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COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

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

November 05, 2021

Public Utility Commission of Texas
Central Records
Attn.: Filing Clerk
1701 N. Congress Avenue
Austin, Texas 78711

Re: New PUC Docket No.
Petition by Petrus Investment, L.P. for Expedited Release from Water CCN No. 13201
Held by Aqua Texas, Inc. in Denton County

Dear File Clerk:

Enclosed for filing in the above-referenced matter please find a copy of Petition by Petrus Investment, L.P. for Expedited Release Pursuant to Texas Water Code Section 13.2541 which was electronically filed today with the PUC, together with polygon shapefiles of the Property.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Natalie B. Scott

Enclosures

Cc (w/encl.):
Aqua Texas, Inc.
1106 Clayton Lane
Austin, Texas 78723-3489
Via Certified Mail, Return Receipt Requested
No. 7020 1810 0002 0061 8189

CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218
Via Certified Mail, Return Receipt Requested
No. 7020 1810 0002 0061 8172

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

PUC DOCKET NO. _____

PETITION BY PETRUS INVESTMENT, L.P. § BEFORE THE
FOR EXPEDITED RELEASE FROM WATER §
CCN NO. 13201 HELD BY § PUBLIC UTILITY COMMISSION
AQUA TEXAS, INC. IN §
DENTON COUNTY § OF TEXAS

PETITION BY PETRUS INVESTMENT, L.P. FOR EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.2541

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, PETRUS INVESTMENT, L.P., a Texas limited partnership (“Petitioner”), and files this Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Certificate of Convenience and Necessity (“CCN”) No. 13201, held by Aqua Texas, Inc. (“Aqua”) pursuant to (i) Texas Water Code Section 13.2541; and (ii) Rule 24.245(h) of the PUC’s Rules found at 16 Tex. Admin. Code Section 24.245; and in support thereof would respectfully show as follows:

I. APPLICABLE REGULATIONS

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN.¹ For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract “is entitled to that release.”² The rule adopted by the PUC pursuant to Section 13.2541 provides the same³, and Denton County is a county in which owners of at least 25 acres are entitled to expedited release because it is adjacent to Dallas County, which has a population of

¹ Tex. Water Code Ann. § 13.2541.

² *Id.*

³ 16 Tex. Admin. Code § 24.245(1).

at least one million. 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.”⁴

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 749.34 acres of contiguous property in Denton County (the “Property”). All of the Property is within the boundaries of Water CCN No. 13201, held by Aqua. None of the Property receives service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit “A.” A general location map and a detailed map of the Property are attached hereto as Exhibits “B-1” and “B-2.” Additional files containing polygon shapefiles of the Property will be submitted as separate files simultaneously with the filing of this Petition. A deed showing ownership of the Property is attached hereto as Exhibit “C.”

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 Denton County. Under Section 13.2541, the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing all portions of the Property that are within the boundaries of water CCN No. 13201 from CCN No. 13201.

⁴ Tex. Water Code Ann. § 13.2541(c).

Respectfully submitted,

COATS | ROSE, P.C.

By: 

Joshua A. Bethke
State Bar No. 24105465
14755 Preston Road, Suite 600
Dallas, Texas 75254
Telephone: (972) 982-8454
Facsimile: (972) 702-0662
Email: jbethke@coatsrose.com

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

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November 2021, a true and correct copy of the Petition by Petrus Investment, L.P. for Expedited Release Pursuant to Texas Water Code Section 13.2541 was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

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

Via Certified Mail, RRR

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

Via Certified Mail, RRR



Natalie B. Scott

EXHIBIT "A"

AFFIDAVIT

PETITION BY PETRUS INVESTMENT, L.P. §
FOR EXPEDITED RELEASE FROM WATER §
CCN NO. 13201 HELD BY §
AQUA TEXAS, INC. IN §
DENTON COUNTY §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

AFFIDAVIT IN SUPPORT OF PETITION BY PETRUS INVESTMENT, L.P. FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541

STATE OF TEXAS §

COUNTY OF DENTON §

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

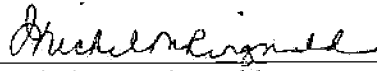
1. “My name is Michele M. Ringnald. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am an officer of Hillwood Services GP, LLC, a Texas limited liability company (“Services GP”), General Partner of PMC Management, L.P., a Texas limited partnership, General Partner of Petrus Investment, L.P., a Texas limited partnership (“Petrus”), the Petitioner in the above-captioned matter and I am making this affidavit in my capacity as an officer of Services GP. Petrus owns approximately 749.34 acres of land (the “Property”), which is located within the boundaries of Water CCN No. 13201 issued to Aqua Texas, Inc. The Property is located in Denton County, Texas, is over 25 acres in size, and consists of contiguous tracts of land. Exhibits “B-1” and “B-2” attached to this Petition contain true and correct copies of a general location map and a detailed map identifying the Property and its location. Additional files containing polygon shapefiles of the Property will be submitted as separate files simultaneously with the filing of this Petition. Petrus is the owner of the Property, as evidenced by the deed attached as Exhibit “C.”

3. The Property is not receiving water service from Aqua Texas, Inc. or any other water service provider. Petrus has not requested water service from Aqua Texas, Inc. or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.

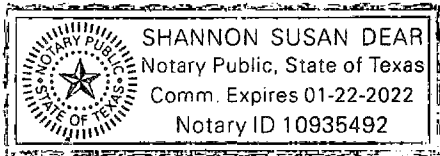
4. I request that the Public Utility Commission of Texas release this Property from Water CCN No. 13201.


FURTHER AFFIANT SAYETH NOT.



Michele M. Ringnald

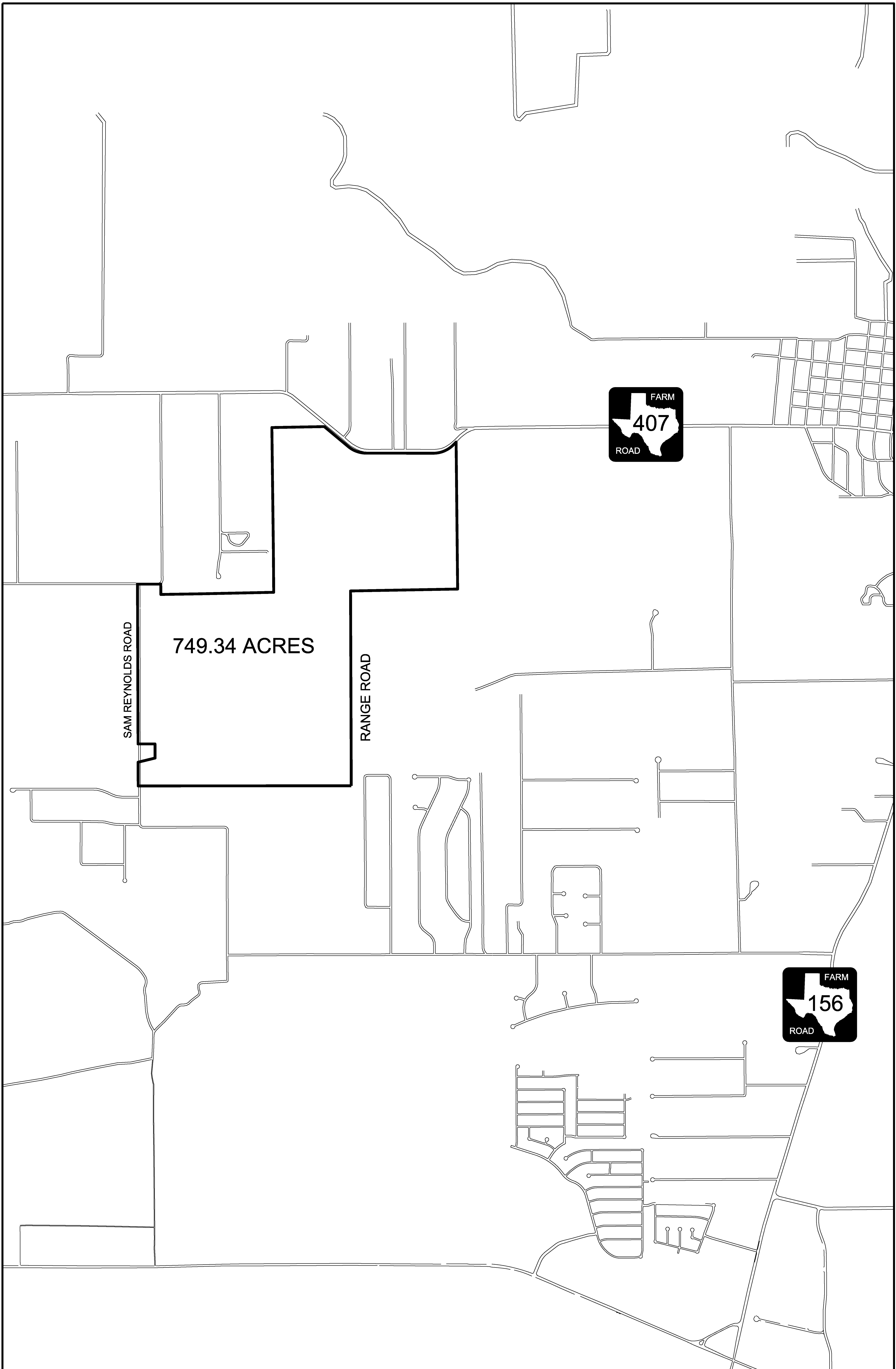
SWORN TO AND SUBSCRIBED TO BEFORE ME by Michele M. Ringnald on
October 28, 2021.





Notary Public, State of Texas

EXHIBIT "B-1"
GENERAL LOCATION MAP



749.34 ACRES

SAM REYNOLDS ROAD

RANGE ROAD

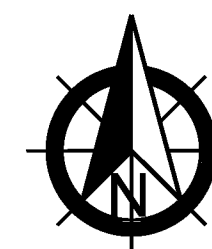
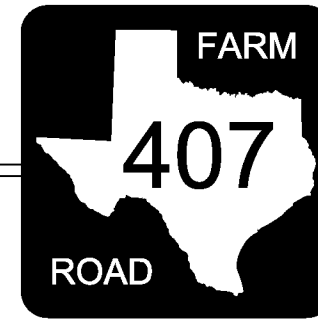
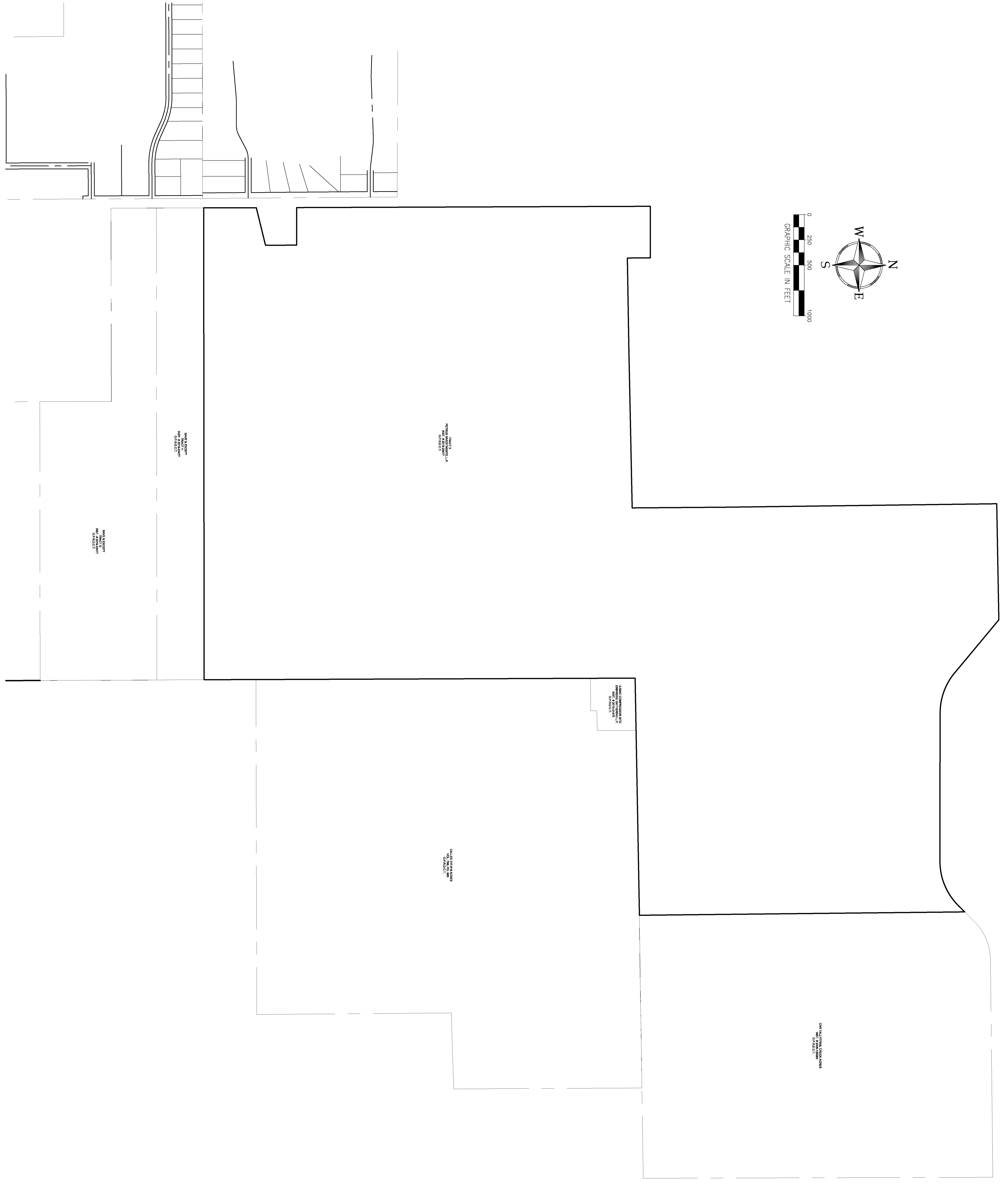
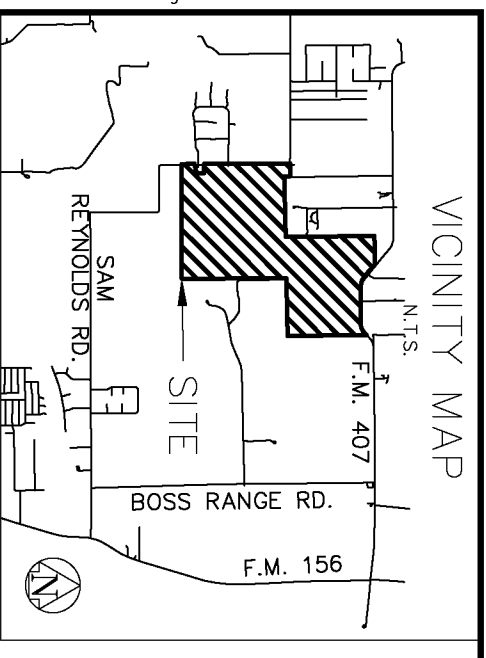


EXHIBIT “B-2”

DETAILED MAP



A Boundary Exhibit
749.349 Acres

SITUATED IN THE
W.D. REDD SURVEY, ABSTRACT NUMBER 1125
DENTON COUNTY, TEXAS

Job #:	HWA18016	Revisions:
Drawn By:	JAD	
Checked By:	CSR	
Date:	10/21/2021	

A Boundary Exhibit of
749.346 Acres
SITUATED IN THE W.D. REDD SURVEY, ABSTRACT NUMBER 1125,
DENTON COUNTY, TEXAS

PELTON
LAND SOLUTIONS

11000 Frisco St. Ste. 400 | Frisco, TX 75033 | 469-213-1800

EXHIBIT "C"

DEED

**** Electronically Filed Document ****

Denton County
Cynthia Mitchell
County Clerk

Document Number: 2009-23477
Recorded As : ERX-TRUSTEES DEED

Recorded On: February 26, 2009
Recorded At: 02:35:15 pm
Number of Pages: 22

Recording Fee: \$95.00

Parties:

Direct- HOPPER DAN
Indirect-

Receipt Number: 561259
Processed By: Patsy Sallee

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



THE STATE OF TEXAS)
COUNTY OF DENTON]

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

C. Mitchell

County Clerk
Denton County, Texas

After Recording Return To:

Steven L. Wilson
Haynes and Boone, LLP
2505 N. Plano Road, Suite 4000
Richardson, Texas 75082

CORRECTION
SUBSTITUTE TRUSTEE'S DEED

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

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

WHEREAS, APERION COMMUNITIES, LLLP, an Arizona limited liability limited partnership ("Grantor") executed that certain Promissory Note (such Promissory Note, as modified, amended, renewed and/or extended, being referred to herein as the "Note") dated January 26, 2004, in the original principal amount of \$10,647,656.25 executed by Grantor and payable to the order of PETRUS INVESTMENT, L.P., a Texas limited partnership ("Lender"), which Note is secured by, among other things, that certain Deed of Trust and Security Agreement (such Deed of Trust and Security Agreement, as modified, amended, renewed and/or extended, being referred to herein as the "Deed of Trust") dated January 26, 2004, executed by Grantor in favor of COLLATERAL SERVICES, INC. ("Trustee"), for the benefit of Lender and recorded as Document No. 2004-11914 in the Real Property Records of Denton County, Texas, and covering, among other property, the real property described on Exhibit A attached hereto and made a part hereof for all purposes (the "Real Property");

WHEREAS, by the Deed of Trust, Grantor conveyed to Trustee certain real and personal property that is located in the Denton County, Texas and is described in the Deed of Trust, including, but not limited to, the Real Property, together with all and singular the tenements, hereditaments and appurtenances thereof, and all other property, leases, rents, estates, rights, and benefits described in the Deed of Trust (the property covered by the Deed of Trust, including, but not limited to, the real and personal property described above, is collectively hereinafter referred to as the "Property"), for the purposes of securing and enforcing payment of, among other things, the indebtedness evidenced by the Note, as more fully described in the Deed of Trust;

WHEREAS, Dan Hopper has been appointed Substitute Trustee (herein so called) under the Deed of Trust, under the circumstances and in the manner set forth in the Deed of Trust, as evidenced by that certain Appointment of Substitute Trustee dated December 12, 2008, and recorded on December 16, 2008 as Document No. 2008-133060 in the Real Property Records of Denton County, Texas;

WHEREAS, Grantor failed to make payments of certain amounts due and owing under the Note and such amounts remain due and payable as of the date hereof;

WHEREAS, Lender instructed the undersigned Substitute Trustee, as authorized by and provided in the Deed of Trust, to enforce the trust upon the occurrence of the foregoing events and sell the Property at public sale (the "Sale");

WHEREAS, at the request of Lender, Substitute Trustee did, on the 16th day of December, 2008, (i) file written notice (the "Notice") of the earliest time, place and terms of the Sale with the County Clerk of Denton County, Texas, (ii) post the Notice at the Courthouse door of Denton County, Texas, the county in which the Property is situated, and (iii) serve the Notice by certified mail, return receipt requested, on each debtor (hereinafter individually referred to as a "Debtor") obligated to pay the Note according to the records of Lender and as required by law;

WHEREAS, all prerequisites required by law and/or by the Deed of Trust and/or other documents creating, evidencing, describing or securing the Note have been duly satisfied by Lender and by Substitute Trustee;

WHEREAS, the Sale was held by the Substitute Trustee pursuant to the terms of the Deed of Trust and in accordance with the laws of the State of Texas on January 6, 2009, between the hours of 1:00 p.m. and 4:00 p.m. local time (that time being within three (3) hours of the earliest time of the Sale as provided Grantor in the Notice), at the Denton County Courthouse, at the place designated by the Denton County Commissioner's Court; and

WHEREAS, Lender, being the highest bidder at the Sale, did purchase the Property for \$5,251,523.27.

WHEREAS, the sole purpose of this correction deed is to correct the description of the Property conveyed by adding Save and Except Tract H to Exhibit A attached hereto.

NOW, THEREFORE, in consideration of the premises and of the credit bid by Lender in the amount of \$5,251,523.27, by virtue of the authority conferred upon the Substitute Trustee by the Deed of Trust, the Substitute Trustee has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Lender and Lender's successors and assigns the Property, subject to the matters set forth on Exhibit B attached hereto.

TO HAVE AND HOLD the Property, together with the rights, privileges and appurtenances thereto belonging, unto Lender and Lender's successors and assigns, forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Lender, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

**REMAINDER OF PAGE INTENTIONALLY BLANK.
SIGNATURE PAGE FOLLOWS.**

Executed on the date of acknowledgment to be effective as of January 6, 2009.

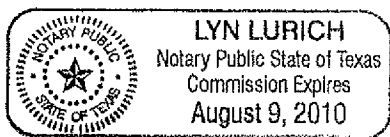
SUBSTITUTE TRUSTEE:



Dan Hopper, as Substitute Trustee

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this 24 day of February, 2009, by Dan Hopper, an individual, in his capacity as substitute trustee.





Notary Public in and for the State of Texas

LENDER'S ADDRESS:

Petrus Investment, L.P., a Texas limited partnership
5430 LBJ Freeway, Suite 800
Dallas, Texas 75240

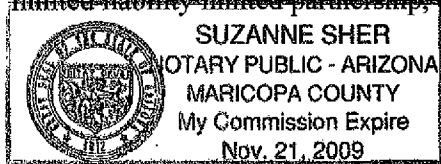
Aperion Communities, LLLP ("Grantor" under the Deed of Trust) acknowledges and agrees that this Correction Deed constitutes a good and valid conveyance of the Property pursuant to the foreclosure sale conducted on January 6, 2009 as described in the recitals hereof and hereby ratifies the terms hereof.

APERION COMMUNITIES, LLLP,
an Arizona limited liability limited partnership

By: David Maniatis
Name: David Maniatis
Title: General Partner

STATE OF AZ §
 §
COUNTY OF MARICOPA §

This instrument was acknowledged before me on this 20 day of February, 2009, by DAVID MANIATIS General Partner of APERION COMMUNITIES, LLLP, an Arizona ~~limited liability limited partnership,~~ on behalf of said limited liability limited partnership.



Suzanne Sher
Notary Public in and for the State of AZ

- Exhibit A: Real Property Description
- Exhibit B: Permitted Exceptions

EXHIBIT A**REAL PROPERTY DESCRIPTION****TRACT 1:**

BEING a tract of land situated in the Guadalupe Cardinas Survey, Abstract No. 214, Denton County, Texas, and being a portion of Tract 3 and a portion of Tract 4 as conveyed to Petrus Investment, L.P., by deed recorded in Volume 4246, Page 00562, Deed Records of Denton County, and being more particularly described as follows:

BEGINNING at a capped iron rod found for corner, said iron rod being the Southwest corner of herein described tract and the Southwest corner of aforementioned Tract 3, said iron rod also being the Southeast corner of a tract conveyed to LK Investments by deed recorded in County Clerk File No. 98-118163, and being in the northerly right-of-way line of State Highway No. 114;

THENCE N 00 degrees 27 minutes 11 seconds W, leaving the northerly right-of-way line of said State Highway and along the East line of said LK Investment tract, a distance of 3698.11 feet to a 1/2" iron rod found for corner at the Northeast corner of said LK Investment tract and the Southeast corner of a tract of land conveyed to Eaton Et Al, by deed recorded in Volume 2906, Page 363, Deed Records of Denton County, Texas;

THENCE N 00 degrees 22 minutes 13 seconds W, along the East line of said Eaton tract, a distance of 1392.69 feet to a 1/2" iron rod found for corner at the most northerly Southeast corner of said Eaton tract and the most northerly Southwest corner of a tract of land conveyed to Tally, Et Al, by deed recorded in Volume 2301, Page 223, Deed Records of Denton County, Texas;

THENCE N 89 degrees 31 minutes 15 seconds E, along a South line of said Tally tract, a distance of 659.98 feet to a 1" by 1" bolt found for corner at the Southwest inner ell corner of said Tally tract;

THENCE S 00 degrees 16 minutes 04 seconds E, along a West line of said Tally tract, a distance of 2648.93 feet to a 1/2" iron rod found for corner at the most southerly Southwest corner of said Tally tract;

THENCE N 89 degrees 46 minutes 12 seconds E, along a South line of said Tally tract, a distance of 997.06 feet to a 3/8" iron rod found for corner at the most southerly Southeast corner of said Tally tract;

THENCE N 00 degrees 12 minutes 57 seconds W, along an East line of said Tally tract, a distance of 4149.62 feet to a P.K. nail found for corner in the center of Sam Reynolds Road;

THENCE N 89 degrees 55 minutes 00 seconds E, along center of said Sam Reynolds Road, a distance of 4307.49 feet to a 1/2" iron rod found for corner in the center of said Sam Reynolds Road;

THENCE S 00 degrees 14 minutes 47 seconds E, leaving the center of said Sam Reynolds Road and along the West line of Payton Place, Phase 1, as recorded by plat in Cabinet M, Page 266, and Payton Place, Phase 2, as recorded by plat in Cabinet P, Page 50, Plat Records of Denton County, Texas, a distance of 1482.99 feet to a 1/2" iron rod found for corner at the Southwest

corner of said Payton Place, Phase 2 and the Northeast corner of a tract of land conveyed to Ferbro Investments by deed recorded in County Clerk File No. 97-003605;

THENCE S 89 degrees 42 minutes 54 seconds W, along the North line of said Ferbro tract, a distance of 2649.24 feet to a 5/8" iron rod set for corner at the Northwest corner of said Ferbro tract;

THENCE S 00 degrees 06 minutes 48 seconds E, along the West line of said Ferbro tract, a distance of 2657.92 feet to a 5/8" iron rod set for corner in the northwesterly line of a tract of land conveyed to The Atchison, Topeka & Santa Fe Railway Company by deed recorded in County Clerk File No. 93-20408;

THENCE S 44 degrees 26 minutes 43 seconds W, leaving the West line of said Ferbro tract and along said northwesterly line, a distance of 2253.70 feet to a 5/8" iron rod set for corner;

THENCE N 45 degrees 33 minutes 17 seconds W, along said northwesterly line, a distance of 25.00 feet to a 5/8" iron rod set for corner;

THENCE S 44 degrees 26 minutes 43 seconds W, continuing along said northwesterly line, a distance of 1122.22 feet to a Texas Department of Transportation brass monument found for corner in the northerly right-of-way line of aforementioned State Highway No. 114;

THENCE S 89 degrees 47 minutes 15 seconds W, along said North right-of-way line, a distance of 286.35 feet to a Texas Department of Transportation brass monument found for corner;

THENCE S 84 degrees 30 minutes 20 seconds W, continuing along said North right-of-way line, a distance of 620.05 feet to the POINT OF BEGINNING and containing 17,617,114 square feet or 404.4333 acres of land.

TRACT 2:

BEING a tract of land situated in the Guadalupe Cardinas Survey, Abstract No. 214, Denton County, Texas, and being a portion of Tract 3 and a portion of Tract 4 as conveyed to Petrus Investment, L.P., by deed recorded in Volume 4246, Page 00562, Deed Records of Denton County, and being more particularly described as follows:

BEGINNING at a Texas Department of Transportation aluminum monument found for corner in the North right-of-way line of State Highway No. 114, said monument being N 00 degrees 06 minutes 48 seconds W, 130.37 feet from the Southwest corner of a tract of land conveyed to Ferbro Investment by deed recorded in County Clerk File No. 97-003605;

THENCE S 89 degrees 46 minutes 25 seconds W, along the North right-of-way line of said State Highway, a distance of 1072.86 feet to a Texas Department of Transportation brass monument found for corner;

THENCE N 86 degrees 29 minutes 15 seconds W, continuing along said North right-of-way line, a distance of 900.22 feet to a Texas Department of Transportation brass monument found for corner, said monument being the Southeast corner of a tract of land conveyed to The Atchison, Topeka & Santa Fe Railway Company by deed recorded in County Clerk File No. 93-20408;

THENCE N 44 degrees 26 minutes 43 seconds E, leaving said North right-of-way line and along the Southeast line of said Railway tract, a distance of 2809.53 feet to a 5/8" iron rod set for corner in the West line of aforementioned Ferbro Investment tract;

THENCE S 00 degrees 06 minutes 48 seconds E, leaving the Southeast line of said Railway tract and along the West line of said Ferbro tract, a distance of 2056.70 feet to the POINT OF BEGINNING and containing 2,058,650 square feet or 47.2601 acres of land.

TRACT 3:

BEING a tract of land situated in the William C. Brookfield Survey, Abstract No. 34, the W.A. Ferris Survey, Abstract No. 419, the W.D. Reed Survey, Abstract No. 1123 and the James Chesier Survey, Abstract No. 225, Denton County, Texas and being the same tract of land conveyed to Petrus Investment, L.P., recorded in Volume 4246, Page 00562, of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEIGINNING at a 1/2" iron rod found at the most southerly southeast corner of the said Petrus Investment, L.P. tract, said iron rod being in or near the centerline of Sam Reynolds Road and in the north line of a tract of land described in deed to Petrus Investments Tract 4, recorded in Volume 4246, Page 562 of the Deed Records of Denton County, Texas;

THENCE S 89 degrees 55 minutes 00 seconds W, along or near the centerline of Sam Reynolds Road and the north line of said Petrus Investments Tract 4, a distance of 898.16 feet to a PK nail found for corner said PK also being the northeast corner of a tract of land described in deed to Tally, et al recorded in Volume 2301, Page 223 of the Deed Records of Denton County, Texas;

THENCE N 89 degrees 55 minutes 26 seconds W, along said Sam Reynolds Road and the north line of said Tally tract, a distance of 1859.71 feet to a PK nail set for corner;

THENCE N 00 degrees 12 minutes 26 seconds W, departing said Tally tract and continuing along or near the centerline of Sam Reynolds Road, a distance of 2781.90 feet to a railroad spike found for corner;

THENCE S 89 degrees 52 minutes 39 seconds W, continuing along or near the centerline of Sam Reynolds Road, a distance of 1909.14 feet to a 5/8" iron rod set for corner;

THENCE N 00 degrees 09 minutes 37 seconds W, a distance of 1437.21 feet to a 1/2" iron rod found at the southwest corner of that tract of land conveyed to J.M. High, recorded in Volume 501, Page 248 of the Deed Records of Denton County, Texas, from which a 5/8" iron rod bears N 74 degrees 44 minutes 09 seconds E, at a distance of 21.03 feet;

THENCE N 76 degrees 15 minutes 05 seconds E, departing said Sam Reynolds Road, along or near a fence, a distance of 381.87 feet to a 1/2" iron rod found at the southeast corner of said High tract;

THENCE N 00 degrees 17 minutes 59 seconds W, along or near a fence, a distance or 307.73 feet to a 1/2" iron rod found for the northeast corner of said High tract;

THENCE S 89 degrees 55 minutes 13 seconds W, along or near a fence, 370.50 feet to a 60d nail found in or near the centerline of said Sam Reynolds Road, also being the northwest corner of

said High tract from which a 1/2" iron rod bears N 89 degrees 45 minutes 19 seconds E, at a distance of 17.06 feet;

THENCE N 00 degrees 12 minutes 17 seconds W, along or near the centerline of Sam Reynolds Road, a distance of 3495.61 feet to a PK nail set in or near the centerline intersection of Sam Reynolds Road and Bill Cook Road;

THENCE S 89 degrees 55 minutes 31 seconds E, along or near the centerline of Bill Cook Road, a distance of 509.27 feet a 1/2" iron rod found in the west line of a tract of land conveyed to Archie M. Eddleman, recorded in Volume 2322, Page 824, of the Deed Records of Denton County, Texas.

THENCE S 00 degrees 18 minutes 01 second E, along the west line of said Eddleman tract, a distance of 226.36 feet to a 1/2" iron rod found for corner;

THENCE N 89 degrees 04 minutes 47 seconds E, along the south line of said Eddleman tract, a distance of 870.26 feet to a 5/8" iron rod found at the southeast corner of said Eddleman tract, also being the southwest corner of a tract of land conveyed to William E. Watts, recorded in Volume 634, Page 405 of the Deed Records of Denton County, Texas;

THENCE 88 degrees 48 minutes 24 seconds E, along the south line of said Watts tract and the south line of a tract of land conveyed to Glen W. Theis recorded in Volume 1038, Page 887, of the Deed Records of Denton County, Texas, a distance of 1598.69 feet to a 5/8" iron rod found for the southeast corner of said Theis tract;

THENCE N 00 degrees 25 minutes 37 seconds W, along the east line of said Theis tract and east line of that tract of land conveyed to Sammy Ray Harper and wife, Jody Lynn Harper recorded in Volume 1726, Page 31 of the Deed Records of Denton County, Texas, a distance of 907.20 feet to a 1/2" iron rod found for corner;

THENCE N 00 degrees 43 minutes 08 seconds W, along the east line of that tract of land conveyed to Community Bank, recorded in Volume 2943, Page 808 of the Deed Records of Denton County, Texas and that tract of land conveyed to Knabe Investments, Inc., recorded in Volume 2400, Page 652, of the Deed Records of Denton County, Texas, in all a distance of 2696.06 feet to a 1/2" iron rod found in the south line of a tract of land conveyed to W.H. Pennington, recorded in Volume 767, Page 794 of the Deed Records of Denton County, Texas;

THENCE N 88 degrees 59 minutes 36 seconds E, along the south line of said Pennington tract and the south line of a tract of land conveyed to Bill Pennington recorded in Volume 572, Page 131 of the Deed Records of Denton County, Texas, a distance of 1146.80 feet to a capped iron rod found in the south right-of-way of State Highway F.M. No. 407 (90' R.O.W.);

THENCE along the south right-of-way of said Highway F.M. No. 407 the following:

S 50 degrees 10 minutes 52 seconds E, a distance of 681.84 feet to a 1/2" iron rod found and the beginning of a curve to the left having a radius of 618.69 feet;

Along said curve to the left through a central angle of 39 degrees 45 minutes 00 seconds and an arc length of 429.23 feet (chord bears S 70 degrees 03 minutes 22 seconds E, a distance of 420.67 feet) to a 5/8" iron rod set;

S 89 degrees 55 minutes 32 seconds E, a distance of 1464.07 feet to a 5/8" iron rod set and the beginning of a curve to the left having a radius of 618.69 feet;

Along said curve to the left through a central angle of 45 degrees 20 minutes 01 seconds and an arc distance of 489.52 (chord bears N 67 degrees 24 minutes 28 seconds E, a distance of 476.85 feet) to a 5/8" iron rod set;

N 44 degrees 44 minutes 28 seconds E, a distance of 86.74 feet to a 1/2" iron rod found for the northwest of a tract of land conveyed to Trail Creek Acres recorded in Volume 1912, Page 979 of the Deed Records of Denton County, Texas;

THENCE S 00 degrees 35 minutes 12 seconds E, departing said State Highway No. 407 and along or near a fence also being the west line of said Trail Creek Acres tract, a distance of 3214.24 feet to a capped iron rod found for the southwest corner of said Lee tract and in the north line of a tract of land conveyed to Patricia Ann Range Malloy recorded in Volume 769, Page 965 of the Deed Records of Denton County, Texas;

THENCE S 88 degrees 57 minutes 28 seconds W, along the north line of said Malloy tract, a distance of 2342.31 feet to a 5/8" iron rod set for the northwest corner of said Malloy tract;

THENCE S 00 degrees 12 minutes 50 seconds E, along the west line of said Malloy tract, a distance of 3748.08 feet to a 5/8" iron rod set for the southwest corner of said Malloy tract and also being the northwest corner of a tract of land known as Riggs Place, as recorded by Plat in Cabinet E, Page 359, Plat Records of Denton County, Texas;

THENCE along the west line of said Riggs Place the following:

S 00 degrees 05 minutes 54 seconds E, a distance of 34.49 feet to a 1/2" iron rod found for corner;

S 00 degrees 11 minutes 51 seconds E, a distance of 313.91 feet to a 1/2" iron rod found for corner;

S 00 degrees 08 minutes 14 seconds E, a distance of 189.17 feet to a 1/2" iron rod found for corner;

S 00 degrees 11 minutes 48 seconds W, a distance of 186.14 feet to a 60d nail found for corner;

S 01 degree 06 minutes 47 seconds E, a distance of 186.19 feet to a 1/2" iron rod found for corner;

S 00 degrees 19 minutes 20 seconds E, a distance of 186.39 feet to a 1/2" iron rod found for corner;

S 00 degrees 12 minutes 27 seconds E, a distance of 185.40 feet to a 1/2" iron rod found for corner;

S 00 degrees 18 minutes 40 seconds E, a distance of 186.87 feet to a 1/2" iron rod found for corner;

S 00 degrees 04 minutes 18 seconds W, a distance of 186.00 feet to a 1/2" iron rod found for corner;

S 00 degrees 27 minutes 50 seconds E, a distance of 186.43 feet to a 1/2" iron rod found for corner;

S 00 degrees 11 minutes 05 seconds E, a distance of 371.53 feet to a 1/2" iron rod found for corner;

S 00 degrees 17 minutes 33 seconds E, a distance of 558.45 feet to a 1/2" iron rod found for corner;

S 00 degrees 17 minutes 56 seconds E, a distance of 186.49 feet to a 1/2" iron rod found for corner;

S 00 degrees 18 minutes 15 seconds E along the wet line of said Riggs Place, and the west line of a tract of land conveyed to James H. Riggs, Jr., et ux as recorded in Volume 2953, Page 543 of Deed Records of Denton County, Texas a distance of 1253.83 feet to the POINT OF BEGINNING and containing 44,582,288 square feet or 1023.4685 acres of land.

[CONTINUED]

SAVE AND EXCEPT THE FOLLOWING EIGHT TRACTS [A THROUGH H]:

SAVE AND EXCEPT TRACT A:

BEING a 64.068 acre tract of land in the G. Cardinas Survey, Abstract No. 214, situated in Denton County, Texas and being a portion of those tracts conveyed to Aperion Communities, L.L.P. by deed recorded under County Clerk's File No. 2004-11913 of the Real Property Records of Denton County, Texas (RPRDCT) and being more particularly described as follows:

COMMENCING at a 1/2" iron pin found, said iron pin also being on the east line of said Aperion Communities, L.L.P. tract, said iron pin also being on the northwesterly line of a tract conveyed to The Atchison, Topeka and Santa Fe Railway Company by deed recorded under County Clerk's File No. 93-R0020408 RPRDCT, said iron pin also being the southwest corner of a tract conveyed to Rocksand Investments LLLP by deed recorded under County Clerk's File No. 2005-30851 RPRDCT; THENCE N 00°07'20" W along the said west line of said Rocksand Investments LLLP tract, a distance of 630.12 feet to a capped 1/2" iron pin set at the Point of Beginning of the herein described tract;

THENCE S 89°52'40" W, a distance of 1655.17 feet to a capped 1/2" iron pin set, said iron pin also being on the east line of a tract conveyed to Nancy Talley Reynolds, et al, by deed recorded in Volume 2301, Page 223 RPRDCT;

THENCE N 00°12'56" W along the said east line of said Talley Reynolds, et al, tract, a distance of 1684.71 feet to a capped 1/2" iron pin set;

THENCE N 89°52'40" E, a distance of 1657.92 feet to a capped 1/2" iron pin set, said iron pin also being on the west line of said Rocksand Investments LLLP tract;

THENCE S 00°07'20" E along the said west line of said Rocksand Investments LLLP tract, a distance of 1684.70 feet to the Point of Beginning and containing 2,790,789 square feet or 64.068 acres of land, more or less.

SAVE AND EXCEPT TRACT B:

BEING a 47.262 acre tract of land in the G. Cardinas Survey, Abstract No. 214, situated in Denton County, Texas and being Tract Two of those tracts conveyed to Aperion Communities, L.L.P. by deed recorded under County Clerk's File No. 2003-190652 of the Real Property Records of Denton County, Texas (RPRDCT) (Aperion Tract Two) and being more particularly described as follows:

BEGINNING at a brass monument in concrete found, said brass monument also being on the south line of said Aperion Tract Two, said brass monument also being on the north right-of-way line of State Highway No. 114, said brass monument also being on the west line of a tract conveyed to Ferbro Investments by deed recorded under County Clerk's File No. 97-0003605 RPRDCT

THENCE S 89°46'48" W along the south line of said Aperion Tract Two and the north right-of-way line of State Highway No.114, a distance of 1072.97 feet to a brass monument in concrete found;

THENCE N 86°29'44" W along the south line of said Aperion Tract Two and the north right-of-way line of State Highway No.114, a distance of 900.20 feet to a brass monument in concrete found, said brass monument also being on the southeasterly line of a tract conveyed to The Atchison, Topeka and Santa Fe Railway Company by deed recorded under County Clerk's File No. 93-R0020408 RPRDCT;

THENCE N 44°26'31" E along the west line of said Aperion Tract Two and the southeasterly line of said Atchison, Topeka and Santa Fe Railway Company tract, a distance of 2809.53 feet to a 5/8" iron pin found, said iron pin also being on the west line of said Ferbro Investments tract;

THENCE S 00°07'09" E along the east line of said Aperion Tract Two and the west line of said Ferbro Investments tract, a distance of 2056.80 feet to the Point of Beginning and containing 2,058,725 square feet or 47.262 acres of land, more or less.

SAVE AND EXCEPT TRACT C:

BEING a 180.00 acre tract of land in the G. Cardinas Survey, Abstract No. 214, situated in Denton County, Texas and being a portion of that tract conveyed to HILLWOOD/114 & 156, Ltd. by deed recorded in Volume 2470, Page 708 of the Real Property Records of Denton County, Texas (RPRDCT) and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found, said iron pin also being on the north right-of-way line of State Highway No. 114, said iron pin also being on the west line of a tract conveyed to Alliance 161 Investments by deed recorded in Volume 2778, Page 958 RPRDCT;

THENCE N 00 degrees 27 minutes 11 seconds W along the west line of said HILLWOOD/114 & 156, Ltd. tract and the east line of said Alliance 161 Investments tract, a distance of 3698.41 feet to a 1/2" iron pin found, said iron pin being the southwest corner of a tract conveyed to Betty Marie McIntyre, et al, by deed recorded in Volume 2906, Page 363 RPRDCT;

THENCE N 00 degrees 22 minutes 54 seconds W continuing along the west line of said HILLWOOD/114 & 156, Ltd. tract and along the east line of said Betty Marie McIntyre, et al, tract, a distance of 1392.69 feet to a point, said point being in a south line of a tract conveyed to Nancy Talley Reynolds, et al, by deed recorded in Volume 2301, Page 223 RPRDCT;

THENCE N 89 degrees 29 minutes 50 seconds E along the said south line of said Talley tract, a distance of 659.98 feet to a 1" bolt found;

THENCE S 00 degrees 16 minutes 26 seconds E along the west line of said Talley tract, a distance of 2648.88 feet to a 1/2" iron pin found;

THENCE N 89 degrees 49 minutes 13 seconds E along a south line of said Talley tract, a distance of 996.95 feet to a 1/2" iron pin found;

THENCE N 00 degrees 13 minutes 08 seconds W along the east line of said Talley tract, a distance of 632.31 feet to a point;

THENCE N 89 degrees 52 seconds 28 minutes E departing the east line of said Talley tract, a distance of 1655.17 feet to a point, said point also being on the east line of said HILLWOOD/114 & 156, Ltd. tract;

THENCE S 00 degrees 07 minutes 32 seconds E along the east line of said HILLWOOD/114 & 156, Ltd. tract, a distance of 630.12 feet to a 1/2" iron pin found, said iron pin also being on the northwesterly line of a tract conveyed to Atchison, Topeka & Santa Fe Railway Company by deed recorded under County Clerk's File No. 93-20408 RPRDCT;

THENCE S 44 degrees 24 minutes 05 seconds W along the said northwesterly line of said Atchison, Topeka & Santa Fe Railway Company tract, a distance of 2253.70 feet to a 1/2" iron pin found;

THENCE N 45 degrees 16 minutes 51 seconds W along the said northwesterly line of said Atchison, Topeka & Santa Fe Railway Company tract, a distance of 25.00 feet to a 1/2" iron pin found;

THENCE S 44 degrees 24 minutes 05 seconds W along the said northwesterly line of said. Atchison, Topeka & Santa Fe Railway Company tract, a distance of 1124.73 feet to a TxDOT monument found, said monument being on the said north right-of-way line of State Highway No. 114;

THENCE S 89 degrees 47 minutes 23 seconds W along the said north right-of-way line of State Highway No. 114, a distance of 286.33 feet to a 1/2" iron pin found;

THENCE S 84 degrees 28 minutes 54 seconds W along the said north right-of-way line of State Highway No. 114, a distance of 620.13 feet to the Point of Beginning and containing 7,840,798 square feet or 180.000 acres of land, more or less.

SAVE AND EXCEPT TRACT D:

BEING a 160.239 acre tract of land in the G. Cardinas Survey, Abstract No. 214 and the James Chesier Survey, Abstract No. 225, situated in the Denton County, Texas and being a portion of that tract conveyed to Aperion Communities, LLLP by deed recorded in Instrument Number 2004-11913 of the Real Property Records of Denton County, Texas (RPRDCT) and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found, said iron pin also being the northeast corner of a tract conveyed to Rocksand Investments, LLLP by deed recorded in Instrument Number 2005-30851 RPRDCT, said iron pin also being on the west line of Payton Place Phase Two, an addition to Denton County, Texas as recorded in Cabinet P, Page 50 of the Plat Records of Denton County, Texas (PRDCT);

THENCE S 89 degrees 42 minutes 36 seconds W along the north line of said Rocksand tract, a distance of 2649.87 feet to a 1/2" iron pin found;

THENCE S 00 degrees 07 minutes 20 seconds E along the west line of said Rocksand tract, a distance of 339.48 feet to capped 1/2" iron pin previously set;

THENCE S 89 degrees 52 minutes 40 seconds W departing the west line of said Rocksand tract, a distance of 1657.92 feet to a capped 1/2" iron pin previously set;

THENCE N 00 degrees 12 minutes 56 seconds W, a distance of 1832.35 feet to a point from which a 1/2" iron pin found bears N 00 degrees 12 minutes 56 seconds W, 1.07 feet, said point being in Sam Reynolds Road;

THENCE N 89 degrees 50 minutes 17 seconds E in Sam Reynolds Road, a distance of 898.07 feet to a 1/2" iron pin found;

THENCE N 89 degrees 56 minutes 15 seconds E in Sam Reynolds Road, a distance of 3409.24 feet to a 1/2" iron pin found;

THENCE S 00 degrees 15 minutes 21 seconds E along the west line of Payton Place Phase One, an addition to Denton County, Texas as recorded in Cabinet M, Page 266, PRDCT, and the west line of said Payton Place Phase Two, a distance of 1482.19 feet to the Point of Beginning and containing 6,980,019 square feet or 160.239 acres of land, more or less.

[CONTINUED]

SAVE AND EXCEPT TRACT E:

BEING a 30.221 acre tract of land in the James Chesier Survey, Abstract No. 225, situated in Denton County, Texas and being a portion of those tracts conveyed to Aperion Communities, L.L.L.P. by deed recorded under County Clerk's File No. 2004-11913 of the Real Property Records of Denton County, Texas (RPRDCT), (Aperion Tract One-A and Aperion Tract One-B), and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found, said iron pin being the southeast corner of said Aperion Tract One-B, said iron pin also being in the asphalt of Sam Reynolds Road;

THENCE S 89 degrees 50 minutes 17 seconds W along Sam Reynolds Road, the south line of said Aperion Tract One-B, the north line of said Aperion Tract One-A and the north line of a tract conveyed to Eladio properties by deed recorded under County Clerk's File No. 2005-96646 RPRDCT, a distance of 2757.78 feet to a P.K. Nail in asphalt found, said nail being on the east line of a tract conveyed to Betty M. McIntyre, et al by deed recorded under County Clerk's File No. 2003-203215 RPRDCT;

THENCE N 00 degrees 12 minutes 20 seconds W along Sam Reynolds Road and along the east line of said McIntyre tract as recorded under County Clerk's File No. 2003-203215 RPRDCT and the west line of said Aperion Tract One-B, a distance of 1215.07 feet to a P.K. Nail set;

THENCE S 89 degrees 48 minutes 16 seconds E traversing said Aperion Tract One-B, a distance of 12.26 feet to a capped 1/2" iron pin set, said iron pin also being the Point of Curvature of a circular curve to the right having a radius of 1155.00 feet, a central angle of 54 degrees 51 minutes 13 seconds and being subtended by a chord which bears S 62 degrees 22 minutes 40 seconds E, 1064.02 feet;

THENCE along said curve to the right, a distance of 1105.77 feet to a capped 1/2" iron pin set;

THENCE S 34 degrees 57 minutes 03 seconds E tangent to said curve, a distance of 260.39 feet to a capped 1/2" iron pin set, said iron pin also being the Point of Curvature of a circular curve to the left having a radius of 1045.00 feet, a central angle of 55 degrees 06 minutes 42 seconds and being subtended by a chord which bears S 62 degrees 30 minutes 24 seconds E, 966.86 feet;

THENCE along said curve to the left, a distance of 1005.17 feet to a capped 1/2" iron pin set;

THENCE N 89 degrees 56 minutes 15 seconds E tangent to said curve, a distance of 800.00 feet to a capped 1/2" iron pin set, said iron pin also being on the west line of the remainder of a tract conveyed to James Riggs, Jr. by deed recorded in Volume 870, Page 444 RPRDCT, said iron pin also being on the east line of said Aperion Tract One-B;

THENCE S 00 degrees 17 minutes 37 seconds E along the west line of said James Riggs, Jr. remainder tract and the east line of said Aperion Tract One-B, a distance of 55.00 feet to the Point of Beginning and containing 1,316,427 square feet or 30.221 acres of land, more or less.

SAVE AND EXCEPT TRACT F:

BEING a 101.507 acre tract of land in the James Chesier Survey, Abstract No. 225, situated in Denton County, Texas and being a portion of those tracts conveyed to Aperion Communities, L.L.L.P. by deed recorded under County Clerk's File No. 2004-11913 of the Real Property Records of Denton County, Texas (RPRDCT), (Aperion Tract One-A and Aperion Tract One-B), and being more particularly described as follows::

COMMENCING at a 1/2" iron pin found, said iron pin being in the asphalt of Sam Reynolds Road, said iron also being the southeast corner of said Tract One-B of Aperion Communities L.L.L.P. by deed recorded under County Clerk's File No. 2004-11913 RPRDCT; THENCE N 00E17'37" W along the east line of said Aperion Communities tract and departing Sam Reynolds Road, a distance of 55.00 feet to a 1/2" capped iron pin set, said iron pin also being the POINT OF BEGINNING of the herein described tract of land;

THENCE S 89E56'15" W a distance of 800.00 feet to a 1/2" capped iron pin set, said iron pin also being at the Point of Curvature of a circular curve to the right having a radius of 1045.00 feet, a central angle of 55E06'42" and being subtended by a chord which bears N 62E30'24" W, 966.86 feet;

THENCE along said curve to the right, a distance of 1005.17 feet to a 1/2" capped iron pin set;

THENCE N 34E57'03" W tangent to said curve, a distance of 260.39 feet to a 1/2" capped iron pin set, said iron pin also being at the Point of Curvature of a circular curve to the left having a radius of 1155.00 feet, a central angle of 54E51'13" and being subtended by a chord which bears N 62E22'40" W, 1064.02 feet;

THENCE along said curve to the left, a distance of 1105.77 feet to a 1/2" capped iron pin set;

THENCE N 89E48'16" W tangent to said curve, a distance of 12.26 feet to a P.K. nail set, said P.K. nail being in the asphalt of Sam Reynolds Road, said P.K. nail also being on the east line of a tract of land conveyed to Betty M. McIntyre, et al by deed recorded under County Clerk's File No. 2003-203215 RPRDCT;

THENCE N 00E12'20" W, along Sam Reynolds Road and along the east line of said McIntyre tract as recorded under County Clerk's File No. 2003-203215 RPRDCT and along the west line of said Aperion Tract One-B a distance of 869.21 feet to a P.K. nail set;

THENCE N 89E56'15" E, departing Sam Reynolds Road, the east line of said Betty M. McIntyre, et al tract, and the west line of said Tract One-B of Aperion Communities, L.L.L.P. a distance of 2754.60 feet to a 1/2" capped iron pin set, said iron pin also being on the west line of Riggs Place, an addition to Denton County, Texas as recorded in Cabinet E, Page 359 Plat Records Denton County Texas (PRDCT), said iron pin also being on the east line of said Aperion Tract One-B;

THENCE S 00E17'37" E, along the east line of said Tract One-B of Aperion Communities, L.L.L.P. and the west line of said Riggs Place, and the west line of the remainder of a tract of land conveyed to James Riggs, Jr. by deed recorded in Volume 870, Page 444 D.R.D.C.T., a distance of 2024.51 feet to the Point of Beginning and containing 4,421,660 square feet or 101.507 acres of land, more or less.

SAVE AND EXCEPT TRACT G:

BEING a 92.54 acre tract of land situated in James Cheshier Survey, Abstract No. 225 and the William D. Redd Survey, Abstract No. 1125, Denton County, Texas, said tract being a part of Tract 3, as described in deed to Aperion Communities, LLLP, as recorded in County Clerk Document No. 2004-11913, Deed Records Denton County, Texas (D.D.C.C.T.), said tract being more particularly described as follows:

COMMENCING at a 1/2-inch set iron rod with cap stamped "RPLS 5439" for corner from which a 1/2-inch found iron rod bears South 00 degrees 21 minutes 07 seconds East, a distance of 55.00 feet for the southeast corner of said Tract 3, said 1/2-inch found iron rod is with an asphalt road known as Sam Reynolds Road;

THENCE North 00 degrees 21 minutes 07 seconds West, along the east line of said Tract 3, a distance of 1198.93 feet 1/2-inch found iron rod for corner;

THENCE North 00 degrees 12 minutes 01 seconds West, along the east line of said Tract 3, a distance of 186.22 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 16 minutes 15 seconds West, along the east line of said Tract 3, a distance of 558.49 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 08 minutes 09 seconds West, along the east line of said Tract 3, a distance of 80.87 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 56 minutes 41 seconds West, departing said east line and across said Tract 3, a distance of 2753.76 feet to a point for corner on the west line of said Tract 3, said corner being within a gravel road known as Sam Reynolds Road;

THENCE North 00 degrees 11 minutes 53 seconds West, along the west line of said Tract 3 and said Sam Reynolds Road, a distance of 707.28 feet to a found railroad spike for an ell corner of said Tract 3;

THENCE South 89 degrees 53 minutes 04 seconds West, along said Tract 3 and said Sam Reynolds Road, a distance of 1909.24 feet to a 5/8-inch found iron rod for the most westerly southwest corner of said Tract 3;

THENCE North 00 degrees 08 minutes 40 seconds West, along the west line of said Tract 3 and said Sam Reynolds Road, a distance of 448.40 feet to a point for corner;

THENCE North 89 degrees 56 minutes 41 seconds East, departing said west line and across said Tract 3, a distance of 4662.28 feet to a point for corner on the east line of said Tract 3;

THENCE South 00 degrees 19 minutes 16 seconds East, along the east line of said Tract 3, a distance of 117.99 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 00 degrees 15 minutes 34 seconds East, along the east line of said Tract 3, a distance of 185.64 feet to a 1/2-inch found iron rod for corner;

THENCE South 00 degrees 14 minutes 31 seconds East, along the east line of said Tract 3, a distance of 186.65 feet to a 1/2-inch found iron rod for corner;

THENCE South 00 degrees 03 minutes 29 seconds West, along the east line of said Tract 3, a distance of 186.20 feet to a 1/2-inch found iron rod for corner;

THENCE South 00 degrees 27 minutes 54 seconds East, along the east line of said Tract 3, a distance of 186.11 feet to a 1/2-inch found iron rod for corner;

THENCE South 00 degrees 08 minutes 09 seconds East, along the east line of said Tract 3, a distance of 291.08 feet to the POINT OF BEGINNING AND CONTAINING 4,031,043 square feet or 92.54 acres of land more or less.

[CONTINUED]

SAVE AND EXCEPT TRACT H:

BEING a 50.00 acre tract of land situated in the William D. Redd Survey, Abstract No. 1125, Denton County, Texas, said tract being a part of Tract 3, as described in deed to Aperion Communities, LLLP, as recorded in County Clerk Document No. 2004-11913, Deed Records Denton County, Texas (D.D.C.C.T.), said tract being more particularly described as follows:

COMMENCING at a 1/2-inch set iron rod with cap stamped "RPLS 5439" for corner from which a 1/2-inch found iron rod bears South 00 degrees 21 minutes 07 seconds East, a distance of 55.00 feet for the southeast corner of said Tract 3, said 1/2-inch found iron rod is with an asphalt road known as Sam Reynolds Road;

THENCE North 00 degrees 21 minutes 07 seconds West, along the east line of said Tract 3, a distance of 1198.93 feet 1/2-inch found iron rod for corner;

THENCE North 00 degrees 12 minutes 01 seconds West, along the east line of said Tract 3, a distance of 186.22 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 16 minutes 15 seconds West, along the east line of said Tract 3, a distance of 558.49 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 08 minutes 09 seconds West, along the east line of said Tract 3, a distance of 371.95 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 27 minutes 54 seconds West, along the east line of said Tract 3, a distance of 186.11 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 03 minutes 29 seconds East, along the east line of said Tract 3, a distance of 186.20 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 14 minutes 31 seconds West, along the east line of said Tract 3, a distance of 186.65 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 15 minutes 34 seconds West, along the east line of said Tract 3, a distance of 185.64 feet to a 1/2-inch found iron rod for corner;

THENCE North 00 degrees 19 minutes 16 seconds West, along the east line of said Tract 3, a distance of 117.99 feet to a 1/2-inch set iron rod with cap for to the POINT OF BEGINNING;

THENCE South 89 degrees 56 minutes 41 seconds West, departing said east line and across said Tract 3, a distance of 4662.28 feet to a 1/2-inch set iron rod with cap for corner on the west line of said Tract 3, said corner being within a gravel road known as Sam Reynolds Road;

THENCE North 00 degrees 08 minutes 40 seconds West, along the west line of said Tract 3 and said Sam Reynolds Road, a distance of 467.34 feet to a set P.K. nail for corner;

THENCE North 89 degrees 56 minutes 41 seconds East, departing said west line and across said Tract 3, a distance of 4660.29 feet to a 1/2-inch set iron rod with cap for corner on the east line of said Tract 3;

THENCE South 00 degrees 03 minutes 31 seconds East, along the east line of said Tract 3, a distance of 27.00 feet to a 1/2-inch found iron rod for corner;

THENCE South 00 degrees 11 minutes 05 seconds West, along the east line of said Tract 3, a distance of 185.95 feet to a 1/2-inch found iron rod for corner;

THENCE South 01 degrees 02 minutes 05 seconds East, along the east line of said Tract 3, a distance of 186.02 feet to a 1/2-inch found iron rod with cap stamped "ALLIANCE" for corner;

THENCE South 00 degrees 19 minutes 16 seconds East, along the east line of said Tract 3, a distance 68.40 feet to the POINT OF BEGINNING AND CONTAINING 2,178,000 square feet or 50.00 acres of land more or less.

[END OF LEGAL DESCRIPTION]

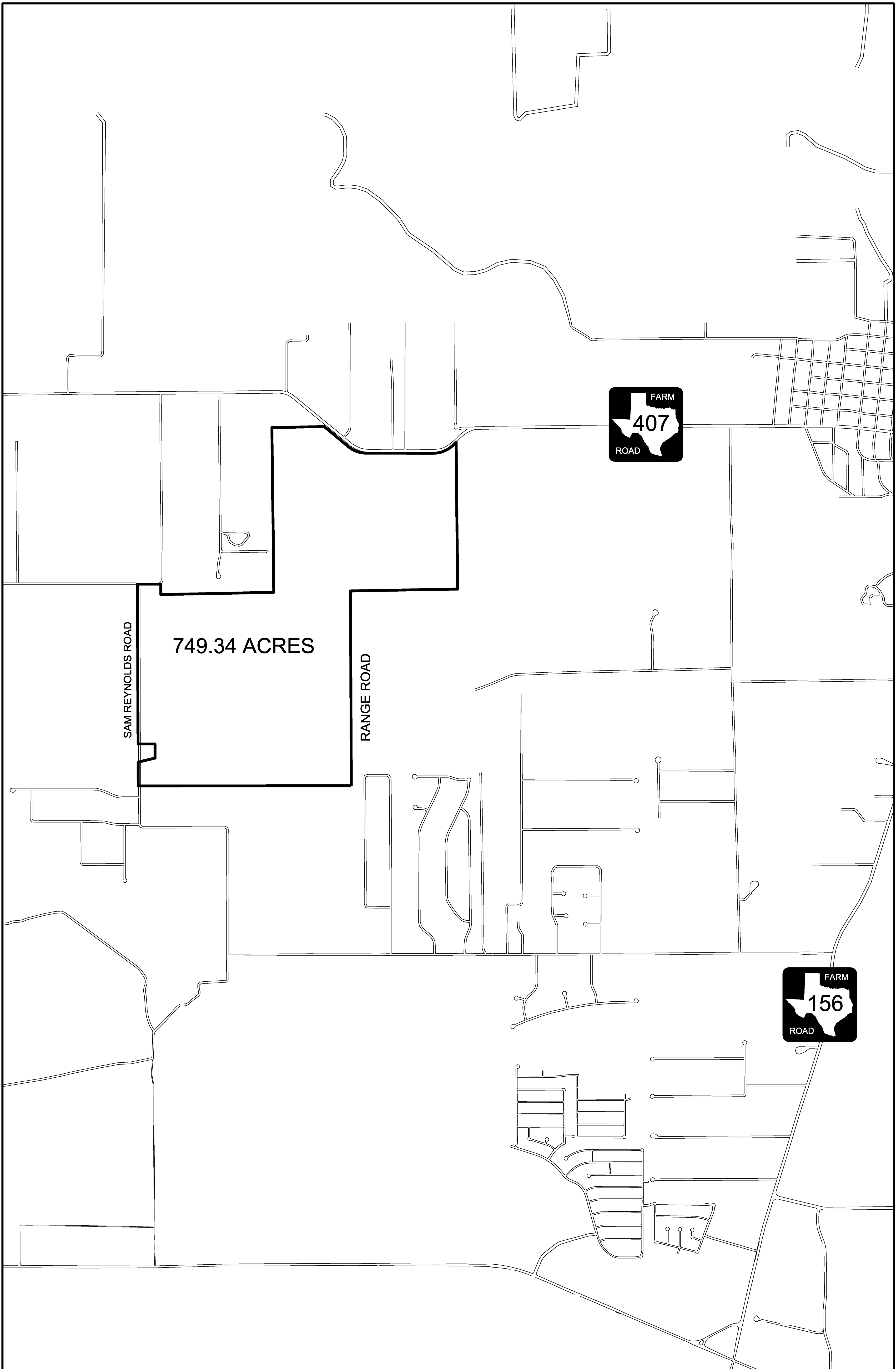
EXHIBIT B

PERMITTED EXCEPTIONS

All matters, covenants, conditions, restrictions, and encumbrances listed on Exhibit B to the Deed of Trust, but only to the extent the same are valid and subsisting and affect the Property as of the date hereof.

Return To:

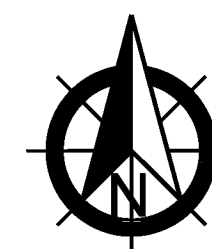
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, TX 75204
GF# 08R33690 CR7



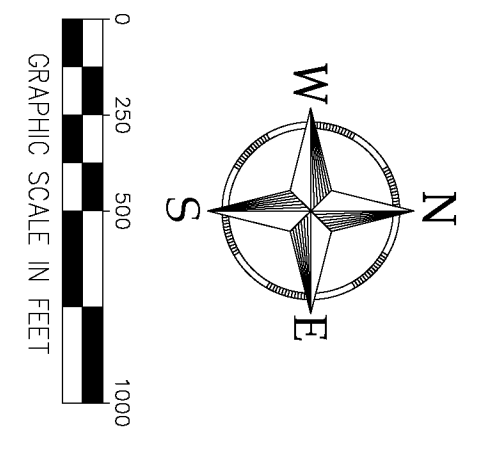
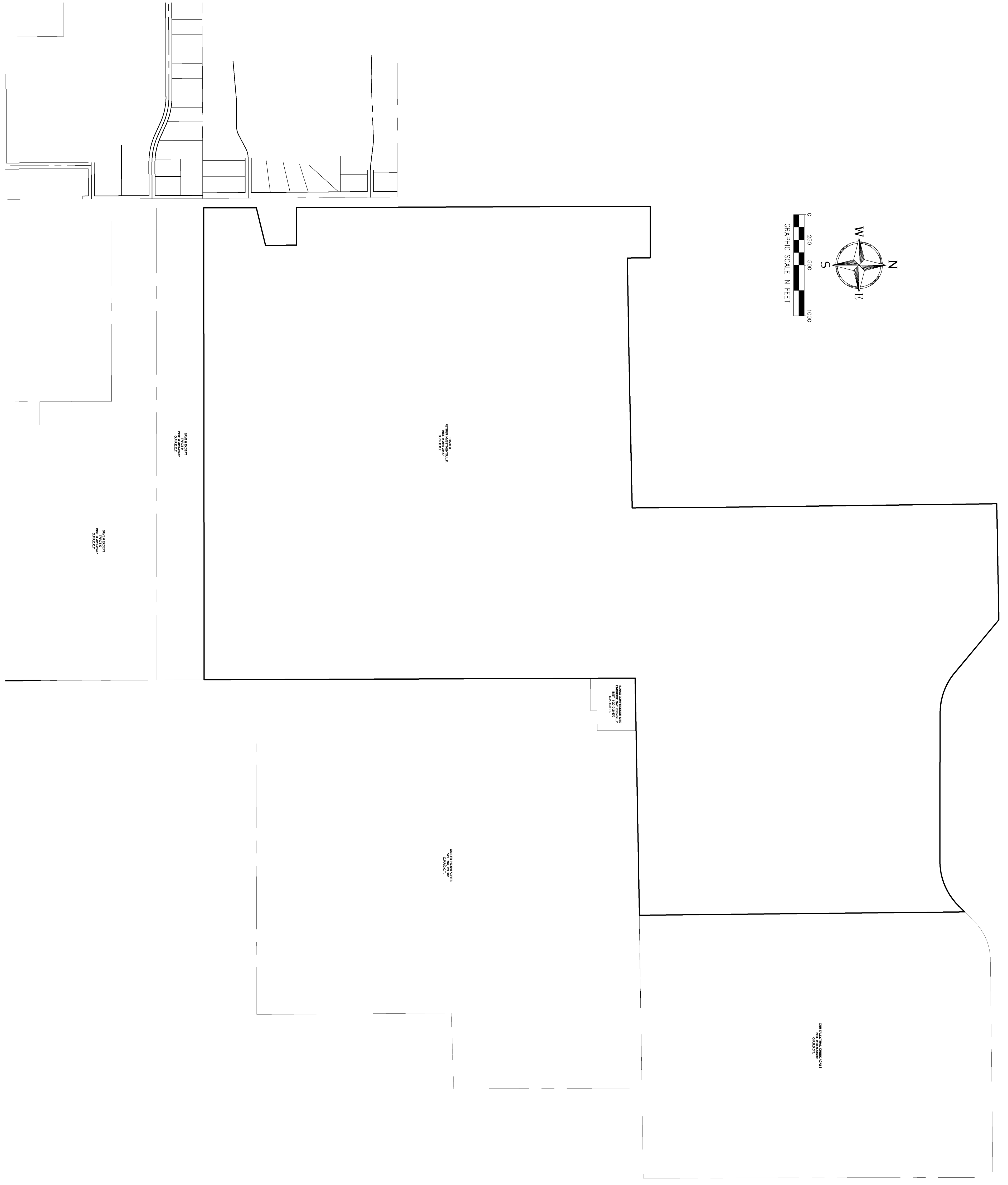
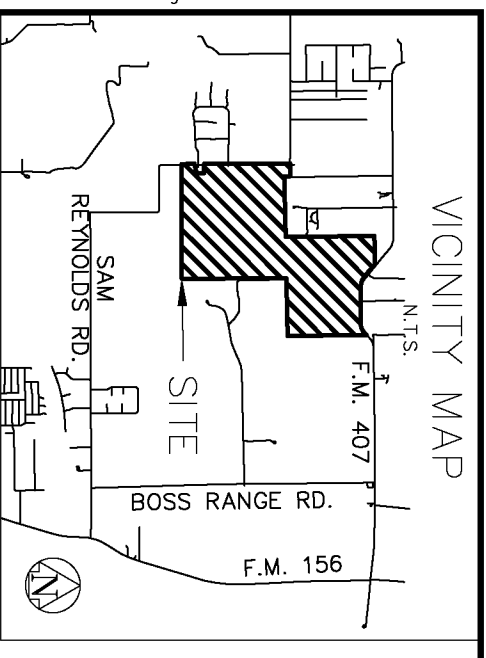
SAM REYNOLDS ROAD

749.34 ACRES

RANGE ROAD



GRAPHIC SCALE



A Boundary Exhibit
749.349 Acres

SITUATED IN THE
W.D. REDD SURVEY, ABSTRACT NUMBER 1125
DENTON COUNTY, TEXAS

Job #:	HWA18016	Revisions:
Drawn By:	JAD	
Checked By:	CSR	
Date:	10/21/2021	

A Boundary Exhibit of
749.346 Acres
SITUATED IN THE W.D. REDD SURVEY, ABSTRACT NUMBER 1125,
DENTON COUNTY, TEXAS

PELTON
LAND SOLUTIONS

11000 Frisco St. Ste. 400 | Frisco, TX 75033 | 469-213-1800

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