



Control Number: 51163



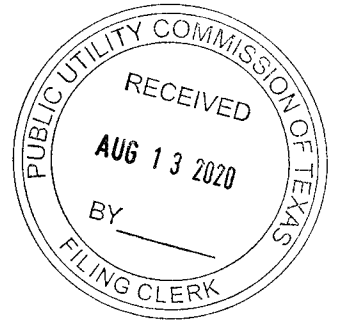
Item Number: 1

Addendum StartPage: 0

51163

PUC DOCKET NO.

51163



PETITION BY
OLEX (UNITED STATES), INC. F/K/A
OLEX CORPORATION NV FOR
EXPEDITED RELEASE FROM WATER
CCN NO. 13201 HELD BY AQUA
TEXAS, INC. IN DENTON COUNTY

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§
§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**PETITION BY OLEX (UNITED STATES), INC. F/K/A OLEX CORPORATION NV
FOR EXPEDITED RELEASE PURSUANT TO
TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Olex (United States), Inc. f/k/a Olex Corporation NV (“Olex” and/or “Petitioner”) files its Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Aqua Texas, Inc.’s (“Aqua”) water certificate of convenience and necessity (“CCN”) No. 13201; pursuant to (i) Texas Water Code Section 13.2541; and (ii) 16 Texas Administrative Code Section 24.245; and in support thereof would respectfully show as follows:

I. APPLICABLE REGULATIONS

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN.¹ For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract “is entitled to that release.”² The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Denton County is a county in which

¹ TEXAS WATER CODE §13.2541

² *Id.*

owners of at least 25 acres are entitled to expedited release.³ Under Section 13.2541(c), the PUC “shall grant a petition not later than the 60th day after the date the landowner files the petition.”

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 409.11 acres of contiguous property in Denton County (the “Property”). The Property is within the boundaries of water CCN No. 13201 held by Aqua. The Property does not receive service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit “A.” A general location map, a detailed map of the tract, and a metes and bounds survey are attached as Exhibits “B-1, B-2 and B-3.” A deed showing ownership of the Property, describing the land, and referencing the general warranty deed with vendor’s lien are attached hereto as Exhibit “C-1.”

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and are entirely within Denton County. Under Section 13.2541, the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing all portions of the Property that are within the boundaries of water CCN No. 13201.

³ 16 TEX. ADMIN. CODE § 24.113(l)

Respectfully submitted,

COATS | ROSE

By: 

Natalie B. Scott
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nscott@coatsrose.com
Terrace 2
2700 Via Fortuna, Suite 350
Austin, Texas 78746
(512) 469-7987 Telephone
(512) 469-9408 Telecopier

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 13 day of August, 2020, a true and correct copy of the Petition by Olex (United States), Inc. for Expedited Release Pursuant to Texas Water Code Section 13.254(a-5) was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

Aqua Texas, Inc.
1106 Clayton Lane
Austin, Texas 78723-3489

Via Certified Mail, RRR

CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218

Via Certified Mail, RRR



Natalie B. Scott

EXHIBIT "A"

Affidavit of Lars Springman

PUC DOCKET NO. _____

PETITION BY	§	
OLEX (UNITED STATES), INC. F/K/A	§	BEFORE THE
OLEX CORPORATION NV FOR	§	
EXPEDITED RELEASE FROM WATER	§	PUBLIC UTILITY COMMISSION
CCN NO. 13201 HELD BY AQUA	§	
TEXAS, INC. IN DENTON COUNTY	§	OF TEXAS

**AFFIDAVIT OF LARS SPRINGMAN IN SUPPORT OF PETITION FOR EXPEDITED
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §

COUNTY OF DENTON §

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

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

2. I am the President of Olex (United States), Inc. f/k/a Olex Corporation NV the Petitioner in the above-captioned matter. Olex Corporation NV, a Netherlands Antilles Corporation became a Delaware corporation under Delaware law's domestication process. Concurrent with its domestication, Olex Corporation NV changed its name to Olex (United States), Inc. See Certificate of Domestication of Olex Corporation NV, attached as Exhibit "A-1"

3. Petitioner owns approximately 409.11 acres of land, which appears to be located within the boundaries of water CCN No. 13201 issued to Aqua Texas, Inc. ("Aqua"). This property is located in Denton County, Texas. Exhibits "B-1, B-2 and B-3" attached to this Petition are true and correct copies of a general location map, a detailed map of the tract, and a metes and bounds survey. Petitioner is owner of the land as evidenced by the General Warranty Deed with Vendor's Lien attached as Exhibit C-1.

4. Petitioner's property is not receiving water or sewer service from Aqua or any other water or sewer service provider. The property has not requested water or sewer service from Aqua or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the Properties.


5. These said pages of records are kept by Olex (United States), Inc. in the regular course of business.

6. It is the regular practice of said business for an employee or representative with knowledge of the act, event, incident, order, transaction, invoice, condition, photo, video recording, audio recording, opinion, or diagnosis, to make the record, or to transmit information thereof to be included in such record.

7. Exhibits A-1, B-1, B-2, B-3 and C-1 attached hereto are the originals or exact duplicates of the originals.

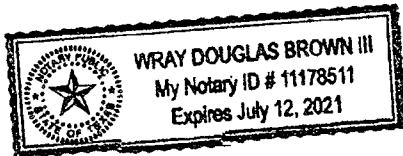
8. I request that the Public Utility Commission of Texas release these Properties from water CCN No. 13201.”

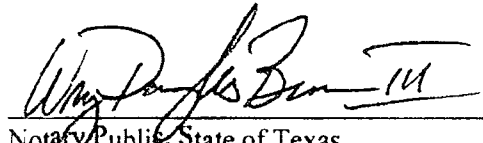
FURTHER AFFIANT SAYETH NOT.



Lars Springman

13th SWORN TO AND SUBSCRIBED TO BEFORE ME by Lars Springman, on August
 , 2020.





Notary Public, State of Texas

EXHIBIT "A-1"

Certificate of Domestication of Olex Corporation NV

CERTIFICATE OF DOMESTICATION
OF
OLEX CORPORATION N.V.

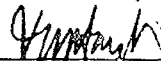
FILED

DEC 31 1986 *gAm*

It is hereby certified that:

1. The corporation (hereinafter called the "Corporation") was first formed, incorporated, or otherwise came into being on September 4, 1981 in the jurisdiction of the Netherlands Antilles.
2. The name of the Corporation immediately prior to the filing of this Certificate of Domestication pursuant to the provisions of Section 388 of the General Corporation Law of the State of Delaware is Olex Corporation N.V.
3. The name of the Corporation as set forth in its certificate of incorporation to be filed concomitantly with this Certificate of Domestication in accordance with subsection (b) of Section 388 of the General Corporation Law of the State of Delaware is Olex (United States), Inc.
4. The jurisdiction that constituted the seat, siege social, or principal place of business or central administration of the Corporation, or other equivalent thereto under applicable law immediately prior to the filing of this Certificate of Domestication pursuant to the provisions of Section 388 of the General Corporation Law of the State of Delaware is the Netherlands Antilles.
5. The undersigned is a corporation officer, director, trustee, manager, partner, or other person performing functions equivalent to those of an officer or director, however named or described, and is authorized to sign this Certificate of Domestication on behalf of the Corporation.
6. The effective time of this Certificate of Domestication shall be December 31, 1986.

Signed on December 30, 1986.



Thomas M. Haythe
Vice-President

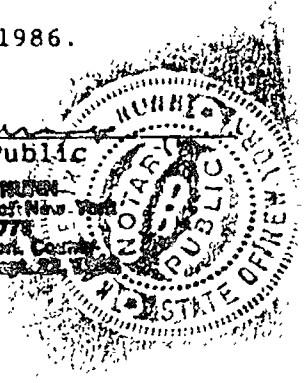
STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

BE IT REMEMBERED that, on December 30, 1986,
before me, a Notary Public duly authorized by law to take
acknowledgement of deeds, personally came Thomas M.
Haythe, who duly signed the foregoing instrument before me
and acknowledged that such signing is his act and deed,
that such instrument as executed is the act and deed of
said corporation, and that the facts stated therein are
true.

GIVEN under my hand on December 30, 1986.

Katherine A. Rosen
Notary Public

KATHERINE A. ROSEN
Notary Public, State of New York
No. 31-4871778
Qualified in New York County
Commission Expires Sept. 22, 1988



3603650140

DEC 31 1980 *9Ar*

CERTIFICATE OF INCORPORATION
OF
OLEX (UNITED STATES), INC.

THE UNDERSIGNED, for the purpose of forming a corporation pursuant to the provisions of the General Corporation Law of the State of Delaware, does hereby certify as follows:

FIRST: The name of the corporation is Olex (United States), Inc. (the "Corporation").

SECOND: The address of the Corporation's registered office in the State of Delaware is 229 South State Street, in the City of Dover, in the County of Kent, and the name of the Corporation's registered agent at such address is United States Corporation Company.

THIRD: The purpose for which the Corporation is organized is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

FOURTH: The total number of shares of capital stock which the Corporation shall have authority to issue is 1,000 shares of common stock, \$.01 par value per share.

FIFTH: Subject to the provisions of the General Corporation Law of the State of Delaware, the number of Directors of the Corporation shall be determined as provided by the By-Laws.

SIXTH: The Corporation shall indemnify and hold harmless any director, officer, employee or agent of the Corporation from and against any and all expenses and liabilities that may be imposed upon or incurred by him in connection with, or as a result of, any proceeding in which he may become involved, as a party or otherwise, by reason of the fact that he is or was such a director, officer, employee or agent of the Corporation, whether or not he continues to be such at the time such expenses and liabilities shall have been imposed or incurred, to the extent permitted by the laws of the State of Delaware, as they may be amended from time to time.

SEVENTH: In furtherance and not in limitation of the general powers conferred by the laws of the State of Delaware, the Board of Directors is expressly authorized to make, alter or repeal the By-Laws of the Corporation, except as specifically stated therein.

EIGHTH: Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of §291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of §279 of Title 8 of the Delaware Code, order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as a consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders of this Corporation, as the case may be, and also on this Corporation.

NINTH: Except as otherwise required by the laws of the State of Delaware, the stockholders and Directors shall have the power to hold their meetings and to keep the books, documents and papers of the Corporation outside of the State of Delaware, and the Corporation shall have the power to have one or more offices within or without the State of Delaware, at such places as may be from time to time designated by the By-Laws or by resolution of the stockholders or Directors. Elections of Directors need not be by ballot unless the By-Laws of the Corporation shall so provide.

TENTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in

this Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.

ELEVENTH: Except as otherwise provided by the laws of the State of Delaware, as they may be amended from time to time, a director of the Corporation shall not have personal liability to the Corporation or to any of the Corporation's stockholders for monetary damages for breach of fiduciary duty as a director of the Corporation.

TWELFTH: The name and address of the incorporator is David M. Henkoff, c/o Haynes & Curley, 437 Madison Avenue, New York, New York 10022.

IN WITNESS WHEREOF, the undersigned, being the incorporator hereinabove named, does hereby execute this Certificate of Incorporation this 30th day of December, 1986.

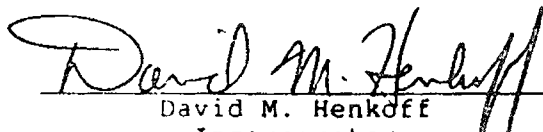
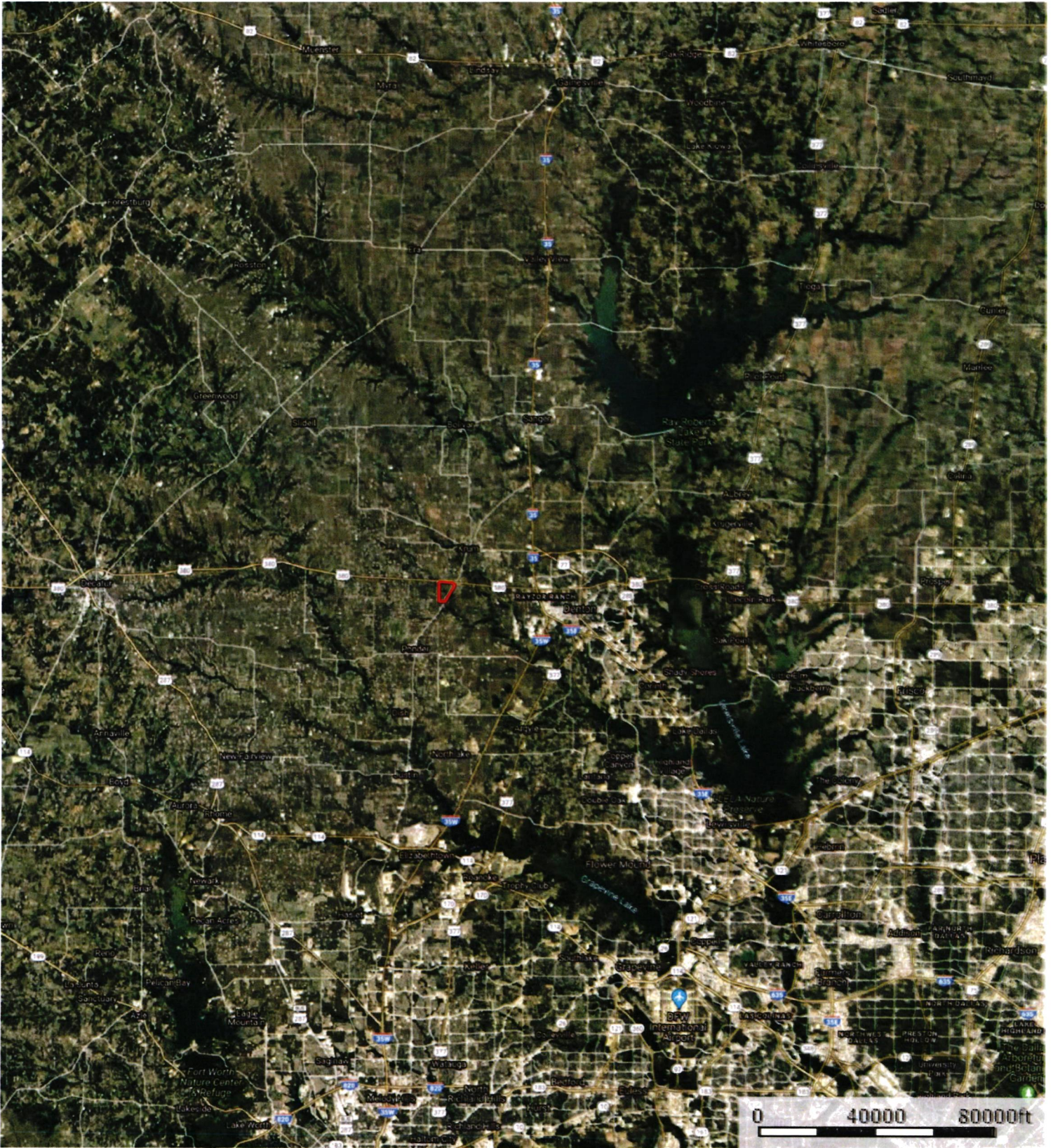

David M. Henkoff
Incorporator

EXHIBIT "B-1"
General Location Map

Olex - Location Map

Texas, AC +/-



 Boundary

Bob Shelton


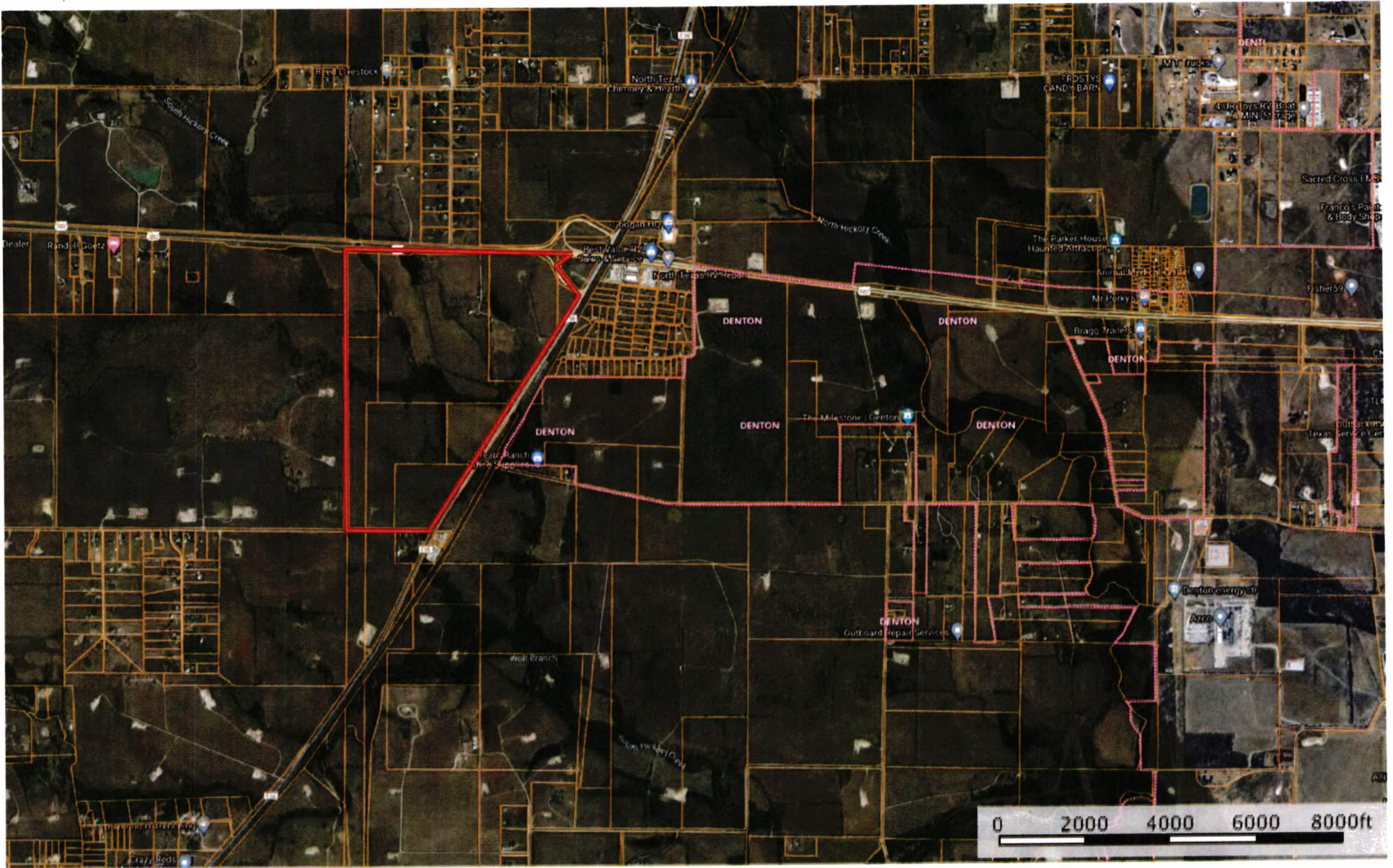
 The information contained herein was obtained from sources deemed to be reliable. MapRight Services makes no warranties or guarantees as to the completeness or accuracy thereof.

EXHIBIT "B-2"

Detailed Map



- Oil Well
- ▭ Boundary

Bob Shelton


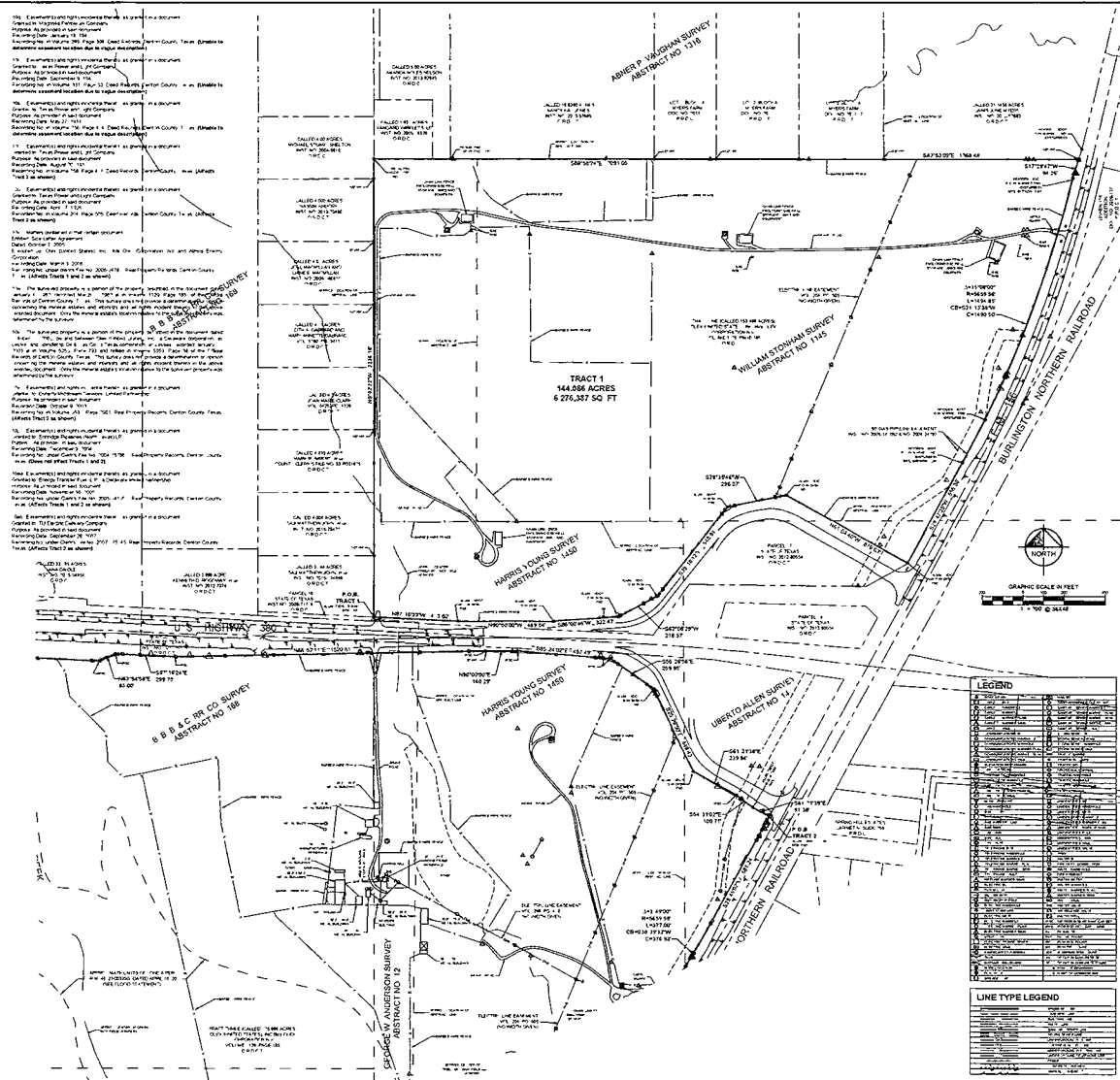
 The information contained herein was obtained from sources deemed to be reliable. MapRight Services makes no warranties or guarantees as to the completeness or accuracy thereof.

EXHIBIT "B-3"

Survey

NOTES ADDRESSING SCHEDULES & EXEMPTIONS

- 1. Applicant is required to file a survey with the County Clerk...
2. Applicant is required to file a survey with the County Clerk...
3. Applicant is required to file a survey with the County Clerk...



LEGEND table with columns for Line Type and Description. Includes entries for Survey Lines, Easements, and Railroads.

RECORDING NOTICE: This is a preliminary map...
NOTICE TO ADJOINERS: This map shows the location of the proposed survey...
NOTICE TO THE PUBLIC: This map is being filed for public information...

NOTES: All bearings shown are based on the north of the T-10...
SURVEYOR CERTIFICATION: I, the undersigned, being a duly licensed Surveyor...
PRELIMINARY: THIS DOCUMENT IS PRELIMINARY AND NOT BE USED FOR ANY PURPOSE...

LAND TITLE SURVEY TRACT 1 - 144.086 ACRES TRACT 2 - 408.899 ACRES SITUATED IN THE UBERTO ALLEN SURVEY ABSTRACT NO. 14 WILLIAM STONMAN SURVEY ABSTRACT NO. 11 AND THE HARRIS YOUNG SURVEY ABSTRACT NO. 1450 GEORGE W. ANDERSON SURVEY ABSTRACT NO. 18 B B & C RR CO SURVEY ABSTRACT NO. 18 B B & C RR CO SURVEY ABSTRACT NO. 188 CITY OF KENTON & J. DENTON COUNTY, TEXAS. Includes Kimley-Horn logo and contact information.

BEING a tract of land situated in the Uberto Allen Survey, Abstract No. 14, William Stonham Survey, Abstract No. 1145 and the Harris Young Survey, Abstract No. 1450, Denton County, Texas and being the remaining portion of a called Tract One (153.488-acres) described in a General Warranty Deed to Olex (United States), Inc., f/k/a Olex Corporation N. V., recorded in Volume 1129, Page 185, Deed Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an aluminum TXDOT right of way disk found on the westerly line of said Tract One (153.488-acres), for the northwest corner of a called Parcel 17, described in an Agreed Judgment to the State of Texas, recoded in Instrument No. 2012-80554, Official Records of Denton County, Texas, same being the northeast corner of a called Parcel 16, described in a Deed to the State of Texas, recorded in Instrument No. 2009-71718, Official Records of Denton County, Texas, same also being the current northerly right of way line of U. S. Highway 380, a variable width right of way;

THENCE North 00°02'22" West, departing the northerly right of way line of said U. S. Highway 380, along the westerly line of said Tract One (153.488-acres) and generally along a barbed wire fence, a distance of 2,236.16 feet to a metal fence corner post found for the northwest corner of said Tract One (153.488-acres), same being the southwest corner of a called 1.931-acre tract of land, described in a Special Warranty Deed to Vanguard Wireless, LP, recorded in Instrument No. 2005-79339, Official Records of Denton County, Texas;

THENCE South 89°58'24" East, along the northerly line of said Tract One (153.488-acres), the southerly line of said 1.931-acre tract, the southerly line of a called 5.00-acre tract of land, described in a Warranty Deed to Amanda Noles Nelson, recorded in Instrument No. 2013-92845, Official Records of Denton County, Texas, the southerly line of a called 19.6390-acre tract of land, described in a Special Warranty Deed to Nancy Kay Jones, recorded in Instrument No. 2010-57685, Official Records of Denton County, Texas, the southerly line of Myers Farm, an addition to the City of Denton, according to the final plat, recorded in Document No. 2011-77, Plat Records of Denton County, Texas, and generally along a barbed wire fence, a distance of 2091.05 feet to a 1/2-inch iron rod with a yellow plastic cap found for the southeast corner of said Myers Farm, same being the southwest corner of called 21.1455-acre tract of land described in a Special Warranty Deed to Janis June Myers, recorded in Instrument No. 2010-57683, Official Records of Denton County, Texas;

THENCE South 89°53'09" East, continuing along the northerly line of said Tract One (153.488-acres), the southerly line of said 21.1455-acre tract, and generally along a barbed wire fence, a distance of 1368.48 feet to a 1/2-inch iron rod found for the northeast corner of said Tract One (153.488-acres) and the southeast corner of said 21.1455-acre tract, same being on the westerly right of way line of F. M. 156, a variable width right of way;

THENCE South 17°28'47" West, along the easterly line of said Tract One (153.488-acres) and the westerly right of way line of said F. M. 156, a distance of 94.26 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 15°08'00", a radius of 5659.58 feet, a chord bearing and distance of South 21°13'35" West, 1490.50 feet, from said point, a wooden right of way marker bears South 13°42' West, 3.93 feet;

THENCE in a southwesterly direction, continuing along the easterly line of said Tract One (153.488-acres) and the westerly right of way line of said F. M. 156, along said curve to the right, an arc distance of 1494.85 feet to a 5/8-inch iron rod with a red plastic cap, stamped

"KHA" set for corner, from which, a wooden right of way marker bears South 03°03' West, 1.20 feet;

THENCE South 28°47'35" West, continuing along the easterly line of said Tract One (153.488-acres) and the westerly right of way line of said F. M. 156, a distance of 556.36 feet to an aluminum TXDOT right of way disk found for the northeast corner of aforesaid Parcel 17, same being the intersection of the westerly right of way line of said F. M. 156 with the northerly right of way line of aforesaid U. S. Highway 380;

THENCE in a westerly direction, departing the westerly right of way line of said F. M. 156, along the northerly line of said Parcel 17 and the northerly right of way line of said U. S. Highway 380, the following:

North 61°04'40" West, a distance of 679.63 feet to an aluminum TXDOT right of way disk found for corner;

South 78°35'46" West, a distance of 296.07 feet to an aluminum TXDOT right of way disk found for corner;

South 38°16'12" West, a distance of 548.81 feet to an aluminum TXDOT right of way disk found for corner;

South 62°08'29" West, a distance of 218.57 feet to an aluminum TXDOT right of way disk found for corner;

South 86°00'46" West, a distance of 322.43 feet to an aluminum TXDOT right of way disk found for corner;

North 90°00'00" West, a distance of 469.04 feet to an aluminum TXDOT right of way disk found for corner;

North 87°16'23" West, a distance of 413.60 feet to the **POINT OF BEGINNING** and containing 144.086 acres (6276387 square feet) of land, more or less.

BEING a tract of land situated in the George W. Anderson Survey, Abstract No. 12, Uberto Allen Survey, Abstract No. 14, Edward F. Anderson Survey, Abstract No. 16, B. B. B & C. RR. Co. Survey, Abstract No. 168, B. B. B & C. RR. Co. Survey, Abstract No. 188, William Stonham Survey, Abstract No. 1145 and the Harris Young Survey, Abstract No. 1450, Denton County, Texas and being the remaining portion of a called Tract Three (425.898-acres) described in a General Warranty Deed to Olex (United States), Inc., f/k/a Olex Corporation N. V., recorded in Volume 1129, Page 185, Deed Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an aluminum TXDOT right of way disk found on the easterly line of said Tract Three (425.898-acres), for the southeast corner of a called Parcel 15, described in an Agreed Judgment to the State of Texas, recoded in Instrument No. 2012-80554, Official Records of Denton County, Texas, same being the intersection of the current southerly right of way line of U. S. Highway 380, a variable width right of way with the westerly right of way line of F. M. 156, a variable width right of way;

THENCE in a southerly direction, departing the southerly right of way line of said U. S. Highway 380, along the easterly line of said Tract Three (425.898-acres) and the westerly right of way line of said F. M. 156, the following:

South 28°45'02" West, a distance of 581.24 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 03°49'00", a radius of 5659.58 feet, a chord bearing and distance of South 30°39'32" West, 376.93 feet;

in a southwesterly direction, along said curve to the right, an arc distance of 377.00 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

South 27°44'04" West, a distance of 118.70 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner, from which, a wooden right of way marker bears South 44°02' West, 3.82 feet;

South 32°34'02" West, a distance of 1000.02 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner, from which, a wooden right of way marker bears South 42°17' West, 2.01 feet;

South 38°16'40" West, a distance of 100.50 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner, from which, a wooden right of way marker bears South 44°22' West, 2.44 feet;

South 32°34'02" West, a distance of 1900.00 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner, from which, a wooden right of way marker bears South 27°02' West, 8.82 feet;

South 26°51'24" West, a distance of 100.50 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

South 32°34'02" West, a distance of 924.50 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for the beginning of a tangent curve to the left having a central angle of 6°27'51", a radius of 2924.79 feet, a chord bearing and distance of South 29°20'06" West, 329.80 feet;

in a southwesterly direction, with said curve to the left, an arc distance of 329.97 feet to a PK nail with a washer, stamped "KHA" set in an asphalt road, known as Old Stoney Road, an apparent public use roadway, no record found, for the southeast corner of said Tract Three (425.898-acres);

THENCE South 89°39'42" West, departing the westerly right of way line of said F. M. 156, along the southerly line of said Tract Three (425.898-acres) and along said Old Stoney Road, a distance of 1706.19 feet to a 1/2-inch iron rod found for the southwest corner of said Tract Three (425.898-acres);

THENCE North 0°02'12" West, departing said Old Stoney Road and along the westerly line of said Tract Three (425.898-acres), a distance of 5443.65 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set on the southerly line of a called Parcel 14, described in a Deed to the State of Texas, recorded in Instrument No. 2008-19039, Official Records of Denton County, Texas, same being the current southerly right of way line of aforesaid U. S. Highway 380;

THENCE in an easterly direction, departing the westerly line of said Tract Three (425.898-acres) and along the southerly right of way line of said U. S. Highway 380, the following:

South 87°16'23" East, passing at a distance of 8.26 feet, an aluminum TXDOT right of way disk found for the south common corner of said Parcel 14 and aforesaid Parcel 15, continuing for a total distance of 1274.95 feet to a point for corner;

North 63°54'58" East, a distance of 83.00 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

South 87°16'24" East, a distance of 299.75 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

North 88°52'11" East, a distance of 1520.81 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

North 90°00'00" East, a distance of 160.25 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

South 85°24'02" East, a distance of 457.49 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

South 55°26'56" East, a distance of 259.95 feet to an aluminum TXDOT right of way disk found for corner;

South 25°29'50" East, a distance of 449.43 feet to an aluminum TXDOT right of way disk found for corner;

South 61°21'38" East, a distance of 239.94 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

South 54°31'02" East, a distance of 100.71 feet to an aluminum TXDOT right of way disk found for corner;

South 61°21'39" East, a distance of 91.38 feet to the **POINT OF BEGINNING** and containing 408.899 acres (17811656 square feet) of land, more or less.

EXHIBIT "C-1"

General Warranty Deed with Vendor's Lien

B8195

020-
4350

DEED RECORDS

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

5419

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

That MAURINE PARKS MYERS ("Maurine"), DOROTHY MYERS ("Dorothy") and DEWITT^{L.}/MYERS^{Jr.} ("DeWitt") (collectively "Grantors"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to them paid by OLEX CORPORATION N.V., a Netherlands Antilles corporation ("Grantee") whose mailing address is:

DWLM Jr.

c/o Delphinance Development Corporation
Regency Center II
5501 LBJ Freeway, Suite 1001
Dallas, Texas 75240

the receipt and sufficiency of which are hereby acknowledged and confessed by Grantors, and the further consideration of (i) a certain promissory note ("Maurine's Note") of even date herewith, executed and delivered by Grantee to Maurine, in the original principal amount of \$409,547.50, (ii) a certain promissory note ("Dorothy's Note") of even date herewith, executed and delivered by Grantee to Dorothy, in the original principal amount of \$204,773.75, and (iii) a certain promissory note ("DeWitt's Note") of even date herewith, executed and delivered by Grantee to DeWitt, in the original principal amount of \$204,773.75, (Maurine's Note, Dorothy's Note and DeWitt's Note being collectively referred to as the "Notes") the payment of which Notes are secured by a certain deed of trust (the "Deed of Trust"), of even date herewith, executed and delivered by Grantee to Spencer Relyea, Trustee, have GRANTED, BARGAINED, SOLD, CONVEYED, ASSIGNED AND TRANSFERRED, and by these presents do GRANT, BARGAIN, SELL, CONVEY, ASSIGN AND TRANSFER unto Grantee that certain tract of land situated in Denton County, Texas, being more particularly described on Exhibit "A",

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attached hereto and made a part hereof for all purposes, together with any and all improvements, rights, privileges, hereditaments and appurtenances thereon or in anywise appertaining thereto (said land, improvements, rights, privileges, hereditaments and appurtenances being hereinafter referred to as the "Property").

SAVE AND EXCEPT, and there is hereby reserved unto Grantors, their heirs, executors, administrators, successors and assigns, if Grantee elects at any time to develop the Property for oil, gas or other hydrocarbons and shall produce therefrom any of such minerals, an undivided one-eighth (1/8th) non-participating royalty interest in and to all of the oil, gas and other hydrocarbons, including sulphur produced in connection therewith, in and under and that may be produced from the Property (the "Royalties"). It is expressly agreed that the interest of Grantors hereby reserved is a Non-Participating Royalty and shall not participate in Bonuses paid for any oil, gas or other mineral lease covering the Property, nor shall Grantors participate in the money Rentals which may be paid to extend the time within which a well may be begun under the terms of any lease covering the Property.

The Royalties shall be computed upon the net production from the Property, after deducting therefrom such of said minerals as may be used for fuel, if any, and also at the option of the Grantee after deducting from Royalties one-eighth of all gross production, severance or other taxes, state or federal, levied against or growing out of the production of oil, gas or other hydrocarbons from the Property.

The Royalties shall be allocated to each of the Grantors in the following proportions: Maurine, fifty percent (50%); Dorothy, twenty-five percent (25%); and DeWitt, twenty-five percent (25%).

It is agreed that Grantee may convey or lease for mineral purposes, or partition the Property herein conveyed by contract or by suit in any manner that in its sole discretion may see fit without the consent of Grantors, and the signature or joinder of Grantors shall not be required.

No change of ownership of the Royalties or any part thereof, however accomplished, ever shall operate to impose any additional obligation or burden upon Grantee or to diminish its rights hereunder; and Grantee shall not be required to take notice for any purpose of any such change or devolution of ownership until Grantee has been furnished with the original instrument, a certified copy, or other legal evidence showing such change of ownership.

It is specifically understood and agreed that Grantee is acquiring the Property for residential and commercial development purposes and may desire not to undertake to lease, drill, operate, produce or continue to produce or otherwise develop oil, gas or other hydrocarbons that may exist in and under the Property and therefore, nothing herein contained shall be construed as imposing any obligation on Grantee ever to lease, drill, operate, produce, continue to produce or otherwise develop the Property against its will, but the above royalty payment shall be made only if, as and when production is obtained on the Property.

In addition to the foregoing reservation, this conveyance is expressly made subject to the liens, restrictions and encumbrances (the "Permitted Exceptions") listed on Exhibit "B", attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the Property, subject as aforesaid, unto Grantee, its successors and assigns, forever, and Grantors do hereby bind themselves, their heirs, executors, administrators, successors and assigns, to Warrant and Forever Defend, all and singular the Property, unto Grantee,

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its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed that a Vendor's Lien is retained against the Property until the Notes are paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

IN WITNESS WHEREOF, Grantors have executed this General Warranty Deed with Vendor's Lien on this 4th day of January, 1982.

GRANTORS:

Maurine Parks Myers
Maurine Parks Myers

Dorothy Myers
Dorothy Myers

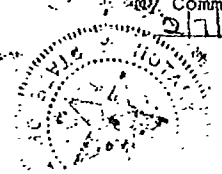
Dewitt Myers Jr.
Dewitt Myers

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared MAURINE PARKS MYERS, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal this 4th day of January 1982.

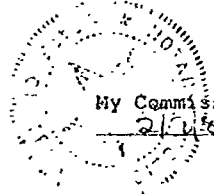
Linda T. Lynch
Notary Public in and for
Dallas County, Texas

My Commission Expires:
2/7/84


THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared DOROTHY MYERS, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal this 4th day of January, 1982.



Linda T. Lurch
Notary Public in and for
Dallas County, Texas

My Commission Expires:
2/7/84

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

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

GIVEN under my hand and seal this 4th day of January, 1982.



Linda T. Lurch
Notary Public in and for
Dallas County, Texas

My Commission Expires:
2/7/84

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EXHIBIT A

TRACT ONE

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Being, a tract of land situated in the H. Young Survey, Abstract No. 1450 W. M. Stoneham Survey, Abstract No. 1145, A.P. Vaughn Survey, Abstract No. 1316, and the U. Allen Survey, Abstract No. 14, Denton County, Texas, and also being part of those tracts as conveyed to D. L. Myers, as recorded in Volume 417, Page 559 and Volume 331, Page 265, and being part of a tract conveyed by P. A. Koenig et al to D. L. Myers, recorded in Volume 605, Page 443, Deed Records of Denton County, Texas, and being more particularly described as follows:

Beginning, at a point on the North line of State Highway No. 24, said point being on the West line of the H. Young Survey, Abstract No. 1450. a $\frac{1}{2}$ " iron stake set for corner;

Thence, N. $0^{\circ} 28' 17''$ W., leaving the said North line of State Highway No. 24, a distance of 2255.64 feet to a steel post for corner;

THENCE, N. $89^{\circ} 36' 20''$ E., a distance of 2091.65 feet to a steel post for corner;

THENCE N. $89^{\circ} 41' 32''$ E., a distance of 1367.24 feet to a point on the Westerly line of F.M. Road No. 156, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, along the Westerly line of F.M. Road No. 156, the following:

S. $16^{\circ} 34' 14''$, a distance of 97.78 feet to a R.O.W. marker for corner;

Around a curve to the right having a central angle of $15^{\circ} 04'$ a radius of 5673.86 feet and a distance of 1491.97 feet to the end of said curve, a R.O.W. monument for corner;

S. $28^{\circ} 22' 06''$ W., a distance of 558.47 feet to a R.O.W. monument for corner;

THENCE, along the Northerly line of State Highway No. 24, the following,

S. $60^{\circ} 31' 11''$ W., a distance of 229.14 feet to a R.O.W. Monument for corner;

N. $89^{\circ} 47' 30''$ W., a distance of 869.32 feet to a R.O.W. monument for corner;

S. $34^{\circ} 54' 20''$ W., a distance of 302.85 feet to a $\frac{1}{2}$ " iron stake set for corner;

Around a curve to the left having a central angle of $0^{\circ} 27' 18''$, a radius of 13,343.50 feet and a distance of 106.00 feet to a $\frac{1}{2}$ " iron stake set for corner;

N. $87^{\circ} 40' 46''$ W., a distance of 1270.96 feet to the PLACE OF BEGINNING, and containing 153.488 acres of land, more or less.

TRACT TWO

Being, a tract of land situated in the U. Allen Survey, Abstract No. 14, Denton County, Texas and being part of that tract as conveyed to D. L. Myers recorded in Volume 331, Page 265, Deed Records, Denton County, Texas, and being more particularly described as follows:

Beginning, at the point of intersection of the North line of State Highway No. 24, with the Westerly line of F.M. Road No. 156, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, along the North, East and South line of State Highway No. 24, the following:

N. $87^{\circ} 14' 04''$ W., a distance of 715.45 feet to a $\frac{1}{2}$ " iron stake set for corner;

N. $14^{\circ} 38' 31''$ E., a distance of 174.10 feet to a R.O.W. monument for corner;

S. $89^{\circ} 39' 50''$ E., a distance of 689.38 feet to a R.O.W. monument for corner;

S. $46^{\circ} 22' 37''$ E., a distance of 80.75 feet to a point on the

Westerly line of F.M. Road No. 156, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, S. $28^{\circ} 20'$ W., along the Westerly line of F.M. Road No. 156,

a distance of 162.70 feet to the PLACE OF BEGINNING, and containing 3.120 acres of land, more or less.

TRACT THREE

Being a tract of land situated in the U. Allen Survey, Abstract No. 14, H. Young Survey, Abstract No. 1450, G. W. Anderson Survey, Abstract No. 12, B.B.B. & C.R.R. Co. Survey, Abstract No. 168, B.B.B. & C.R.R. Co. Survey, Abstract No. 188, J. O. Swetman Survey, Abstract No. 1235, E. F. Anderson Survey, Abstract No. 16, and the P.A. Collins Survey, Abstract No. 256, Denton County, Texas and further being part of those tracts as conveyed

to D. L. Myers, recorded in Volume 331, Page 265, Volume 420, Page 67, and Volume 495, Page 529, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING, at the point of intersection of the Westerly line of F.M. Road No. 156, with the South line of State Highway No. 24, a R.O.W. monument for corner;

THENCE, along the Westerly line of F.M. Road No. 156, the following,

S. 28° 20' W., a distance of 1343.80 feet to a $\frac{1}{2}$ " iron stake set for corner;

Around a curve to the right having a central angle of 4° 32' a radius of 4803.00 feet and a distance of 380.02 feet to the end of said curve, a R.O.W. monument for corner;

S. 27° 04' 35" W., a distance of 118.70 feet to a R.O.W. monument for corner;

S. 32° 09' 07" W., a distance of 998.78 feet to a R.O.W. monument for corner;

S. 37° 39' 15" W., a distance of 100.63 feet to a R.O.W. monument for corner;

S. 32° 08' 30" W., a distance of 1906.55 feet to a R.O.W. monument for corner;

S. 26° 52' 36" W., a distance of 100.75 feet to a R.O.W. monument for corner;

S. 32° 00' 51" W., a distance of 926.36 feet to a R.O.W. Monument for corner;

Around a curve to the left having a central angle of 5° 52' 05", a radius of 3137.44 feet, and a distance of 321.33 feet to the end of curve, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, S. 89° 15' 32" W., leaving the Westerly line of F.M. Road No. 156, and along the center line of Stoney Road, a distance of 1706.19 feet to a $\frac{1}{2}$ " iron stake set for corner;

THENCE, N. 0° 26' 22" W., leaving the said centerline of Stoney Road, a distance of 5558.08 feet to a point on the South line of State Highway No. 24, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, along the South line of State Highway No. 24 the following:

S. 87° 44' 17" E., a distance of 7.99 feet to a R.O.W. monument for corner;

N. 0° 26' 28" W., a distance of 9.85 feet to a R.O.W. monument for corner;

S. 87° 44' 17" E., a distance of 1195.77 feet to a R.O.W. monument for corner.

N. 1° 17' 27" E., a distance of 30.00 feet to a $\frac{1}{2}$ " iron stake set for corner;

S. 87° 35' 52" E., a distance of 545.03 feet to a $\frac{1}{2}$ " iron stake set for corner;

N. 2° 19' 14" E., a distance of 10.00 feet to a $\frac{1}{2}$ " iron stake set for corner;

S. 87° 40' 46" E., a distance of 2140.80 feet to a R.O.W. monument for corner;

Around a curve to the right having a central angle of 1° 44' 50", a radius of 13,243.50 feet and a distance of 403.86 feet to the end of curve, a R.O.W. monument for corner;

S. 81° 36' 13" E., a distance of 650.26 feet to the PLACE OF BEGINNING, and containing 427.073 acres, of which 1.175 acres lies within existing Stoney Road, leaving a net of 425.898 acres of land, more or less.

TRACT FOUR

Being, a tract of land situated in the E. F. Anderson Survey, Abstract No. 16, and the P.A. Collins Survey, Abstract No. 256, Denton County, Texas, and further being part of those tracts as conveyed to D. L. Myers, Recorded in Volume 331, Page 265, and Volume 495, Page 529, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING, at a point on the Easterly line of F.M. Road No. 156, said point being on the South line of the P.A. Collins Survey, Abstract 256, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, N. 24° 34' 09" E., along the Easterly line of F.M. Road No. 156, a distance of 461.43 feet to a $\frac{1}{2}$ " iron stake found for corner;

THENCE, S. 61° 35' 53" E., leaving the said Easterly line of F.M. Road No. 156, a distance of 207.48 feet a $\frac{1}{2}$ " iron stake found for corner;

THENCE, N. 28° 25' 35" E., a distance of 339.77 feet to a $\frac{1}{2}$ " iron stake set for corner;

THENCE, S. 89° 13' 03" W., a distance of 240.61 feet to a point on the Easterly line of F.M. Road No. 156, a concrete T.P. & L. monument for corner;

THENCE, along the Easterly line of F.M. Road No. 156, the following;

N. 17° 20' 37" E., a distance of 70.00 feet to a $\frac{1}{2}$ " iron stake set for corner;

Around a curve to the right having a central angle of 3° 58' 53", a radius of 3017.44 feet, and a distance of 209.66 feet to the end of curve, a R.O.W. monument for corner;

N. 32° 08' E., a distance of 923.95 feet to a R.O.W. monument for corner;

N. 38° 05' 11" E., a distance of 100.38 feet to a $\frac{1}{2}$ " iron stake set for corner;

32° 08' 30" E., a distance of 1512.15 feet to a $\frac{1}{2}$ " iron stake set for corner;

S. 57° 51' 30" E., a distance of 78.91 feet to a $\frac{1}{2}$ " iron stake set for corner;

THENCE, along the Westerly line of the G.C. & S. F. Railroad R.O.W., the following:

S. 28° 32' 50" W., a distance of 1089.39 feet to a Railroad R.O.W. marker for corner;

S. 61° 27' 10" E., a distance of 28.80 feet to a $\frac{1}{2}$ " iron stake set for corner;

S. 28° 22' 49" W., a distance of 2265.27 feet to a $\frac{1}{2}$ " iron stake set for corner;

THENCE, S. 89° 48' 32" W., leaving the Westerly line of the G.C. & S. F. Railroad a distance of 273.95 feet to the PLACE OF BEGINNING, and containing 14.609 acres, of which 0.207 acres lies within existing public road, leaving a net of 14.402 acres of land, more or less.

TRACT FIVE

Being, a tract of land situated in the P.A. Collins Survey, Abstract No. 256, Denton County, Texas, and further being part of that tract as conveyed to D. L. Myers, recorded in Volume 495, Page 529, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING, at the Southeast corner of said tract recorded in Volume 495, Page 529, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, S. 89° 14' 23" W., a distance of 2605.68 feet to a point on the Easterly line of the G.C. & S. F. Railroad, a $\frac{1}{2}$ " iron stake set for corner;

THENCE, N. 28° 22' 49" E., along the Easterly line of the G.C. & S.F. Railroad, a distance of 2174.57 feet to a $\frac{1}{2}$ " iron stake set for corner;

THENCE, along the centerline of a Public Road, the following:

S. 69° 34' 30" E. a distance of 111.08 feet to a $\frac{1}{2}$ " iron stake set for corner;

THENCE, S 78° 49' 30" E a distance of 1486.07 feet to a $\frac{1}{2}$ " Iron stake set for corner;

THENCE, S. 0° 21' 47" E., leaving the centerline of a Public Road, a distance of 1551.89 feet to the PLACE OF BEGINNING, and containing 84.289 acres of land, of which 0.917 acres lies within existing public road, leaving a net of 83.372 acres of land, more or less.

EXHIBIT "B"

1. Easement as granted by judgment in County Court, Cause No. 2970, styled Texas Power & Light Company vs N.C. Nail et al, dated August 3, 1926, Certified copy of judgment recorded in Volume 208, page 259, Deed Records, Denton County, Texas.
2. Easement dated October 28, 1924 executed by N.C. Nail et al to Texas Power & Light Company, recorded in Volume 203, page 358, Deed Records, Denton County, Texas.
3. Easement dated January 14, 1937 executed by N.C. Nail et al to Texas Power & Light Company, recorded in Volume 260, page 615, Deed Records, Denton County, Texas.
4. Easement dated August 26, 1946 executed by N.C. Nail et al to Texas Power & Light Company, recorded in Volume 331, page 29, Deed Records, Denton County, Texas.
5. Easement dated December 4, 1958 executed by N.C. Nail et ux to Southwestern Bell Telephone Company, recorded in Volume 442, page 312, Deed Records, Denton County, Texas.
6. Easement dated October 31, 1956 executed by F.T. Nail estate to Denton County Electric Cooperative, Inc. recorded in Volume 510, page 166, Deed Records, Denton County, Texas.
7. Easement dated May 2, 1963 executed by N.C. Nail to Lone Star Gas Company, recorded in Volume 497, page 640, Deed Records, Denton County, Texas.
8. Easement dated _____ executed by A.G. Koenig, et ux Elsie L. Koenig to Texas Power & Light Company, recorded in Volume 262, page 67, Deed Records, Denton County, Texas.
9. Easement dated April 13, 1931 executed by Mr. Pearl Smith, Independent Executrix of the Estate of W.D. Smith, Deceased to Texas Power & Light Company, recorded in Volume 238, page 65, Deed Records, Denton County, Texas.
10. Easement dated March 26, 1926 executed by W.D. Smith et ux to Texas Power & Light Company, recorded in Volume 204, page 508, Deed Records, Denton County, Texas.
11. Easement dated March 28, 1930 executed by W.D. Smith et ux to Texas Power & Light Company, recorded in Volume 231, page 172, Deed Records, Denton County, Texas.
12. Easement dated August 26, 1940 executed by T. P. Capps to Magnolia Petroleum Company, recorded in Volume 289, page 311, Deed Records, Denton County, Texas.

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Exhibit B con't.

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13. Easement dated _____ 194_ executed by Ray W. Smith et al to Magnolia Petroleum Company, recorded in Volume 289, page 308, Deed Records, Denton County, Texas.
14. Easement dated August 26, 1946 executed by The Estate of J.H. Wilkins to Texas Power & Light Company, recorded in Volume 331, page 33, Deed Records, Denton County, Texas.
15. Easement dated August 26, 1929 executed by J.H. Wilkins et ux to Texas Power & Light Company, recorded in Volume 236, page 474, Deed Records, Denton County, Texas.
16. Easement dated July 7, 1936 executed by J.H. Wilkins et ux to Texas Power & Light Company, recorded in Volume 258, page 478, Deed Records, Denton County, Texas.
17. Easement dated March 26, 1926 executed by J.H. Wilkins et ux to Texas Power & Light Company, recorded in Volume 204, page 505, Deed Records, Denton County, Texas.
18. Easement dated May 3, 1963 executed by D. L. Myers to Lone Star Gas Company, recorded in Volume 497 Page 639 Deed Records, Denton County, Texas.

Rec 2100

5119
Warranty paid

Maurine Parks Myers,
etal

to

Deep Corp., NV

FILED
DEPT. OF
COUNTY CLERK DENTON CO. TEX.
MARY JO HILL
082 FEB - 2 PM 3:55

FILED

FILED
RETURN TO

Delphinance Dev. Corp.
Regency Center II
5501 E SJ Fwy, Suite 1001
Dallas, TX 75240

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FILED FOR RECORD 2nd DAY OF March A.D. 1982, at 3:55 P.
RECORDED 2nd DAY OF March A.D. 1982.
MARY JO HILL, COUNTY CLERK, DENTON COUNTY, TEXAS.
BY: Heather Small DEPUTY.