In its Amended Petition, Petitioner has failed to establish facts similar to those in the *Johnson County* case, to prove that it is not receiving service *now*. Accordingly, Petitioner has not met, and cannot meet, its burden of proof under Texas law to release the Property from Marilee’s CCN. Not only that, but Marilee has established that it is providing water service to the Property under TWC §§ 13.002(21) and 13.2541 and 16 TAC § 24.245(h), as interpreted by *Crystal Clear* and other Texas cases. Because Petitioner has not met its burden, the Commission should decide the case consistently with Docket No. 46866 and dismiss the Amended Petition.

**A. The Property Cannot Be Released, As the Property Is Receiving Water “Service” From Marilee.**

Marilee has shown that this proceeding that the 2021 Property cannot be released from Marilee’s service area and its CCN cannot be amended under TWC § 13.2541, because the 2021 Property is receiving water service, where “[s]ervice’ means any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties ....”<sup>49</sup>

More importantly, in Docket No. 46866 and in accordance with the *Crystal Clear* court, the Commission previously denied the petition of Patricia Miller Deason (“Deason”), who requested release of 257.86 acres (the 2017 Property)<sup>50</sup> from the same 265.679-acre tract now

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<sup>46</sup> *Id.* at \*\*6-7.

<sup>47</sup> *Id.* at \*\*9-10 (citing the Commission’s Finding of Fact No. 24).

<sup>48</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Staff’s Recommendation on Final Disposition at 4 (Apr. 10, 2017); *Petition of Patricia Miller Deason*, Docket No. 46866, Order at 5 ¶ 21-23, 6 ¶ 3,5 (Apr. 10, 2017).

<sup>49</sup> TWC § 13.002(21).

<sup>50</sup> *Petition of Patricia Miller Deason to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 46866, Petition (Feb. 17, 2017) (referred to hereinafter as the “2017 Petition”).

owned by Petitioner under General Warranty Deed.<sup>51</sup> In the 2017 proceeding, Marilee demonstrated that it was providing water service to the *entire* 265.679-acre tract, which includes the 2017 Property—even when portions of the 265.679-acre tract containing the Meters and dwellings being served by Meters *were excluded therefrom*.<sup>52</sup> Since 2017, Marilee continued to provide and is currently providing actual water through the same facilities, waterlines, and meters, as attested by Marilee’s General Manager Donna Loiselle in the affidavit attached hereto as Attachment A.

**1. The Commission found the 2017 Property is receiving water service and denied the 2017 Petition in Docket No. 46866.**

In 2017, the Commission denied the 2017 Petition because Marilee provided evidence that it provided actual water and “service” to the 2017 Property, as defined by TWC § 13.002(21) and under *Crystal Clear*, and petitioner Deason failed to provide evidence showing that service was not provided.<sup>53</sup>

**a. Marilee has facilities and lines committed or used to provide water service.**

Under *Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 130 (Tex. App.—Austin 2014), the Court determined that the relevant standard for purposes of determining whether the property is receiving “service” and therefore eligible for expedited decertification is whether any “facilities or lines are committed *or* used” in the performance of the CCN holder’s duties as a retail public utility.<sup>54</sup> Marilee has facilities or waterlines committed, and currently uses its facilities and waterlines, to provide water “service” to the Property.

In Docket No. 46866, Marilee presented that it installed an 8-inch (8”) waterline directly on the south side of the 2017 Property, had connected it to an adjacent 2-inch (2”) waterline that serves the 2017 Property through Meter #309, and a 6-inch (6”) waterline adjacent to a portion of

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<sup>51</sup> Amended Petition at Exhibit C (Apr. 27, 2021).

<sup>52</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Order at 3 ¶ 12 (May 19, 2017) (stating that the Commission Staff recommended the Commission find that the “meters [located outside of the 2017 Property] are actively providing water service to the [2017 Property], and therefore would be considered ‘active water tap[s]; under the *Crystal Clear* standard”).

<sup>53</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Order (May 19, 2017).

<sup>54</sup> *Tex Gen Land Office v Crystal Clear Water Supply Corp.*, 449 S.W.3d 130, 137 (Tex. App.—Austin 2014) (emphasis added).

the east side of the 2017 Property provides water thereto through Meter #1528.<sup>55</sup> Attached to this Response as Attachment B is a copy of Marilee's Response filed on March 15, 2017 in Docket No. 46866. Marilee provided a copy of the Transfer Agreement dated October 31, 1997 ("Transfer Agreement"), where Meter #309 was *transferred* from J.R. McIlroy to Deason.<sup>56</sup> Meaning, *prior* to Deason's request to transfer, Marilee *was already providing* water at address 8887 CR 132 through Meter #309.

Marilee also submitted a copy of the Service Application and Agreement with Deason, dated March 29, 2004 ("Service Agreement"), where Deason requested water service to 166 acres at address 9379 CR 132.<sup>57</sup> Marilee provided a copy of the letter to Deason dated April 19, 2004 and check #25030 in the amount of \$4,600 for a service bore and service line crossing, evidencing that service was initiated at 9379 CR 132 as Marilee installed a service bore and service line crossing and assigned and installed Meter #1528 to receive water from Marilee's 2" waterline across CR 132.<sup>58</sup> Marilee also submitted billing statements for Meters #309 and #1528 dated February 23, 2017, which was after Deason filed her petition in Docket No. 46866.<sup>59</sup>

Notably, Marilee submitted a map of its system and facilities, including the 8", 2", and 6" waterlines, as related to the location of the 2017 Property, which showed that areas where Meters #309 and #1528 are installed *were excluded from* the 2017 Property.<sup>60</sup> With all the evidence presented, including the fact that the locations of Meters #309 and #1528 were *not included in* the 2017 Property, Staff recommended denial of the 2017 Petition because "Marilee has adequately proven that the 257.68-acre tract of land is receiving water service under TWC § 13.254(a-5), as the term *service* is defined in TWC § 13.002(21)."<sup>61</sup> Meaning, Marilee *proved* it was providing water service to the *entire* 2017 Property, not just the areas where Meters #309 and #1528 are located. Further, Staff stated that the billing statements dated February 23, 2017 showed that

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<sup>55</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Marilee's Response at 2, Exhibit A (Mar. 15, 2017).

<sup>56</sup> *Id.* at 2 and Exhibit B, p. 7-8.

<sup>57</sup> *Id.* at 2 and Exhibit B, p. 3-6.

<sup>58</sup> *Id.* at 2, Exhibits A and B, p. 9-10.

<sup>59</sup> *Id.* at 2-3 and Exhibit B, p. 11-12.

<sup>60</sup> *Id.* at 2-3 and Exhibit A.

<sup>61</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Order at 3, ¶ 12 (May 19, 2017).



Meters #309 and #1528 were actively providing water service to the entire 2017 Property and “therefore would be considered ‘active water tap[s]’ under the *Crystal Clear* standard.”<sup>62</sup>

As attested by Donna Loiselle in Attachment A, Marilee has continued to provide water service and is currently providing actual water through the 8”, 2”, 6” waterlines and Meter #309 and #1528.

**b. Deason failed to sufficiently demonstrate that the 2017 Property was not receiving water service from Marilee under TWC § 13.254(a-5)**

In Docket No. 46866, Deason asserted that under the 1997 Transfer Agreement and the 2004 Service Agreement Meters #309 and #1528 were associated with the houses, not the 257.86 acres requesting release (the 2017 Property).<sup>63</sup> Staff and Commission concluded that:

19. Deason has not demonstrated that Marilee has not committed facilities or lines providing water service to the [2017 Property].
  20. Deason has not demonstrated that Marilee has not performed acts and/or supplied things to the [2017 Property].
  21. Deason has not demonstrated that [the 2017 Property] is not receiving water service from Marilee, as that term has been defined by the courts.
  22. Deason has not demonstrated that [the 2017 Property] is not receiving water service from Marilee.
- ....
5. Deason is not entitled to approval of the petition, having failed to sufficiently demonstrate that [the 2017 Property] in Collin County is not receiving water service from Marilee under TWC § 254(a-5).<sup>64</sup>

Thus, the Commission denied the 2017 Petition.<sup>65</sup>

**2. The 2021 Property in this Proceeding Is Currently Receiving “Service” From Marilee.**

Since the Commission found the 2017 Property was receiving water, Marilee *has continued* to provide water through the same 8”, 2”, 6” waterlines and Meters #309 and #1528 that were at issue in 2017. Additionally, before the Amended Petition was filed, and presently, Marilee also

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<sup>62</sup> *Id.* at ¶ 12-13.

<sup>63</sup> *Id.* at ¶ 13-14.

<sup>64</sup> *Id.* at 5 ¶ 19-22, 6 ¶ 5.

<sup>65</sup> *Id.* at 6.

provides water service to Meter #721 from its 4" waterline, which was installed on the northwest portion of the 2021 Property, as attested by Donna Loiselle in Attachment A.

Attachment C is a true and correct copy of the Marilee's system map as related to the 2021 Property, as prepared by Marilee's consulting engineers of record, based on the information supplied by Petition in its detailed map.<sup>66</sup> It includes the locations of the 8", 2", 6", and 4" waterlines (collectively, the "Waterlines") and Meters #309, #1528, and #721 (collectively, the "Meters").

**a. Based on the Commission's conclusions in Docket No. 46866, the 2021 Property is receiving water service through the Waterlines and the Meters.**

Like Patricia Miller Deason in 2017, Petitioner here does not include three areas (each comprised of a few acres and where the Meters installed) as part of the 2021 Property, the location of which are shown in Attachment C.<sup>67</sup> Marilee currently provides water through the Meters and the Waterlines, as it did before 2017 and during the proceeding of Docket No. 46866 in 2017. The most recent billing statements for water usage of the Meters are attached hereto as Attachment D.

As the Staff pointed out in Docket No. 46866, the billing period in the statements provided by Marilee includes the date that Deason's petition was filed, and because Marilee provided such statements, the 2017 Property was receiving service during the relevant period of time and was not eligible for expedited release.<sup>68</sup>

In this Response, Marilee submits the most recent billing statements (Attachment D). Consistent with the Commission's ruling in Docket No. 46866, which is the evidence here that demonstrates the 2021 Property is receiving water service from Marilee when the Amended Petition was filed. Accordingly, the Commission should deny the Amended Petition, for the same reasons it denied the 2017 Petition.

**b. Marilee has performed acts, furnished and supplied water, and has committed or used its facilities and lines to provide "service" to the 2021 Property as defined by TWC § 13.002(21).**

In 2017, Staff pointed out that "'receiving service' is a fact-based inquiry that requires the Commission to consider any lines committed providing water *to the particular tract*, and that the

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<sup>66</sup> Amended Petition at Exhibit B-2 (Apr. 27, 2021).

<sup>67</sup> *Id.*

<sup>68</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Order at 3-4, ¶ 12 (May 19, 2017).

*Crystal Clear* court respects a landowner's discretion in defining which tracts are involved and does not contain an 'all or nothing' requirement."<sup>69</sup> In *Crystal Clear*, the court determined that "a tract of land would not necessarily be 'receiving' water service simply because the retail public utility has performed an act . . . , unless the act was performed *in furtherance* of providing water to the tract seeking decertification."<sup>70</sup>

With all the evidence presented, the Commission found, in 2017, that Marilee sufficiently demonstrated it had performed acts and/or supplied things, committed facilities or lines providing water service to the 2017 Property, which is the definition of "service" under TWC § 13.002(21). Even though Deason did not include the small portions of its 265.679-acre tract containing the Meters to be part of the 2017 Property, the Commission still found the *entire* 2017 Property was receiving "service" from Marilee. There are no material factual differences between the 2017 Petition and the Amended Petition.

Here, Petitioner has also excluded the small portions of its 265.679-acre tract containing the Meters from the 2021 Property. The Commission should again find that Marilee is providing "service" as defined by TWC § 13.002(21), since Marilee has continued to supply water through the Meters and the Waterlines. The actions performed by Marilee prior to Docket No. 46866 can't be undone, nor are those actions now negated merely because the 265.679-acre tract has a new landowner.

**c. Marilee performed acts, committed and used its facilities and lines, and provided (and currently provides) water though the 4" waterline and Meter #721, even though it was not addressed in Docket No. 46866.**

Like Meters #309 and #1528, Petitioner excluded the small acres where Meter #721 is installed. Even though Meter #721 was not addressed in Docket No. 46866, Marilee has provided sufficient evidence that it provides actual water and "service" because Meter #721 is connected to the 4" waterline, actual water is being provided to the 21.335 acres (of the 265.679-acre tract) at address 9298 Myrtle Drive (CAD Property ID 2121255). As provided by Donna Loiselle, Marilee was providing water through the 4" waterline and Meter #721 prior to the 2017 Petition and continued to provide continuous and adequate water service after the 2017 Petition was denied.

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<sup>69</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Commission Staff's Recommendation on Final Disposition at 4 (Apr. 10, 2017).

<sup>70</sup> *Texas Gen. Land Office v Crystal Clear Water Supply Corp*, 449 S.W.3d 130, 140 (Tex. App. 2014).

Further, Marilee also provided the most recent billing statements for Meter #721, which is the relevant time period when the Amended Petition was filed.

**d. Easements granted by previous landowners of the 2021 Property also demonstrate that Marilee has committed or used facilities or lines to provide “service.”**

As defined by TWC § 13.009(2), “[f]acilities’ means all the plant and equipment of a retail public utility, including all tangible and *intangible* real and personal property without limitation, and *any and all means and instrumentalities in any manner owned*, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any retail public utility.”<sup>71</sup> By this definition (and in addition to Marilee’s Waterlines, bores and Meters), any easement (tangible real property interest) granted by the 2021 Property’s previous landowners to Marilee for the installation of waterlines also support that Marilee has “facilities” committed or used to provide water “service” to the Property.

Easements, being an intangible property interest, is included within the definition of “facilities.” Easements granted by the property’s previous landowners to install specific waterlines and meters to receive water (and which continue to exist) demonstrate that Marilee committed or used its “facilities” to provide “service.”

As affirmed by Donna Loiselle in Attachment A, Marilee is formerly known as Gunter Special Utility District and Gunter Rural Water Supply Corporation and operated as a retail public utility under those names. In 1993, Marilee (as Gunter Rural Water Supply Corporation) was granted an easement by the Property’s previous landowner J.R. McIlroy, conveying to Marilee “the *right* to erect, construct, install and lay a waterline and thereafter use, operate . . . water distribution waterlines and appurtenances[.]”<sup>72</sup> A true and correct copy of the A true and correct copy of this easement is attached hereto as Attachment E-2 and supported by the Affidavit of Donna Loiselle. Marilee then installed its 8-inch waterline on the Property as authorized by the easement and Meter #309, and began providing water to McIlroy.<sup>73</sup>

Additionally, Jimmie Hardisty (the previous landowner of the tract containing approximately 21.335 acres, more or less) granted Marilee (as Gunter Rural Water Supply

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<sup>71</sup> TWC § 13.002(9) (emphasis added).

<sup>72</sup> Marilee’s Response to Order No. 7 at Attachment 2-A (emphasis added).

<sup>73</sup> Attachment A, p. 2.

Corporation) an easement for the installation of Marilee's 4" waterline along the northwesterly portion of the 2021 Property. A true and correct copy of this easement is attached hereto as Attachment E-2 and supported by the Affidavit of Donna Loiselle.<sup>74</sup>

**B. Petitioner Has Not Demonstrated That The 2021 Property Is Not Currently Receiving Water Service From Marilee.**

Since the 2017 Petition was denied in Docket No. 46866, Marilee has continued to provide actual water and "service" to the Property, as supported by, among other things, the current billing statements. Petitioner has not provided "statement of facts that *demonstrate* that the Property is not currently receiving service" as required by 16 TAC § 24.245.<sup>75</sup> Petitioner merely states "[t]he Property is not receiving water service from Marilee Special Utility District or any other water service provider."<sup>76</sup> Petitioner's statement is a conclusory, self-serving assertion, which fails to state factual matters and merely asserts an ultimate fact with no underlying support. Petitioner must concede that there are "facilities" on and adjacent to the 2021 Property for water service that is immediately available.

**1. Like Docket No. 46866, Petitioner Has Not Presented Evidence That The 2021 Property Is Not Receiving Service.**

Like the 2017 Petition, here Petitioner relies on excluding several acres of land where the Meters are located, as shown in the detailed map in its Amended Petition. As Marilee submitted in 2017, previously in this proceeding, and again to this Response, Petitioner should have anticipated that Marilee would again present the current billing statements for Meters #309, #721, and #1528, since the Commission concluded billing statements are evidence of actual water service.

**2. Petitioner Has Not Cited Any Authority to Support Its Contention That It The 2021 Property Is Not Receiving Service.**

In its Amended Petition, Petitioner states that "[Petitioner] has not requested water service from Marilee Special Utility District or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documentations indicating an existing account for

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<sup>74</sup> Attachment A, p. 2.

<sup>75</sup> 16 TAC § 24.245(h)(3)(D) (emphasis added)

<sup>76</sup> Amended Petition at Exhibit A, ¶ 3 (Apr. 27, 2021).

the Property.”<sup>77</sup> However, these mere statements do not demonstrate that the 2021 Property is not currently receiving water service.

Nowhere in TWC § 13.2541 or 16 TAC § 24.254(h) does it state that if the landowner does not request, pay any fee or charges, initiate or maintain water service, or if there are no records or other documents indicating an existing account in the owner’s name, then property will be released. Rather, streamlined expedited release is authorized if the tract of land is at least 25 acres, is located in a qualifying county under an applicable CCN, and *the tract of land* is not receiving “service” of the type provided by the CCN holder.<sup>78</sup> The definition of receiving service is expansive under Texas law and not limited to the actual physical flow of water.

Petitioner has not cited any authority requiring actual water or “service” must be initiated, maintained, or paid for usage *by* the current landowner (Petitioner) of the property in order to prevent the release of property from the CCN holder’s service area.

**3. Documents that evidence service to *any* portion of the 265.679-acre tract prior to ownership by Patricia Miller Deason or Petitioner, which also evidences the existence of documents indicated existing accounts or service to the 2021 Property.**

Even though Petitioner now owns the 265.679-acre tract, the documents and existing accounts for the Meters still active, as evidenced by the billing statements in AttachmentD. New ownership of the 265.679-acre tract does not change *the existence* of the Transfer and Service Agreement, easements, billing statements or any documents from *any* previous landowners related to service from Marilee for the 265.679-acre tract or any portion thereof, including the 2017 Property and 2021 Property.

**a. Document provided in Docket No. 46866 were found as evidence demonstrating service to the 2017 Property and should be found similarly here.**

In 2017, the Commission considered the same Transfer and Service Agreements, easements, deeds and other property information, and billing statements for the Meters, as Marilee provides here. The Commission found that, in furtherance of performing its duties as a retail public utility to provide service to the 2017 Property, these documents also demonstrated that Marilee had performed acts, has committed and used its various facilities and Waterlines and Meters, and was providing water service to the *entire* 2017 Property.

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<sup>77</sup> Amended Petition at Exhibit A, ¶ 3 (Apr. 27, 2021).

<sup>78</sup> TWC § 13.2541 or 16 TAC § 24.254(h)

At that time, Marilee provided the most recent Transfer and Service Agreements, billing statements, and other evidence, which happen to also be in the name of the landowner (petitioner Deason) for Meters #309 and #1528. Meter #721 (located on the small area removed from the 265.679-acre tract) was inaccurately placed and overlooked in error. Otherwise, Marilee would have submitted the billing statement for Meter #721 at that time, like the February 23, 2017 billing statements for Meters #309 and #1528 submitted in Docket No. 46866.<sup>79</sup> Marilee now provides a true and correct copy of the audit (summary) of the billing statement for Meter #721 in each month of 2017, attached hereto as Attachment F-1.

As provided herein, Patricia Miller Deason conveyed the 21.335-acre tract of land at address 9298 Myrtle Drive (CAD Property ID No. 2121255) where Marilee's 4" waterline in the northwest corner of the 2021 Property was installed, to Petitioner under the General Warranty Deed; the billing statement for Meter #721 for service at 9298 Myrtle Drive in Attachment C reflects such.<sup>80</sup>

Further, Marilee has submitted evidence that reflects water service to the 265.679-acre tract or any portion thereof, *prior* to Patricia Miller Deason's ownership. The Transfer Agreement evidences that Marilee was providing water service to Meter #309 to J.R. McIlroy prior to 1997, before it was transferred to Deason.<sup>81</sup> Additionally, McIlroy granted Marilee (as Gunter Rural Water Supply Corporation) an easement on June 29, 1993 for the 8" waterline on the southern portion of the 2021 Property, which was granted as part of water service to his property (at that time consisting of Attachment E-1, which Marilee also submitted previously in this proceeding.<sup>82</sup> McIlroy conveyed his property receiving service from Meter #309 to Deason as seen in the Warranty Deed With Vendor's Lien dated July 30, 1997, attached hereto as Attachment F-2, which Marilee also submitted previously in this proceeding.<sup>83</sup>

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<sup>79</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Marilee's Response at Exhibit B, p. 11-12 (Mar. 15, 2017).

<sup>80</sup> Attachment C, p. 2 (indicating Patricia Deason at the top right corner of the billing statement for Meter #721).

<sup>81</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Marilee's Response at Exhibit B, p. 11-12 (Mar. 15, 2017).

<sup>82</sup> Marilee's Response to Order No. 7 at Attachment 2-A (Dec. 9, 2020).

<sup>83</sup> *Id.* at Attachment 2-B.

**4. Petitioner Has Not Demonstrated That Marilee Is No Longer Providing, Is Incapable Of Providing, Has Failed To Provide Water, Or Is No Longer Committed Or Using Its Facilities Or Lines To Provide “Service.”**

As provided, Marilee continued to provide water service through the Waterlines and the Meters after the Commission’s ruling in Docket No. 46866, find Marilee was providing service to the entire 2017 Property. In that proceeding, the Commission found that Deason did not demonstrate the 2017 Property wasn’t receiving water service from Marilee, even with the small portions of the 265.679-acre tract with the Meters were excluded from the 265.679-acre tract.

The only change in circumstances is that Petitioner now owns the 265.679-acre tract. Petitioner provides a copy of the General Warranty Deed, evidencing Petitioner’s ownership of the 265.679-acre tract that contains includes the 2017 Property (and thus, the 2021 Property), and states “[Petitioner] has not requested water service from Marilee Special Utility District or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documentations indicating an existing account for the Property.”<sup>84</sup>

Again, this is not sufficient to support that the Property is now no longer receiving “service” or now incapable of receiving “service” from Marilee. As Marilee currently transmits water through its Waterlines and Meters, the Property is capable and actually receiving “service” from Marilee.

**5. Change in ownership of the 265.679-acre tract does not demonstrate that Marilee is no longer providing “service” to the 2021 Property, as there are building, structures or other portions of the 2021 Property that appear to be receiving water service.**

Attached hereto as Attachment G-1 is an aerial view taken from Google Maps, of the 265.679-acre tract owned by Petitioner—thus, also the 2021 Property—with Marilee’s service area, facilities, waterlines, and meters related thereto. It appears that there are buildings, dwellings, or other structures located within the 2021 Property, including south-westerly of Meter #309 and in various places near Meter #1528. Attached to this Response is also Attachment G-2, which is a closer aerial view of Meter #309, where a building, dwelling, or other structure can be more clearly seen south-westerly of Meter #309 clearly located *within* the 2021 Property. Attached to this Response is also Attachment G-3, which is a closer aerial view of Meter #1528, where *multiple*

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<sup>84</sup> Amended Petition at Exhibits A, C.



buildings, dwellings, or other structures can be more clearly seen north-westerly, westerly, and south-westerly of Meter #1528.

Attached to this Response is also Attachment G-4, which is a closer aerial view of Meter #721. Attachment G-4 is also evidence that the 2021 Property is receiving service from Meter #721, at service address 9298 Myrtle Drive, consisting of the 21.335 acres of the 265.679-acre tract owned by Petitioner, as also reflected in the listing for CAD Property ID No. 2121255.

Attachments G-1 through G-4 reflect that there are portions *within* the 2021 Property, containing buildings, dwellings, or other structures, that may be receiving water service from the Meters and the Waterlines.

The Amended Petition should also be denied, as the metes and bounds of the 2021 Property provided by Petitioner shows that the 2021 Property is receiving “service” from Marilee. Attachment H is a true and correct copy of a portion of Marilee’s water system map prepared by Marilee’s Engineer with the metes and bounds of the 2021 Property as provided by Petitioner in Exhibit “B-1” of the First Amended Petition in Docket No. 50404.

Petitioner has not provided evidence or demonstrated that these buildings, dwellings, or other structures are not currently receiving actual water from Marilee under *Crystal Clear*, or that Marilee is not providing “service” as defined by TWC § 13.002(21).<sup>85</sup>

As the Commission found in Docket No. 46866, Marilee has performed acts, furnished or supplied, and has committed or used any facilities or lines to provide water service to the *entire* 2017 Property, and Marilee is certainly providing water service to the small areas containing the Meters within the 265.679-acre tract (which Petitioner has excluded from the 2021 Property). Petitioner has not demonstrated otherwise, including that Marilee is not currently providing actual water or “service” as defined by *Crystal Clear* or TWC § 13.002(21).

**C. Denial of The Amended Petition Is Consistent With The Commission’s 2017 Order And Related Findings.**

“‘[R]eceiving service’ is a fact-based inquiry that requires the Commission to consider any facilities (including intangible real property interests, i.e. easements) committed providing water

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<sup>85</sup> TWC § 13.002(21): “‘Service’ means any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under this chapter to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities.”

to the particular tract, and that the *Crystal Clear* court respects a landowner's discretion in defining what tracts are involved and does not contain an 'all or nothing' requirement."<sup>86</sup>

In Docket No. 46866, Patricia Miller Deason chose not to include the whole 268.679-acre tract she owned in her 2017 Petition, although she submitted her deed reflecting such ownership. Instead, Deason excluded three portions of the 268.679-acre tract, each comprised of a few acres that contained the Meters. As it did in 2017, Marilee has provided sufficient evidence demonstrating the 2021 Property is receiving the same water service from Marilee, especially since Marilee has continued to provide actual water to the Meters transmitted through the Waterlines and other facilities. Petitioner has not proven otherwise.

It is evident that the Meters and the Waterlines provide actual water service to the small portions of the 268.679-acre tract not included in the 2017 Property or the 2021 Property. Although the three excluded portions of the 2017 Property and the 2021 Property differ in acreage, this is not significant in the Commission's determination because it determined the *entire* 2017 Property (not the three small excluded portions) was receiving water service from Marilee.

Petitioner, as the current landowner of the 268.679-acre tract, did not request service from Marilee or pay for usage, or an account established with Marilee. However, it is not determinative of whether *the 2021 Property* is receiving water service. TWC § 13.2541 and 16 TAC § 24.245(h) authorizes the 2021 Property to be released only if it is not receiving "service" from Marilee under *Crystal Clear* or as defined by TWC § 13.002(21).

Therefore, consistent with the Commission's decision in Docket No. 46866, the Commission should deny the Amended Petition. If the Commission does not deny the Amended Petition, the Commission would essentially be reversing its decision in Docket No. 46866.

### III. CONCLUSION

Marilee has established that it is providing water service to the Property under TWC §§ 13.002(21) and 13.254(a-5) and 16 TAC § 24.245(l), as interpreted by *Texas Gen. Land Office v. Crystal Clear Water Supply Corp.*, providing ample evidence that the 2021 Property is receiving water "service" not only because Marilee provided *actual* water service to the entire 2017 Property (thus, the 268.679-acre tract) using Meter #1528 and its 6-inch waterline, and its 8-inch waterline

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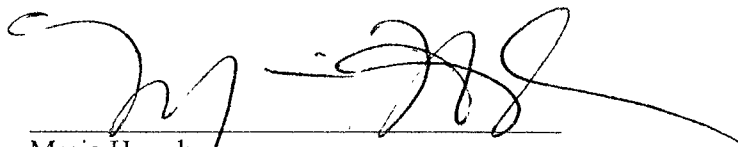
<sup>86</sup> *Petition of Patricia Miller Deason*, Docket No. 46866, Commission Staff's Recommendation on Final Disposition at 4 (Apr. 10, 2017).

installed on the entire 2017 Property (thus, the 268.679-acre tract) as authorized by the easement granted by the Property's previous landowner; Meter #309 and the connected 6-inch waterline; Meter #721 and its 4-inch waterline located on the entire 2017 Property (thus, the 268.679-acre tract); but also because Marilee has committed or dedicated its facilities and these waterlines and meters to provide water service to the entire 2017 Property (thus, the 268.679-acre tract) by previously furnishing and currently supplying water through them.

WHEREFORE, PREMISES CONSIDERED, the 2021 Property does not qualify for streamlined expedited release from Marilee's CCN according to TWC § 13.2541(b) and 16 TAC § 24.245(h). Marilee respectfully requests that Commission deny the Amended Petition and dismiss this proceeding.

Respectfully submitted,

JAMES W. WILSON & ASSOCIATES, PLLC



\_\_\_\_\_  
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jwilson@jww-law.com

ATTORNEYS FOR MARILEE SPECIAL  
UTILITY DISTRICT

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was served on the following parties of record on May 13, 2021, via e-mail in accordance with the Commission's Order.<sup>87</sup>

via e-mail: david.hoard@puc.texas.gov

David Hoard  
Attorney-Legal Division  
Public Utility Commission  
1701 N. Congress  
P.O. Box 13326  
Austin, Texas 78711-3326

*Attorney for the Commission*

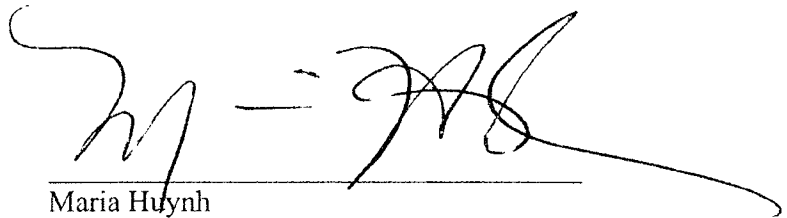
via e-mail: jbethke@coatsrose.com

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Natalie B. Scott  
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2700 Via Fortuna, Suite 350  
Austin, Texas 78746

*Attorneys for Petitioner*



A handwritten signature in black ink, appearing to read 'M - JAB', is written over a horizontal line. The signature is fluid and cursive.

Maria Huynh

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<sup>87</sup> *Issues Related to the State of Disaster for Coronavirus Disease 2019*, Docket No. 50664, Second Order Suspending Rules (Jul. 16, 2020).

## ATTACHMENT A

DOCKET NO. 50404

PETITION OF STERLING DEASON § PUBLIC UTILITY COMMISSION  
O'DONNELL AND DARWIN DEASON, §  
CO-TRUSTEES OF THE STERLING § OF TEXAS  
DEASON O'DONNELL DD 2012 TRUST §  
UNDER AGREEMENT OF THE DD §  
2014-B GRANTOR RETAINED §  
ANNUITY TRUST TO AMEND §  
MARILEE SPECIAL UTILITY §  
DISTRICT'S CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
COLLIN COUNTY BY EXPEDITED §  
RELEASE §

**SUPPORTING AFFIDAVIT OF DONNA LOISELLE, GENERAL MANAGER  
OF MARILEE SPECIAL UTILITY DISTRICT**

STATE OF TEXAS §  
§  
COUNTY OF COLLIN §

**BEFORE ME**, the undersigned authority, on this date personally appeared Donna Loiselles, who being by me first duly sworn states as follows:

“My name is Donna Loiselles. I am more than 18 years of age and I am of sound mind and qualified to make this affidavit. I have personal knowledge of all facts stated herein.

Since 1996, I have been the duly appointed general manager of Marilee Special Utility District (“Marilee”) and I am the custodian of the records of Marilee. Marilee is the successor to Gunter Special Utility District and Gunter Rural Water Supply Corporation.

I have read Marilee’s Response and Objection to the First Amended Petition in Docket No. 50404 (the “Response”) and each and every factual statement contained therein is true and correct.

Attachment C is a true and correct copy of a portion of Marilee’s water system map prepared by Marilee’s engineer of record, Dunaway DBI Engineers (“Engineer”) including and surrounding the property that is the subject of the First Amended Petition filed on April 27, 2021 in Docket No. 50404 (“2021 Property”). The 2021 Property is accurately located therein, according to detailed map (Exhibit “B-2” of the Amended Petition) filed by Petitioner.

Marilee has provided water through Meters #309, #721, and #1528 (the “Meters”) and its 8”, 2”, 6”, and 4” waterlines on or adjacent to the 2021 Property (the “Waterlines”), before, during, and since the Public Utility Commission of Texas (the “Commission”) denied the petition filed by Patricia Miller Deason in Docket No. 46866.

Attachment D contains the true and correct copies of the most recent billing statements for each of the Meters.

Attachment E-1 is a true and correct copy of the easement for the installation of Marilee's 8" waterline on the southern portion of the 2021 Property. This easement was granted to Gunter Rural Water Supply Corporation (now, Marilee) on June 29, 1993, by J.R. McIlroy, who was the landowner where the 8" waterline is installed in 1993. This easement was granted in connection with water service through Meter #309.

Attachment E-2 is a true and correct copy of the easement for the installation of Marilee's 4" waterline along the northwesterly portion of the 2021 Property. This easement was granted to Gunter Rural Water Supply Corporation (now, Marilee) on November 13, 1992, by Jimmie Hardisty, who was the landowner of the tract of land where the 4" waterline is installed in 1992. This easement was granted in connection with water service through Meter #721.

Attachment F-1 is a true and correct copy of the audit (summary) of the billing statement for Meter #721 in each month of 2017.

Attachment F-2 is a true and correct copy of the Warranty Deed With Vendor's Lien dated July 30, 1997, filed for record in Volume 4047, Page 299, Instrument No. 97-0099986, in the real property records of Collin County, Texas, for the transfer of property from J.R. McIlroy to Patricia Miller Deason, which Marilee has in its records.

The following are true and correct copies of the aerial views taken from Google Map including a portion of Marilee's water system map, as prepared by Marilee's Engineer of record, Dunaway DBI Engineers:

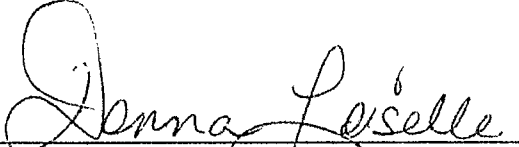
Attachment G-1: the 265.679-acre tract owned by Petitioner and the surrounding area, including Marilee's facilities, waterlines, and meters. The 2021 Property is accurately located therein, according to detailed map (Exhibit "B-2" of the Amended Petition) filed by Petitioner.

Attachment G-2: Meter #309, other facilities and waterlines, and the surrounding area.

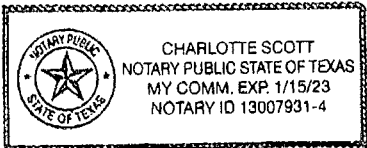
Attachment G-3: Meter #1528, other facilities and waterlines, and the surrounding area.

Attachment G-4: Meter #721, other facilities and waterlines, and the surrounding area.

Attachment H: A portion of Marilee's water system map prepared by Marilee's Engineer with the metes and bounds of the 2021 Property as provided by Petitioner in Exhibit "B-1" of the First Amended Petition in Docket No. 50404.

  
Donna Loiselle, General Manager  
Marilee Special Utility District

**SUBSCRIBED AND SWORN TO** before me on the 13 day of May, 2021, by Donna Loiselle, General Manager of Marilee Special Utility District.



*Charlotte Scott*  
\_\_\_\_\_  
Notary Public, State of Texas



**ATTACHMENT B**

THIS DOCUMENT CONTAINED A BAR CODE

UNABLE TO SCAN

TO VIEW DOCUMENT(S) PLEASE CONTACT  
CENTRAL RECORDS (512)-936-7180

RECEIVED

PETITION OF PATRICIA MILLER §  
 DEASON TO AMEND MARILEE § PUBLIC UTILITY COMMISSION  
 SPECIAL DISTRICT'S CERTIFICATE § OF TEXAS  
 OF CONVENIENCE AND NECESSITY §  
 IN COLLIN COUNTY BY EXPEDITED §  
 RELEASE §

2017 MAR 15 PM 1:26  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK

**MARILEE SPECIAL UTILITY DISTRICT'S  
 RESPONSE TO PETITION FOR EXPEDITED DECERTIFICATION**

Marilee Special Utility District (the "District") files this Response to the Petition for Expedited Decertification dated February 17, 2017 (the "Petition") filed on behalf of Patricia Miller Deason ("Petitioner").

**Overview**

1. In the Petition, Petitioner requests that the Public Utility Commission of Texas (the "PUC") decertify 257.86 acres of real property (the "Property") from the certificated water service territory of the District pursuant to Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.113(r).

2. The Property is not eligible for expedited decertification under TWC § 13.254(a-5) because the statute does not authorize expedited decertification of lands that receive "service." The District provides "service" to the Property, as defined by TWC § 13.002(21).

**Discussion**

3. The District is a political subdivision of the State of Texas and the holder of Certificate of Convenience and Necessity No. 10150 (the "CCN"). The District is the successor of the CCN and all plant, equipment and customers of the former Gunter Rural Water Supply Corporation. The District currently provides retail water service to approximately 2,409 active connections.

4. Tex. Water Code § 13.254(a-5) authorizes expedited decertification only for property “that is not receiving water or sewer service.” TWC § 13.002(21) defines “service” as follows:

**Any act** performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under this chapter. . . (emphasis added).

The District has performed many acts in furtherance of the provision of retail water service to the Property, including without limitation, the following:

a. The District has constructed an 8-inch (8") waterline *directly on* the south side of the Property, in which an adjacent 2-inch (2") waterline serves off the 8" waterline to the Property, and a 6-inch (6") waterline adjacent to a portion of the east side of the Property for the purpose of providing retail water service to the Property;

b. In 1997, at the request of the Petitioner, the District transferred water service from J. R. McIlroy to Petitioner (Account #309) with the location of the meter at the corner of County Roads 130 and 132. *See* attached Exhibit B, at 8;

c. In 2004, at the request of the Petitioner, the District initiated water service to the 166 acres of the Property (Account #1528);

d. The District maintains two (2) active water meters<sup>1</sup> as shown on Exhibit A attached hereto, through which the District provides water service to the Property pursuant to Petitioner's applications for water service to a 166 acre tract. *See* Exhibit B, at 3; and

e. Water usage by the Property is reflected in the current billing statements for Accounts #309 and #1528. *See* attached Exhibit B, at 11-12. Although the current billing

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<sup>1</sup> The Court in *Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 13, 104 (Tex. App.—Austin 2014, no writ) stated that “[c]ertainly an active water tap on the Decertified Property would constitute a facility or line ‘used’ to supply water to the tract on which it was located.”

statement for Account #1528 shows a usage of "0" gallons, the amount due is the minimum due for an active water meter.

5. Attached as **Exhibit "A"** is a true and correct map that identifies the Property, the 8-inch waterline on the Property, the 6-inch waterline adjacent to the Property and two (2) active District water meters that provide water service to at least 166 acres of the Property labeled "#1528 Deason" and "#309 Thomas".

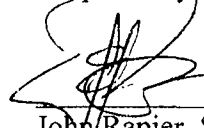
6. Attached as **Exhibit "B"** is the supporting affidavit of Donna Loiselle, the general manager of the District.

### **Conclusion**

7. The Property is not eligible for expedited decertification under Tex. Water Code § 13.254(a-5) because the District provides "service" to the Property, as defined under TWC § 13.002(21). Specifically, the District has constructed an 8-inch waterline on the Property, has constructed a 6-inch waterline adjacent to the Property, has installed two water meters, and is providing water service to the Property through the two active water meters.

8. Since the requisite statutory criteria for decertification under TWC § 13.254(a-5) have not been met, Marilee Special Utility District respectfully requests that the Petition be denied in its entirety. If the PUC intends to proceed with processing the Petition notwithstanding the fact that the Property is not eligible for expedited decertification, then Marilee Special Utility District requests the opportunity to present evidence in an appropriate hearing.

Respectfully submitted,



John Rapier, SB# 16550500  
Maria Huynh, SB# 24086968  
James W. Wilson, SB #00791944  
Gay, McCall, Isaacks & Roberts, P.C

777 East 15<sup>th</sup> Street  
Plano, Texas 75074  
Tel: (972) 424-8501  
Fax: (972) 423-3116  
jrapier@gmigr.com  
mhuynh@gmigr.com  
jwilson@gmigr.com

Anthony S. Corbett, SB# 04811760  
McLean & Howard, L.L.P.  
901 South MoPAC Expy., Suite 225  
Austin, TX 78746  
Tel: (512) 799-6405  
Fax: (512) 328-2409  
tcorbett@mcleanhowardlaw.com

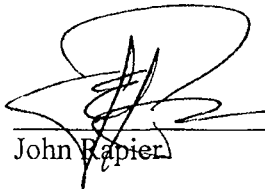
ATTORNEYS FOR MARILEE SPECIAL  
UTILITY DISTRICT

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document will be served on the following parties of record on March 14, 2017, in accordance with 16 TAC § 22.74.

Via electronic mail – mkoehne@coatsrose.com

Mindy L. Koehne  
Attorney for Petitioner,  
Coats Rose, P.C.  
14755 Preston Road, Suite 600  
Dallas, Texas 75254



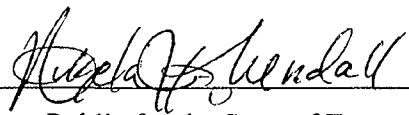
John Rapier







SUBSCRIBED AND SWORN TO before me on the 14<sup>th</sup> day of March, 2017, by Donna Loiselle, personally known to me to be the general manager of Marilee Special Utility District.

  
\_\_\_\_\_  
Notary Public for the State of Texas



1809402 1809402 1809402  
1809402 1809402 1809402  
1809402 1809402 1809402

Acc 1528

### GUNTER SPECIAL UTILITY DISTRICT SERVICE APPLICATION AND AGREEMENT

**Please Print:**

DATE March 29<sup>th</sup>, 2004

APPLICANT'S NAME: Patricia Deason

CO-APPLICANT'S NAME \_\_\_\_\_

CURRENT BILLING ADDRESS:

10645 Lennox Lane  
Dallas TX 75229

FUTURE BILLING ADDRESS:

PHONE NUMBER - Home (214) 750-9797

Work ( ) \_\_\_\_\_

PROOF OF OWNERSHIP PROVIDED BY Warranty Deed

DRIVER'S LICENSE NUMBER OF APPLICANT [REDACTED] TX

LEGAL DESCRIPTION OF PROPERTY (Including name of road, subdivision with lot and block number): 9379 County Rd 132 Celina TX 75009

ACREAGE 1.66

HOUSEHOLD SIZE 2500 sq ft

NUMBER IN FAMILY 1

LIVESTOCK & NUMBER Cattle 20  
Horses 3 Donkey

SPECIAL SERVICE NEEDS OF APPLICANT: \_\_\_\_\_

**NOTE: FORM MUST BE COMPLETED BY APPLICANT ONLY. A MAP OF SERVICE LOCATION REQUEST AND A COPY OF DEED MUST BE ATTACHED.**

**THIS AGREEMENT** is between Gunter Special Utility District, a political subdivision of the State Of Texas (hereinafter called the District) and Patricia Deason (hereinafter call the Applicant and/or customer).

The District shall sell and deliver water and/or wastewater service to the Applicant and the Applicant shall purchase, receive, and/or reserve service from the District in accordance with the Service Policies of the District, as amended from time to time by the Board of Directors of the District. Upon compliance with said Policies, including payment of a deposit, the Applicant shall become eligible to receive service.

The Applicant shall pay the District for service hereunder as determined by the District's Service Policies and upon the terms and conditions set forth therein, a copy of which has been provided as an information packet, for which Applicant acknowledges receipt hereof by execution of this Agreement. A copy of this Agreement shall be executed before service may be provided to the Applicant.

The Board of Directors shall have the authority to discontinue, terminate or suspend the service to any customer not complying with any policy or not paying any utility rates, fees or charges as required by the District's published Service Policies. At any time service is discontinued, terminated or suspended, the District shall not re-establish service unless it has a current, signed copy of this agreement.

All water shall be metered by meters to be furnished and installed by the District. The meter and/or wastewater connection is for the sole use of the customer and is to provide service to only one (1) dwelling or one (1) business. Extension of pipe(s) to transfer utility service from one property to another, to share, resell, or submeter water to any other persons, dwellings, businesses, or property, etc., is prohibited.

The District shall have the right to locate a water service meter and the pipe necessary to connect the meter on the Applicant's property at a point to be chosen by the District, and shall have access to its meter and equipment located upon Applicant's premises at all reasonable and necessary times for any purpose connected with or in the furtherance of its business operations, and upon discontinuance of service the District shall have the right to remove any of its equipment from the Applicant's property. The Applicant shall install, at their own expense, any necessary service lines from the District's facilities and equipment to the point of applicant's use, including any customer service isolation valves, backflow prevention devices, pressure regulators, clean-outs, and other equipment as may be specified by the District. The District shall also have access to the Applicant's property for the purpose of inspecting for possible cross-connections, potential contamination hazards, illegal lead materials, and any other violations or possible violations of state and federal statutes and regulations relating to the federal Safe Drinking Water Act or Chapter 341 of the Texas Health & Safety Code or the District's Service Policies.

The District is responsible for protecting the drinking water supply from contamination or pollution which could result from improper practices. This service agreement serves as notice to each customer of the restrictions which are in place to provide this protection. The District shall enforce these restrictions to ensure the public health and welfare. The following undesirable practices are prohibited by state regulations:

- a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with state regulations.

- b. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the proper installation of an air gap or a reduced pressure-zone backflow prevention assembly and a service agreement must exist for annual inspection and testing by a certified backflow prevention device tester.
- c. No connection which allows condensing, cooling, or industrial process water to be returned to the public drinking water supply is permitted.
- d. No pipe or pipe fitting which contains more than 8.0 % lead may be used for the installation or repair of plumbing on or after July 1, 1988, at any connection which provides water for human consumption.
- e. No solder or flux which contains more than 0.2 % lead may be used for the installation or repair plumbing on or after July 1, 1988, at any connection which provides water for human consumption.

The District shall maintain a copy of this agreement as long as the Applicant and/or premises is connected to the public water system. The Applicant shall allow their property to be inspected for possible cross-connections, potential contamination hazards, and illegal lead materials. These inspections shall be conducted by the District or its designated agent prior to initiating service and periodically thereafter. The inspections shall be conducted during the District's normal business hours, except in emergencies.

The District shall notify the Applicant in writing of any cross-connections or other undesirable practices which have been identified during the initial or subsequent inspection. The Applicant shall immediately correct any undesirable practice on their premises. The Applicant shall, at their expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of all testing and maintenance records shall be provided to the District as required. Failure to comply with the terms of this service agreement shall cause the District to terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Applicant.

In the event the total water supply is insufficient to meet the service needs of all of the District's customers, or in the event there is a shortage of water, the District may initiate the Emergency Rationing Program as specified in the District's Service Policies. By execution of this Agreement, the Applicant hereby agrees to comply with the terms of said program.

By execution hereof, the Applicant shall hold the District harmless from any and all claims for damages caused by service interruptions due to waterline breaks by utility or like contractors, tampering by other customers/users of the District, normal failures of the system, or other events beyond the District's control.

The Applicant shall grant to the District permanent recorded easement(s) dedicated to the District for the purpose of providing reasonable rights of access and use to allow the District to construct, maintain, replace, upgrade, parallel, inspect, test and operate any facilities necessary to serve that Applicant as well as the District's purposes in providing system-wide service for existing or future customers.

By execution hereof, the Applicant agrees that non-compliance with the terms of this agreement by said Applicant shall justify discontinuance, termination or suspension of service until such time as the violation is corrected to the satisfaction of the District.

Any misrepresentation of the facts by the Applicant on any of the four pages of this agreement shall result in discontinuance of service pursuant to the terms and conditions of the District's Service Policies.

(Please initial in the space below upon reading the following)

*J.P.L.* Applicant acknowledges that the District's water distribution system provides potable water for domestic consumption only and does not provide "fire flows" as defined by the Uniform Fire Code or similar code or regulation to fight structure fires.

SIGNED this the 29<sup>th</sup> day of March, 2004.



Signature of Applicant

For office use only

Accepted and Approved: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Pick # 25<sup>00</sup>  
11-18-97

MEMBERSHIP TRANSFER AUTHORIZATION

TRANSFEROR hereby surrenders Membership in the Gunter Rural WSC by execution of the attached Stock Certificate. Water service rights granted by Membership and other qualification hereby cease contingent upon further qualification of the Transferee in accordance with the policies of the Gunter Rural WSC.

By execution hereof, the undersigned hereby acknowledges that the Membership Transfer complies with the terms of one of the following items (1) through (4), thereby qualifying for transfer of Membership in accordance with the laws of the State of Texas.

- (1) The Membership is transferred by will to a person related to the Transferor within the second degree by consanguinity; or
- (2) The Membership is transferred without compensation to a person related to the Transferor within the second degree by consanguinity; or
- (3) The Membership is transferred without compensation or by sale to the Corporation; or
- (4) The Membership is transferred as a part of the conveyance of real estate from which the Membership arose.

Transferee understands that qualification for Membership is not binding on the Corporation and does not qualify the Member for continued water service unless the following terms and conditions are met:

- (1) This Membership Transfer Authorization Form is completed by the Transferor and Transferee;
- (2) The Transferee has completed the required Application packet;
- (3) All indebtedness due the Corporation has been paid;
- (4) The Membership Certificate has been surrendered, properly endorsed, by the record Transferor;
- (5) The Transferee demonstrates satisfactory evidence of ownership of the property designated to receive service and from which the Membership arose; and
- (6) Any other terms and conditions of the Corporation's Tariff are properly met.

J. R. McDrew  
Signature of TRANSFEROR

Sabrina Miller  
Signature of TRANSFEEE

MEMBERSHIP TRANSFER AUTHORIZATION (CONT'D)

J. R. McIlroy  
Transferor's Name

Patricia Miller  
Transferee's Name

Box 385  
Forwarding Address

10645 Lenox Lane  
Current Address

CELINA TX 75009  
City, State, Zip Code

Dallas Tex 75229  
City, State, Zip Code

Phone # \_\_\_\_\_

214-750-9797  
Phone#

Account Number 309

Final Reading \_\_\_\_\_

Date 10/31/97

Location of Meter: Corner of CR#1304 CR#132

A FEE OF \$25.00 IS CHARGED ON ALL TRANSFERS AND MUST ACCOMPANY THIS FORM.

   YES  NO (check which applies)

Transferor may request a refund of the Membership Fee (\$100.00) and Transferee understands that he/she must place on deposit a refundable Membership Fee with the Corporation. (Check appropriate space if refund is requested by Transferor). (Refund will be made once Transferee has placed on deposit Membership Fee (\$100.00)).

ACKNOWLEDGMENT

THE STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas  
Commission expires: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas  
Commission expires: \_\_\_\_\_



# Gunter Special Utility District

April 19, 2004

Patricia Deason  
10645 Lennox Lane  
Dallas, TX 75229

Re: water service request - CR# 132

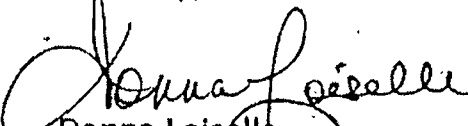
Dear Ms. Deason:

Your request for water service at 9379 CR# 132 has been approved by the engineer with the following recommendations; a county road bore with a service line crossing is necessary to establish service.

If you wish to go forward with your application please remit your payment of \$4600.00, this covers the connection fee, deposit and the road bore. You will also need to identify the meter location.

Please feel free to call me if you have any questions.

Sincerely,

  
Donna Loiselle  
General Manager

020000

VENDOR NO. G390 NAME GUNTER SPECIAL UTILITY DIST. DATE Apr 30 04

INVOICE DATE	DESCRIPTION	GROSS AMT.	DISC. AMT.	NET AMT.

Water svc. Request  
 9.379 CR #132  
 Road bore & service line crossing

TOTAL	4,600.00	0.00	4,600.00
-------	----------	------	----------

THIS DOCUMENT HAS A COLORED BACKGROUND AND A SIMULATED WATERMARK ON THE BACK

**LMI LANDSCAPES**  
 LMI LANDSCAPES, INC.  
 1437 HALSEY WAY  
 CARROLLTON, TEXAS 75007-4410  
 972-446-0020

TEXAS CAPITAL BANK  
 Dallas, Texas  
 32-1797 / 1114

2004-  
 CHECK NO. 025030

\*\*\*\*\* Four Thousand Six Hundred and 00/100 \*\*\*\*\*

DATE: Apr 30 04  
 AMOUNT: \$4,600.00

PAY TO THE ORDER OF  
 GUNTER SPECIAL UTILITY DIST.  
 P.O. BOX 1017  
 CELINA, TX 75009

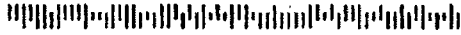
AUTHORIZED SIGNATURE



MARILEE SPECIAL UTILITY DISTRICT  
PO BOX 1017  
CELINA TX 75009



\*\*\*AUTO\*\*SCH 5-DIGIT 75009 3 P55 100180AA23-A-1  
162 1 AV 0.370



ALVARO ARIAS  
8887 COUNTY ROAD 132  
CELINA TX 75009-2517

### ACCOUNT STATEMENT

Service from 01/24/2017 to 02/22/2017

ACCOUNT NUMBER	DUE DATE	AMOUNT DUE NOW
309	03/15/2017	\$60.07
BILL DATE	AMOUNT DUE AFTER 03/15/2017	
02/23/2017	\$70.07	
SERVICE ADDRESS		
8887 CR# 132		

### QUESTIONS ABOUT YOUR STATEMENT

Customer Service 972-382-3222  
Visit us online <http://marileewater.com/home>

### OFFICE HOURS

Monday-Friday 8:00 a.m. - 4:30 p.m.

### CURRENT CHARGE DETAIL

WATER	\$58.84
GW CON FEE	\$0.94
TAX	\$0.29
<b>PAST DUE AMOUNT</b>	<b>\$0.00</b>
<b>TOTAL CURRENT CHARGES</b>	<b>\$60.07</b>
Total amount due after 03/15/2017	\$70.07
<b>PAY ON-TIME AND SAVE</b>	<b>\$10.00</b>

SERVICE TYPE	PREVIOUS READING	CURRENT READING	METER READ DATE	USAGE
WATER	592000	601400	02/22/2017	9400

Consumption History



### IMPORTANT MESSAGE

Visit <http://ccrwater.net/marileewater-17375> to download this year's Marilee-Elmont water quality report.  
Visit <http://ccrwater.net/marileewater-17374> to download this year's Marilee water quality report.

PLEASE FOLD ON PERFORATION, DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT



MARILEE SPECIAL UTILITY DISTRICT  
PO BOX 1017  
CELINA TX 75009

ALVARO ARIAS  
8887 COUNTY ROAD 132  
CELINA TX 75009-2517

ACCOUNT NUMBER	DUE DATE	AMOUNT DUE
309	03/15/2017	\$60.07

Total amount due after 03/15/2017 \$70.07

AMOUNT ENCLOSED \$

Please write account number on check and remit payment to



MARILEE SPECIAL UTILITY DISTRICT  
PO BOX 1017  
CELINA TX 75009-1017

COMPLETE THE FOLLOWING IF ABOVE ADDRESS IS INCORRECT:

STREET ADDRESS \_\_\_\_\_ APT NO \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

MEANT2015M0101 - 00180AA23 A 1 162 1 1 0 370 - www.marileewater.com



MARILEE SPECIAL UTILITY DISTRICT  
PO BOX 1017  
CELINA TX 75009



\*\*AUTO\*\*MIXED AA>C 750 7 MAAD 3003&0AA23-A-3  
2027 3 MB 0.420



PATRICIA DEASON  
10645 LENNOX LN  
DALLAS TX 75229-5480

### ACCOUNT STATEMENT

Service from 01/20/2017 to 02/20/2017

ACCOUNT NUMBER	DUE DATE	AMOUNT DUE NOW
1528	03/15/2017	\$21.71
BILL DATE	AMOUNT DUE AFTER 03/15/2017	
02/23/2017	\$31.71	
SERVICE ADDRESS		
9379 CR# 132		

### QUESTIONS ABOUT YOUR STATEMENT

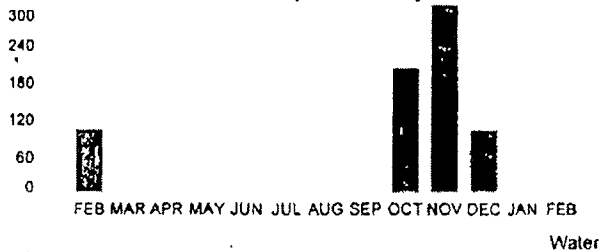
Customer Service 972-382-3222  
Visit us online <http://marileewater.com/home>

### OFFICE HOURS

Monday-Friday 8:00 a.m. - 4:30 p.m.

SERVICE TYPE	PREVIOUS READING	CURRENT READING	METER READ DATE	USAGE
WATER	176500	176500	02/20/2017	0

Consumption History



### CURRENT CHARGE DETAIL

WATER	\$21.60
TAX	\$0.11
<b>PAST DUE AMOUNT</b>	<b>\$0.00</b>
<b>TOTAL CURRENT CHARGES</b>	<b>\$21.71</b>
Total amount due after 03/15/2017	\$31.71
<b>PAY ON-TIME AND SAVE</b>	<b>\$10.00</b>

### IMPORTANT MESSAGE

Visit <http://ccrwater.net/marileewater-17375> to download this year's Marilee-Elmont water quality report.  
Visit <http://ccrwater.net/marileewater-17374> to download this year's Marilee water quality report.

- PLEASE FOLD ON PERFORATION, DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT



MARILEE SPECIAL UTILITY DISTRICT  
PO BOX 1017  
CELINA TX 75009

PATRICIA DEASON  
10645 LENNOX LN  
DALLAS TX 75229-5480

COMPLETE THE FOLLOWING IF ABOVE ADDRESS IS INCORRECT:

STREET ADDRESS \_\_\_\_\_ APT. NO. \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

ACCOUNT NUMBER	DUE DATE	AMOUNT DUE
1528	03/15/2017	\$21.71

Total amount due after 03/15/2017 \$31.71

AMOUNT ENCLOSED \$

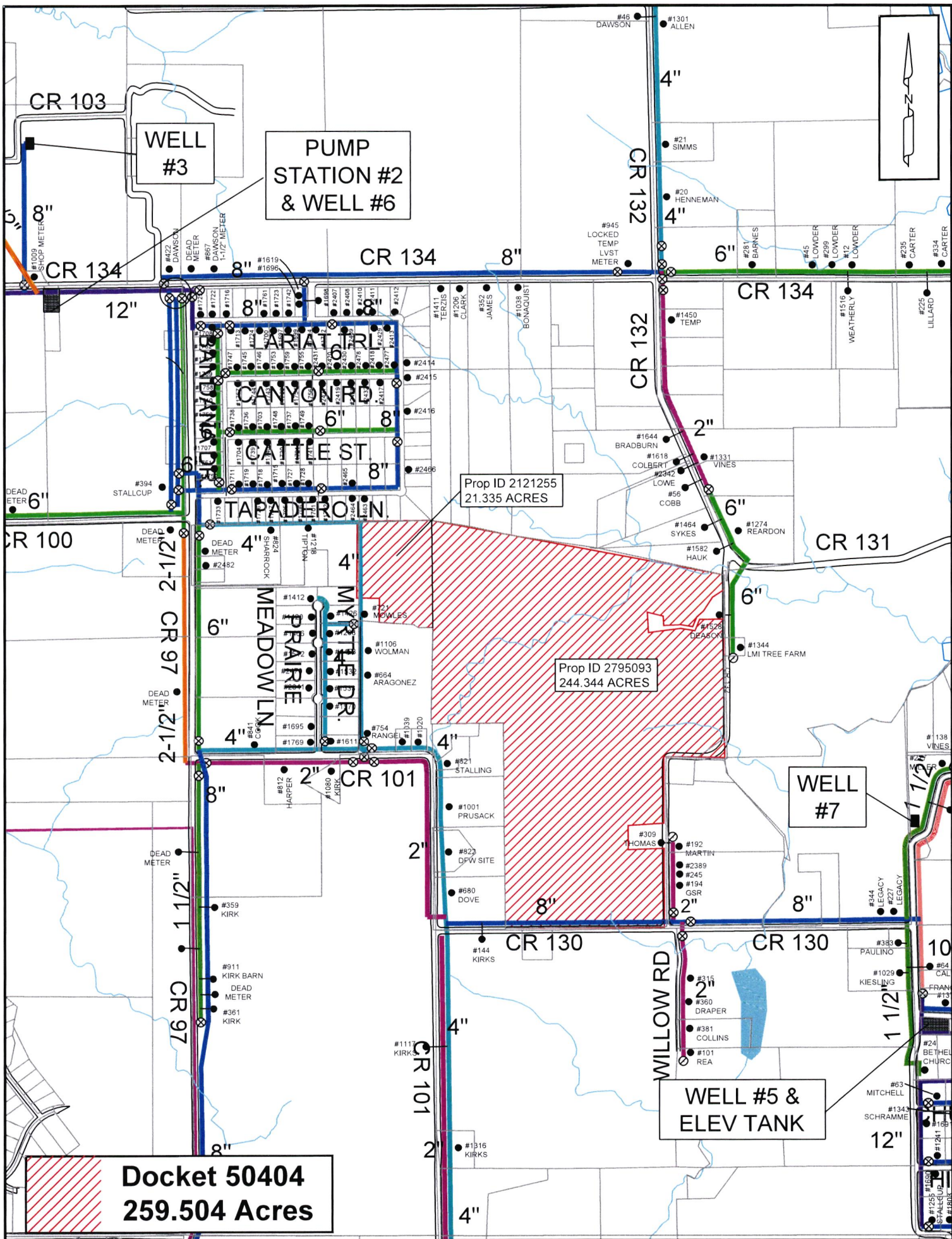
Please write account number on check and remit payment to



MARILEE SPECIAL UTILITY DISTRICT  
PO BOX 1017  
CELINA TX 75009-1017

MEU120815ML6101 - 100180423A 1 2027 1 1 C 420 - www.marilee.com

**ATTACHMENT C**



CR 103

WELL #3

PUMP STATION #2 & WELL #6

CR 134

CR 132

CR 134

CR 132

CR 100

CR 131

Prop ID 2121255  
21.335 ACRES

Prop ID 2795093  
244.344 ACRES

WELL #7

CR 130

CR 130

WILLOW RD

WELL #5 & ELEV TANK

CR 101

10

Docket 50404  
259.504 Acres

**ATTACHMENT D**



Marilee SUD

Customer Detail

Arias, Alvaro

Account Number

309

Arias, Alvaro  
8887 County Road 132

Deason, Patricia  
10645 Lennox Lane

Celina TX  
75009 (214)724-1361 (972)382-3300  
Service Address: 8887 CR# 132

Dallas TX  
75229 (214)750-9797  
Months On System 329  
Total Usage 3,073,900  
Average Usage 9,343  
Sequence Number 11820  
Meter Serial Number 33413485  
Route Number 2  
Last Read Date 4/19/2021  
12 Month Average 8,142  
Last Year Average 6,800  
Previous Year Average 5,700  
Last "Paid On Time" Date 4/15/2021  
Last Late Charge Date 1/18/2016  
Number Of Late Months 58  
Next Due Date 5/15/2021  
Year To Date Charges \$335.51

Date Turned On  
Date Turned Off  
Meter Check Date 10/5/2011  
Rate Code 1  
Pump/Well Number 23  
Last Reading 9888  
Previous Reading 9796  
Usage 9,200  
  
# of Units 1

Meter 83743679 Z  
Old Account # 309  
Servicezipcode 75,009.00

Readresolution 1.00 brand&size Badger .625

Deposit Information

Deposit Amount	\$100.00	Deposit Date	Certificate Number	0	
Deposit Amount 2	\$200.00	Deposit 2 Date	Services	Current Balance	
0					
Usage	Charges	Read Date	Reading		
January	8,200	74.04	1/18/2021	9589	
February	14,900	122.38	2/22/2021	9738	
March	5,800	58.61	3/18/2021	9796	
April	9,200	80.48	4/19/2021	9888	
May	6,300	59.75	5/21/2020	8974	
June	7,800	69.10	6/23/2020	9052	
July	7,800	69.10	7/22/2020	9130	
August	7,400	66.61	8/18/2020	9204	
September	7,300	65.98	9/18/2020	9277	
October	7,900	69.72	10/19/2020	9356	
November	7,700	68.48	11/17/2020	9433	
December	7,400	66.61	12/17/2020	9507	
Previous Charges				\$80.48	
<b>Current Balance</b>				<b>80.48</b>	
Last Payment	4/15/2021	\$58.61	Check Number		
Age 1	\$80.48	Age 2	\$0.00	Age 3	\$0.00



Marilee SUD

Customer Detail

Mowles, C Neil

Account Number

721

Mowles, C Neil  
9298 Myrtle Dr

Dcason, Patricia  
10645 Lennox Lane

Celina TX  
75009 (817)891-0989 (817)727-3001  
Service Address: 9298 Myrtle Dr

Dallas TX  
75229-5480 (214)750-9797  
Months On System 329  
Total Usage 2,451,400  
Average Usage 7,451  
Sequence Number 12090  
Meter Serial Number 33413528  
Route Number 2  
Last Read Date 4/19/2021  
12 Month Average 3,917  
Last Year Average 5,100  
Previous Year Average 5,000  
Last "Paid On Time" Date 5/10/2021  
Last Late Charge Date 7/16/2020  
Number Of Late Months 20  
Next Due Date 5/15/2021  
Year To Date Charges \$144.12

Date Turned On  
Date Turned Off  
Meter Check Date 5/1/2009  
Rate Code 1  
Pump/Well Number 23  
Last Reading 13353  
Previous Reading 13340  
Usage 1,300  
# of Units 1

Meter 81715178 Z  
Old Account # 721  
Servicezipcode 75,009.00

Readresolution 1.00 brand&size Badger .625

Deposit Information

Deposit Amount	\$200.00	Deposit Date	10/29/2018	Certificate Number	0
Deposit Amount 2	\$0.00	Deposit 2 Date	8/5/2004	Services	Current Balance
0					
Usage	Charges	Read Date	Reading		
January	1,700 35.70	1/18/2021	13300		
February	2,400 38.83	2/22/2021	13324		
March	1,600 35.34	3/18/2021	13340		
April	1,300 34.25	4/19/2021	13353		
May	5,700 56.02	5/21/2020	12940		
June	9,900 82.18	6/23/2020	13039		
July	11,600 102.78	7/22/2020	13155 L		
August	5,800 56.64	8/18/2020	13213		
September	2,100 36.07	9/18/2020	13234		
October	1,800 34.87	10/19/2020	13252		
November	1,500 33.82	11/17/2020	13267		
December	1,600 34.17	12/17/2020	13283		
Last Payment 5/10/2021 \$34.25 Check Number				Previous Charges	\$34.25
Age 1 \$0.00	Age 2 \$0.00	Age 3 \$0.00		Paid This Month	\$34.25
				<b>Current Balance</b>	<b>0.00</b>

Marilee SUD

### Customer Detail

**Johnston, Haley**

Johnston, Haley  
P O Box 110757

**Account Number**

**1528**

Deason, Patricia  
11 Robledo Dr

Carrollton TX  
75011 (334)319-6988  
Service Address: 9379 CR# 132

Dallas TX  
75230-3055 (214)750-9797

Driver License #: AL7679390

Date Turned On 5/18/2004  
Date Turned Off  
Meter Check Date 11/27/2017  
Rate Code 1  
Pump/Well Number 23  
Last Reading 1324  
Previous Reading 1280  
Usage 4,400

Months On System 204  
Total Usage 487,700  
Average Usage 2,391  
Sequence Number 5280  
Meter Serial Number 29263298  
Route Number 1  
Last Read Date 4/20/2021  
12 Month Average 4,867  
Last Year Average 4,700  
Previous Year Average 3,900  
Last "Paid On Time" Date 4/5/2021  
Last Late Charge Date 11/18/2019  
Number Of Late Months 34  
Next Due Date 5/15/2021  
Year To Date Charges \$214.49

# of Units 1

Meter 87129817 Z  
Old Account # 1,528  
Servicezipcode 75,009.00

Readresolution 1.00 brand&size Badger .625

#### Deposit Information

Deposit Amount	\$200.00	Deposit Date	5/18/2004	Certificate Number	0
Deposit Amount 2	\$200.00	Deposit 2 Date	1/14/2019	Services	Current Balance
0					
Usage	Charges	Read Date	Reading		
January	5,300	55.39	1/19/2021	1176	
February	5,600	57.32	2/24/2021	1232	
March	4,800	52.18	3/22/2021	1280	
April	4,400	49.60	4/20/2021	1324	
May	4,300	47.29	5/18/2020	783	
June	5,500	54.77	6/22/2020	838	
July	4,200	46.67	7/21/2020	880	
August	5,500	54.77	8/21/2020	935	
September	4,500	48.54	9/23/2020	980	
October	4,500	48.54	10/20/2020	1025	
November	4,700	49.79	11/18/2020	1072	
December	5,100	52.28	12/21/2020	1123	
				Previous Charges	\$49.60
				<b>Current Balance</b>	<b>49.60</b>

Last Payment 4/5/2021 \$52.18 Check Number  
Age 1 \$49.60 Age 2 \$0.00 Age 3 \$0.00

haleygjohnston@gmail.com

**ATTACHMENT E-1**

RIGHT OF WAY EASEMENT  
(General Type Easement)

309

93-0068800  
93-0068800

KNOW ALL MEN BY THESE PRESENTS, that J. R. McIlroy,  
(hereinafter called "Grantors"), in consideration of one dollar (\$1.00) and other  
good and valuable consideration paid by Gunter Rural Water Supply Corporation,  
(hereinafter called "Grantee"), the receipt and sufficiency of which is hereby ac-  
knowledged, does hereby grant, bargain, sell, transfer, and convey to said Grantee,  
its successors, and assigns, a perpetual easement with the right to erect, construct,  
install and lay and thereafter use, operate, inspect, repair, maintain, replace, and  
remove water distribution lines and appurtenances over and across 78.5 acres  
of land, more particularly described in instrument recorded in Vol. 604, Page 165,  
Deed Records, Collin County, Texas, together with the right of ingress  
and egress over Grantors' adjacent lands for the purpose for which the above mentioned  
rights are granted. The easement hereby granted shall not exceed 15' in width, and  
Grantee is hereby authorized to designate the course of the easement herein conveyed  
except that when the pipe line(s) is installed, the easement herein granted shall be  
limited to a strip of land 15' in width the center line thereof being the pipe line  
as installed.

The consideration recited herein shall constitute payment in full for all damages  
sustained by Grantors by reason of the installation of the structures referred to here-  
in and the Grantee will maintain such easement in a state of good repair and efficiency  
so that no unreasonable damages will result from its use to Grantors' premises. This  
Agreement together with other provisions of this grant shall constitute a covenant  
running with the land for the benefit of the Grantee, its successors, and assigns. The  
Grantors covenant that they are the owners of the above described lands and that said  
lands are free and clear of all encumbrances and liens except the following:

The easement conveyed herein was obtained or improved through Federal financial  
assistance. This easement is subject to the provisions of Title VI of the Civil Rights  
Act of 1964 and the regulations issued pursuant thereto for so long as the easement  
continues to be used for the same or similar purpose for which financial assistance  
was extended or for so long as the Grantee owns it, whichever is longer.

IN WITNESS WHEREOF the said Grantors have executed this instrument this \_\_\_\_\_  
\_\_\_\_\_ 29th day of \_\_\_\_\_ June \_\_\_\_\_, 19 93.

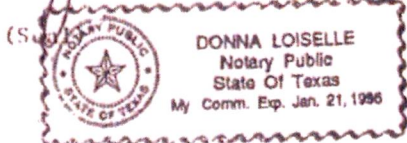
J. R. McIlroy  
\_\_\_\_\_

ACKNOWLEDGMENT

STATE OF TEXAS  
COUNTY OF Collin

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on  
this day personally appeared J. R. McIlroy  
known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing  
instrument, and acknowledged to me that he (she) (they) executed the same for the pur-  
poses and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 29th day  
of June, 19 93.



Donna Loisel  
Notary Public in and for  
Collin County, Texas

**ATTACHMENT E-2**



721

93-0003816

RIGHT OF WAY EASEMENT  
(General Type Easement)

KNOW ALL MEN BY THESE PRESENTS, that Jimmie Hardisty  
(hereinafter called "Grantors"), in consideration of one dollar (\$1.00) and other  
good and valuable consideration paid by Gunter Rural Water Supply Corporation  
(hereinafter called "Grantee"), the receipt and sufficiency of which is hereby ac-  
knowledged, does hereby grant, bargain, sell, transfer, and convey to said Grantee,  
its successors, and assigns, a perpetual easement with the right to erect, construct,  
install and lay and thereafter use, operate, inspect, repair, maintain, replace, and  
remove water distribution lines and appurtenances over and across 21.289 acres  
of land, more particularly described in instrument recorded in Vol. #92-0038165  
Deed Records, Collin County, Texas, together with the right of ingress  
and egress over Grantors' adjacent lands for the purpose for which the above mentioned  
rights are granted. The easement hereby granted shall not exceed 15' in width, and  
Grantee is hereby authorized to designate the course of the easement herein conveyed  
except that when the pipe line(s) is installed, the easement herein granted shall be  
limited to a strip of land 15' in width the center line thereof being the pipe line  
as installed.

The consideration recited herein shall constitute payment in full for all damages  
sustained by Grantors by reason of the installation of the structures referred to here-  
in and the Grantee will maintain such easement in a state of good repair and efficiency  
so that no unreasonable damages will result from its use to Grantors' premises. This  
Agreement together with other provisions of this grant shall constitute a covenant  
running with the land for the benefit of the Grantee, its successors, and assigns. The  
Grantors covenant that they are the owners of the above described lands and that said  
lands are free and clear of all encumbrances and liens except the following:

The easement conveyed herein was obtained or improved through Federal financial  
assistance. This easement is subject to the provisions of Title VI of the Civil Rights  
Act of 1964 and the regulations issued pursuant thereto for so long as the easement  
continues to be used for the same or similar purpose for which financial assistance  
was extended or for so long as the Grantee owns it, whichever is longer.

IN WITNESS WHEREOF the said Grantors have executed this instrument this 13<sup>th</sup>  
day of November, 19 92.

Jimmie Don Hardisty

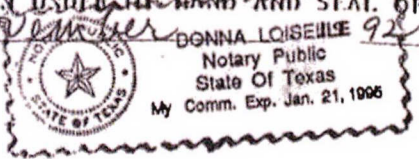
ACKNOWLEDGMENT

STATE OF TEXAS  
COUNTY OF Collin

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on  
this day personally appeared Jimmie Don Hardisty  
known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing  
Instrument, and acknowledged to me that he (she) (they) executed the same for the pur-  
poses and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 13<sup>th</sup> day  
of November, 1992.

(Seal)



Donna Loiseille  
Notary Public in and for

**ATTACHMENT F-1**

5/13/2021  
7:32:03AM

Marilee SUD

# AUDIT HISTORY

Program Version 20.9.100

Page 1 of 2

Account: 721

Mowles, C Neil

9298 Myrtle Dr

Date	Amount	Description	Balance
		Beginning Month Balance	\$46.38
1/16/2017	(\$46.38)	Payment Check # 2945	\$0.00
1/24/2017	\$51.94	Usage of 7900 Water	\$51.94
1/24/2017	\$0.79	GW Con fee	\$52.73
1/24/2017	\$0.26	Tax	\$52.99
		Beginning Month Balance	\$52.99
2/13/2017	(\$52.99)	Payment Check # 2954	\$0.00
2/22/2017	\$50.56	Usage of 7600 Water	\$50.56
2/22/2017	\$0.76	GW Con fee	\$51.32
2/22/2017	\$0.25	Tax	\$51.57
		Beginning Month Balance	\$51.57
3/13/2017	(\$51.57)	Payment Check # 2964	\$0.00
3/22/2017	\$39.06	Usage of 5100 Water	\$39.06
3/22/2017	\$0.51	GW Con fee	\$39.57
3/22/2017	\$0.20	Tax	\$39.77
		Beginning Month Balance	\$39.77
4/17/2017	(\$39.77)	Payment Check # 2975	\$0.00
4/20/2017	\$42.74	Usage of 5900 Water	\$42.74
4/20/2017	\$0.59	GW Con fee	\$43.33
4/20/2017	\$0.21	Tax	\$43.54
		Beginning Month Balance	\$43.54
5/15/2017	(\$43.54)	Payment Check # 2980	\$0.00
5/23/2017	\$52.40	Usage of 8000 Water	\$52.40
5/23/2017	\$0.80	GW Con fee	\$53.20
5/23/2017	\$0.26	Tax	\$53.46
		Beginning Month Balance	\$53.46
6/16/2017	(\$53.46)	Payment Check # 3025	\$0.00
6/21/2017	\$44.12	Usage of 6200 Water	\$44.12
6/21/2017	\$0.62	GW Con fee	\$44.74
6/21/2017	\$0.22	Tax	\$44.96
		Beginning Month Balance	\$44.96
7/13/2017	(\$44.96)	Payment Check # 335	\$0.00
7/25/2017	\$59.30	Usage of 9500 Water	\$59.30
7/25/2017	\$0.95	GW Con fee	\$60.25
7/25/2017	\$0.30	Tax	\$60.55
		Beginning Month Balance	\$60.55
8/16/2017	\$10.00	Late Charge	\$70.55
8/21/2017	(\$70.55)	Payment Check # 237	\$0.00
8/23/2017	\$59.30	Usage of 9500 Water	\$59.30
8/23/2017	\$0.95	GW Con fee	\$60.25
8/23/2017	\$0.30	Tax	\$60.55
		Beginning Month Balance	\$60.55
9/18/2017	\$10.00	Late Charge	\$70.55
9/20/2017	(\$70.55)	Payment Check # 243	\$0.00
9/22/2017	\$57.00	Usage of 9000 Water	\$57.00
9/22/2017	\$0.90	GW Con fee	\$57.90
9/22/2017	\$0.29	Tax	\$58.19
		Beginning Month Balance	\$58.19
10/16/2017	(\$58.19)	Payment Check # 3037	\$0.00
10/23/2017	\$57.00	Usage of 9000 Water	\$57.00



# AUDIT HISTORY

Program Version 20.9.100

Account: 721

Mowles, C Neil  
9298 Myrtle Dr

Date	Amount	Description	Balance
10/23/2017	\$0.90	GW Con fee	\$57.90
10/23/2017	\$0.29	Tax	\$58.19
		Beginning Month Balance	\$58.19
11/15/2017	(\$58.19)	Payment Check # 3044	\$0.00
11/21/2017	\$47.34	Usage of 6900 Water	\$47.34
11/21/2017	\$0.69	GW Con fee	\$48.03
11/21/2017	\$0.24	Tax	\$48.27
		Beginning Month Balance	\$48.27
12/4/2017	(\$48.27)	Payment Check # 3049	\$0.00
12/21/2017	\$65.28	Usage of 10800 Water	\$65.28
12/21/2017	\$1.08	GW Con fee	\$66.36
12/21/2017	\$0.33	Tax	\$66.69

Totals for Water	626.04
Totals for GW Con fee	9.54
Totals for Late Charge	20.00
Totals for Tax	3.15
Payments Received	638.42
Total Usage Amount	95,400

Qualified By: Account # 721  
Marilee Special Utility Dist.

**ATTACHMENT F-2**

91-0099986

97-0063490

ATC GF# 443161-D

WARRANTY DEED WITH VENDOR'S LIEN  
(Vendor's Lien Reserved to Grantor)

THE STATE OF TEXAS §  
COUNTY OF COLLIN § KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, JAMES R. MCILROY and wife, VIRGINIA MCILROY, hereinafter called "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by the Grantee of that one certain promissory note of even date herewith in the principal sum of \$279,735.00 payable to the order of Grantor, as therein specified, providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to William M. Woodall, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto PATRICIA MILLER, whose mailing address is 5808 Lupton Drive, Dallas, Dallas County, Texas 75225, herein referred to as "Grantee", whether one or more, the real property described on Exhibit "A" attached hereto and incorporated herein by reference.

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the hereinabove described property as the same are filed for record in the County Clerk's Office of Collin County, Texas.

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

But it is expressly agreed that the Vendor's Lien, as well as 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.

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

EXECUTED this 30th day of July, 1997.

THIS INSTRUMENT IS BEING REFILED FOR THE PURPOSE OF CORRECTING THE LEGAL DESCRIPTION ONLY AND IN NO WISE AFFECTS THE VALIDITY OF THE LIEN HEREBY SECURED OR THE CONVEYANCE AS IS INTENDED.

*James R. McIlroy*  
\_\_\_\_\_  
JAMES R. MCILROY

*Virginia M. McIlroy*  
\_\_\_\_\_  
VIRGINIA MCILROY

(NOTARY ACKNOWLEDGEMENT ON FOLLOWING PAGE)

3969-1382

040817 00299

~~3969 1383~~

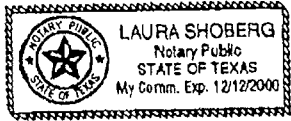
THE STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN           §

The foregoing instrument was acknowledged before me on the 31 day of July, 1997, by James R. McIlroy and wife, Virginia McIlroy.

*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS  
PRINTED NAME OF NOTARY

*Laura Shoberg*  
\_\_\_\_\_  
Laura Shoberg

MY COMMISSION EXPIRES:  
12-12-00



06077 0300

AFTER RECORDING RETURN TO:

Patricia Miller  
5808 Lupton Drive  
Dallas, Texas 75225

PREPARED IN THE LAW OFFICE OF:

William M. Woodall, P.C.  
8201 Preston Road, Suite 280  
Dallas, Texas 75225

UNOFFICIAL

EXHIBIT "A"

Legal Description

SITUATED in Collin County, Texas, in the BBB & C RR Survey, Abstract No. 130, being a resurvey of part of the 78.8 acres of land described in a deed from Leland Fleener and wife, Eugenia Fleener to James R. McIlroy and wife, Virginia McIlroy dated August 21, 1962, recorded in Volume 604, Page 165 of the Collin County Deed Records, being described by metes and bounds as follows:

04017 00301

BEGINNING at an iron pin found in the center of an east-west rock road named County Road No. 130, at the southwest corner of said 78.8 acres tract and the southeast corner of the Julia A. Lindley 6.000 acres of land, Ref. Doc. 93-0047281;

THENCE North 1 deg. 00 min. 39 sec. west, 591.28 feet with the west line of said 78.8 acres tract and the east line of said 6.000 acre tract and with a fence to an iron pin found at the northeast corner of said 6.00 acre tract and the southeast corner of the Bobby D. Upton 10.000 acres of land, Ref. Doc. 93-0095198;

THENCE North 1 deg 11 min 48 sec west, 551.51 feet with the west line of said 78.8 acre tract and the east line of said 10.000 acres tract and with a fence to an iron pin found at the northeast corner of said 10.000 acres tract and the southeast corner of the Hal D. Kenyon 10.000 acres of land, Ref. Doc. 95-0010604;

THENCE North 1 deg 00 min 18 sec west, 650.24 feet with the west line of said 78.8 acre tract and the east line of said Kenyon 10.000 acres and with a fence to an iron pin found at the northeast corner of said Kenyon 10.000 acres and the southeast corner of the Joe E. Stalling 6.000 acres of land, Ref. Doc. 93-0075959;

THENCE North 1 deg 13 min 34 sec west, 247.33 feet with the west line of said 78.8 acres tract and with the east line of said Stalling 6.000 acres and with a fence to an iron pin set at the northwest corner of said 78.8 acres tract and a southwest corner of the Patricia Deason 166.309 acres of land, Ref. Doc. 96-0036768;

THENCE easterly with the south line of said 166.309 acre tract and with a fence and with the north line of said 78.8 acre tract as follows:

South 89 deg 53 min 07 sec East, 805.93 feet;

South 89 deg 01 min 03 sec East, 707.23 feet;

South 89 deg 28 min 55 sec East, passing an iron pin found on the west side of County Road No. 132 at 245.56 feet and continuing in all 275.56 feet to an iron pin set in the center of said Road No. 132 at the northeast corner of said 78.8 acre tract and in the south line of said 166.309 acre tract and at the northwest corner of the Mark A. Martin 22.1045 acres of land, Ref. V. 3995, P. 493;

THENCE South 0 deg 36 min 38 sec east, 738.33 feet with the east line of said 78.8 acre tract and with the west line of said 22.1045 acre tract and with the center of said Road to an iron pin set at the northeast corner of a 2.466 acre tract, Ref. Doc. 94-018133;

THENCE South 85 deg 39 min 33 sec west, with the north line of said 2.466 acre tract passing an iron pin found at 31.6 feet and continuing in all 397.27 feet to an iron pin found at the northwest corner of said 2.466 acre tract,

~~3969 1385~~

04017 00302

THENCE South 0 deg 55 min 12 sec east, 265.54 feet with the west line of said 2.466 acre tract to an iron pin found at the southwest corner of said 2.466 acre tract;

THENCE North 87 deg 26 min 11 sec east, with the south line of said 2.466 acre tract, passing an iron pin found at 364.23 feet and continuing in all 395.23 feet to an iron pin set at the southeast corner of said 2.466 acre tract, in the center of said County Road 132;

THENCE South 0 deg 36 min 38 sec east, 867.87 feet with the east line of said 78.8 acre tract and with the center of said Road No. 132 and with the west line of the Paul H. Martin 20.1045 acres of land, Ref. V. 3595, P. 481 to an iron pin set at the southeast corner of said 78.8 acre tract and the southeast corner of said Paul Martin tract, and in the south line of said BBB & C RR Survey, Abstract No. 130 and in the north line of the Mary Alice Helms Land, Ref. V. 460, P. 471;

THENCE South 89 deg 00 min 17 sec west, 1772.15 feet with the south line of said 788 acre tract and with said Road No. 130 and with said Survey Line and with the north line of said Helms Land to the PLACE OF BEGINNING and containing 75.947 acres of land.

UNOFFICIAL

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 (COUNTY OF COLLIN) (STATE OF TEXAS) I hereby certify that this instrument was filed in the Public Records of this County on the date and at the time stamped hereon by me, and will duly be recorded in the Official Public Records of Real Property of Collin County, Texas on

AUG 05 1997

Helen Starnes  
COUNTY CLERK, COLLIN COUNTY, TEXAS



Filed for Record in:  
COLLIN COUNTY, TX  
HONORABLE HELEN STARNES

On 1997/08/05  
At 12:47P

Number: 97- 0068490  
Type : D1 15.00

**CORRECTED EXHIBIT "A"**  
(Corrected Legal Description)

01017 00303

Situated in Collin County, Texas, in the BBB & C RR Survey, Abstract No. 130, being a resurvey of part of the 78.8 acres of land described in a deed from Leland Fleener and wife, Eugenia Fleener to James R. McIlroy and wife, Virginia McIlroy dated August 21, 1962, recorded in Volume 604, Page 165 of the Collin County Deed Records, being described by metes and bounds as follows:

BEGINNING at an iron pin found in the center of an East-West rock road named County Road No. 130, at the Southwest corner of said 78.8 acre tract and the Southeast corner of the Julia A. Lindley 6.000 acres of land, Ref. Doc. 93-0047281;

THENCE North 1 degree 00 minutes 39 seconds West, 591.28 feet with the West line of said 78.8 acre tract and the East line of said 6.000 acre tract and with a fence to an iron pin found at the Northeast corner of said 6.000 acre tract and the Southeast corner of the Bobby D. Upton 10.000 acres of land, Ref. Doc. 93-0095198;

THENCE North 1 degree 11 minutes 48 seconds West, 551.51 feet with the West line of said 78.8 acre tract and the East line of said 10.000 acre tract and with a fence to an iron pin found at the Northeast corner of said 10.000 acre tract and the Southeast corner of the Hal D. Kenyon 10.000 acres of land, Ref. Doc. 95-0010604;

THENCE North 1 degree 00 minutes 18 seconds West, 550.24 feet with the West line of said 78.8 acre tract and the East line of said Kenyon 10.000 acres and with a fence to an iron pin found at the Northeast corner of said Kenyon 10.000 acres and the Southeast corner of the Joe E. Stalling 6.000 acres of land, Ref. Doc. 93-0075959;

THENCE 0 degrees 03 minutes 45 seconds East, 247.22 feet with the West line of said 78.8 acre tract and with the East line of said Stalling 6.000 acres and with a fence to an iron pin found at the Northwest corner of said 78.8 acre tract and a Southwest corner of the Patricia Deason 166.309 acres of land, Ref. Doc. 96-0036768;

THENCE Easterly with the South line of said 166.309 acre tract and with a fence and with the North line of said 78.8 acre tract as follows:

South 89 degrees 53 minutes 17 seconds East, 800.37 feet;

South 89 degrees 01 minutes 03 seconds East, 707.23 feet;

South 89 degrees 28 minutes 55 seconds East, passing an iron pin found on the West side of County Road 132 at 245.56 feet and continuing in all 275.56 feet to an iron pin set in the center of said Road No. 132 at the Northeast corner of said 78.8 acre tract and in the South line of said 166.309 acre tract and at the Northwest corner of the Mark A. Martin 22.1045 acres of land, Ref. V. 3595, P. 493;

THENCE South 0 degrees 36 minutes 38 seconds East, 738.33 feet with the East line of said 78.8 acre tract and with the West line of said 22.1045 acre tract and with the center of said Road to an iron pin set at the Northeast corner of a 2.466 acre tract, Ref. Doc. 94-0108133;

THENCE South 85 degrees 39 minutes 33 seconds West, with the North line of said 2.466 acre tract passing an iron pin found at 31.6 feet and continuing in all 397.27 feet to an iron pin found at the Northwest corner of said 2.466 acre tract;

THENCE South 0 degrees 55 minutes 12 seconds East, 265.54 feet with the West line of said 2.466 acre tract to an iron pin found at the Southwest corner of said 2.466 acre tract;

THENCE North 87 degrees 26 minutes 11 seconds East, with the South line of said 2.466 acre tract, passing an iron pin found at 364.23 feet and continuing in all 395.23 feet to an iron pin set at the Southeast corner of said 2.466 acre tract, in the center of said County Road 132;

( Continued )

01017.03304

THENCE South 0 degrees 36 minutes 38 seconds East, 867.87 feet with the East line of said 78.8 acre tract and with the center of said Road No. 132 and with the West line of the Paul H. Martin 20.1045 acres of land, Ref. V. 3595, P. 481 to an iron pin set at the Southeast corner of said 78.8 acre tract and the Southeast corner of said Paul Martin tract, and in the South line of said BBB & C RR Survey, Abstract No. 130, and in the North line of the Mary Alice Helms Land, Ref. V. 460, P. 471;

THENCE South 89 degrees 00 minutes 17 seconds West, 1772.15 feet with the South line of said 78.8 acre tract and with said Road No. 130 and with said Survey line and with the North line of said Helms land to the PLACE OF BEGINNING and containing 75.931 acres of land, more or less.

UNOFFICIAL

ANY INSTRUMENT WHICH REFERS TO THE SALE PRICE OR VALUE OF THE DESCRIBED REAL PROPERTY, SUBJECT TO THE SALE OF SUCH REALTY AND TO THE STATE OF TEXAS, SHALL BE VOID AS TO SUCH REALTY AND TO THE STATE OF TEXAS. (COUNTY OF COLLIN) (CITY OF FORT WORTH) (TOWNSHIP OF FORT WORTH) (SECTION 36) (RANGE 12S) (MERIDIAN 10W) (COUNTY OF COLLIN) (CITY OF FORT WORTH) (TOWNSHIP OF FORT WORTH) (SECTION 36) (RANGE 12S) (MERIDIAN 10W) (COUNTY OF COLLIN) (CITY OF FORT WORTH) (TOWNSHIP OF FORT WORTH) (SECTION 36) (RANGE 12S) (MERIDIAN 10W)

NOV 24 1997

Helms Starnes



Filed for Record in:  
COLLIN COUNTY, TX  
HONORABLE HELEN STARNES

On 1997/11/24

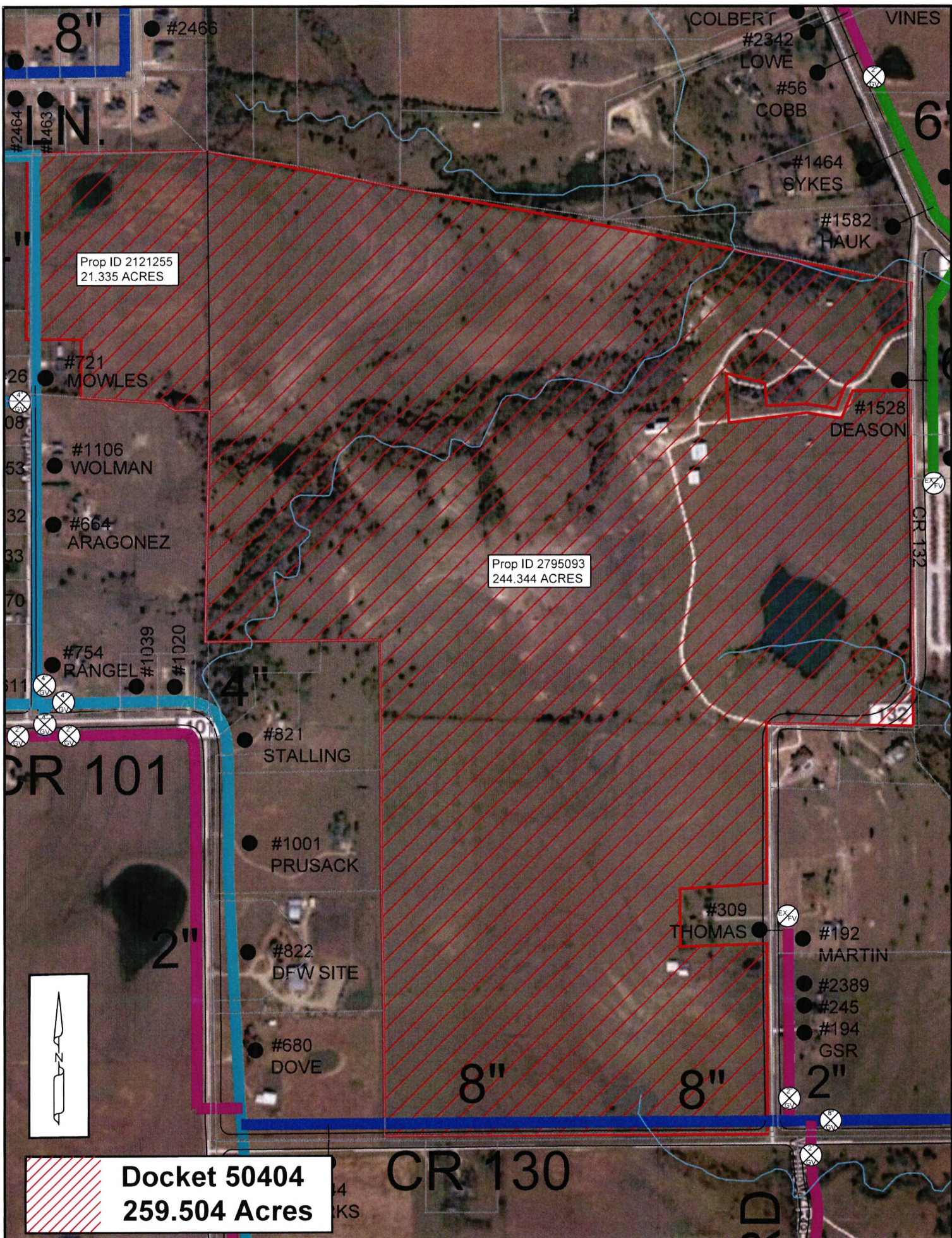
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Number: 97- 0099986  
Type : D1 19.00



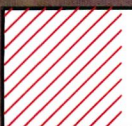
**ATTACHMENT G-1**





Prop ID 2121255  
21.335 ACRES

Prop ID 2795093  
244.344 ACRES

 **Docket 50404**  
**259.504 Acres**

8" 8" 8" 8" 2" 2" 2" 4" 6" 8"

#2466 #2464 #2463

COLBERT #2342 LOWE #56 COBB #1464 SYKES #1582 HAUK

VINES

#721 MOWLES #1106 WOLMAN #664 ARAGONEZ #754 RANGEL #1039 #1020 #821 STALLING #1001 PRUSACK #822 DFW SITE #680 DOVE #309 THOMAS #192 MARTIN #2389 #245 #194 GSR

CR 101 CR 130

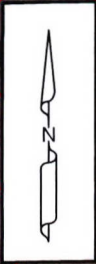
Prop ID 2121255 21.335 ACRES

Prop ID 2795093 244.344 ACRES

Docket 50404 259.504 Acres



**ATTACHMENT G-2**



32

#309  
THOMAS

EX  
FV

#192  
MARTIN

#2389

#245

#194

GSR

8"

2"

2"  
GV

8"  
GV

Meter #309

2"  
GV

**ATTACHMENT G-3**



#1464  
SYKES

#1582  
HAUK

#1528  
DEASON



132

6

#1  
LN



CR 132

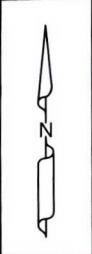
Meter #1528





**ATTACHMENT G-4**





Prop ID 2121255  
21.335 ACRES

#721  
● MOWLES

#1106  
● WOLMAN



Meter #721

4"

#1426

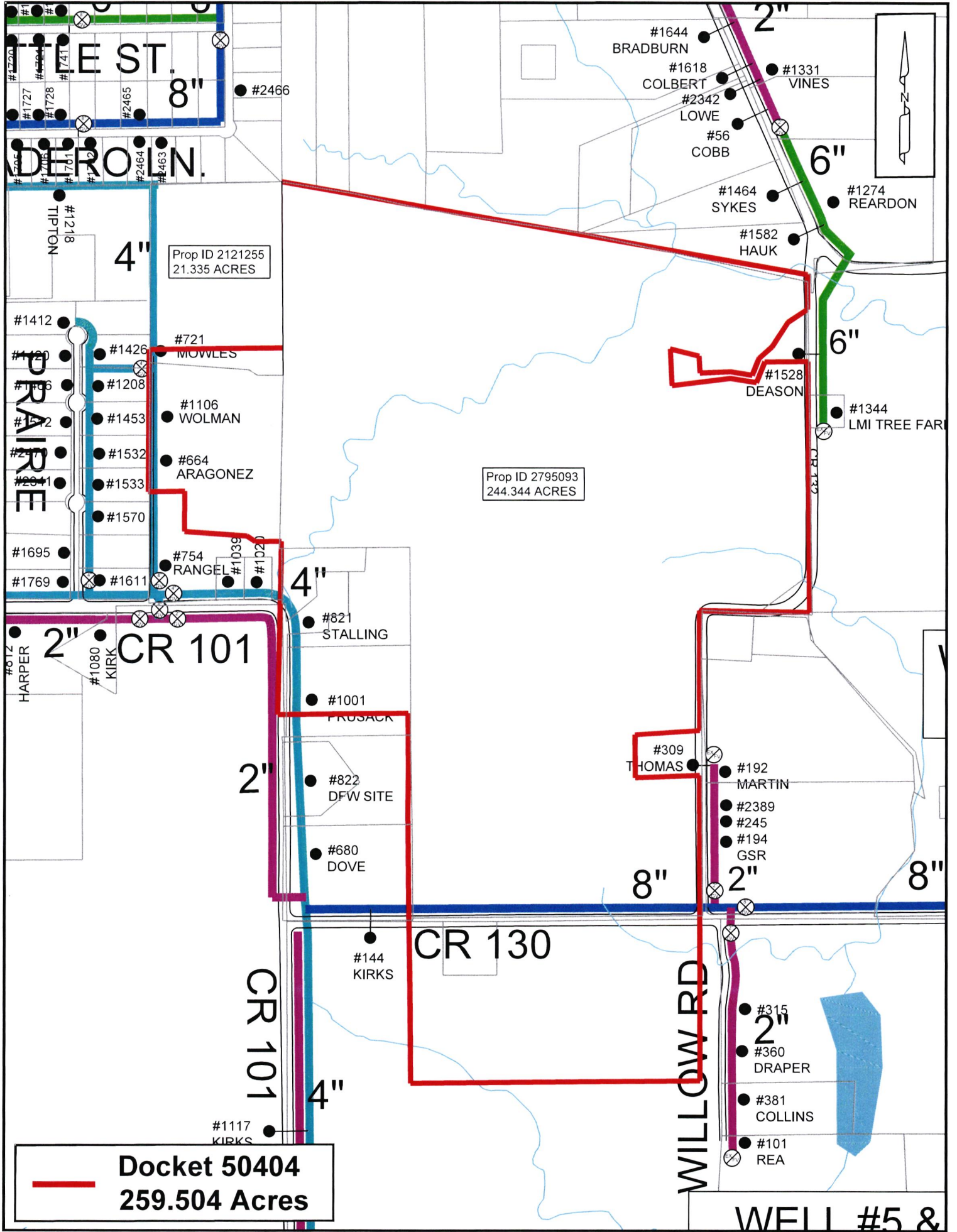
1208

1453

Wmle Dr



## ATTACHMENT H



Prop ID 2121255  
21.335 ACRES

Prop ID 2795093  
244.344 ACRES

**Docket 50404**  
**259.504 Acres**

WELL #5 &