



## Filing Receipt

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# COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT  
DIRECTOR

NSCOTT@COATSROSE.COM  
DIRECT: (512) 541-3846  
FAX: (512) 469-9408

September 08, 2021

Public Utilities Commission  
P.O. Box 13326  
Austin, Texas 78711-3326

*Via Electronic Filing*

Re: *New PUC Docket; Petition by E Real Estate, LLC for Expedited Release from Water CCN No. 10150 Held by Marilee Special Utility District in Collin County*

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a Petition by E Real Estate, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541.

Very truly yours,



Natalie B. Scott

NBS:mzp  
Enclosures

Cc (w/encl.):  
Marilee Special Utility District  
Attn.: Donna Loiselle, General Manager  
2300 West Pecan Street  
Celina, Texas 75009

Via Certified Mail, Return Receipt Requested  
No. 7020 1810 0002 0061 7748

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746  
PHONE: (512) 469-7987 FAX: (512) 469-9408  
[coatsrose.com](http://coatsrose.com)

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI  
000001.000001\4811-5921-0233.v1

PUC DOCKET NO. \_\_\_\_\_

PETITION BY E REAL ESTATE, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

**PETITION BY E REAL ESTATE, LLC FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541 (TRACT 2)**

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

E Real Estate, LLC, (“Petitioner”) files its Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Marilee Special Utility District (“Marilee SUD”) water certificate of convenience and necessity (“CCN”) No. 10150 pursuant to (i) Texas Water Code Section 13.2541 and (ii) 16 Texas Administrative Code Section 24.245; and in support thereof shows 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. TEX. WATER CODE § 13.2541. 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.” *Id.* The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Collin County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TEX. ADMIN. CODE § 24.245(h). Under Section 13.2541(c), the PUC “shall grant a petition not later than the 60<sup>th</sup> day after the date the landowner files the petition.” *See* TEX. WATER CODE § 13.2541(c).

## II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 154.08 acres of contiguous property (tract 2) in Collin County (the "Property"). The Property is within the boundaries of water CCN No. 10150, held by Marilee SUD. 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." This property is located in Collin County, Texas. Exhibits "B-1 and B-2" attached to this Petition are true and correct copies of a general location map and a detailed map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed, attached 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 is entirely within Collin County. Under Section 13.2541, the PUC should grant this Petition no later than the 60<sup>th</sup> 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. 10150.

Respectfully submitted,

By: Natalie B. Scott  
COATS | ROSE  
Natalie B. Scott  
State Bar No. 24027970  
nscott@coatsrose.com  
Terrace 2  
2700 Via Fortuna, Suite 350  
Austin, Texas 78746  
(512) 469-7987 Telephone  
(512) 469-9408 Telecopier  
**ATTORNEY FOR PETITIONER**  
**E REAL ESTATE, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of September, 2021, a true and correct copy of the Petition by E Real Estate, LLC for Expedited Release Pursuant to Texas Water Code Section 13.254.1 was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

Marilee Special Utility District  
Attn.: Donna Loiselle, General Manager  
2300 West Pecan Street  
Celina, Texas 75009

*Via Certified Mail, RRR*

  
\_\_\_\_\_  
Natalie B. Scott

PUC DOCKET NO. \_\_\_\_\_

PETITION BY E REAL ESTATE, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

**AFFIDAVIT OF GREGG ALLEN IN SUPPORT OF PETITION FOR EXPEDITED  
RELEASE FROM WATER CCN NO. 10150. HELD BY MARILEE SPECIAL UTILITY  
DISTRICT PURSUANT, TEXAS WATER CODE SECTION 13.2541**

**STATE OF TEXAS                   §  
COUNTY OF DALLAS           §**

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

1.       “My name is Gregg Allen. 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 E Management Corp., Manager for E Real Estate, LLC, the Petitioner in the above-captioned matter. Petitioner owns approximately 154.08 acres of land (the “Property”), which is located within the boundaries of Water CCN No. 10150 issued to Marilee Special Utility District (“Marilee SUD”). The Property is located in Collin County, Texas. Exhibits “B-1 and B-2” attached to this Petition are true and correct copies of a general location map and a detailed map of the Property. Petitioner is owner of the Property as evidenced by the Special Warranty Deed, attached as Exhibit C-1.


3.       The Property is not receiving water or sewer service from Marilee SUD or any other water or sewer service provider. The Property has not requested water or sewer service from Marilee SUD 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 Property.

4.       I request that the Public Utility Commission of Texas release the Property from Water CCN No. 10150”

FURTHER AFFIANT SAYETH NOT.

E Real Estate, LLC

By: E Management Corp., its Manager

By:   
Gregg Allen, President

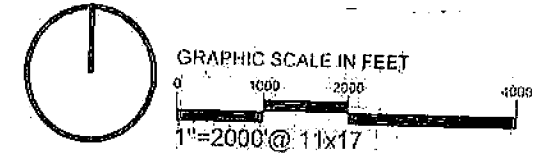
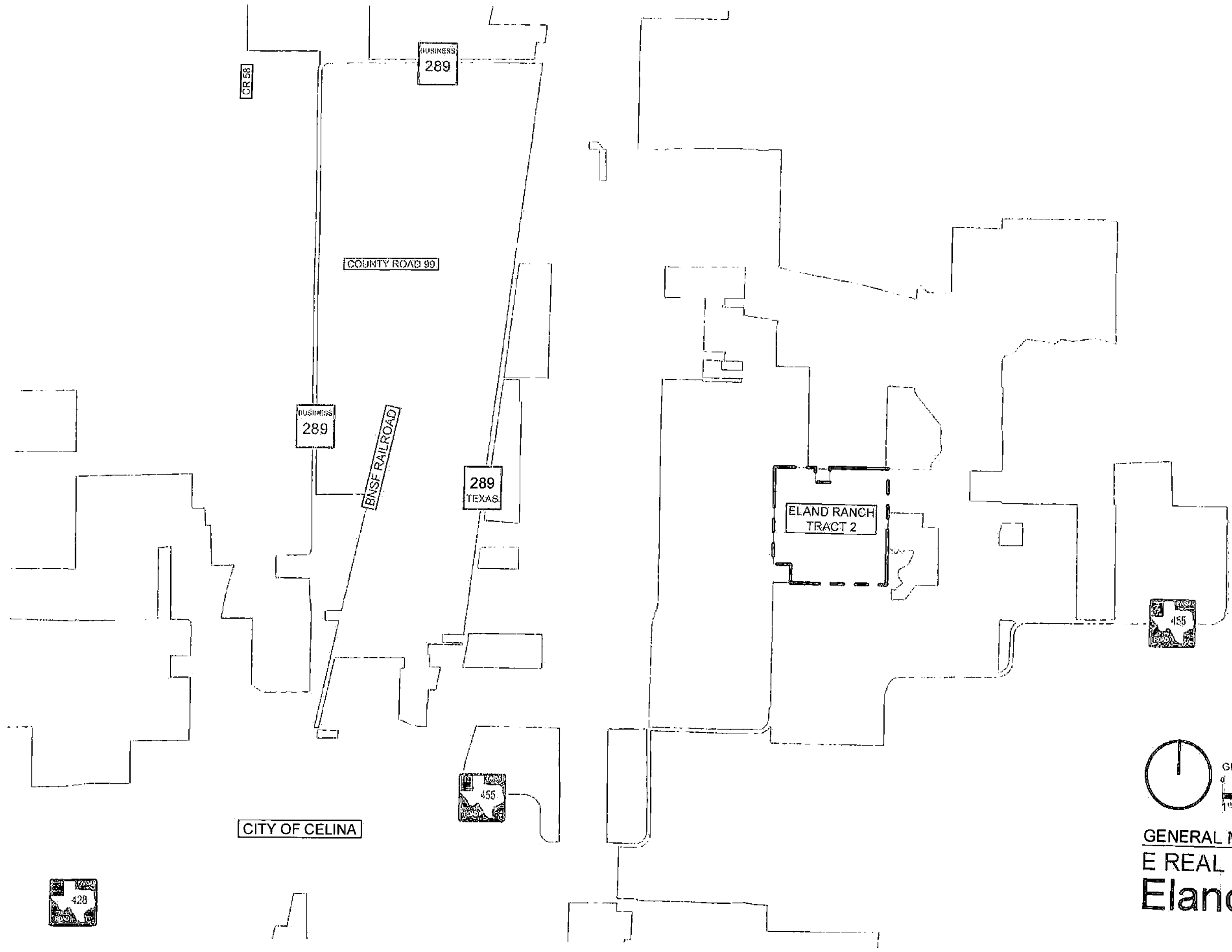
SWORN TO AND SUBSCRIBED TO BEFORE ME by Gregg Allen on the 7<sup>th</sup> of  
September, 2021.



  
Notary Public, State of Texas

EXHIBIT "B-1"  
General Location Map

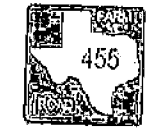
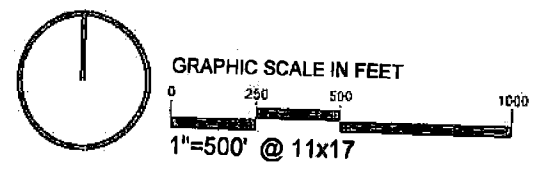
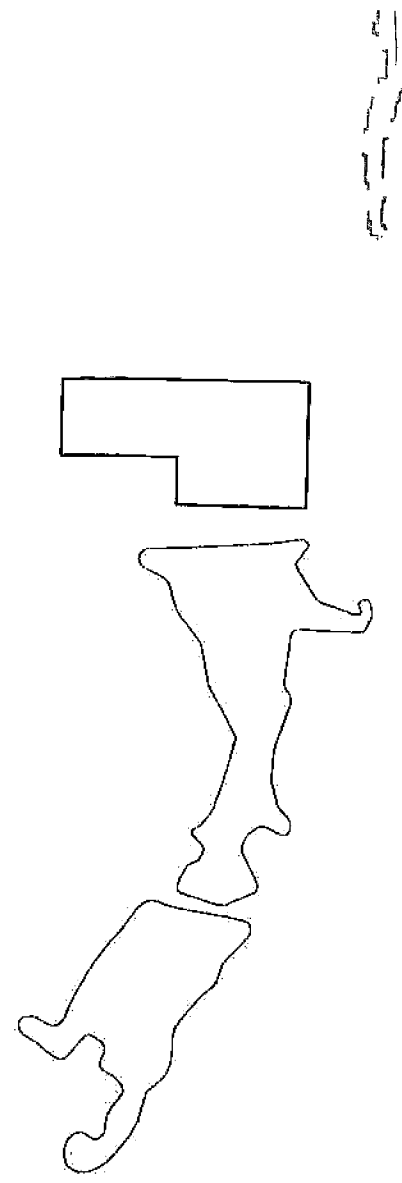
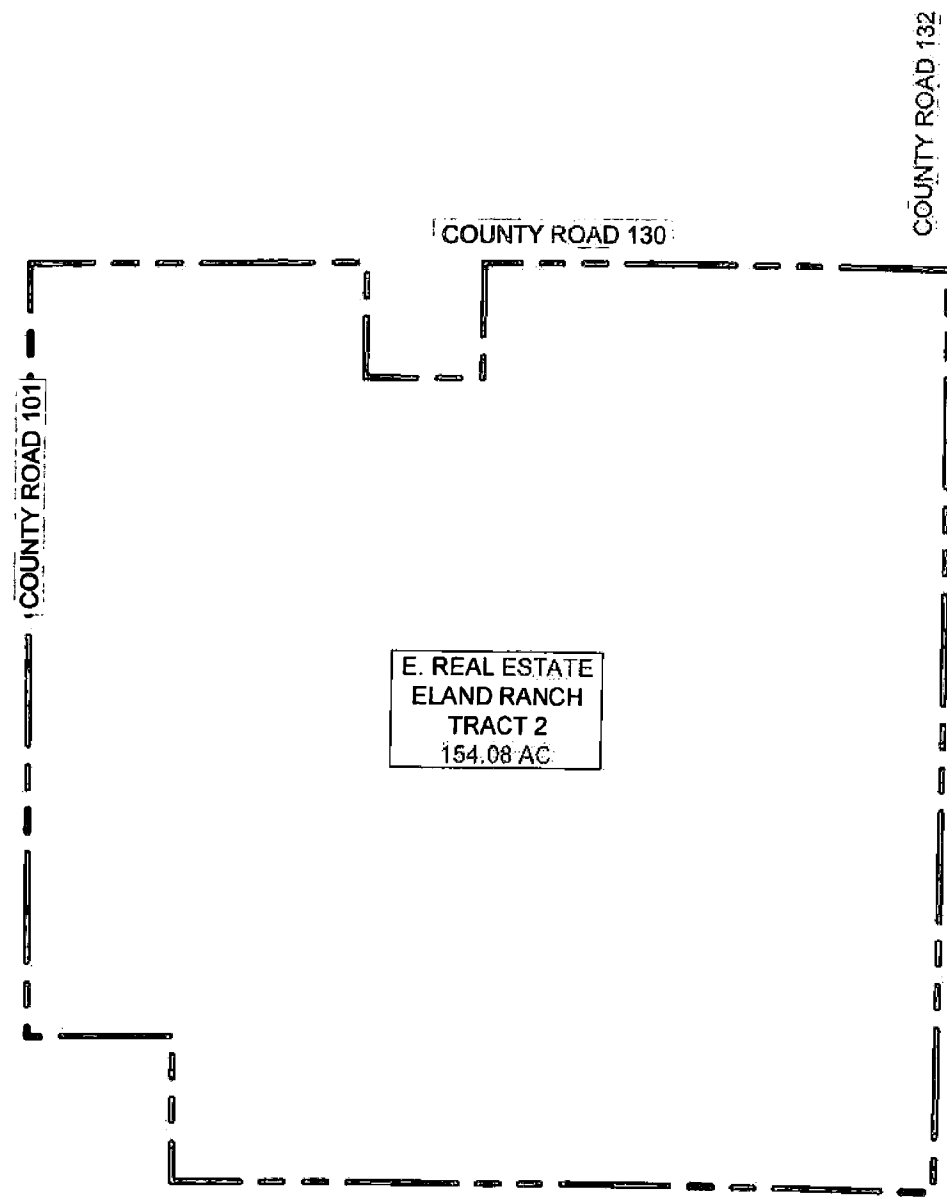




GENERAL MAP  
E REAL ESTATE  
**Eland Ranch**  
TRACT #2

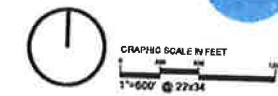
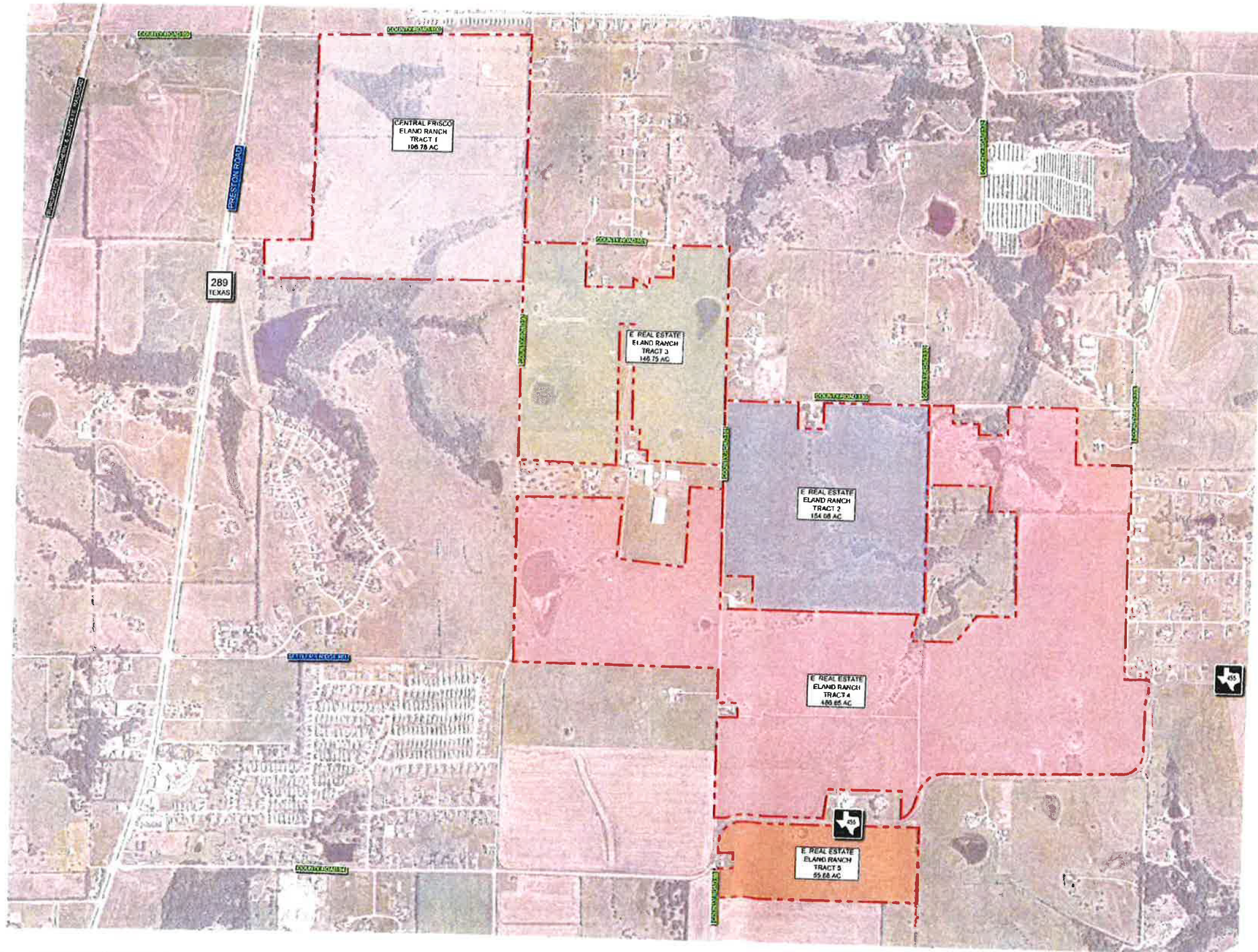
EXHIBIT "B-2"

Detailed Map



DETAILED MAP  
E REAL ESTATE  
**Eland Ranch**  
TRACT #2





NOTES  
 1. THIS PLAN IS CONCEPTUAL IN NATURE AND MAY HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A SURVEY OR CONTACT WITH THE CITY, COUNTY, ETC.  
 2. FLOOD PLANS SHOWN ARE SUBJECT TO CHANGE BASED ON A MORE DETAILED FULLY DEVELOPED FLOOD STUDY ANALYSIS.  
 3. AERIAL IMAGE BY HERE MAP, COPYRIGHT 2021

DATE: 8/10/21  
 FILE: C:\WORK\PROJECTS\ELAND RANCH\SPC\ELAND RANCH\ELAND RANCH\ELAND RANCH\ELAND RANCH.dwg  
 USER: J. W. HORN

CCN TRACTS EXHIBIT  
**Eland Ranch**  
 Celina and Celina ETJ, Texas  
 August 2021  
**Kimley»Horn**  
 6100 Warren Parkway, Suite 210  
 Frisco, Texas 75034  
 972-335-3500  
 State of Texas Registration No. F-026



**BEING** a tract of land situated in the Benjamin Haile Survey, Abstract No. 397, City of Celina, Collin County, Texas, and being all of a called 154.059-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20070725001023610 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at the northwest corner of aforesaid 154.059-acre Central Frisco, Ltd., tract and the southwest corner of a called 10.692-acre tract of land, conveyed to John D. Dove, as evidenced in a General Warranty Deed, recorded in Volume 3981, Page 359 of the Land Records of Collin County, Texas, same being the intersection of County Road No. 101, a public use right of way, no record found with County Road No. 130, a public use right of way, no record found;

**THENCE** North 89°37'24" East, along the northerly line of said 154.059-acre tract, the southerly line of said 10.692-acre tract, and generally along said County Road No. 130, a distance of 776.70 feet to a corner;

**THENCE** North 89°39'58" East, continuing along the northerly line of said 154.059-acre tract and with said County Road No. 130, a distance of 177.79 feet to the northwest corner of a called "Tract B" (2.500 acres), conveyed to Eland Energy, Inc., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20150722000903310 of the Official Public Records of Collin County, Texas;

**THENCE** South 00°21'14" East, departing said County Road No. 130, along an easterly line of said 154.059-acre tract and the westerly line of said "Tract B" (2.500 acres), a distance of 329.87 feet to the southwest corner of said "Tract B" (2.500 acres);

**THENCE** North 89°36'52" East, along a northerly line of said 154.059-acre tract and the southerly line of said "Tract B" (2.500 acres), a distance of 329.93 feet to the southeast corner of said "Tract B" (2.500 acres);

**THENCE** North 00°20'30" West, along a westerly line of said 154.059-acre tract and the easterly line of said "Tract B" (2.500 acres), a distance of 329.57 feet to the northeast corner of said "Tract B" (2.500 acres) and a northwesterly corner of said 154.059-acre tract, same being in said County Road No. 130;

**THENCE** North 89°39'58" East, continuing along the northerly line of said 154.059-acre tract and with said County Road No. 130, a distance of 1353.35 feet to the northeast corner of said 154.059-acre tract, same being the northwest corner of a called 62.434-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081260 of the Official Public Records of Collin County, Texas;

**THENCE** South 00°56'35" East, departing said County Road No. 130, along the easterly line of said 154.059-acre tract and the westerly line of said 62.434-acre tract, a distance of 1007.29 feet to the westerly, southwest corner of said 62.434-acre tract, same being the northwest corner of a called 6.000-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a General Warranty Deed, recorded in Instrument No. 20110831000926240 of the Official Public Records of Collin County, Texas;

**THENCE** South 00°49'21" East, along the easterly line of said 154.059-acre tract and the westerly line of said 6.000-acre tract, a distance of 324.60 feet to a point for southwest corner of said 6.000-acre tract;

**THENCE** South 00°21'55" East, along the easterly line of said 154.059-acre tract, a distance of 1320.84 feet to the southeast corner of said 154.059-acre tract, same being an inner ell corner of a called "Tract Two" (66.676 acres), conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081250 of the Official Public Records of Collin County, Texas;

**THENCE** South 89°58'09" West, along the southerly line of said 154.059-acre tract, a northerly line of said "Tract Two" (66.676 acres), a northerly line of a called "Tract One" (78.613 acres) and a called "Tract Five" (18.748 acres), conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081250 of the Official Public Records of Collin County, Texas, a distance of 2226.22 feet to the southerly, southwest corner of said 154.059-acre tract;

**THENCE** North 00°31'02" West, along a westerly line of said 154.059-acre tract, a distance of 417.42 feet to an inner ell corner of said 154.059-acre tract;

**THENCE** South 89°58'09" West, along a southerly line of said 154.059-acre tract, a distance of 417.42 feet to the southerly, southwest corner of said 154.059-acre tract, same being on the easterly line of a called 272.545-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20150722000903300 of the Official Public Records of Collin County, Texas, same also being in aforesaid County Road No. 101;

**THENCE** North 00°31'02" West, along a westerly line of said 154.059-acre tract, the easterly line of said 272.545-acre tract, and along said County Road No. 101, a distance of 2220.69 feet to the **POINT OF BEGINNING** and containing 154.08 acres of land, more or less.

EXHIBIT "C-1"

Special Warranty Deed

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

**SPECIAL WARRANTY DEED**

**Effective Date:** January 1, 2020

**Grantor:** Eland Energy, Inc., a Texas corporation

**Grantor's Mailing Address:** 16400 Dallas Parkway, Suite 100, Dallas, Texas 75248;

**Grantee:** E REAL ESTATE L.L.C, a Texas limited liability company

**Grantee's Mailing Address:** 16400 Dallas Parkway, Suite 100, Dallas, Texas 75248.

**Consideration:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor.

**Property:** Those certain tracts of land described on the attached Exhibit "A" which is incorporated herein by reference together with all improvements situated thereon.

**Reservations from Conveyance:** None.

**Exceptions to Conveyance and Warranty:** All validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments (other than conveyances of the surface fee estate) that affect the Property; all validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and *ad valorem* taxes for the current year and subsequent assessments for the current year or for prior years due to change in land usage, ownership, or both; all of which Grantee assumes and agrees to pay.

**Conveyance:** Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grant, sell, and convey the Property, together with all rights associated with the Property, to Grantee and its heirs, successors, and assigns, forever.

Grantor bind itself and its heirs and successors to warrant and forever defend all the Property to Grantee and its heirs, successors, and assigns against every person claiming the same or any part thereof by,

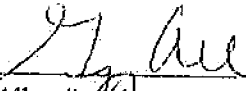
Kirk Rockin K Ranch acre tracts



through and under Grantor but not otherwise; except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

SIGNED with an effective date of January 1, 2020.

Eland Energy, Inc.,

  
\_\_\_\_\_  
Gregg Allen, President

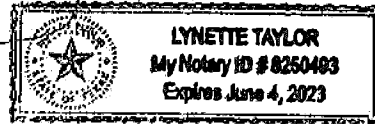
**ACKNOWLEDGMENT**

**STATE OF TEXAS**

**COUNTY OF DALLAS**

This instrument was acknowledged before me on May 4, 2020, by Gregg Allen, as President of Eland Energy, Inc.

  
\_\_\_\_\_  
Notary Public, State of Texas



After recording, return to:  
Robin D. McGuire  
16400 Dallas Parkway, Suite 100  
Dallas, Texas 75248

Kirk Rockin K Ranch acre tracts

EXHIBIT A

**LEGAL DESCRIPTION OF PROPERTY**

**154.059 Acre Tract:**

All that certain tract or parcel of land situated in the BENJAMIN HAILE SURVEY, ABSTRACT NUMBER 397, County of COLLIN, State of Texas, said tract being part of a called 160.42 acre tract described in deed to Kirk's Rockin K Ranch & Land Company, Inc., filed 08 April 1998, and recorded in Volume 4139, Page 3116 of the Deed Records of the County of COLLIN, State of Texas, and being more fully described as follows:

BEGINNING for the Northeast corner of the tract being described herein at a found 3/8 inch rebar. Said rebar being the Northeast corner of said Kirks Tract, same being the Northwest corner of a called 62.434 acre tract as described in deed to John U Bond et ux, Danna Bond, filed 06 December 2005, and recorded in Volume 6059, Page 5352 of said Deed Records, and said rebar being on the South line of a tract as described in Deed to Paul H. Marin, et ux, Dee G. Martin, filed 12 June 1991, and recorded in Volume 3595, Page 481 of said Deed Records, said rebar also being in COLLIN County Road Number 130;

THENCE South 00 degrees 33 minutes 19 seconds East, with the East line of said Kirks tract, and with the West line of said Bond tract, and passing at 1007.30 feet a found 1/2 inch steel square tubing with a plastic cap marked Brennan 5560 being the Southwest corner of said Bond tract, same being the Northwest corner of a called 6.00 acre tract as described in Substitute Trustee's Deed to James Plasinski, filed 03 July 1990, and recorded in Volume 3305, Page 795 of said Deed Records, and continuing on said course a total distance of 1330.39 feet to a found 1/2 inch rebar for the Southwest corner of said Plasinski tract, same being the Northwest corner of a tract as described in deed to John W. Rea et ux, Patricia O. Rea, filed 01 October 1992, and recorded in County Clerks Number 92-0067368 of said Deed Records;

THENCE South 00 degrees 00 minutes 23 seconds East, with the East line of said Kirks tract a distance of 1320.85 feet to a found 1/2 inch rebar for the Southeast corner of said Kirks tract same being an ell corner of Tract Two a called 66.676 acre tract as described in Deed to Central Frisco, LTD., filed 27 April 2006, and recorded in County Clerks Number 06-000563410 of said Deed Records, and said rebar being North 31 degrees 05 minutes 30 seconds West, a distance of 2.42 feet from a found 1/2 inch rebar by a pipe fence corner post;

THENCE North 89 degrees 46 minutes 13 seconds West, with the North line of said Tract Two, a distance of 863.16 feet to a found 1/2 inch pipe for the Northwest corner of said Tract Two, same being the Northeast corner of Tract One a called 78.613 acre tract as described in said Central Frisco deed;

THENCE North 89 degrees 40 minutes 22 seconds West, with the North line of said Tract One a distance of 571.64 feet to a found 1/2 rebar for the Northwest corner of said Tract One. Same being the Northeast corner of Tract Five a called 18.746 acre tract as described in said Central Frisco deed;

Kirk Rockin K Ranch acre tracts

THENCE North 89 degrees, 40 minutes 19 seconds West, with the North line of said Tract Five a distance of 791.41 feet to a found 1/2 inch steel square tubing for the most Southerly Southwest corner of this tract;

THENCE North 00 degrees 09 minutes 30 seconds West, a distance of 417.42 feet to a set 1/2 inch steel square tubing for an ell corner of this tract;

THENCE North 89 degrees 40 minutes 19 seconds West, and passing at 387.42 feet to a set 1/2 inch steel square tubing on the East side of COLLIN County Road Number 101, and continuing on said course a total distance of 417.42 feet to a set 1/2 inch steel square tubing for the most Westerly Southwest corner of this tract, said tubing being on the West line of said Kirks tract, and said tubing being in the center of said road;

THENCE North 00 degrees 09 minutes 30 seconds West, with the West line of said Kirks tract and with the center of said road, a distance of 2220.69 feet to a found 5/8 inch rebar for the Northwest corner of said Kirks tract, and said rebar being at the intersection of said County Road Number 101 and County Road Number 130, said rebar also being on the South line of a called 10.692 acre tract as described in deed to John D. Dove et ux, Linda D. Dove, filed 21 August 1997, and recorded in Volume 3981, Page 359 of said Deed Records, said rebar also being North 89 degrees 58 minutes 56 seconds East, a distance of 10.43 feet from a found 5/8 inch rebar being the Southwest corner of said Dove tract;

THENCE North 89 degrees 58 minutes 56 seconds East, with the North line of said Kirks tract, and with the South line of said Dove tract, and with the center of said County Road Number 130, a distance of 776.70 feet to a found 1/2 inch rebar for an angle point in the North line of said Kirks tract, same being the Southeast corner of said Dove tract, and said rebar being the Southwest corner of a called 75.931 acre tract as described in Deed to Patricia Miller, filed 24 November 1997, and recorded in Volume 4047, Page 299 of said Deed Records;

THENCE South 89 degrees 58 minutes 30 seconds East, with the North line of said Kirks tract and with said road, a distance of 177.79 feet to a set 1/2 inch steel square tubing for a corner of this tract;

THENCE South 00 degrees 1 minute 30 seconds West, and passing at 30.00 feet a set 1/2 inch steel square tubing on the South side road, and continuing on said course a total distance of 330.00 feet to a set 1/2 inch steel square tubing for a corner of this tract;

THENCE South 89 degrees 58 minutes 30 seconds East, a distance of 330.00 feet to a set 1/2 inch steel square tubing for a corner of this tract;

THENCE North 00 degrees 1 minute 30 seconds East, in passing at 300 feet to a set 1/2 inch steel square tubing on the South side of said road and continuing on said course a total distance of 330.00 feet to a set 1/2 inch steel square tubing for a corner of this tract. Said tubing being on the North line of said Kirks tract and being in said County Road Number 130;

THENCE South 89 degrees 58 minutes 30 seconds East, with the North line of said Kirk's tract and with said road a distance of 1353.36 feet to the POINT OF BEGINNING and containing 154.059 acres of land.

**62.434 Acre Tract**

ALL that certain tract or parcel of land situated in the Benjamin Haile Survey, Abstract Number 397, County of Collin, State of Texas, said tract being all of Tract One a called 52.170 acre tract, and all of Tract Two, a called 10.000 acre tract as described in deed to Piranio Family Living Trust, filed 27 January 1991, and recorded in Volume 3619, Page 331 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the northeast corner of the tract being described herein at a found 3/8 inch rebar, said rebar being the northwest corner of said Tract One, and said rebar being in the center of Collin County Road Number 130;

THENCE: North 89 degrees 53 minutes 46 seconds East, with the north line of said Tract One, and with the center of said road, a distance of 1909.83 feet to a found nail for the northeast corner of said Tract One, same being the northwest corner of a tract as described in deed to Porfirio Paulino et ux, Olivia Paulino, filed 21 May 2004, and recorded in Volume 5674, Page 3250 of said deed records;

THENCE: South 00 degrees 05 minutes 46 seconds East, with the west line of said Paulino tract and passing at 22 feet a pipe fence corner post on the south side of said road, and continuing on said course with a barbed wire fence, and passing at 268.96 feet a found 1/2 inch square rod by a wood fence post being the southwest corner of said Paulino tract, same being the northwest corner of a called 7.78 acre tract as described in deed to John C. Kiesling et al, Rhonda Kiesling, filed 20 April 1998, and recorded in Volume 4147, Page 717 of said deed records, and continuing on said course with the west line of said Kiesling tract, a total distance of 714.20 feet to a pipe fence corner post for an ell corner of said Tract One; same being the southwest corner of said Kiesling tract;

THENCE: North 89 degrees 56 minutes 33 seconds East, with the south lines of said Kiesling tract and with a barbed wire fence, a distance of 728.71 feet to a pipe fence corner post for the northeast corner of said Tract Two, same being the southeast corner of said Kiesling tract, and said post being on the west side of Collin County Road Number 128;

THENCE: South 01 degrees 38 minutes 31 seconds East, with the east line of said Tract Two, and with a barbed wire fence, and with the west side of said road, a distance of 46.49 feet to a found 3/8 inch rebar for an angle point in the east line of said Tract Two;

THENCE: South 01 degrees 28 minutes 58 seconds East, with the west line of said road, and with a barbed wire fence, and passing at 538.07 feet a wood fence corner post, and continuing on said course leaving said fence, a total distance of 563.63 feet to a set nail for the southeast corner of this tract, said nail being in said road;

Kirk Rockin K Ranch acre tracts

THENCE: South 89 degrees 44 minutes 30 seconds West, with the south line of said Tract Two and passing at 12.2 feet a pipe fence corner post on the west side of said road and continuing on said course with an old barbed wire fence, and tree line, and passing at 1792.78 feet a set 1/2 inch steel square tubing on the east side of a small lake, and continuing on said course a total distance of 1842.78 feet to a point in said lake for the southwest corner of a called 6.00 acre tract as described in substitute trustees deed to James Ptasinski, filed 03 July 1990, and recorded in Volume 3305, Page 795 of said deed records;

THENCE: North 02 degrees 49 minute 41 seconds East, with the east line of said Ptasinski tract, a distance of 323.28 feet to a set 1/2 inch steel square tubing for the northwest corner of said Ptasinski tract;

THENCE: South 89 degrees 52 minutes 00 seconds West, with the north line of said Ptasinski tract, a distance of 819.08 feet to a set 1/2 inch steel square tubing for the most westerly southwest corner of said Tract One, same being the northwest corner of said Ptasinski tract;

THENCE: North 00 degrees 33 minutes 19 seconds West, with the west line of said Tract One, and with a barbed wire fence and tree line, a distance of 1007.30 feet to the POINT OF BEGINNING and containing 62.434 acres of land, more or less.

***LESS AND EXCEPT AND/OR SUBJECT TO THE FOLLOWING:***

That certain 5.02 acre tract of land conveyed to Mindy L. Koehn, Trustee by Special Warranty Deed with Vendor's Lien (Celina Municipal Management District No. 2 – Directors' Lot) filed on September 9, 2019, under Instrument No. 20190909001106320 of the records of Collin County, Texas.

**272.545 Acre Tract:**

BEING a tract of land situated in the Martha Herron Survey, Abstract No. 415, Collin County, Texas, and being all of that certain tract of land as described in Deed to Jesse T. Kirk and wife Milo M. Kirk recorded under Clerk's File No. 95-0064801, Deed Records, Collin County, Texas (DRCT), and being more particularly described as follows:

BEGINNING at a one inch iron pipe found in the called North line of said Martha Herron Survey and the called Southeast corner of the George Joy Survey, Abstract No. 488, said point being the Southeast corner of a tract of land as described in Deed to Alfredo and Maria Rangel recorded under Clerk's File No. 92-0072684 and lying in the West line of a tract of land as described in Deed to Joe E. and Janice K. Stalling recorded under Clerk's File No. 93-0075959;

THENCE South 00° 29' 00" East, along the East line of said Herron Survey and West line of the B.B.B. and C.R.R. Survey, same being the West line of said Stalling Tract, at 91 feet entering onto County Road 101, at a called distance of 263.80 feet passing the Southwest corner of said Stalling Tract and Northwest corner of a tract of land as described in Deed to Daniel D. Simons and Misty Simons recorded under Instrument No. 20070816001143760, at a called distance of 816.97 feet passing the Southwest corner of said Simons Tract and Northwest corner of a tract of land as described in Deed to Michael B. Patterson and Charles Dawson recorded under Instrument No. 20060630000904470, at a called distance of 1369 82

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feet passing the Southwest corner of said Patterson Tract and Northwest corner of a tract of land as described in Deed to John D. and Linda D. Love recorded in County Clerk's File No. 97-0068965, Deed Records of Collin County, Texas, at 1961.52 feet passing a 5/8 inch iron rod found which bears North 01 deg. 41 min. 05 sec. West, 3.51 feet and a 1/2 inch iron rod found which bears North 83 deg. 28 min. 54 sec. West, 0.87 feet at the Southwest corner of said Love Tract, at the intersection of said County Road 101 and County Road 130 and called to be the Southwest corner of said B.B. and C.R.R. Survey and the Northwest corner of the Benjamin Haile Survey, Abstract No. 397, same being the Northwest corner of a tract of land as described in Deed to Eland Energy Inc. recorded under Instrument No. 20141002001081270, Deed Records of Collin County, Texas, continuing along said County Road 101 and West line of said Haile Survey and said Eland Energy Tract (20141002001081270), South 00° 29' 00" East, a total distance of 4182.21 feet to a mag nail set for angle point, same being the Northwest corner of the Mary Howell Survey, Abstract No. 396 and a Southwest corner of said Eland Energy Tract (20141002001081270) and being the Northwest corner of a tract of land as described in Deed to Kirk's Rockin K Ranch and Land Company, Inc. recorded in Volume 4139, Page 3116, Deed Records of Collin County, Texas;

THENCE South 00° 28' 57" East, along said County Road 101 and West line of said Howell Survey and said Kirk's Rockin K Tract, a distance of 417.63 feet to a 1/2 inch iron rod found which bears South 89 deg. 59 min. 09 sec. East, 1.81 feet for the Southwest corner of said Kirk's Rockin K Tract, same being the Northwest corner of a tract of land as described in Deed to Eland Energy Inc. recorded under Instrument Number 20141002001081250, Deed Records of Collin County, Texas;

THENCE South 00° 29' 00" East, along said County Road 101 and West line of said Eland Energy Tract (20141002001081250), a distance of 737.87 feet to a mag nail found in asphalt at the Northeast corner of the H.C. Routh Survey, Abstract No. 765 and the Northeast corner of a tract of land as described in Deed to Brian Wayne Boyd recorded under Instrument Number 20140428000404190;

THENCE North 89° 51' 02" West, departing said County Road 101, along the North line of said Routh Survey and Boyd Tract, passing the Northwest corner of said Boyd Tract and Northeast corner of a tract of land as described in Deed to Willard Properties, LP recorded under Instrument No. 20070320000376380, continuing along the North line of said Willard Tract, in all a distance of 2671.55 feet to a 5/8 inch iron rod found with "Sparr" cap at the Southeast corner of the herein described tract;

THENCE North 00° 29' 31" West, departing the North line of said Willard Tract, along the East line of said Kirk's Rockin K Ranch Land Company Tract, at 181 feet entering onto County Road 97, in all a distance of 3747.56 feet to a 5/8 inch iron rod found with "Sparr" cap at the Southwest corner of a tract of land as described in Deed to Kirk's Rockin K Ranch Land Company, Inc. recorded in Volume 4532, Page 3308, Deed Records of Collin County, Texas;

THENCE North 89° 39' 49" seconds East, departing said County Road 97, along the South line of said Kirk's Rockin K Ranch Land Company Tract, in all a distance of 1435.57 feet to a 5/8 inch iron rod with "Sparr" cap found for internal corner;

THENCE North 00° 13' 20" West, along the East line of said Kirk's Rockin K Ranch Land Company Tract, at 512.34 feet passing a 1/2 inch iron rod found at the Northeast corner of said Kirk's Rockin K Ranch Land Company Tract, same being the Southeast corner of a tract of land as described in Deed to Jesse T. Kirk recorded under Clerk's File No. 96-0024353, continuing along the East line of said Kirk Tract, at 1025.15 feet passing a 1/2 inch iron rod found at the Northeast corner of said Kirk Tract, same being the Southeast corner of a tract of land as described in Deed to Tom Harper recorded under Clerk's File No. 93-0036670, continuing along the East line of said Harper Tract, in all a distance of 1141.75 feet

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to a 1/2 inch iron rod found in the Southwest line of a tract of land as described in Deed to Collin County, Texas, recorded in Volume 5309, Page 7316, Deed Records of Collin County, Texas;

THENCE South 60° 03' 09" East, along the Southwest line of said Collin County Tract, 230.59 feet to a 1/2 inch iron rod found;

THENCE North 88° 52' 07" East, along the South line of said Collin County Tract, 10.17 feet to a 1/2 inch iron rod found;

THENCE North 00° 18' 57" West, along the East line of said Collin County Tract, 539.73 feet to a mag nail set in County Road 101, in the called South line of said Joy Survey;

THENCE North 89° 32' 35" East, along said County Road 101 and South line of said Joy Survey, at a called distance of 194.32 feet passing the Southwest corner of aforesaid Rangel Tract, in all a distance of 1020.62 feet to the Point of Beginning and containing 272.545 acres of land, more or less.

#### **43.777 Acre Tract**

Being a tract of land situated in the Martha Herron Survey, Abstract No. 415, Collin County, Texas, and being all of those same tracts of land as described in following deeds, all being recorded in the Deed Records of Collin County, Texas (DRCCT): Kirk's Rockin K Ranch and Land Company, Inc. recorded in Volume 4532, Page 3308; Jesse T. Kirk recorded under Clerk's File No. 96-0024353 and Jesse T. Kirk recorded under Clerk's File No. 96-0024352, and being more particularly described as follows:

Beginning at a railroad spike found from which a railroad spike found bears South 34 deg. 54 min. 58 sec., 5.57 feet, in the called North line of said Martha Herron Survey, and the called South line of said George Joy Survey, at the intersection of County Road 97 and County Road 101, lying in the East line of a tract of land as described in Deed to Central Frisco, LTD. recorded in Instrument Number 20080306000268700, Official Public Records of Collin County, Texas, and being the Southwest corner of a tract of land as described in Deed to N.E. Coit & CR 101, LP recorded in Instrument Number 20081014001224170, Official Public Records of Collin County, Texas;

Thence North 89° 38' 41" East, along the called North line of said Herron Survey and called South line of said Joy Survey, along said County Road 101 and South line of said N.E. Coit tract, 402.02 feet to a mag nail set for angle point;

Thence North 89° 40' 15" East, continuing along the called North line of said Herron Survey and called South line of said Joy Survey, along said County Road 101 and South line of said N.E. Coit tract, 401.65 feet to a mag nail set at the Northwest corner of a tract of land as described in Deed to Tom Harper recorded under Clerk's File No. 93-0036670;

Thence South 00° 04' 18" East, departing said County Road 101, along the West line of said Harper tract, a distance of 541.77 feet to a 1/2 inch iron rod found at the Southwest corner of said Harper tract;

Thence North 89° 41' 54" East, along the South line of said Harper tract, 630.23 feet to a 1/2 inch iron rod found at the Southeast corner of said Harper tract and an interior corner of a tract of land as described in Deed to Jesse T. Kirk recorded under Clerk's File No. 95-0064801;

Thence South 00° 13' 20" East, along an interior line of said Kirk tract, 1024.48 feet to a 5/8 inch iron rod with "Sparr" cap found;

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Thence South 89° 39' 49" West, along an interior line of said Kirk tract, a distance of 1435.57 feet to a 5/8 inch iron rod with "Sparr" cap found in County Road 97 and the East line of a tract of land as described in Deed to Central Frisco, LTD., recorded in Instrument Number 20080306000268700, Official Public Records of Collin County, Texas;

Thence North 00° 47' 34" West, along the East line of said Central Frisco tract and along said County Road 97, 185.43 feet to a mag nail set;

Thence North 00° 02' 19" East, along the East line of said Central Frisco tract and along said County Road 97, 326.74 feet to a mag nail set;

Thence North 00° 02' 18" West, along the East line of said Central Frisco tract and along said County Road 97, 513.20 feet to a 3/8 inch iron rod found;

Thence North 00° 01' 49" West, along the East line of said Central Frisco tract and along said County Road 97, a distance of 541.64 feet to the Point of Beginning and containing 43.777 acres of land, more or less.

#### 2.5 Acre Tract

BEING a tract of land situated in the Benjamin Haile Survey, Abstract No. 397, Collin County, Texas, and being a portion of that certain tract of land as described in Deed Kirk's Rockin K Ranch and Land Company, Inc. recorded in Volume 4139, Page 3116, Deed Records, Collin County, Texas (DRCCT), and being more particularly described as follows:

COMMENCING at a mag nail set for the Northwest corner of that certain tract of land conveyed to Eland Energy Inc., by deed recorded under Instrument Number 2014-002001081270, Official Public Records, Collin County, Texas, from which a 5/8 inch iron rod bears North 01 deg. 41 min. 05 sec. West, 3.51 feet and a 1/2 inch iron rod found bears North 83 deg. 28 min. 54 sec. West, 0.87 feet, same being in the intersection of County Road 130 (prescriptive asphalt right-of-way) and County Road 101 (prescriptive asphalt right-of-way), same being the Southwest corner of that certain tract of land conveyed to John D. Love & Linda D. Love, by deed recorded in Clerk's File No. 97-0068965, said Official Public Records;

THENCE North 89 deg. 39 min. 55 sec. East, along the common line of said Eland tract and said Love tract, same being the approximate centerline of said County Road 130, passing the Southeast corner of said Love tract, same being the Southwest corner of said Miller tract, and continuing along the common line of said Eland tract and said Miller tract, same being the approximate centerline of said County Road 130, a total distance of 954.49 feet to a mag nail set for the Northwest corner of the herein described tract, same being a northerly corner of said Eland tract, same being the POINT OF BEGINNING;

THENCE North 89 deg. 42 min. 00 sec. East, along the common line of said Kirk's Rockin K tract and said Miller tract, same being the approximate centerline of said County Road 130, a distance of 330.00 feet to a mag nail set for the Northeast corner of the herein described tract, same being a northerly corner of said Eland tract;

THENCE through the interior of said Kirk's Rockin K tract and along said Eland tract as follows:

South 00 deg. 18 min. 28 sec. East, a distance of 329.57 feet to 1/2 inch iron rod set with "Peiser & Mankin SURV" red plastic cap (hereinafter referred to as 1/2 inch iron rod set) for the Southeast corner of

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the herein described tract, same being an internal corner of said Eland tract; South 89 deg. 38 min. 54 sec. West, a distance of 329.93 feet to a 1/2 inch iron rod set for the Southwest corner of the herein described tract, same being an internal corner of said Eland tract; North 00 deg. 19 min. 12 sec. West, a distance of 329.87 feet to the POINT OF BEGINNING and containing 2.500 acres of computed land, more or less.

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
05/15/2020 01:21:54 PM  
\$62.00 DKITZMILLER  
20200515000713140

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A handwritten signature in cursive script, appearing to read "Stacey Kemp".