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PUC DOCKET NO. 52534

PETITION BY CENTRAL FRISCO, LTD.	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

**FIRST AMENDED PETITION BY CENTRAL FRISCO, LTD. FOR EXPEDITED
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Central Frisco, Ltd., (“Petitioner”) files its First Amended 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 60th day after the date the landowner files the petition.” *See* TEX. WATER CODE § 13.2541(c).

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 196.87 acres of contiguous property 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.” 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 tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed (“Deed”), attached as Exhibit C-1¹. Petitioner has previously submitted shapefiles in this docket. Marilee SUD alleges that the Property has two inactive service connections on the Property that are capable of being activated, but neither provide water service to the Property nor would it be practical for these meters to provide service to any other properties. Attached as Exhibit “D” is a Request for Service Discontinuance dated February 16, 2018 signed by Robin McGuire, Vice-President of Land and General Counsel, requesting that the meter located at CR 97 (north side) for account number 394 should be discontinued. Petitioner further attaches an Affidavit from Leah Stout stating that she is unaware of the most northern water meter location. *See* Exhibit “E”

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 60th day after the date of filing. Petitioner respectfully requests that the PUC

¹ Petitioner also owns 254.064 acres located in the City of Celina’s water CCN. That Special Warranty Deed is attached as Exhibit C-2. Exhibits C-1 and a portion of Exhibit C-2, which accounts for a slight error in Exhibit C-1, together amount to the 196.87 acres in Marilee SUD’s CCN No. 10150.

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,

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
CENTRAL FRISCO, LTD.**

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2021, a true and correct copy of the First Amended Petition by Central Frisco, Ltd. 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
230 West Pecan Street
Celina, Texas 75009

Via Certified Mail, RRR

Attorneys for Marilee Special Utility District:

John J. Carlton and Grayson E. McDaniel
The Carlton Law Firm, P.L.L.C.
4301 Westbank Drive, Suite B-130
Austin, Texas 78746
Email: john@carltonlawaustin.com
Email: grayson@carltonlawaustin.com

Attorney for Commission Staff:

Mildred Anaele
Attorney-Legal Division
Public Utilities Commission of Texas
1701 N. Congress Ave.
P.O. Box 13326
Austin, Texas 78711-3326
Email: mildred.anaele@puc.texas.gov



Natalie B. Scott

EXHIBIT "A"

Affidavit of Gregg Allen

PETITION BY CENTRAL FRISCO, LTD.	§	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 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 Eland Energy, Inc., the manager of ALR General LC, which is the general partner of Central Frisco, Ltd., the Petitioner in the above-captioned matter. Petitioner owns approximately 196.87 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 tract. Petitioner is owner of this land as evidenced by the Special Warranty Deeds, attached as Exhibit C-1 and C-2.

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.

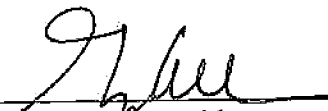
4. I request that the Public Utility Commission of Texas release the Property from Water CCN No. 10150”

FURTHER AFFIANT SAYETH NOT.

Central Frisco, Ltd., a Texas limited partnership

By: ALR General LC, a Texas limited liability company, its General Partner

By: Eland Energy, Inc., a Texas corporation, its Manager

By: 
Gregg Allen, President

SWORN TO AND SUBSCRIBED TO BEFORE ME by Gregg Allen on the 16th of June, 2022.


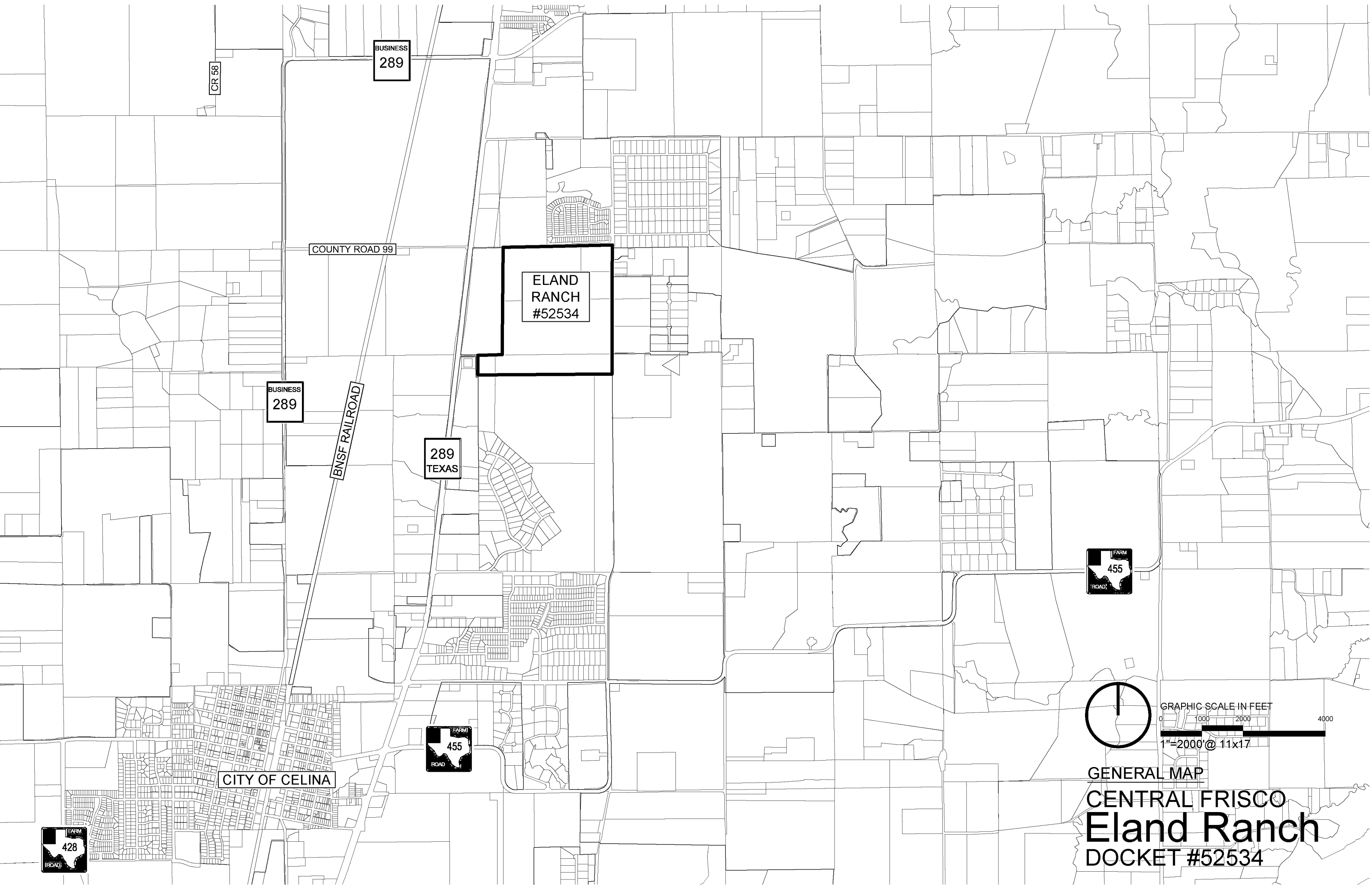

Notary Public, State of Texas

EXHIBIT “B-1”

General Location Map



BUSINESS
289

CR 58

COUNTY ROAD 99

ELAND
RANCH
#52534

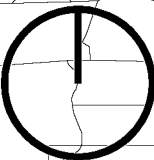
BUSINESS
289

BNSF RAILROAD

289
TEXAS



CITY OF CELINA



GRAPHIC SCALE IN FEET
0 1000 2000 4000
1"=2000' @ 11x17

GENERAL MAP
CENTRAL FRISCO
Eland Ranch
DOCKET #52534

EXHIBIT “B-2”

Detailed Map

COUNTY ROAD 100

AREA TO BE DECERTIFIED

PRESTON ROAD

CENTRAL FRISCO
ELAND RANCH
DOCKET # 52534
196.87 AC

COUNTY ROAD 101

289
TEXAS

CALLLED 450.71 ACRES
CENTRAL FRISCO, LTD.
INST. NO. 20080306000268700 AND INST. NO.
20080306000268710
O.P.R.C.C.T.

COUNTY ROAD 97



GRAPHIC SCALE IN FEET
0 250 500 1000
1"=500' @ 11x17

DETAILED MAP
CENTRAL FRISCO
Eland Ranch
DOCKET #52534

SETTLER'S RIDGE RD.

DESCRIPTION OF DOCKET NUMBER 52534

BEING a tract of land situated in the William H. Herron Survey, Abstract No. 380, the Martha Herron Survey, Abstract No. 415 and the George Jay Survey, Abstract No. 488, City of Celina, Collin County, Texas, and being all of a called 450.71-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20080306000268700 and Instrument No. 20080306000268710 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of a called 50.487-acre tract of land, conveyed to Preston Acreage, L.P. & Spartan Texas Six-Celina, Ltd., as evidenced in a General Warranty Deed, recorded in Volume 5239, Page 1060 of the Land Records of Collin County, Texas, and the northernmost, northwest corner of said 450.71-acre tract, same being in County Road No. 100, a public use right of way, no record found, same also being on the southerly line of a called 33.356-acre tract of land, conveyed to CR 100 Thirty-Three Partners, LP, as evidenced in a Special Warranty Deed, recorded in Instrument No. 20150224000195720 of the Official Public Records of Collin County, Texas;

THENCE North 88°52'34" East, along the northerly line of said 450.71-acre tract, the southerly line of said 33.356-acre tract and generally along said County Road No. 100, a distance of 1066.91 feet to the southeast corner of said 33.356-acre tract;

THENCE North 88°40'20" East, continuing along the northerly line of said 450.71-acre tract, the southerly line of a called 93.277-acre tract of land, conveyed to Bellaire Partners, L.L.C., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20160222000196050 of the Official Public Records of Collin County, Texas, and continuing along said County Road No. 100, a distance of 1587.35 feet to the northeast corner of said 450.71-acre tract, and the southeast corner of said 93.277-acre tract, same being the intersection of said County Road No. 100 with County Road No. 97, a public use right of way, no record found;

THENCE South 00°26'10" West, Along the easterly line of said 450.71-acre tract, the westerly line of Sharrock Addition, an addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume 2016, Page 80 of the Plat Records of Collin County, Texas, and the westerly line of a called 15.00-acre tract of land, conveyed to Carolyn A. Tipton and Joel C. Molinar, as evidenced in a deed recorded in Volume 4698, Page 2781 of the Land Records of Collin County, Texas, and generally along said County Road No. 97, a distance of 780.68 feet to the northwest corner of a called 40.11-acre tract of land, conveyed to N. E. Coit & CR 101, LP, as evidenced in a General Warranty Deed, recorded in Instrument No. 20081014001224170 of the Official Public Records of Collin County, Texas;

THENCE South 00°04'54" West, continuing along the easterly line of said 450.71-acre tract, along the westerly line of said 40.11-acre tract and continuing along said County Road No. 97, a distance of 1861.34 feet to the southwest corner of said 40.11-acre tract, same being the northwest corner of a called 43.777-acre tract of land, conveyed to E Real Estate LLC, as evidenced in a Special Warranty Deed, recorded in Instrument No. 20200515000713140 of the Official Public Records of Collin County, Texas, same being the intersection of said County Road No. 97 with County Road No. 101, a public use right of way, no record found;

THENCE South 00°10'10" East, continuing along the easterly line of said 450.71-acre tract, the westerly line of said 43.777-acre tract and along said County Road No. 97, a distance of 493.48 feet to a point for corner;

THENCE South 89°48'51" West, departing the easterly line of said 450.71-acre tract, the westerly line of said 43.777-acre tract and said County Road No. 97, crossing said 450.71-acre tract, a distance of 430.87 feet to a point for corner;

THENCE South 89°34'41" West, continuing across said 450.71-acre tract, a distance of 2824.95 feet to a point for corner;

THENCE North 00°51'07" West, continuing across said 450.71-acre tract, a distance of 492.65 feet to a point for corner on a northerly line of said 450.71-acre tract;

THENCE South 89°58'20" East, departing the easterly right of way line of said State Highway 289 (Preston Road), along a northerly line of said 450.71-acre tract and the southerly line of said 50.487-acre tract, a distance of 591.33 feet to the southeast corner of said 50.487-acre tract;

THENCE North 00°33'31" East, along a westerly line of said 450.71-acre tract and the easterly line of said 50.487-acre tract, a distance of 2607.81 feet to the **POINT OF BEGINNING** and containing 196.87 acres of land, more or less.

This document was prepared under 22 TAC §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Michael B. Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
6160 Warren Pkwy., Suite 210
Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com



EXHIBIT “C-1”

Special Warranty Deed



20080306000268710 03/06/2008 10:22:32 AM D1 1/12

Capital Title

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

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN
(196.78 Acres)

Date: Effective February 20, 2008

Grantor: Jesse Kirk and Milo Kirk

Grantor's Mailing Address: P.O. Box 1018
Celina, Texas 75009

Grantee: Central Frisco, Ltd.

Grantee's Mailing Address: c/o Eland Energy, Inc.
13455 Noel Road, Suite 2000
Dallas, Texas 75240
Attn: Mr. Gary Goodnight

Consideration:

Cash and two notes of even date executed by Grantee and referred to as the first-lien note and the second-lien note. The first-lien note is payable to the order of Lone Star, FLCA in the principal amount of Seven Million Seven Hundred Eighty Two Thousand Five Hundred and No/100 Dollars (\$7,782,500.00). The first-lien note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lone Star, FLCA and by a first-lien deed of trust of even date from Grantee to Daron Gates, Trustee, whose address is 1612 Summit Avenue, Suite 300, Fort Worth, Texas 76102. The second-lien note is payable to the order of Lone Star, FLCA in the principal amount of Two Million One Hundred Twenty-Two Thousand Five Hundred and No/100 Dollars (\$2,122,500.00). The second-lien note is secured by a second and inferior vendor's lien against, and superior title to, the Property retained in this deed in favor of Lone Star, FLCA and is also secured by a second-lien deed of trust of even date from Grantee to Daron Gates, Trustee, whose address is 1612 Summit Avenue, Suite 300, Fort Worth, Texas 76102.

Property (including any improvements):

The real property described on Exhibit "A" attached hereto and made a part hereof.

Reservations from Conveyance:

None.

Exceptions to Conveyance and Warranty:

Those matters described in Exhibit "B" attached hereto and made a part hereof.

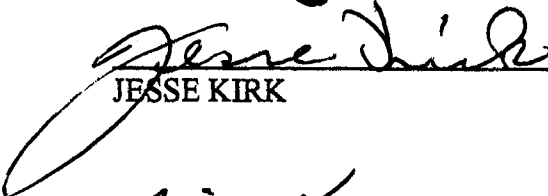
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

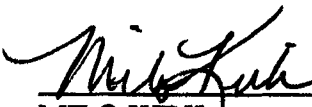
GRANTEE, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, HEREBY ACKNOWLEDGES AND AFFIRMS THAT EXCEPT AS EXPRESSLY SET FORTH IN THE AGREEMENT FOR SALE OF REAL ESTATE DATED APRIL 25, 2007 BY AND BETWEEN GRANTOR, AS SELLER, AND CROWELL PARTNERS, LLC, AS BUYER, AS AMENDED AND ASSIGNED TO GRANTEE (THE "AGREEMENT") THE PROPERTY IS BEING SOLD "AS-IS, AND WITH ALL FAULTS", AND GRANTOR HAS MADE TO GRANTEE NO WARRANTIES OR REPRESENTATIONS CONCERNING THE PROPERTY OR ANY FUTURE IMPROVEMENTS, OR THE PROPERTY'S OPERATION, SUITABILITY, OR STRUCTURAL SOUNDNESS, WHETHER EXPRESS OR IMPLIED. GRANTEE ACKNOWLEDGES THAT GRANTEE HAS EXAMINED THE PHYSICAL CONDITION AND RECORDS OF THE PROPERTY TO THE EXTENT GRANTEE DEEMS APPROPRIATE; THAT GRANTEE IS A SOPHISTICATED REAL ESTATE INVESTOR, WELL VERSED IN ALL ASPECTS OF REAL ESTATE OF THIS NATURE AND HAS MADE ITS OWN INDEPENDENT EVALUATIONS REGARDING ALL MATTERS RELATIVE TO ACQUIRING THE PROPERTY, INCLUDING BUT NOT LIMITED TO, MARKET SURVEYS, PHYSICAL AND ENVIRONMENTAL INSPECTIONS, REVIEW OF ALL OPERATING EXPENSES, UTILITIES, TAXES, INSURANCE, PERSONNEL REQUIREMENTS, POTENTIAL MARKET CHANGES, LEASES AND PLANS, AND HEREIN ASSURES GRANTOR THAT GRANTEE IS IN NO WAY RELYING ON ANY OTHER REPRESENTATIONS (UNLESS EXPRESSLY PROVIDED HEREIN OR IN THE AGREEMENT), WHETHER IN WRITING OR AS MAY HAVE BEEN DISCUSSED ORALLY WITH GRANTOR, GRANTOR'S PERSONNEL OR GRANTOR'S AGENTS, IN CONNECTION WITH ITS DECISION TO PURCHASE THE PROPERTY. GRANTEE ACKNOWLEDGES AND AGREES THAT THE PROPERTY IS BEING SOLD BY GRANTOR, AND ACCEPTED BY GRANTEE, IN ITS CONDITION AT CLOSING, "AS-IS, AND WITH ALL FAULTS," AND GRANTEE HEREBY ASSUMES THE RISK THAT ADVERSE PAST, PRESENT, OR FUTURE PHYSICAL CONDITIONS MAY NOT HAVE BEEN REVEALED BY ITS INSPECTIONS OR INVESTIGATIONS. GRANTEE, ON BEHALF OF ITSELF, AND ITS SUCCESSOR AND ASSIGNS, HAS FULLY, FINALLY AND FOREVER RELEASED AND DISCHARGED ("RELEASE") GRANTOR, AND ALL GRANTOR

RELATED PARTIES, FROM ANY AND ALL CLAIMS, DEMANDS, OBLIGATIONS, DAMAGES, CAUSES OF ACTION AND LIABILITY INSTITUTED BY GRANTEE OR WHICH MAY ARISE BY, THROUGH OR UNDER GRANTEE, WHETHER KNOWN OR UNKNOWN, ARISING OUT OF OR RELATED TO THE PHYSICAL CONDITION OF, OR INTEREST OR RIGHTS RELATED TO, THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY CLAIM ARISING OUT OF THE STRUCTURAL CONDITION OF ANY IMPROVEMENTS ON THE PROPERTY OR ANY ENVIRONMENTAL HAZARD OR CONTAMINATION OF THE PROPERTY, WHETHER IN COMMON LAW OR UNDER ANY EXISTING OR HEREINAFTER ENACTED FEDERAL, STATE, OR LOCAL LAW, REGULATION, OR ORDINANCE, INCLUDING, WITHOUT LIMITATION, THE COMPREHENSIVE ENVIRONMENTAL COMPENSATION AND LIABILITY ACT, AS AMENDED, AND THE RESOURCE CONSERVATION RECOVERY ACT, AS AMENDED, AND ANY CLAIM ARISING OUT OF, OR RELATED TO, ANY WATER, WATER RIGHTS, INTEREST IN WATER, OR APPLICATIONS OR PERMITS RELATED TO WATER OR WATER RIGHTS. GRANTEE, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, AGREES NEVER TO COMMENCE, OR PROSECUTE AGAINST GRANTOR OR GRANTOR'S RELATED PARTIES ANY ACTION OR OTHER PROCEEDING BASED UPON ANY CLAIM COVERED BY THE RELEASE.

Lone Star, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the first-lien note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Lone Star, FLCA and are transferred to Lone Star, FLCA without recourse against Grantor to secure the first-lien note. Lone Star, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the second-lien note. The second and inferior vendor's lien against and superior title to the Property are retained for the benefit of Lone Star, FLCA, and are transferred to Lone Star, FLCA without recourse against Grantor to secure the second-lien note.

[Signatures Appear on Following Pages]

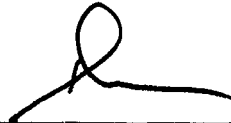

JESSE KIRK

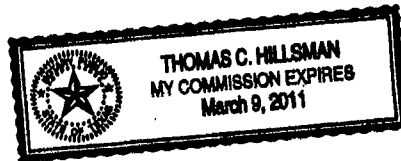

MILO KIRK

STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 19th day of February, 2008, by Jesse Kirk and Milo Kirk.

My Commission Expires:


Notary Public in and for the State of Texas
Printed Name: _____



AFTER RECORDING RETURN TO:

RETURN TO:
CAPITAL TITLE
12620 E. Northwest Hwy. #100
Dallas, Texas 75228
Phone: 972-682-2700

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

SITUATED In the County of Collin, State of Texas, being a part of the GEORGE JOY SURVEY, Abstract No. 488, the MARTHA HERRON SURVEY, Abstract No. 415, and the WILLIAM H. HERRON SURVEY, Abstract No. 380, being all of a 47.645 acre tract of land conveyed by Morgan Lake Estates, Ltd. To Kirk's Rockin K Ranch and Land Company, Inc. by deed dated October 6, 1997, recorded in Volume 4014, Page 381, Deed Records, COLLIN County, Texas, all of an 80 acre tract of land conveyed by Howard H. Chen, Trustee to Kirk's Rockin K Ranch and Land Company, Inc. by deed dated June 22, 1999 recorded in Volume 4443, Page 170, Deed Records, COLLIN County, Texas, all of 126.416 acre tract of land conveyed by Morgan Lake Estates, Ltd. To Kirk's Rockin K Ranch and Land Company, Inc. by deed dated October 22, 1999, recorded in Volume 4531, Page 1174, Deed Records, COLLIN County, Texas, and all of a 196.78 acre tract of land conveyed by Vaevictis Group, Inc. to Jesse Kirk and Milo Kirk by deed dated April 12, 2006, recorded in Clerk's No. 2006-0497260, Deed Records, COLLIN County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set spike nail for the Northwest corner of both said 196.78 acre tract and Joy Survey, the Northeast corner of a 50.487 acre tract of land conveyed by Judy Willard to Preston Acreage, L.P. by deed dated August 13, 2002, recorded in Volume 5239, Page 1060, (Clerk's No. 2002-0120427), Deed Records, COLLIN County, Texas, the Northeast corner of the John M. Herron Survey, Abstract No. 377, in a gravel public road known as County Road No. 100, and on the South line of the L.M. Boyd Survey, Abstract No. 48, the South line of a 68.34 acre tract of land conveyed by Vaevictis Group, Inc. to Westgate Celina Investors, L.P. by deed dated April 12, 2006, recorded in Clerk's No. 2006-0497280, Deed Records, COLLIN County, Texas;

THENCE North 88 degrees 47 minutes 52 seconds East, along or near the center of said County Road No. 100, the North line of both said Joy Survey, and 196.78 acre tract, the South line of both said 68.34 acre tract, and Boyd Survey, a distance of 1066.99 feet to a found 3/8 inch rebar maintaining the Southeast corner of said 68.34 acre tract, the Southwest corner of a 93.5 acre tract of land conveyed by Mattie Finley to Claude Melton by deed recorded in Volume 334, Page 144, Deed Records, COLLIN County, Texas;

THENCE North 88 degrees 35 minutes 39 seconds East, continuing along or near the center of said County Road No. 100, and with the South line of both said 93.5 acre tract and Boyd Survey, the North line of both said Joy Survey and 196.78 acre tract, a distance of 1587.28 feet to a found spike nail at the intersection of said County Road No. 100 with the center of a North/South gravel public road known as County Road No. 97, and on the West line of the J.H. Biggs Survey, Abstract No. 52, said nail maintaining the Southeast corner of both said 93.5 acre tract, and Boyd Survey, the Northeast corner of said 196.78 acre tract, at a jog to the South in the North line of said Joy Survey;

THENCE South 00 degrees 21 minutes 34 seconds West, along or near the center of said County Road No. 97, and with the East line of said 196.78 acre tract, the West line of said Biggs Survey, passing its Southwest corner at a jog back to the East in the North line of said Joy Survey, the Northwest corner of a 30.0016 acre tract of land conveyed by David Lee Hall, et ux, to Steven D. Sharrock, and Cynthia L. Sharrock by deed dated September 22, 1993, recorded at Clerk's No. 93-0082123, Deed Records, COLLIN County, Texas, and continuing with the West line of said 30.0016 acre tract, passing the most Westerly Northwest corner of a 15.00 acre tract of land previously conveyed out of said 30.0016 acre tract by deed from Steven D. Sharrock, et ux to Carolyn A. Tipton, and Joel C. Molinar, dated June 27, 2000, recorded in Volume 4698, Page 2781, (Clerk's No. 2000-0067338) Deed Records, COLLIN County, Texas, and continuing with the most Westerly West line of said 15.00 acre tract for a total distance of 780.68 feet to a found railroad spike maintaining the Southwest corner of both said 30.0016 acre tract, and 15.00 acre tract, the Northwest corner of a 15.000 acre tract of land described in Tract Two in deed from James Wilson Cook, et ux to JLC Resources, Ltd., dated December 11, 2000, recorded in Volume 4814, Page 144, (Clerk's No. 2000-0135139) Deed Records, COLLIN County, Texas;

THENCE South 00 degrees 00 minutes 18 seconds West, continuing along or near the center of said County Road No. 97, the East line of said 196.78 acre tract, the West line of said JLC Resources 15.000 acre tract, and with the West line of a 12.500 acre tract of land described in Tract Three, and the West line of another 12.500 acre tract of land described in Tract One in said deed to JLC Resources, at a distance of 1866.62 feet passing a found railroad spike in asphalt in the intersection of said County Road No. 97, and a gravel public road running East known as County Road No. 101 maintaining the Southwest corner of said JLC Resources 12.500 acre tract described in Tract

One, the Northwest corner of a 5.00 acre tract of land described in Tract One in deed from Jesse T. Kirk, et ux to Kirk's Rockin K Ranch and Land Company, Inc., dated December 30, 1999, recorded in Volume 4573, Page 237, (Clerk's No. 99-0156554) Deed Records, COLLIN County, Texas, on the South line of said Joy Survey, the North line of said Martha Herron Survey, and continuing along or near the center of said County Road No. 97 (now asphalt), and with the West line of said 5.00 acre tract for a total distance of 2354.81 feet to a set spike nail and flasher for the Southeast corner of said 196.78 acre tract, the Northeast corner of said 47.645 acre tract;

THENCE South 00 degrees 21 minutes 41 seconds East, continuing along or near the center of said County Road No. 97, and with the East line of said 47.645 acre tract, the West line of said 5.00 acre tract, passing its Southwest corner, the Northwest corner of a 14.905 acre tract of land described in Tract One in deed from Mike Meeker to Jesse T. Kirk, dated March 25, 1996, recorded at Clerk's No. 96-0024353, Deed Records, COLLIN County, Texas, and continuing with the West line of said 14.905 acre tract, passing its Southwest corner, the Northwest corner of 16.910 acre tract of land conveyed by Richard W. Newell, et ux to Kirk's Rockin K Ranch and Land Company, Inc. by deed dated October 29, 1999, recorded in Volume 4532, Page 3308, Deed Records, COLLIN County, Texas, and continuing with the West line of said 16.910 acre tract for a total distance of 1073.81 feet to a found 5/8 inch rebar maintaining its Southwest corner, the most Westerly Northwest corner of a 272.508 acre tract of land conveyed by Celina Investors, L.P. to Jesse T. Kirk, et ux by deed dated September 30, 2005, recorded in Volume 6029, Page 326, Deed Records, COLLIN County, Texas;

THENCE South 00 degrees 36 minutes 09 seconds East, continuing along or near the center of said County Road No. 97, the East line of said 47.645 acre tract, and with the most Westerly West line of said 272.508 acre tract, leaving said County Road No. 97 at an angle to the Southwest, and continuing for a total distance of 3746.84 feet to a set 1/2 inch capped rebar stamped "SARTIN-3694" for the Southeast corner of said 47.645 acre tract, the Southwest corner of said 272.508 acre tract, on the North line of a 67.62 acre tract of land conveyed by United States Bankruptcy Court Eastern District of Texas, Sherman Division to Jane C. Willard by deed dated January 29, 1993, recorded at Clerk's No. 93-0007503, Deed Records, COLLIN County, Texas;

THENCE North 89 degrees 58 minutes 50 seconds West, with the South line of said 47.645 acre tract, the North line of said 67.72 acre tract, at a distance of 30.00 feet passing the North base of a fence corner of the East side of said County Road No. 97, crossing said County Road No. 97, and continuing along or near the center of a gravel road known as County Road No. 96, passing the Northwest corner of said 67.62 acre tract, and continuing, passing the most Northerly Northeast corner of a 135.5893 acre tract of land conveyed by Celina 135 Joint Venture to Forest Road I, Ltd. by deed dated October 21, 1997, recorded in Volume 4026, Page 0377, Deed Records, COLLIN County, Texas, and continuing with a North line of said 135.5893 acre tract, passing the Southwest corner of said 47.645 acre tract, the Southeast corner of said 80.000 acre tract, and continuing with its South line, passing a Northwest corner of said 135.5893 acre tract the Northeast corner of a 1.207 acre tract of land conveyed by Provident Bank to the City of Celina, Texas by deed dated October 14, 1993, recorded at Clerk's No. 93-0099849, Deed Records, COLLIN County, Texas, and continuing with the North line of said 1.207 acre tract, passing its Northwest corner, a Northeast corner of said 135.5893 acre tract near the West end of existing County Road No. 96, and continuing with a North line of said 135.5893 acre tract for a total distance of 2005.13 feet to a found 5/8 inch rebar maintaining the Southwest corner of said 80.000 acre tract, the Southeast corner of Lot Four (4) in Block "D" of Morgan Lake Estates, Phase One, an Addition to the City of Celina, Texas as shown by plat of record in Cabinet I, Slide 591, Plat Records, COLLIN County, Texas, and being herein after referred to as "Morgan Lake Estates";

THENCE North 00 degrees 01 minutes 24 seconds West, with the East line of said Lot Four, a distance of 461.22 feet to a found 5/8 inch rebar maintaining its Northeast corner, the Southeast corner of a platted street known as Ridgeview;

THENCE North 07 degrees 04 minutes 04 seconds East, along the East end of said Ridgeview Street, a distance of 60.21 feet to a found 1/2 inch rebar at its Northeast corner, on the South line of Lot One (1) in Block "E" of said Morgan Lake Estates;

THENCE in a Southeasterly direction with the South line of said Lot One, and with a curve to the left having a radius of 270.00 feet, (chord bears South 86 degrees 09 minutes 01 seconds East, 29.94 feet), a distance of 29.96 feet to a found 1/2 inch rebar at the end of said curve;

THENCE South 89 degrees 07 minutes 09 seconds East, continuing with the South line of said Lot One, a distance of 222.34 feet to a found 5/8 inch rebar maintaining its Southeast corner;

THENCE in a Northeasterly, and Northwesterly direction with the East lines of said Block "E", the following calls

and distances:

North 00 degrees 55 minutes 29 seconds East, a distance of 107.20 feet to a found 5/8 inch rebar;

North 51 degrees 37 minutes 57 seconds East, a distance of 398.05 feet to a found ½ inch capped rebar stamped "PRECISE";

North 49 degrees 34 minutes 15 seconds East, a distance of 210.56 feet to a found ½ inch capped rebar stamped "PRECISE" maintaining the most Easterly corner of Lot Four (4) in said Block "E";

North 36 degrees 58 minutes 41 seconds West, a distance of 462.25 feet to a found ½ inch rebar maintaining the Northeast corner of said Lot Four, at the Southeast corner of a platted street known as Lakeview;

THENCE North 15 degrees 22 minutes 32 seconds West, along the East line of said Lakeview street, a distance of 60.26 feet to a found ½ inch rebar at the Northeast corner of said Lakeview, a Northwest corner of said 80.000 acre tract, on the South line of Lot Sixteen (16) in Block "C" of said Morgan Lake Estates;

THENCE in a Northeasterly direction with the South line of said Lot Sixteen, and with a curve to the right having a radius of 530.00 feet, (chord bears North 78 degrees 42 minutes 02 seconds East, 68.56 feet), a distance of 68.61 feet to a found ½ inch rebar at the end of said curve;

THENCE North 82 degrees 22 minutes 09 seconds East, continuing with the South line of said Lot Sixteen, a distance of 62.14 feet to a found ½ inch rebar maintaining its Southeast corner, an ell corner of said 80.000 acre tract;

THENCE in a Northwesterly direction with the East, and North lines of said Block "C", the following calls, and distances:

North 38 degrees 07 minutes 24 seconds West, a distance of 615.74 feet to a found ½ inch rebar;

North 25 degrees 34 minutes 26 seconds West, a distance of 423.56 feet to a found ½ inch rebar;

North 11 degrees 07 minutes 02 seconds East, a distance of 219.89 feet to a found ½ inch rebar;

North 49 degrees 17 minutes 04 seconds West, passing the Northwest corner of said 80.000 acre tract, the Southerly Southwest corner of said 126.416 acre tract, and continuing for a total distance of 934.00 feet to a point in a small lake;

North 45 degrees 43 minutes 10 seconds West, crossing a dam, and the West line of said Martha Herron Survey, the East line of the William H. Herron Survey, Abstract No. 380, and continuing for a total distance of 346.17 feet to an angle point in the North line of Lot Two (2) in said Block "C", in a Collin County Soil Conservation Lake;

North 84 degrees 10 minutes 57 seconds West, a distance of 374.78 feet to the Northwest corner of Lot One (1) in said Block "C", in said Collin County Soil Conservation Lake, and on the East line of a tract of land conveyed by Jodora Lynn Bowen, and Tex Daniard Dowdy to Billy J. Herrin, et ux by deed dated February 21, 1991, recorded in Volume 3458, Page 146, Deed Records, COLLIN County, Texas;

THENCE North 01 degrees 46 minutes 56 seconds East, with a West line of 126.416 acre tract, the East line of said Herrin tract, a distance of 132.73 feet to the Southeast corner of a tract of land conveyed out of said Herrin tract by deed from Billy J. Herrin, et ux to Marvin T. Wilson, et ux, dated January 10, 1992, recorded in Clerk's No. 92-0004376, Deed Records, COLLIN County, Texas;

THENCE North 00 degrees 55 minutes 50 seconds West, continuing with a West line of said 126.416 acre tract, the East line of said Herrin tract, and with the East line of said Wilson tract, a distance of 1184.16 feet to a pipe corner post maintaining an ell corner of said 126.416 acre tract, a Northeast corner of both said Herrin, and Wilson tracts;

THENCE North 87 degrees 23 minutes 37 seconds West, with the general line of a pipe fence, a distance of 50.98 feet to a pipe post maintaining a Southwest corner of said 126.416 acre tract, an ell corner of both said Herrin, and Wilson tracts;

THENCE North 00 degrees 55 minutes 14 seconds West, with the general line of a pipe fence, a distance of 489.62 feet to a pipe post on the East of a brick column, said post maintaining an ell corner of said 126.416 acre tract, a Northeast corner of both said Herrin, and Wilson tracts;

THENCE South 89 degrees 43 minutes 56 seconds West, with the North line of both said Herrin, and Wilson tracts, at a distance of 325.5 feet passing through another brick column, and continuing for a total distance of 341.92 feet to a set ½ inch rebar for the most Westerly Southwest corner of said 126.416 acre tract, the Northwest corner of both said Herrin, and Wilson tracts, on the East right-of-way line of State Highway No. 289;

THENCE North 00 degrees 11 minutes 46 seconds East, with the East right-of-way line of State Highway No. 289, a distance of 51.94 feet to a set ½ inch rebar for the most Northerly Northwest corner of said 126.416 acre tract, the Southwest corner of the above mentioned Preston Acreage, L.P. 50.487 acre tract, at the intersection of the East right-of-way line of said highway with the North line of said William H. Herron Survey, the South line of the above mentioned John M. Herron Survey;

THENCE South 89 degrees 56 minutes 14 seconds East, with the most Northerly North line of said 126.416 acre tract, the North line of said William Herron Survey, the South line of said John Herron Survey, the South line of said 50.487 acre tract, at a distance of 2.91 feet passing a found 5/8 inch rebar, and continuing with the general line of a fence, at a distance of 361.2 feet leaving said fence, and continuing for a total distance of 392.06 feet to a found ½ inch square tubing maintaining the most Northerly Northeast corner of said 126.416 acre tract, the most Westerly Northwest corner of said 196.78 acre tract;

THENCE North 89 degrees 49 minutes 30 seconds East, continuing with the North line of said William Herron Survey, the South line of both said John Herron Survey, and 50.487 acre tract, a distance of 593.48 feet to a 12 inch dia. wood corner post maintaining an ell corner of said 196.78 acre tract, the Northeast corner of said William H. Herron Survey, the Southeast corner of both said John Herron Survey and 50.487 acre tract, the Southwest corner of said Joy Survey, the Northwest corner of said Martha Herron Survey;

THENCE North 00 degrees 28 minutes 21 seconds East, with the West line of said Joy Survey, a West line of said 196.78 acre tract, the East line of both said 50.487 acre tract, and John M. Herron Survey, at a distance of 1285.4 feet passing a fence corner post, and continuing with the general line of a fence, at a distance of 2587.75 feet passing an 8 inch dia. fence corner post on the South side of the above mentioned County Road No. 100, and continuing for a total distance of 2607.15 feet to the PLACE OF BEGINNING, and CONTAINING 450.71 acres of land more or less.

EXHIBIT B
PERMITTED EXCEPTIONS

1. The following matters and all terms of the documents creating or offering evidence of the matters:
 - a. Rights of the public, the State of Texas and the municipality in and to that portion of subject property, if any, lying within the boundaries of County Road 96, County Road 97 and County Road 100 or any roadway, public or private.
 - b. Easement created in instrument executed by MORRIS MORGAN and wife, CALLIE MORGAN to GUNTER WATER SUPPLY CORPORATION, dated November 24, 1971, filed April 14, 1972, recorded in Volume 817, Page 430, and as amended by Partial Release and Definition of Area Embraced Within Easement, dated June 30, 1994, filed September 13, 1994, recorded in Instrument File No. 1994-084387, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - c. Easement created in instrument executed by MORRIS MORGAN and CALLIE MORGAN to COLLIN COUNTY SOIL CONSERVATION DISTRICT, dated May 10, 1965, filed July 19, 1965, recorded in Volume 656, Page 453; and as affected by Supplemental Easement, dated October 30, 1968, filed April 24, 1969, recorded in Volume 731, Page 497, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - d. Easement created in instrument executed by MORRIS MORGAN and wife, CALLIE MORGAN to GUNTER WATER SUPPLY CORPORATION, dated November 3, 1971, filed April 14, 1972, recorded in Volume 817, Page 372, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - e. Reservation of an undivided 1/2 of the usual 1/8 royalty oil, gas and other minerals as set forth in Deed executed by BEE FINLEY SILK joined by her husband, W. C. SILK; ALTA FINLEY EARTHMAN joined by her husband, ELDON EARTHMAN; TOM J. FINLEY and wife, LOLA FINLEY; INA SUE FINLEY PEARCE joined by her husband, HAILDS PEARCE; ROSE FINLEY GRIFFITH joined by her husband, CLYDE GRIFFITH; and DEE S. FINELY and wife, MARJORIE FINLEY to MORRIS MORGAN and wife, CALLIE MORGAN, dated July 24, 1956, filed August 4, 1956, recorded in Volume 520, Page 649, Deed Records, COLLIN County, Texas. Title to said instrument not checked subsequent to the date thereof.
 - f. Terms, conditions and provisions of Facilities Agreement, by and between CITY OF CELINA, TEXAS and AVEX PROPERTIES, dated May 12, 1995, filed July

21, 1995, recorded in Instrument File No. 1995-051182, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.

- g. Easement created in instrument executed by MORGAN LAKE ESTATES, LTD. to HOWARD H. CHEN, TRUSTEE, dated February 19, 1998, filed February 24, 1998, recorded in Volume 4108, Page 1797, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - h. Easement created in instrument executed by KIRK'S ROCKIN K RANCH AND LAND COMPANY, INC. to CITY OF CELINA, dated August 28, 2000, filed September 14, 2000, recorded in Volume 4752, Page 1052, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - i. Easement created in instrument executed by VANCE W. STALLCUP to COUNTY OF COLLIN dated August 29, 2005, filed September 6, 2000, recorded in Volume 4752, Page 1016, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - j. Easement created in instrument executed by VANCE W. STALLCUP and ALICE N. STALLCUP to COLLIN COUNTY SOIL CONSERVATION DISTRICT, dated May 18, 1965, filed July 19, 1965, recorded in Volume 656, Page 478, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - k. Easement created in instrument executed by VANCE W. STALLCUP to GUNTER WATER SUPPLY CORPORATION, dated August 2, 1971, filed September 26, 1972, recorded in Volume 838, Page 26, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - l. Consequences, if any, arising by virtue of power poles, overhead power lines and guy wires over or into the boundary lines of subject property, as shown on Survey prepared by Marshall Sartin, registered Professional Land Surveyor No. 3694, dated July 18, 2007.
- 2. Shortages in area.
 - 3. Standby fees, taxes and assessments by any taxing authority for the year 2007 and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to a change in land usage or ownership (i.e., "rollback taxes").

Filed and Recorded
Official Public Records
Stacey Kemp
Collin County, TEXAS
03/06/2008 10:22:32 AM
\$60.00 BNOP
20080306000268710



Stacey Kemp

EXHIBIT “C-2”

Special Warranty Deed



03/06/2008 10:22:32 AM D1 1/12

Capital Title ①

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

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN
(254.064 Acres)

Date: Effective February 20, 2008

Grantor: Kirk's Rockin K Ranch and Land Company, Inc.

Grantor's Mailing Address: c/o Jesse Kirk
2515 McKinney Avenue, Suite 800
Dallas, Texas 75201

Grantee: Central Frisco, Ltd.

Grantee's Mailing Address: c/o Eland Energy, Inc.
13455 Noel Road, Suite 2000
Dallas, Texas 75240
Attn: Mr. Gary Goodnight

Consideration:

Cash and two notes of even date executed by Grantee and referred to as the first-lien note and the second-lien note. The first-lien note is payable to the order of Lone Star, FLCA in the principal amount of Seven Million Seven Hundred Eighty Two Thousand Five Hundred and No/100 Dollars (\$7,782,500.00). The first-lien note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lone Star, FLCA and by a first-lien deed of trust of even date from Grantee to Daron Gates, Trustee, whose address is 1612 Summit Avenue, Suite 300, Fort Worth, Texas 76102. The second-lien note is payable to the order of Lone Star, FLCA in the principal amount of Two Million One Hundred Twenty-Two Thousand Five Hundred and No/100 Dollars (\$2,122,500.00). The second-lien note is secured by a second and inferior vendor's lien against, and superior title to, the Property retained in this deed in favor of Lone Star, FLCA and is also secured by a second-lien deed of trust of even date from Grantee to Daron Gates, Trustee, whose address is 1612 Summit Avenue, Suite 300, Fort Worth, Texas 76102.

Property (including any improvements):

The real property described on Exhibit "A" attached hereto and made a part hereof.

SCANNED TO FILE

Date 3-14-08

Reservations from Conveyance:

None.

Exceptions to Conveyance and Warranty:

Those matters described in Exhibit "B" attached hereto and made a part hereof.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

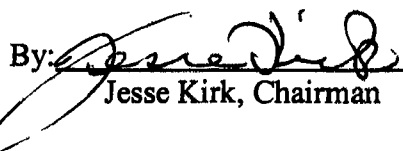
GRANTEE, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, HEREBY ACKNOWLEDGES AND AFFIRMS THAT EXCEPT AS EXPRESSLY SET FORTH IN THE AGREEMENT FOR SALE OF REAL ESTATE DATED APRIL 25, 2007 BY AND BETWEEN GRANTOR, AS SELLER, AND CROWELL PARTNERS, LLC, AS BUYER, AS AMENDED AND ASSIGNED TO GRANTEE (THE "AGREEMENT") THE PROPERTY IS BEING SOLD "AS-IS, AND WITH ALL FAULTS", AND GRANTOR HAS MADE TO GRANTEE NO WARRANTIES OR REPRESENTATIONS CONCERNING THE PROPERTY OR ANY FUTURE IMPROVEMENTS, OR THE PROPERTY'S OPERATION, SUITABILITY, OR STRUCTURAL SOUNDNESS, WHETHER EXPRESS OR IMPLIED. GRANTEE ACKNOWLEDGES THAT GRANTEE HAS EXAMINED THE PHYSICAL CONDITION AND RECORDS OF THE PROPERTY TO THE EXTENT GRANTEE DEEMS APPROPRIATE; THAT GRANTEE IS A SOPHISTICATED REAL ESTATE INVESTOR, WELL VERSED IN ALL ASPECTS OF REAL ESTATE OF THIS NATURE AND HAS MADE ITS OWN INDEPENDENT EVALUATIONS REGARDING ALL MATTERS RELATIVE TO ACQUIRING THE PROPERTY, INCLUDING BUT NOT LIMITED TO, MARKET SURVEYS, PHYSICAL AND ENVIRONMENTAL INSPECTIONS, REVIEW OF ALL OPERATING EXPENSES, UTILITIES, TAXES, INSURANCE, PERSONNEL REQUIREMENTS, POTENTIAL MARKET CHANGES, LEASES AND PLANS, AND HEREIN ASSURES GRANTOR THAT GRANTEE IS IN NO WAY RELYING ON ANY OTHER REPRESENTATIONS (UNLESS EXPRESSLY PROVIDED HEREIN OR IN THE AGREEMENT), WHETHER IN WRITING OR AS MAY HAVE BEEN DISCUSSED ORALLY WITH GRANTOR, GRANTOR'S PERSONNEL OR GRANTOR'S AGENTS, IN CONNECTION WITH ITS DECISION TO PURCHASE THE PROPERTY. GRANTEE ACKNOWLEDGES AND AGREES THAT THE PROPERTY IS BEING SOLD BY GRANTOR, AND ACCEPTED BY GRANTEE, IN ITS CONDITION AT CLOSING, "AS-IS, AND WITH ALL FAULTS," AND GRANTEE HEREBY ASSUMES THE RISK THAT ADVERSE PAST, PRESENT,

OR FUTURE PHYSICAL CONDITIONS MAY NOT HAVE BEEN REVEALED BY ITS INSPECTIONS OR INVESTIGATIONS. GRANTEE, ON BEHALF OF ITSELF, AND ITS SUCCESSOR AND ASSIGNS, HAS FULLY, FINALLY AND FOREVER RELEASED AND DISCHARGED ("RELEASE") GRANTOR, AND ALL GRANTOR RELATED PARTIES, FROM ANY AND ALL CLAIMS, DEMANDS, OBLIGATIONS, DAMAGES, CAUSES OF ACTION AND LIABILITY INSTITUTED BY GRANTEE OR WHICH MAY ARISE BY, THROUGH OR UNDER GRANTEE, WHETHER KNOWN OR UNKNOWN, ARISING OUT OF OR RELATED TO THE PHYSICAL CONDITION OF, OR INTEREST OR RIGHTS RELATED TO, THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY CLAIM ARISING OUT OF THE STRUCTURAL CONDITION OF ANY IMPROVEMENTS ON THE PROPERTY OR ANY ENVIRONMENTAL HAZARD OR CONTAMINATION OF THE PROPERTY, WHETHER IN COMMON LAW OR UNDER ANY EXISTING OR HEREINAFTER ENACTED FEDERAL, STATE, OR LOCAL LAW, REGULATION, OR ORDINANCE, INCLUDING, WITHOUT LIMITATION, THE COMPREHENSIVE ENVIRONMENTAL COMPENSATION AND LIABILITY ACT, AS AMENDED, AND THE RESOURCE CONSERVATION RECOVERY ACT, AS AMENDED, AND ANY CLAIM ARISING OUT OF, OR RELATED TO, ANY WATER, WATER RIGHTS, INTEREST IN WATER, OR APPLICATIONS OR PERMITS RELATED TO WATER OR WATER RIGHTS. GRANTEE, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, AGREES NEVER TO COMMENCE, OR PROSECUTE AGAINST GRANTOR OR GRANTOR'S RELATED PARTIES ANY ACTION OR OTHER PROCEEDING BASED UPON ANY CLAIM COVERED BY THE RELEASE.

Lone Star, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the first-lien note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Lone Star, FLCA and are transferred to Lone Star, FLCA without recourse against Grantor to secure the first-lien note. Lone Star, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the second-lien note. The second and inferior vendor's lien against and superior title to the Property are retained for the benefit of Lone Star, FLCA, and are transferred to Lone Star, FLCA without recourse against Grantor to secure the second-lien note.

[Signatures Appear on Following Pages]


KIRK'S ROCKIN K RANCH AND LAND
COMPANY, INC.,
a Texas corporation

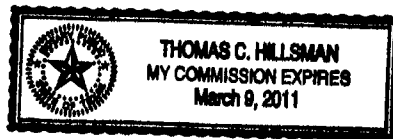
By: 
Jesse Kirk, Chairman

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 19th day of February, 2008, by Jesse Kirk, Chairman of Kirk's Rockin K Ranch and Land Company, Inc., a Texas corporation, on behalf of said corporation.

My Commission Expires:


Notary Public in and for the State of Texas
Printed Name: _____



AFTER RECORDING RETURN TO:

RETURN TO:
CAPITAL TITLE
12620 E. Northwest Hwy. #100
Dallas, Texas 75228
Phone: 972-682-2700

EXHIBIT "A"
Legal Description

[on following pages]

EXHIBIT "A"

SITUATED In the County of Collin, State of Texas, being a part of the GEORGE JOY SURVEY, Abstract No. 488, the MARTHA HERRON SURVEY, Abstract No. 415, and the WILLIAM H. HERRON SURVEY, Abstract No. 380, being all of a 47.645 acre tract of land conveyed by Morgan Lake Estates, Ltd. To Kirk's Rockin K Ranch and Land Company, Inc. by deed dated October 6, 1997, recorded in Volume 4014, Page 381, Deed Records, COLLIN County, Texas, all of an 80 acre tract of land conveyed by Howard H. Chen, Trustee to Kirk's Rockin K Ranch and Land Company, Inc. by deed dated June 22, 1999 recorded in Volume 4443, Page 170, Deed Records, COLLIN County, Texas, all of 126.416 acre tract of land conveyed by Morgan Lake Estates, Ltd. To Kirk's Rockin K Ranch and Land Company, Inc. by deed dated October 22, 1999, recorded in Volume 4531, Page 1174, Deed Records, COLLIN County, Texas, and all of a 196.78 acre tract of land conveyed by Vaevictis Group, Inc. to Jesse Kirk and Milo Kirk by deed dated April 12, 2006, recorded in Clerk's No. 2006-0497260, Deed Records, COLLIN County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set spike nail for the Northwest corner of both said 196.78 acre tract and Joy Survey, the Northeast corner of a 50.487 acre tract of land conveyed by Judy Willard to Preston Acreage, L.P. by deed dated August 13, 2002, recorded in Volume 5239, Page 1060, (Clerk's No. 2002-0120427), Deed Records, COLLIN County, Texas, the Northeast corner of the John M. Herron Survey, Abstract No. 377, in a gravel public road known as County Road No. 100, and on the South line of the L.M. Boyd Survey, Abstract No. 48, the South line of a 68.34 acre tract of land conveyed by Vaevictis Group, Inc. to Westgate Celina Investors, L.P. by deed dated April 12, 2006, recorded in Clerk's No. 2006-0497280, Deed Records, COLLIN County, Texas;

THENCE North 88 degrees 47 minutes 52 seconds East, along or near the center of said County Road No. 100, the North line of both said Joy Survey, and 196.78 acre tract, the South line of both said 68.34 acre tract, and Boyd Survey, a distance of 1066.99 feet to a found 3/8 inch rebar maintaining the Southeast corner of said 68.34 acre tract, the Southwest corner of a 93.5 acre tract of land conveyed by Mattie Finley to Claude Melton by deed recorded in Volume 334, Page 144, Deed Records, COLLIN County, Texas;

THENCE North 88 degrees 35 minutes 39 seconds East, continuing along or near the center of said County Road No. 100, and with the South line of both said 93.5 acre tract and Boyd Survey, the North line of both said Joy Survey and 196.78 acre tract, a distance of 1587.28 feet to a found spike nail at the intersection of said County Road No. 100 with the center of a North/South gravel public road known as County Road No. 97, and on the West line of the J.H. Biggs Survey, Abstract No. 52, said nail maintaining the Southeast corner of both said 93.5 acre tract, and Boyd Survey, the Northeast corner of said 196.78 acre tract, at a jog to the South in the North line of said Joy Survey;

THENCE South 00 degrees 21 minutes 34 seconds West, along or near the center of said County Road No. 97, and with the East line of said 196.78 acre tract, the West line of said Biggs Survey, passing its Southwest corner at a jog back to the East in the North line of said Joy Survey, the Northwest corner of a 30.0016 acre tract of land conveyed by David Lee Hall, et ux, to Steven D. Sharrock, and Cynthia L. Sharrock by deed dated September 22, 1993, recorded at Clerk's No. 93-0082123, Deed Records, COLLIN County, Texas, and continuing with the West line of said 30.0016 acre tract, passing the most Westerly Northwest corner of a 15.00 acre tract of land previously conveyed out of said 30.0016 acre tract by deed from Steven D. Sharrock, et ux to Carolyn A. Tipton, and Joel C. Molinar, dated June 27, 2000, recorded in Volume 4698, Page 2781, (Clerk's No. 2000-0067338) Deed Records, COLLIN County, Texas, and continuing with the most Westerly West line of said 15.00 acre tract for a total distance of 780.68 feet to a found railroad spike maintaining the Southwest corner of both said 30.0016 acre tract, and 15.00 acre tract, the Northwest corner of a 15.000 acre tract of land described in Tract Two in deed from James Wilson Cook, et ux to JLC Resources, Ltd., dated December 11, 2000, recorded in Volume 4814, Page 144, (Clerk's No. 2000-0135139) Deed Records, COLLIN County, Texas;

THENCE South 00 degrees 00 minutes 18 seconds West, continuing along or near the center of said County Road No. 97, the East line of said 196.78 acre tract, the West line of said JLC Resources 15.000 acre tract, and with the West line of a 12.500 acre tract of land described in Tract Three, and the West line of another 12.500 acre tract of land described in Tract One in said deed to JLC Resources, at a distance of 1866.62 feet passing a found railroad spike in asphalt in the intersection of said County Road No. 97, and a gravel public road running East known as County Road No. 101 maintaining the Southwest corner of said JLC Resources 12.500 acre tract described in Tract

One, the Northwest corner of 5.00 acre tract of land described in Tract One in deed from Jesse T. Kirk, et ux to Kirk's Rockin K Ranch and Land Company, Inc., dated December 30, 1999, recorded in Volume 4573, Page 237, (Clerk's No. 99-0156554) Deed Records, COLLIN County, Texas, on the South line of said Joy Survey, the North line of said Martha Herron Survey, and continuing along or near the center of said County Road No. 97 (now asphalt), and with the West line of said 5.00 acre tract for a total distance of 2354.81 feet to a set spike nail and flasher for the Southeast corner of said 196.78 acre tract, the Northeast corner of said 47.645 acre tract;

THENCE South 00 degrees 21 minutes 41 seconds East, continuing along or near the center of said County Road No. 97, and with the East line of said 47.645 acre tract, the West line of said 5.00 acre tract, passing its Southwest corner, the Northwest corner of a 14.905 acre tract of land described in Tract One in deed from Mike Meeker to Jesse T. Kirk, dated March 25, 1996, recorded at Clerk's No. 96-0024353, Deed Records, COLLIN County, Texas, and continuing with the West line of said 14.905 acre tract, passing its Southwest corner, the Northwest corner of 16.910 acre tract of land conveyed by Richard W. Newell, et ux to Kirk's Rockin K Ranch and Land Company, Inc. by deed dated October 29, 1999, recorded in Volume 4532, Page 3308, Deed Records, COLLIN County, Texas, and continuing with the West line of said 16.910 acre tract for a total distance of 1073.81 feet to a found 5/8 inch rebar maintaining its Southwest corner, the most Westerly Northwest corner of a 272.508 acre tract of land conveyed by Celina Investors, L.P. to Jesse T. Kirk, et ux by deed dated September 30, 2005, recorded in Volume 6029, Page 326, Deed Records, COLLIN County, Texas;

THENCE South 00 degrees 36 minutes 09 seconds East, continuing along or near the center of said County Road No. 97, the East line of said 47.645 acre tract, and with the most Westerly West line of said 272.508 acre tract, leaving said County Road No. 97 at an angle to the Southwest, and continuing for a total distance of 3746.84 feet to a set 1/2 inch capped rebar stamped "SARTIN-3694" for the Southeast corner of said 47.645 acre tract, the Southwest corner of said 272.508 acre tract, on the North line of a 67.62 acre tract of land conveyed by United States Bankruptcy Court Eastern District of Texas, Sherman Division to Jane C. Willard by deed dated January 29, 1993, recorded at Clerk's No. 93-0007503, Deed Records, COLLIN County, Texas;

THENCE North 89 degrees 58 minutes 50 seconds West, with the South line of said 47.645 acre tract, the North line of said 67.72 acre tract, at a distance of 30.00 feet passing the North base of a fence corner of the East side of said County Road No. 97, crossing said County Road No. 97, and continuing along or near the center of a gravel road known as County Road No. 96, passing the Northwest corner of said 67.62 acre tract, and continuing, passing the most Northerly Northeast corner of a 135.5893 acre tract of land conveyed by Celina 135 Joint Venture to Forest Road I, Ltd. by deed dated October 21, 1997, recorded in Volume 4026, Page 0377, Deed Records, COLLIN County, Texas, and continuing with a North line of said 135.5893 acre tract, passing the Southwest corner of said 47.645 acre tract, the Southeast corner of said 80.000 acre tract, and continuing with its South line, passing a Northwest corner of said 135.5893 acre tract the Northeast corner of a 1.207 acre tract of land conveyed by Provident Bank to the City of Celina, Texas by deed dated October 14, 1993, recorded at Clerk's No. 93-0099849, Deed Records, COLLIN County, Texas, and continuing with the North line of said 1.207 acre tract, passing its Northwest corner, a Northeast corner of said 135.5893 acre tract near the West end of existing County Road No. 96, and continuing with a North line of said 135.5893 acre tract for a total distance of 2005.13 feet to a found 5/8 inch rebar maintaining the Southwest corner of said 80.000 acre tract, the Southeast corner of Lot Four (4) in Block "D" of Morgan Lake Estates, Phase One, an Addition to the City of Celina, Texas as shown by plat of record in Cabinet I, Slide 591, Plat Records, COLLIN County, Texas, and being herein after referred to as "Morgan Lake Estates";

THENCE North 00 degrees 01 minutes 24 seconds West, with the East line of said Lot Four, a distance of 461.22 feet to a found 5/8 inch rebar maintaining its Northeast corner, the Southeast corner of a platted street known as Ridgeview;

THENCE North 07 degrees 04 minutes 04 seconds East, along the East end of said Ridgeview Street, a distance of 60.21 feet to a found 1/2 inch rebar at its Northeast corner, on the South line of Lot One (1) in Block "E" of said Morgan Lake Estates;

THENCE in a Southeasterly direction with the South line of said Lot One, and with a curve to the left having a radius of 270.00 feet, (chord bears South 86 degrees 09 minutes 01 seconds East, 29.94 feet), a distance of 29.96 feet to a found 1/2 inch rebar at the end of said curve;

THENCE South 89 degrees 07 minutes 09 seconds East, continuing with the South line of said Lot One, a distance of 222.34 feet to a found 5/8 inch rebar maintaining its Southeast corner;

THENCE in a Northeasterly, and Northwesterly direction with the East lines of said Block "E", the following calls

and distances:

North 00 degrees 55 minutes 29 seconds East, a distance of 107.20 feet to a found 5/8 inch rebar;

North 51 degrees 37 minutes 57 seconds East, a distance of 398.05 feet to a found 1/2 inch capped rebar stamped "PRECISE";

North 49 degrees 34 minutes 15 seconds East, a distance of 210.56 feet to a found 1/2 inch capped rebar stamped "PRECISE" maintaining the most Easterly corner of Lot Four (4) in said Block "E";

North 36 degrees 58 minutes 41 seconds West, a distance of 462.25 feet to a found 1/2 inch rebar maintaining the Northeast corner of said Lot Four, at the Southeast corner of a platted street known as Lakeview;

THENCE North 15 degrees 22 minutes 32 seconds West, along the East line of said Lakeview street, a distance of 60.26 feet to a found 1/2 inch rebar at the Northeast corner of said Lakeview, a Northwest corner of said 80.000 acre tract, on the South line of Lot Sixteen (16) in Block "C" of said Morgan Lake Estates;

THENCE in a Northeasterly direction with the South line of said Lot Sixteen, and with a curve to the right having a radius of 530.00 feet, (chord bears North 78 degrees 42 minutes 02 seconds East, 68.56 feet), a distance of 68.61 feet to a found 1/2 inch rebar at the end of said curve;

THENCE North 82 degrees 22 minutes 09 seconds East, continuing with the South line of said Lot Sixteen, a distance of 62.14 feet to a found 1/2 inch rebar maintaining its Southeast corner, an ell corner of said 80.000 acre tract;

THENCE in a Northwesterly direction with the East, and North lines of said Block "C", the following calls, and distances:

North 38 degrees 07 minutes 24 seconds West, a distance of 615.74 feet to a found 1/2 inch rebar;

North 25 degrees 34 minutes 26 seconds West, a distance of 423.56 feet to a found 1/2 inch rebar;

North 11 degrees 07 minutes 02 seconds East, a distance of 219.89 feet to a found 1/2 inch rebar;

North 49 degrees 17 minutes 04 seconds West, passing the Northwest corner of said 80.000 acre tract, the Southerly Southwest corner of said 126.416 acre tract, and continuing for a total distance of 934.00 feet to a point in a small lake;

North 45 degrees 43 minutes 10 seconds West, crossing a dam, and the West line of said Martha Herron Survey, the East line of the William H. Herron Survey, Abstract No. 380, and continuing for a total distance of 346.17 feet to an angle point in the North line of Lot Two (2) in said Block "C", in a Collin County Soil Conservation Lake;

North 84 degrees 10 minutes 57 seconds West, a distance of 374.78 feet to the Northwest corner of Lot One (1) in said Block "C", in said Collin County Soil Conservation Lake, and on the East line of a tract of land conveyed by Jodora Lynn Bowen, and Tex Daniard Dowdy to Billy J. Herrin, et ux by deed dated February 21, 1991, recorded in Volume 3458, Page 146, Deed Records, COLLIN County, Texas;

THENCE North 01 degrees 46 minutes 56 seconds East, with a West line of 126.416 acre tract, the East line of said Herrin tract, a distance of 132.73 feet to the Southeast corner of a tract of land conveyed out of said Herrin tract by deed from Billy J. Herrin, et ux to Marvin T. Wilson, et ux, dated January 10, 1992, recorded in Clerk's No. 92-0004376, Deed Records, COLLIN County, Texas;

THENCE North 00 degrees 55 minutes 50 seconds West, continuing with a West line of said 126.416 acre tract, the East line of said Herrin tract, and with the East line of said Wilson tract, a distance of 1184.16 feet to a pipe corner post maintaining an ell corner of said 126.416 acre tract, a Northeast corner of both said Herrin, and Wilson tracts;

THENCE North 87 degrees 23 minutes 37 seconds West, with the general line of a pipe fence, a distance of 50.98 feet to a pipe post maintaining a Southwest corner of said 126.416 acre tract, an ell corner of both said Herrin, and Wilson tracts;

THENCE North 00 degrees 57 minutes 14 seconds West, with the general line of a pipe fence, a distance of 489.62 feet to a pipe post on the East side of a brick column, said post maintaining an ell corner of said 126.416 acre tract, a Northeast corner of both said Herrin, and Wilson tracts;

THENCE South 89 degrees 43 minutes 56 seconds West, with the North line of both said Herrin, and Wilson tracts, at a distance of 325.5 feet passing through another brick column, and continuing for a total distance of 341.92 feet to a set ½ inch rebar for the most Westerly Southwest corner of said 126.416 acre tract, the Northwest corner of both said Herrin, and Wilson tracts, on the East right-of-way line of State Highway No. 289;

THENCE North 00 degrees 11 minutes 46 seconds East, with the East right-of-way line of State Highway No. 289, a distance of 51.94 feet to a set ½ inch rebar for the most Northerly Northwest corner of said 126.416 acre tract, the Southwest corner of the above mentioned Preston Acreage, L.P. 50.487 acre tract, at the intersection of the East right-of-way line of said highway with the North line of said William H. Herron Survey, the South line of the above mentioned John M. Herron Survey;

THENCE South 89 degrees 56 minutes 14 seconds East, with the most Northerly North line of said 126.416 acre tract, the North line of said William Herron Survey, the South line of said John Herron Survey, the South line of said 50.487 acre tract, at a distance of 2.91 feet passing a found 5/8 inch rebar, and continuing with the general line of a fence, at a distance of 361.2 feet leaving said fence, and continuing for a total distance of 392.06 feet to a found ½ inch square tubing maintaining the most Northerly Northeast corner of said 126.416 acre tract, the most Westerly Northwest corner of said 196.78 acre tract;

THENCE North 89 degrees 49 minutes 30 seconds East, continuing with the North line of said William Herron Survey, the South line of both said John Herron Survey, and 50.487 acre tract, a distance of 593.48 feet to a 12 inch dia. wood corner post maintaining an ell corner of said 196.78 acre tract, the Northeast corner of said William H. Herron Survey, the Southeast corner of both said John Herron Survey and 50.487 acre tract, the Southwest corner of said Joy Survey, the Northwest corner of said Martha Herron Survey;

THENCE North 00 degrees 28 minutes 21 seconds East, with the West line of said Joy Survey, a West line of said 196.78 acre tract, the East line of both said 50.487 acre tract, and John M. Herron Survey, at a distance of 1285.4 feet passing a fence corner post, and continuing with the general line of a fence, at a distance of 2587.75 feet passing an 8 inch dia. fence corner post on the South side of the above mentioned County Road No. 100, and continuing for a total distance of 2607.15 feet to the PLACE OF BEGINNING, and CONTAINING 450.71 acres of land more or less.

EXHIBIT B
PERMITTED EXCEPTIONS

1. The following matters and all terms of the documents creating or offering evidence of the matters:
 - a. Rights of the public, the State of Texas and the municipality in and to that portion of subject property, if any, lying within the boundaries of County Road 96, County Road 97 and County Road 100 or any roadway, public or private.
 - b. Easement created in instrument executed by MORRIS MORGAN and wife, CALLIE MORGAN to GUNTER WATER SUPPLY CORPORATION, dated November 24, 1971, filed April 14, 1972, recorded in Volume 817, Page 430, and as amended by Partial Release and Definition of Area Embraced Within Easement, dated June 30, 1994, filed September 13, 1994, recorded in Instrument File No. 1994-084387, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - c. Easement created in instrument executed by MORRIS MORGAN and CALLIE MORGAN to COLLIN COUNTY SOIL CONSERVATION DISTRICT, dated May 10, 1965, filed July 19, 1965, recorded in Volume 656, Page 453; and as affected by Supplemental Easement, dated October 30, 1968, filed April 24, 1969, recorded in Volume 731, Page 497, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - d. Easement created in instrument executed by MORRIS MORGAN and wife, CALLIE MORGAN to GUNTER WATER SUPPLY CORPORATION, dated November 3, 1971, filed April 14, 1972, recorded in Volume 817, Page 372, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - e. Reservation of an undivided 1/2 of the usual 1/8 royalty oil, gas and other minerals as set forth in Deed executed by BEE FINLEY SILK joined by her husband, W. C. SILK; ALTA FINLEY EARTHMAN joined by her husband, ELDON EARTHMAN; TOM J. FINLEY and wife, LOLA FINLEY; INA SUE FINLEY PEARCE joined by her husband, HAILDS PEARCE; ROSE FINLEY GRIFFITH joined by her husband, CLYDE GRIFFITH; and DEE S. FINELY and wife, MARJORIE FINLEY to MORRIS MORGAN and wife, CALLIE MORGAN, dated July 24, 1956, filed August 4, 1956, recorded in Volume 520, Page 649, Deed Records, COLLIN County, Texas. Title to said instrument not checked subsequent to the date thereof.
 - f. Terms, conditions and provisions of Facilities Agreement, by and between CITY OF CELINA, TEXAS and AVEX PROPERTIES, dated May 12, 1995, filed July

21, 1995, recorded in Instrument File No. 1995-051182, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.

- g. Easement created in instrument executed by MORGAN LAKE ESTATES, LTD. to HOWARD H. CHEN, TRUSTEE, dated February 19, 1998, filed February 24, 1998, recorded in Volume 4108, Page 1797, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - h. Easement created in instrument executed by KIRK'S ROCKIN K RANCH AND LAND COMPANY, INC. to CITY OF CELINA, dated August 28, 2000, filed September 14, 2000, recorded in Volume 4752, Page 1052, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - i. Easement created in instrument executed by VANCE W. STALLCUP to COUNTY OF COLLIN dated August 29, 2005, filed September 6, 2000, recorded in Volume 4752, Page 1016, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - j. Easement created in instrument executed by VANCE W. STALLCUP and ALICE N. STALLCUP to COLLIN COUNTY SOIL CONSERVATION DISTRICT, dated May 18, 1965, filed July 19, 1965, recorded in Volume 656, Page 478, Deed Records, COLLIN County, Texas, and shown on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - k. Easement created in instrument executed by VANCE W. STALLCUP to GUNTER WATER SUPPLY CORPORATION, dated August 2, 1971, filed September 26, 1972, recorded in Volume 838, Page 26, Deed Records, COLLIN County, Texas, and noted on survey dated July 18, 2007, prepared by Marshall Sartin, R.P.L.S. No. 3694.
 - l. Consequences, if any, arising by virtue of power poles, overhead power lines and guy wires over or into the boundary lines of subject property, as shown on Survey prepared by Marshall Sartin, registered Professional Land Surveyor No. 3694, dated July 18, 2007.
- 2. Shortages in area.
 - 3. Standby fees, taxes and assessments by any taxing authority for the year 2008 and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to a change in land usage or ownership (i.e., "rollback taxes").

Filed and Recorded
Official Public Records
Stacey Kemp
Collin County, TEXAS
03/06/2008 10:22:32 AM
\$60.00 BNOPP
20080306000268700



Stacey Kemp

EXHIBIT “D”

Request for Service Discontinuance

MARILEE SPECIAL UTILITY DISTRICT
P.O. Box 1017
Celina, Texas 75009
972-382-3222

REQUEST FOR SERVICE DISCONTINUANCE

Customer: Central Frisco Ltd.

Account #: 394

Meter Address: CR #97

I, the undersigned Customer, hereby request that my water meter assigned to the above-noted account and address be disconnected from Marilee Special Utility District (the "District") service and that my deposit be refunded to me if not done previously. If I should ever want my service reinstated at this address, I acknowledge that I may have to reapply for service as a new customer and pay all fees required by the District's Rate Order in effect at that time. I understand that the District's ability to provide service in the future will be dependent upon system capacity, which may be limited, and that capital improvements may be needed to deliver adequate service. I also understand that any necessary capital improvements will be constructed at my cost.

I further represent to the District that my spouse joins me in this request and I am authorized to execute this Request for Service Discontinuance on behalf of my spouse.

Signature of Customer: [Signature]

Date: 2/16/18

NOTE: Charges for service will terminate when this signed request is received by the District office. The District will assess a \$ _____ fee for processing this request, which will be deducted from the deposit in addition to final charges.

EXHIBIT “E”

Affidavit of Leah Stout

PUC DOCKET NO. 52534

PETITION BY CENTRAL FRISCO, LTD.	§	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 LEAH STOUT

STATE OF TEXAS §
COUNTY OF COLLIN §

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

1. “My name is Leah Stout. 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.

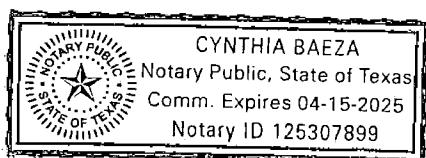
2. I started working for Jesse and Milo Kirk in Celina in 2005 who were the prior owners of the Central Frisco, Ltd (“Central Frisco”) property, the Petitioner, in this matter. I provided support for the Kirk’s horse training and breeding program, managed the upkeep of the ranch, help supervise employees and was a personal assistant to Mr. and Mrs. Kirk. Since 2015, I have been an employee of Central Frisco, Ltd., in addition to other Eland Energy, Inc., companies, and serve as its property manager.

3. I currently live in a house on the adjoining property which is served by meter number 1080. I was aware of the southern meter, which was located, but which has not been in use since around 2018. Myself and two other employees have made several attempts, along with mowing and weed eating, to locate the northern meter shown on Marilee’s exhibit generally in the Southwest corner of CR 100 and CR 97. Since my arrival in 2005, I was never aware of, nor have I or our two employees been able to locate the northern meter mentioned in Marilee Special Utility District’s Verified Response.

FURTHER AFFIANT SAYETH NOT.

By: Leah Stout
Leah Stout

SWORN TO AND SUBSCRIBED TO BEFORE ME by Leah Stout on the 16th day of June, 2022.



Cynthia Baeza
Notary Public, State of Texas