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PUC DOCKET NO. 53698

PETITION BY ROBERT FEIGER,	§	
VICE PRESIDENT OF THE AM	§	BEFORE THE PUBLIC
BUSINESS TRUST 2021-001, A UTAH	§	
REGISTERED TRUST, FOR	§	UTILITY
STREAMLINED EXPEDITED	§	
RELEASE FROM WATER CCN	§	COMMISSION OF TEXAS
NO. 10105, CITY OF GRAND PRAIRE	§	
TEXAS		

**PETITIONER’S RESPONSE TO CITY OF GRAND PRAIRIE, TEXAS’ REPLY
TO THE PETITION FOR STREAMLINED EXPEDITED RELEASE
FROM WATER CCN NO. 10105**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW Robert Feiger, acting in his capacity as Vice President of AM Real Estate Solutions, Inc, Trustee of the AM Business Trust 2021-001, a Utah Registered Trust (the “Trust”) and, on behalf of the Trust ("Petitioner"), and files this Response to the City of Grand Prairie, Texas’ Reply to the pending Verified Petition with the Public Utility Commission of Texas ("PUC" or "Commission") for Streamlined Expedited Release from Water Certificate of Convenience and Necessity ("CNN") No. 10105 pursuant to (i) Texas Water Code Section 13.2541, and (ii) Rules 24.245(h) and 24.257 of the Commission's Rules (16 TAC); and in support thereof would show the Commission as follows:

**I.
BACKGROUND FACTS**

1.1 Petitioner filed its Petition on June 8, 2022, contemporaneously mailing copies to the CCN Holder, City of Grand Prairie, Texas. **See PUC Interchange Item No. 1.**

1.2 The Administrative Law Judge (“ALJ”) issued Order No. 1 on June 9, 2022, directing, *inter alia*, that Staff of the Public Utility Commission of Texas (the “Staff”) file recommendations on the administrative completeness of the Petition on or before July 8, 2020. **See PUC Interchange Item No. 3.**

1.3 The Staff filed its recommendation that the ALJ find the Petition to be administratively incomplete due to Staff’s findings of issues with the “mapping” included in the Petition pursuant to PUC Rules 24.245 and 24.257 (16 TAC). ***See PUC Interchange Item No. 4.***

1.4 The Administrative Law Judge (“ALJ”) issued Order No. 2 on July 14, 2022, directing, *inter alia*, that Petitioner file mapping supportive of the Petition consistent with the recommendations of Staff on or before August 8, 2020. ***See PUC Interchange Item No. 5.***

1.5 Petitioner’s filing of the revised mapping information prior to August 8, 2022, is timely filed pursuant to Order No. 2. ***See PUC Interchange Item No. 6.***

1.6 On August 8, 2022, the Staff filed its recommendation that the ALJ find the Petition to be administratively complete, *See PUC Interchange Item No. 7*, and the ALJ Issued Order No. 3 declaring the Petition to be administratively complete and establishing a procedural schedule. ***See PUC Interchange Item No. 8.***

1.7 On September 28, 2022, the City of Grand Prairie, Texas (the “City”) filed a reply to the pending Verified Petition. ***See PUC Interchange Item No. 9.***

1.8 Petitioner’s filing of this Response to the City’s Reply this 12th day of October, 2022, is timely filed pursuant to Order No. 3. ***See PUC Interchange Item No. 8.***

II. **PETITIONER’S RESPONSE TO THE CITY’S REPLY**

2.1 The City’s Reply to the Petition uses a broad brush in an attempt to paint a picture that it is providing “service” to the Subject Property. The lack of specific detail that broad brush allows, however, supports the conclusion that in fact the City is not currently providing, nor capable of providing service to the Subject Property.

2.2 Initially, the City attacks the Petition because the copy of the Affidavit of the Petitioner included as Exhibit 4 to the Petition is unsigned and, accordingly, not notarized. The Petition is supported by a signed and notarized Affidavit from Mr. Feiger, Trustee. *See PUC Interchange Item No. 2*. Unfortunately, due to an administrative oversight in the process of copying and electronically filing documents with the Commission, the copy of the Affidavit that was included in the scanning of the Original Petition to the Commission's e-filing system inadvertently did not include the executed copy of the Affidavit. Contemporaneously with the filing of the Petition, however, was the copy of the "Affidavit of Mailing" of the Petition to the Parties required to receive one, including the City. *See PUC Interchange Item No. 2* (Mr. Feiger's executed/notarized Affidavit, Exhibit "4" to the Petition, is found at Bates Stamped Pages 0034 through 0056, inclusive). That Affidavit, which is executed and notarized, was filed with the Commission electronically immediately after, and contemporaneously with, the filing of the Petition. *See PUC Interchange Items Nos. 1 and 2*. That Affidavit is of record in the Commission's file server as Interchange Item No. 2. *See Interchange Item No. 2* at Bates Stamped Pages 0034-0056.

2.3 The signed and acknowledged Affidavit of Mr. Feiger, Exhibit "4" to the Petition, can be found in the copy of the Petition included in the Affidavit of Mailing filed as Interchange Item No. 2. *Id.* Exhibit "4" appears in Bates Stamped Pages 0034 through 0056, inclusive. *Id.* A true and correct copy of Exhibit No. "4," as referenced herein, is attached to this Reply and identified as Exhibit "4."

The City's arguments related to the alleged technical deficiency are, accordingly, substantively without merit and should be dismissed.

2.4 The City's other arguments generally fall under two categories with respect to demonstrating purported "service" to the subject property:

- (i) Claims of "committed service" based upon the City's reliance upon affidavits of its Utility Engineer and Director of Public Works, Mr. Gabriel Johnson, P.E., and the Director of Planning and Development, Mr. Rashad J. Jackson, and
- (ii) The arguments that evidence the fact that the City attempted to utilize access to retail water as a means to circumvent the statutory prohibition in Section 212.03(a), Texas Local Gov't Code, prohibiting a city from extending its ordinance and zoning requirements into its extraterritorial jurisdiction where the Subject Property is located to dictate development requirements. *See Tex. Local Gov't Code § 212.003(a)(1)-(4).*

2.5 With respect to the Affidavits of Messrs Johnson and Jackson, the City attempts to argue that it is providing service within the definitions of "Service" found in Section 13.002(21), Texas Water Code and PUC Rule 16 TAC § 24.3(33). The Affidavits describe broadly, the historic regional efforts that the City has undertaken to develop water infrastructure and water resources. These efforts included discussion of the City's CIP Programs and contracts with third-party wholesale water suppliers to develop adequate resources to provide service within the entirety of the City's Extra Terrestrial Jurisdiction ("ETJ"). Nothing in the Affidavits, however, demonstrate that actual water service is, or had ever been provided or committed/dedicated to the Subject Property. Absent the sweeping unsupported "conclusory" statements in the Affidavits, there is no concrete credible evidence of any dedication or commitment of retail potable water service from the City's utility to the Subject Property. Nothing in the Affidavits demonstrated the presence of

infrastructure at or on the Subject Property capable of, and dedicated/committed to, providing actual water service to the Property.

2.6 Notwithstanding the contentions made by the City about the ability to provide service to the Subject Property, which they convert into a claim that the City is providing service to the Subject Property, the attached Affidavit of Mr. Carlo Silvestri, P.E. (*see* Exhibit No. 11), Petitioner's Project Engineer who took the lead in discussions on behalf of Petitioner with the City, demonstrates that the City, in fact, is not and cannot provide water service to the Subject Property with the existing infrastructure, water contracts and/or CIP planning the City has done to date, despite the City's reliance upon the same in its response. Specifically, in paragraph Nos. 8-11, 16-19 of his Affidavit (Exhibit "11"), a true and correct copy of which is appended hereto as Exhibit "11," demonstrates that Mr. Johnson, the City's chief Utility Engineer and Director of Public Works, admitted that the infrastructure (16-inch pipeline) that parallels the Subject Property does not provide service to the Subject Property or have adequate water inventory resources available to put into that pipeline to supply the Property. *See* Exhibit "11," Paragraphs 8-11, 16-19.

2.7 Mr. Silvestri's Affidavit also demonstrates that based upon his inspections of the Subject Property, he has seen no evidence of any infrastructure on or at the Property that reflects the provision of actual wet water service to the Property, or the ability to provide wet water retail water service to the Property at this time. The existing 16-inch pipeline, which is constructed in the easement underlying a portion of the Subject Property merely demonstrates that there is a pipeline which carries water proximate to the Subject Property. As demonstrated by Mr. Silvestri's Affidavit, however, it is not dedicated to, and cannot provide water to the Subject Property at this time. *See* Exhibit "11," Paragraphs 16 through 20.

Moreover, in paragraph 19 of his Affidavit, Mr. Silvestri highlights the crux question he put to the City, including the City's Engineer, Mr. Johnson and Development Director, Mr. Jackson, in an e-mail dated September 21, 2021, in which he wrote:

“[It is now] our understanding that the City will not serve the project with water and sanitary sewer? Is this correct or will the City support serving the property?”

According to Mr. Silvestri, I never received a response from any of the City staff included in the email including Mr. Rashad Jackson and Mr. Gabriel Johnson, P.E. Based upon that failure to respond, Mr. Silvestri concluded that the City was not interested in the project proposed for the Subject Property, including serving it with water and sanitary sewer utility services. See Exhibit “11.”

2.8 Based upon the foregoing, the City has failed to demonstrate that it is or will be capable of providing reliable, continuous and adequate retail water service to the Subject Property in a timely manner.

2.9 Based upon a review of recent decisions by the Commission¹ of the sampled cases identified in Appendix “A” hereto, the lone docket in which the Commission denied the requested decertification was in Docket No. 52534 (September 15, 2022) in the matter of the *Petition of Central Frisco Ltd. to Amend a Portion of the Marilee Special Utility District's CCN in Collin County by Expedited Release*. See 22 Tex. PUC LEXIS 4924 (the “Frisco Docket”). In the Frisco Docket the Commission entered findings of fact that include the following findings which distinguish this case from that one:

¹ See Appendix “A” which contains a list of decisions on CCN decertifications made by the Commission in the last 90-days.

- (i) FOF 13 – the property within the CCN secured a loan commitment from the United States Department of Agriculture, Water & Environmental Guaranteed Loan Program;
- (ii) FOF 20 – an Affidavit from the CCN holder’s engineer attesting to the existence of a 2¼-inch water line and two inactive service connections capable of being activated located within the boundaries of the tract sought to be decertified; and
- (iii) FOF 22 – water service to the tract had previously been terminated (deactivated) due to a request by the Petitioner.
- (iv) FOF 24 – a representative of the Petitioner, by affidavit, admitted the existence of at least one of the CCN holder’s inactive water meters on the property.
- (v) FOF 28 – the CCN holder had committed/dedicated facilities or lines to providing service to the tract sought to be decertified; and
- (vi) FOF 29 – the CCN holder had historically performed acts or supplied things of value to the tract of land sought to be decertified.

See 2022 TEX. PUC LEXIS 4924 (emphasis added).

On the basis of these findings, and others, the Commission determined that the petitioner had failed to demonstrate that the property was entitled to streamlined expedited release on the basis of not receiving water service. *See* Frisco Docket, 2022 TEX. PUC LEXIS 4924.

2.10 In the other recently sampled expedited decertification CCN Dockets identified in Appendix “A,” the Commission granted the release, relying upon findings of fact comparable to

those facts demonstrated in this Docket 53698 by Petitioner. Included with Appendix “A” is summary of key points from each of the aforementioned PUC Dockets.

2.11 Finally, the City’s reliance upon the Austin Court of Appeals’ decision in the *Texas General Land Office v. Crystal Clear Water Supply Corp.* case² supports the Petitioner’s request, not the city’s contentions. The Court’s analysis in that case, including the outcome of the case to uphold the decision of the Texas Commission on Environmental Quality, predecessor regulatory authority with jurisdiction over CCNs, to exclude and decertify the requested property tracks the facts demonstrated in the petition, supports the conclusion in this Docket No. 53698 that the City is not providing “service” to the Subject Property. See *Texas General Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d at 140-142.

2.12 The evidence supporting the Petition demonstrates, and the Reply of the City does not establish to the contrary, the following:

- (i) The City is not providing actual water service to the Subject Property;
- (ii) The City does not have facilities at or near the Subject Property currently capable of providing continuous and adequate service to the Property, nor are there any such facilities dedicated or committed to servicing the Subject Property;
- (iii) To provide service to the Subject Property, the City would have to acquire additional water resource inventory, and cannot provide it with existing water supply contracts and resources.
- (iv) The City would have to develop additional infrastructure to actually supply water to the Subject Property;

² 449 S.W.3d 130 (Tex. App. – Austin 2014 pet. denied).

(v) The City does not have existing meters to supply the Subject Property;

(vi) The City attempted to use water service as a means to circumvent the limitations on its zoning and regulatory development authority prescribed by Chapter 212, Section 212.003, Texas Local Gov't Code.

2.13 The evidence of record supports the expedited release of the Subject Property from the City's CCN 10105.

III. CONCLUSION & PRAYER

3.1 WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the Commission:

(a) process this Petition and grant the requested expedited streamlined decertification of the 317.4 acres, more or less, out of the Subject Property located within CCN No. 10105, and pursuant to Section 13.2541, Texas Water Code, and Commission Rule 24.245(h) (16 TAC), amend the City of Grand Prairie, Texas' CCN No. 10105 to decertify and exclude the portions of the Subject Property currently located within CCN No. 10105 by processing the Petition for Streamlined Expedited Release of the 317.4 acres, more or less, of the Subject Property in Ellis County from CCN No. 10105; and, thereafter,

(b) direct the Parties to proceed to the determination of what, if any, is the amount of appropriate compensation to the City pursuant to Section 13.2541(f)-(g), Texas Water Code, and Commission Rule 24.245(g)-(i) (16 TAC), resulting from the decertification of the portion of CCN No. 10105 affecting Petitioner's Subject Property containing that portion of the 317.4 acres of land, more or less, located within CCN No. 10105 in Ellis County, Texas.

Respectfully submitted,

MCCARTHY & MCCARTHY, LLP
1122 Colorado St., Suite 2399
Austin, Texas 78701

By: /s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.
State Bar No. 13367200
(512) 904-2313 (Tel)
(512) 692-2826 (Fax)
ed@ermlawfirm.com

**ATTORNEYS FOR PETITIONER, AM BUSINESS
TRUST 2021-001, a Utah Registered Trust,
acting by and through its Trustee, AM Real
Estate Solutions, Inc.**

CERTIFICATE OF SERVICE

I hereby certify by my signature below, that on this the 12th day of October, 2022, a true and correct copy of the foregoing Response to the City's Reply to the pending Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity No. 10105 was:

- (i) electronically e-filed with the Commission pursuant to Rule 22.74 and the Commission's Order in Docket No. 50664 addressing Covid-19 Pandemic conditions; and
- (ii) sent via postage prepaid United States Mail to representatives of the Holder of CCN No. 10105, the City of Grand Prairie, and the alternate retail water utility Aqua Texas, Inc.; and
- (iii) sent via e-mail to Counsel of Record in this Docket No. 53698.

/s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.

SERVICE LIST

Michael A. Gershon
Lloyd Gosselink Rochelle & Townsend,
P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Tel.: (512) 322-5872
Fax: (512) 472-0532
E-mail: mgershon@lglawfirm.com

Representing City of Grand Prairie

Robert Feiger, Vice President
AM BUSINESS TRUST 2021-001
1740 Dell Range Blvd., Suite 281
Cheyenne, Wyoming 82009

Representing Petitioner - AM BUSINESS TRUST 2021-001, a Utah Registered Trust

Legal Division
Attn: Ian Groetsch
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711
Tel.: (512) 936-7465
Fax: (512) 936-7268
E-mail: ian.groetsch@puc.texas.gov

Representing Public Utility Commission of Texas – Legal Division

City of Grand Prairie
Attn: Steve Dye, City Manager
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

City of Grand Prairie
Attn: Ron McCuller,
Public Works Director
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

City of Grand Prairie
Attn: Honorable Ron Jensen, Mayor
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

City of Grand Prairie
Attn: Megan Mahan, City Attorney
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

Aqua Texas, Inc.
Attn: Darryl Waldock, Manager-North Region
9450 Silver Creek Road
Fort Worth, Texas 76108
Tel.: (817) 367-1401
E-mail: DGWaldock@aquaamerica.com

Representing Aqua Texas, Inc., Petitioner's Alternate Retail
Water Utility for purposes of Commission Rule 24.245(f)(7)
(16 TAC).

Central Records Division
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711

**EXHIBITS TO PETITIONER's RESPONSE TO ORDER
No. 2 IN SUPPORT OF THE PENDING PETITION FOR
STREAMLINED EXPEDITED RELEASE FROM CERTIFICATE
OF CONVENIENCE AND NECESSITY NO. 10105**

Exhibit No.

Description

- | | |
|----|---|
| 4 | Duplicate copy of Executed Affidavit of Petitioner, Robert Feiger, given in his capacity as Vice President of AM Real Estate Solutions, Inc., Trustee of the AM BUSINESS TRUST 2021-001, a Utah Registered Trust from PUC Interchange Item 2, pages 0034-0056 |
| 11 | Affidavit of Carlo Silvestri, P.E., President/CEO Wier & Associates, Inc. |

Appendix

Description

- | | |
|---|--|
| A | Summary of Recent PUC Dockets addressing Expedited Decertification Petitions |
|---|--|

Exhibit No. “4”

Duplicate copy of Executed Affidavit of Petitioner,
Robert Feiger, given in his capacity as Vice President
of AM Real Estate Solutions, Inc., Trustee of the AM BUSINESS
TRUST 2021-001, a Utah Registered Trust
PUC Interchange Item 2; pages 0034-0056

Exhibit No. “4”

Affidavit of Robert Feiger, given in his capacity as Vice President
of AM Real Estate Solutions, Inc., Trustee of the AM BUSINESS
TRUST 2021-001, a Utah Registered Trust

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

**AFFIDAVIT OF ROBERT FEIGER, VICE PRESIDENT OF
AM REAL ESTATE SOLUTIONS, INC, TRUSTEE OF THE AM
BUSINESS TRUST 2021-001, A UTAH REGISTERED TRUST**

Robert Feiger, acting in his capacity as Vice President of AM Real Estate Solutions, Inc, Trustee of the AM BUSINESS TRUST 2021-001, a Utah Registered Trust, having been duly sworn in Dallas County, State of Texas, on this the 6th day of June, 2022, by the undersigned authority, does state under oath as follows:

1. My name is Robert Feiger. I am over the age of 18 and competent to make this affidavit. I give this affidavit in my capacity as Vice President of Am Real Estate Solutions, Inc, the Trustee and authorized representative of the AM BUSINESS TRUST 2021-001, a Utah Registered Trust (the "Trust"). I have personal knowledge of the facts stated in this affidavit, and they are true and correct.
2. My business address in Wyoming is 1740 H. Dell Range Blvd, Suite 281, Cheyenne, Laramie County, Wyoming 82009.
3. Trustee has registered the Trust as a Foreign Business Trust, registered with the Office of the Texas Secretary of State and the Texas Comptroller of Accounts. A true and correct copy of the Registration, file marked by the Office of the Texas Secretary of State, is attached hereto as **Exhibit "A."**
4. The Texas address for the Trustee and the Trust is 5301 Spring Valley Road, Suite 200, Dallas, Dallas County, Texas 75245.
5. The Trust owns the real property in Ellis County, Texas, 317.4 acres, more or less, out of the 340.8 acre tract which is the subject of a Petition for Streamlined Expedited Decertification, pursuant to Section 13.2541, Texas Water Code, to be filed with the Public Utility Commission of Texas. This Affidavit is given in support of that Petition. The Petition is being prepared, and is to be filed, under my supervision and direction in my capacity as Vice President of the Trustee, acting on behalf of the Trustee of the Trust ("Petitioner").
6. The 317.4 acre property that is the subject of the Petition is part the 340.8 acre tract in Ellis County that was acquired by the Trust on November 10, 2021, by Special Warranty Deed (the "Subject Property"). The Subject Property includes approximately 340.8 acres, more or less, in Ellis County, Texas, and is more particularly described in the aforementioned

Special Warranty Deed, which is recorded in the Official Public Records of Ellis County, Texas, as Instrument No. 2150320 (the “Deed”). I have attached a true and correct copy of the Deed to this Affidavit as **Exhibit “B,”** and incorporate the same by reference for all purposes.

7. The Subject Property has *not* been subdivided at the time the Trust acquired it, and it has not been subdivided to date. The Subject Property in its unsubdivided state is reflected in the attached Survey signed and sealed by Joel Christian Johnson, Texas Registered Land Surveyor (R.P.L.S. No. 5578) with MBC Engineers, Inc. out of San Antonio, Texas, dated July 21, 2021 (**Exhibit “C”**).
8. The Subject Property currently does not have either potable water service or sewer service from any retail utility provider, including the City of Grand Prairie, Texas (“Grand Prairie”).
9. The Subject Property is located both within the Grand Prairie’s Extra Territorial Jurisdiction (“ETJ”), and approximately 317.4 acres of the Subject Property is within Grand Prairie’s potable water Certificate of Convenience and Necessity, CCN No. 10105. A small portion of the Subject Property on the east side, approximately 7.1 acres, is located within the Cedar Hill CCN (CCN 11063), but receives no retail water service. A small portion of the Subject Property on the west side, approximately 15.1 acres, is not in any existing CCN. A true and correct copy of the Map prepared by the Trustee’s consultant, Wet Rock Water Services LLC at my request depicting the Subject Property and the areas subject to CCN Nos. 10105 (Grand Prairie) and 11063 (Cedar Hill) and not within any CCN is attached hereto as **Exhibit “D”**).
10. The Trust plans to develop the Subject Property as a high-end multi-family residential development similar to an apartment or condominium complex, constructing individual duplex-style units, each of which will be separately metered for the retail potable water service to be supplied by a retail water utility operating within the service area that includes the Subject Property.
11. Operating through its local consultants, the Trust under my direction and supervision reached out to the City of Grand Prairie as early as June of 2021, as part of its due diligence to acquire the Subject Property, to inquire about Grand Prairie’s ability and intent to provide potable water service to the Subject Property. Grand Prairie’s response to the request to provide utility service to the Subject Property was that it does not have service or infrastructure capable of providing potable retail service to the property, and based upon the type of development and Trust’s planned use by the Tract, Grand Prairie would not support the Project and, therefore, would not agree to extend potable water service to the Subject Property, even though it is within Grand Prairie’s CCN No. 10105.
12. The Trust, through its local consultants also reached out to Cedar Hill regarding the provision of retail water service to the portion of the Subject Property within Cedar Hill’s CCN 11063, as well as the entirety of the Subject Property. Cedar Hill indicated that it did not currently have the necessary capacity to service the Subject Property.

13. The statements made in paragraphs 1 through 12., inclusive are true and correct and within my personal knowledge.

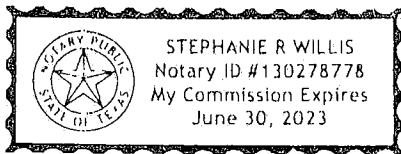
Further Affiant Sayeth Not.

AFFIANT

Robert E. Feiger

Robert Feiger, Vice President, Vice President
AM REAL ESTATE SOLUTIONS, INC., the
Trustee of AM BUSINESS TRUST 2021-001

SWORN TO AND SUBSCRIBED BEFORE ME by Robert Feiger, acting in his capacity as Vice President of AM REAL ESTATE SOLUTIONS, INC., the Trustee of the AM BUSINESS TRUST 2021-001, a Utah Registered Trust, on this the 10 day of June, 2022, to certify which witness my hand and seal of office.



Notary Seal

Stephanie Willis

Notary Public, State of Texas

Printed Name: Stephanie Willis

Notary No.: 130278778

My Commission Expires: 6/30/2023

Exhibit “A”

**File Marked Copy of the SOS Registration of
Foreign Business Trust filed March 28, 2022**

**Form 312
(Revised 05/11)**

Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512.463-5555
FAX: 512/463-5709

Filing Fee: \$750



**Application for
Registration of a Foreign
Business Trust, Real
Estate Investment Trust
or Other
Foreign Filing Entity**

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas

MAR 28 2022

Corporations Section

1. The name of the foreign filing entity is:

AM BUSINESS TRUST 2021-001

Provide the full legal name of the entity as stated in the entity's formation document in its jurisdiction of formation.

2. The entity name is not available in Texas. The assumed name under which the entity will qualify and transact business in Texas is:

3. The foreign filing entity is a: (choose only one) ☒ Business Trust ☐ Real Estate Investment Trust

☐ Other Foreign Filing Entity described as: _____

4. Its federal employer identification number is: 87-6778134

☐ Federal employer identification number information is not available at this time.

5. It is organized under the laws of: (set forth state or foreign country) UTAH

and the date of its formation in that jurisdiction is: 09/10/2021

mm/dd/yyyy

6. As of the date of filing, the undersigned certifies that the foreign filing entity currently exists as a valid entity of the type designated above under the laws of the jurisdiction of its formation.

7. The purpose or purposes of the entity that it proposes to pursue in the transaction of business in Texas are set forth below.

OWNERSHIP OF REAL ESTATE

The entity also certifies that it is authorized to pursue such stated purpose or purposes in the state or country under which it is organized.

8. The date on which the foreign entity intends to transact business in Texas, or the date on which the foreign entity first transacted business in Texas is: 03/01/2022

mm/dd/yyyy

Late fees may apply (see instructions).

9. The principal office address of the entity is:

1712 PIONEER AVE, SUITE 2055

CHEYENNE

WY

US

82001

Address

City

State

Country

Zip/Postal Code

Complete item 10A or 10B, but not both. Complete item 10C.

☐ 10A. The initial registered agent is an organization (cannot be entity named above) by the name of:

OR

☒ 10B. The initial registered agent is an individual resident of the state whose name is:

ROBERT	E	FRIGER	
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>

10C. The business address of the registered agent and the registered office address is:

5301 SPRING VALLEY RD, SUITE 200	DALLAS	TX	75254
<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

11. The entity hereby appoints the Secretary of State of Texas as its agent for service of process under the circumstances set forth in section 5.251 of the Texas Business Organizations Code.

12. The name and address of each governing person is:

NAME AND ADDRESS OF GOVERNING PERSON (Enter the name of either an individual or an organization, but not both.)				
IF INDIVIDUAL				
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
OR				
IF ORGANIZATION				
<i>AM REAL ESTATE SOLUTIONS, INC., TRUSTEE, a Delaware corporation</i>				
<i>Organization Name</i>				
1740 H DELL RANGE BOULEVARD #281	CHEYENNE	WY	US	82009
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Country</i>	<i>Zip Code</i>

NAME AND ADDRESS OF GOVERNING PERSON (Enter the name of either an individual or an organization, but not both.)				
IF INDIVIDUAL				
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
OR				
IF ORGANIZATION				
<i>Organization Name</i>				
<i>Street or Mailing Address</i>				
<i>City</i>				
<i>State</i>				
<i>Country</i>				
<i>Zip Code</i>				

NAME AND ADDRESS OF GOVERNING PERSON (Enter the name of either an individual or an organization, but not both.)				
IF INDIVIDUAL				
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
OR				
IF ORGANIZATION				
<i>Organization Name</i>				
<i>Street or Mailing Address</i>				
<i>City</i>				
<i>State</i>				
<i>Country</i>				
<i>Zip Code</i>				

Supplemental Provisions/Information

Text Area: [The attached addendum, if any, is incorporated herein by reference.]

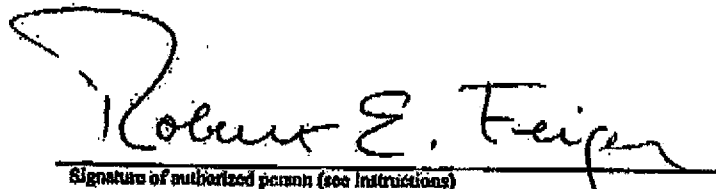
Effectiveness of Filing (Select either A, B, or C.)

- A. ☒ This document becomes effective when the document is filed by the secretary of state.
- B. ☐ This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. ☐ This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

The following event or fact will cause the document to take effect in the manner described below:

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 03/08/2022
Signature of authorized person (see instructions)**ROBERT E. FEIGER, VP**

Printed or typed name of authorized person.

Exhibit “B”

**Special Warranty Deed to the Subject Property,
Containing 340.8 acres, more or less, located in
Ellis County, Texas, and recorded as Instrument
No. 2150320, in the Official Public
Records of Ellis County, Texas**

WHEN RECORDED MAIL TO:

AM Business Trust 2021-001
1740 H. Dell Range Boulevard #281
Cheyenne, WY 82009

RTT/1008-335229

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

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 §
COUNTY OF ELLIS §

KNOW ALL PERSONS BY THESE PRESENTS:

THAT A&M RESIDENTIAL HOLDINGS, L.P., a Texas limited partnership ("Grantor"), whose mailing address is 1924 S. Utica, Suite 1018, Tulsa, Oklahoma 74104, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid in cash to Grantor by the Grantee herein named, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto AM BUSINESS TRUST 2021-001, a Utah registered trust ("Grantee"), whose mailing address is 1740 H. Dell Range Boulevard #281, Cheyenne, WY 82009, that certain real property situated in Ellis County, Texas, as more particularly described on Exhibit A attached hereto and made a part hereof for all purposes, together with all improvements thereon and appurtenances relating thereto ("Property").

This Special Warranty Deed (this "Deed") is expressly made subject to all matters of record, taxes and assessments for the current year and subsequent years, and matters set forth on Exhibit B attached hereto, to the extent, but only the extent, the same are valid and subsisting and affect the Property (collectively, the "Permitted Exceptions").

Notwithstanding anything contained in this Deed to the contrary, Grantor hereby reserves all of its right, title and interest in and to any of the oil, gas, and other minerals (as defined below) in, on, and under and that may be produced from the Property (collectively, the "Mineral Estate"). The Mineral Estate reserved by Grantor includes the right of Grantor, and Grantor's successors and assigns, to any lease bonuses, rentals, the right to execute oil and gas and other mineral leases, and the right to develop the Mineral Estate; provided however, that Grantor waives and relinquishes all rights of ingress and egress and other rights to use the surface of the Property for any purpose, including, without limitation, for the purpose of exploring for and producing oil, gas and other minerals, except, however, for any surface use that may be granted in another separate instrument recorded in the Real Property Records of Ellis County, Texas. All future leases or conveyances of all or any part of the Mineral Estate herein reserved by Grantor shall be subject to and burdened by the foregoing surface waiver and automatically shall be construed to contain a contractual waiver by the lessee or grantee (as applicable) of the right to enter upon or use the surface of the Property, such that none of the oil, gas and other minerals herein reserved by Grantor may be explored for or produced (either by themselves or in conjunction with any other undivided interest in the Mineral Estate underlying or appurtenant to the Property) by drilling or

other activities conducted on the surface estate of the Property. The foregoing provision shall be a covenant running with the Property binding upon any party owning an interest in any such reserved minerals and inuring to the benefit of, and directly enforceable by, all future owners of all or any part of the surface estate of the Property. Provided, however, nothing shall restrict or prohibit (i) the pooling or unitization of the Mineral Estate with land other than the Property, or (ii) the exploration or production of the Mineral Estate by means of wells that are drilled or mines that open on land other than the Property, provided that such activities at all times penetrate the Property sufficiently below the surface as to not interfere with the lateral or subjacent support of the surface of the Property or any improvements thereon or disturb in any manner the present or future use to which the owner of the Property or its successors and assigns may desire to devote the surface of the Property and in no event shall the directional drilling or other subsurface activities intersect the boundaries of the Property at depths of less than five hundred feet below the surface of the Property. As used herein, the term "oil, gas and other minerals" shall be construed in the broadest sense to include all oil, gas, and associated liquid or gaseous hydrocarbons, all sulfur, coal, uranium, lignite, and all other minerals, whether similar or dissimilar to those named above, regardless of how such mineral may be produced, subject however to the waiver and restriction on use of the surface estate of the Property set forth herein. For avoidance of doubt, this reservation of the Mineral Estate expressly does not include all surface and underground the water rights for or appurtenant to the Property.

TO HAVE AND TO HOLD the Property subject the Permitted Exceptions, the reservations set forth herein, and all improvements located thereon, together with all and singular the rights and appurtenances thereto and in any wise belonging unto the said Grantee, its legal representatives, successors and assigns, forever; and Grantor does hereby bind itself, its legal representatives and successors, to Warrant and Forever Defend all and singular the Property subject to the Permitted Exceptions unto the said Grantee, its legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THE CONTRACT BETWEEN GRANTOR AND GRANTEE FOR THE PROPERTY AND EXCEPT AS OTHERWISE SET FORTH IN THIS DEED, GRANTOR MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, CONCERNING THE PROPERTY. GRANTEE REPRESENTS AND WARRANTS TO GRANTOR THAT GRANTEE IS A SOPHISTICATED REAL ESTATE INVESTOR AND SHALL RELY SOLELY ON ITS OWN INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY AND SHALL NOT RELY ON ANY INFORMATION PROVIDED TO GRANTEE BY GRANTOR OR ANY AGENT OF GRANTOR NOT OTHERWISE SET FORTH IN THE CONTRACT AND THE INSTRUMENTS DELIVERED BY GRANTOR AT CLOSING. EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT BETWEEN GRANTOR AND GRANTEE FOR THE PROPERTY AND THE INSTRUMENTS DELIVERED BY GRANTOR AT CLOSING TO THE CONTRARY, THE PROPERTY IS BEING SOLD ON AN AS-IS, WHERE IS, BASIS, WITH ALL FAULTS, AND GRANTEE HEREBY WAIVES ANY CLAIM TO THE CONTRARY.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed to be effective as of the 10 day of NOVEMBER, 2021.

GRANTOR:

A&M RESIDENTIAL HOLDINGS, L.P.,
a Texas limited partnership

By: AMH Properties, Inc.,
a Texas corporation

By: [Signature] VP
Name: Brett Murphy
Title: Vice President

[ACKNOWLEDGEMENT]

STATE OF Oklahoma)
COUNTY OF Tulsa) ss:

This instrument was ACKNOWLEDGED AND SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, this 9th day of NOVEMBER, 2021, by Brett Murphy, as Vice President of AMH Properties, Inc., the general partner of A&M Residential Holdings, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of said entity.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 9th day of NOVEMBER, 2021.

[Signature]
Notary Public - State of Oklahoma

My commission expires:

11.30.24

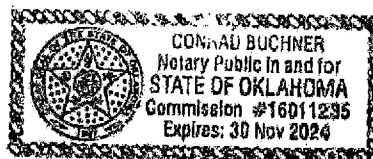


Exhibit A

Legal Description of Property

A 340.8 ACRE TRACT OF LAND SITUATED IN ELLIS COUNTY, TEXAS AND BEING IN THE WILLIAM S. RICKETS SURVEY ABSTRACT 925, ELLIS COUNTY, TEXAS; IN THE SARAH M. PEARSON SURVEY ABSTRACT 1289, ELLIS COUNTY, TEXAS; IN THE JAMES M.D. PEARSON SURVEY, ABSTRACT 1268, ELLIS COUNTY, TEXAS; JAMES M.D. PEARSON SURVEY, ABSTRACT 879, ELLIS COUNTY, TEXAS; AND IN THE ROBERT ZEIBIG SURVEY, ABSTRACT 1272, ELLIS COUNTY, TEXAS AND BEING OUT OF A 1,627 ACRE TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED RECORDED IN VOLUME 2005151, PAGE 11818, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS AND RECORDED IN VOLUME 2147, PAGE 1020, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-Inch Iron Rod found on the Westerly right of way of Koscher Drive, a 60 foot public right of way, and marking the Northeasterly corner of said 1,627 Acre Tract;

THENCE S 00° 02' 40" W a distance of 325.77 feet, along the Westerly right of way line of said Koscher Drive, to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set at the **POINT OF BEGINNING**;

THENCE S 00° 02' 40" W passing at a distance of 920.12 a 1/2-Inch Iron Rod Found marking the intersection of the Western right of way line of said Koscher Drive, and the Southerly right of way line of Prairie View Boulevard, a 100 foot public right of way, continuing along the Westerly boundary line of Lake Ridge Section 23, Phase A, according to plat recorded in Instrument Number 0607317, Official Public Records, Ellis County, Texas, for a total distance of 1923.16 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set, bearing N 00° 02' 40" E a distance of 126.97 feet from a 1/2-Inch Iron Rod found, marking the Southwest corner of Lot 1963, out of said Lake Ridge, Section 23, Phase A;

THENCE departing the Westerly boundary line of said Lake Ridge, Section 23, Phase A, across said 1627 Acre Tract, the following calls:

N 89° 51' 17" W a distance of 527.80 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

S 86° 51' 26" W a distance of 763.12 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

Along said curve to the left having the following Parameters: Radius = 1577.65 feet, Arc Length = 1030.16 feet, Delta = 37° 24' 45", Chord Bearing = S 64° 46' 40" W and a Chord Distance = 1011.96 to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

N 90° 00' 00" W a distance of 2228.79 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

N 45° 00' 00" W a distance of 682.41 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

N 00° 00' 00" E a distance of 436.04 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

N 61° 52' 46" W a distance of 490.53 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;
N 34° 44' 08" W a distance of 83.85 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;
S 55° 15' 52" W a distance of 70.00 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;
N 34° 44' 08" W a distance of 184.96 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;
N 89° 59' 39" W a distance of 2808.44 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

THENCE E the following calls along the Westerly boundary line of said 1627 Acre Tract;

N 56° 59' 12" W a distance of 52.96 feet to a bent 1/2-Inch Iron Rod Found;
N 32° 58' 50" E a distance of 100.01 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;
N 17° 38' 40" E a distance of 278.68 feet to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;
N 17° 35' 27" E a distance of 910.31 feet to a "USCOE" Brass Disc found on the Southerly boundary line of Tract Number 725: A 528.19 Acre Tract described in Declaration of Taking recorded in 81137, Page 245, Deed Records, Dallas County, Texas and marking the Northwesterly corner of said 1627 Acre Tract;

THENCE N 89° 57' 48" E a distance of 669.06 feet, along the Southerly boundary line of said 528.19 Acre Tract to a "USCOE" Brass Disc found marking the Southeasterly corner of said 528.19 and being the Southwesterly corner of a 108.383 Acre Tract of land described in Special Warranty Deed recorded in Volume 1139, Page 50, Official Public Records, Ellis County, Texas;

THENCE S 89° 46' 43" E a distance of 1480.34 feet, along the Southerly boundary line of said 108.383 Acre Tract, to a bent 3/8" Iron rod, Marking the Southeasterly corner of said 108.383 Acre Tract;

THENCE S 00° 06' 43" E a distance of 188.39 feet, across said 1627 Acre Tract, to a 1/2-Inch Iron Rod with cap stamped "MBC Engineers" Set;

THENCE N 89° 53' 17" E a distance of 5850.48 feet, across said 1627 Acre Tract, to the **POINT OF BEGINNING** and containing 340.8 Acres more or less as surveyed by Macina, Bose, Copeland and Associates, Inc.

Exhibit B

Permitted Exceptions

1. Restrictive covenants described in instrument filed 03/20/1984, recorded in Volume 702, Page 194, Real Property Records, Ellis County, Texas.
2. Mineral estate and interest, and all rights incident thereto, described in instrument filed 02/07/1928, recorded in Volume 1455, Page 471, Real Property Records of Dallas County, Texas.
3. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 05/08/1928, recorded in Volume 298, Page 112, Real Property Records, Ellis County, Texas. Together with instrument filed 02/26/1929, recorded under Volume 301, Page 381, Real Property Records, Ellis County, Texas.
4. Mineral estate and interest, and all rights incident thereto, described in instrument filed 06/08/1935, recorded in Volume 325, Page 400, Real Property Records, Ellis County, Texas.
5. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 05/09/1938, recorded in Volume 337, Page 548, Real Property Records, Ellis County, Texas.
6. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 08/21/1981, recorded in Volume 664, Page 202, Real Property Records, Ellis County, Texas.
7. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 02/25/1931, recorded in Volume 309, Page 457, Real Property Records, Ellis County, Texas.
8. Mineral lease together with all rights, privileges and immunities incident thereto, to Derrick Petroleum, Inc from David K. Danciger described in instrument filed 07/11/1980, recorded in Volume 646, Page 1053, Real Property Records, Ellis County, Texas.
9. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 02/03/1951, recorded in Volume 414, Page 497, Real Property Records, Ellis County, Texas; also filed 03/03/1951, recorded under Volume 3463, Page 306, Real Property Records, Dallas County, Texas. Further conveyed by Royalty Deed filed 08/21/1981, recorded in Volume 664, Page 202, Real Property Records, Ellis County, Texas.
10. Mineral estate and interest, and all rights incident thereto, described in Warranty Deed filed 02/17/1965, recorded in Volume 503, Page 100, Real Property Records, Ellis County, Texas. Also filed 02/17/1965, recorded under Volume 506, Page 1639, Real Property Records, Dallas County, Texas.
11. Mineral estate and interest, and all rights incident thereto, described in Mineral Deed filed 06/25/1945, recorded in Volume 371, Page 153, Real Property Records, Ellis County, Texas.
12. Mineral estate and interest, and all rights incident thereto, described in Royalty Contract filed 01/27/1928, recorded in Volume 297, Page 109, Real Property Records, Ellis County, Texas.

13. Mineral lease together with all rights, privileges and immunities incident thereto, to Horace Hawkins from M.D. Hawkins et ux Annie Hawkins described in instrument filed 05/08/1928, recorded in Volume 298, Page 114, Real Property Records, Ellis County, Texas.
14. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 08/16/1950, recorded in Volume 411, Page 174, Real Property Records, Ellis County, Texas.
15. Mineral estate and interest, and all rights incident thereto, described in Deed filed 01/21/1950, recorded in Volume 406, Page 239, Real Property Records, Ellis County, Texas.
16. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 11/01/1967, recorded in Volume 522, Page 940, Real Property Records, Ellis County, Texas.
17. Mineral estate and interest, and all rights incident thereto, described in General Warranty Deed filed 04/14/1986, recorded in Volume 744, Page 520, Real Property Records, Ellis County, Texas. Also filed 11/21/1984, recorded in Volume 84230, Page 905, Real Property Records, Dallas County, Texas.
18. Undivided royalty interest in coal, lignite, oil, gas and other minerals, and all rights incident thereto, described in instrument filed 02/25/1931, recorded in Volume 309, Page 458, Real Property Records, Ellis County, Texas.
19. Roadway, tree-trimming and submergence easement as awarded to the United States of America in Condemnation Proceedings in the United States District Court of the Northern District of Texas, Dallas Division, under Cause No. CA# 383-0622-R, filed 01/05/83, recorded in Volume 83115, Page 1102, Real Property Records of Dallas County, Texas; also recorded in Volume 687, Page 584, Real Property Records, Ellis County, Texas.
20. Railroad Right of Way and tracks across subject property as affected by easement to Texas and New Orleans Railroad, recorded in Volume 323, Page 86, Real Property Records of Ellis County, Texas. Partially released by instrument recorded in Volume 786, Page 28, Real Property Records of Ellis County, Texas.
21. Agreement executed by Caroline Hunt Trust Estate, J.A. Goodson, Trustee, to Lone Star Gas Company and LSG Trans Texas Gas Company dated 11/14/1974, recorded in Volume 586, Page 1011, Real Property Records, Ellis County, Texas; also recorded in Volume 75011, Page 1188, Real Property Records, Dallas County, Texas.
22. Easements to Texas Power & Light Company as noted in Deed recorded in Volume 744, Page 520, Real Property Records, Ellis County, Texas. Also recorded under Volume 84230, Page 905, Real Property Records, Dallas County, Texas.
23. Right-of-Way Agreement between A&M Residential Holdings, L.P. and Texas Midstream Gas Services, LLC filed 4/28/2009, recorded under Volume 2447, Page 237 Real Property Records, Ellis County, Texas. Also filed 04/17/2009, recorded under cc# 200900109242, Real Property Records, Dallas County, Texas.

24. Basement granted by Atherton & Murphy Holdings, Inc. to the City of Grand Prairie, filed 04/15/2014, recorded in Volume 2760, Page 602, Real Property Records, Ellis County, Texas.
25. Mineral estate and interest, and all rights incident thereto, described in Mineral Deed filed 12/02/2013, recorded in cc# 201300366811, Real Property Records, Dallas County, Texas.
26. Mineral lease, together with all rights privileges and immunities incident thereto, to Cherokee Horn Production, LP. from David Kendall Revocable Trust, as evidenced by Memorandum of Oil and Gas Lease, filed 05/04/2006, recorded in Volume 2215, Page 2169, Real Property Records, Ellis County, Texas; also filed 05/15/2006, recorded under cc# 200600177687, Real Property Records, Dallas County, Texas. Memorandum of Amendment to Oil, Gas and Mineral Lease filed 08/10/2007, recorded under Volume 2330, Page 2009, Real Property Records, Ellis County, Texas; also filed 08/10/2007, cc# 20070288236 Real Property Records, Dallas County, Texas. As affected by Partial Release filed 05/14/2009, recorded under cc# 200900137284 Real Property Records, Dallas County, Texas. As affected by Ratification filed 03/09/2012, recorded under Volume 2615, Page 1933 Real Property Records, Ellis County, Texas; also filed 03/09/2012, recorded under cc# 201200067699, Real Property Records, Dallas County, Texas. As affected by Amendment, Extension, Ratification & Revivor of Oil and Gas Lease filed 11/15/2012, recorded under cc# 201200340303 Real Property Records, Dallas County, Texas.
27. Mineral estate and interest, and all rights incident thereto, described in General Warranty Deed filed 08/05/2005, recorded in Volume 2147, Page 1020, Real Property Records, Ellis County, Texas; also filed 08/04/2005, recorded under Volume 2005151, Page 11818, Real Property Records, Dallas County, Texas. Together with Mineral Deed from Atherton & Murphy Holdings, Inc. to A&M Mineral Holdings, L.P., filed 04/04/2006, recorded under Volume 2208, Page 261 and Volume 2208, Page 278, Real Property Records, Ellis County, Texas; also filed 04/04/2006, recorded under cc# 200600120691, Real Property Records, Dallas County, Texas.
28. Mineral lease, together with all rights privileges and immunities incident thereto, to Harding Company from A&M Mineral Holdings, as evidenced by Memorandum of Paid Up Oil and Gas Lease, filed 04/06/2006, recorded in Volume 2208, Page 1341, Real Property Records, Ellis County, Texas; also filed 05/17/2006, recorded under cc# 200600179528, Real Property Records, Dallas County, Texas. As affected by Designation of Retained Tracts filed 06/22/2010, recorded under Volume 2517, Page 2240, Real Property Records, Dallas County, Texas; also filed 06/22/2010, recorded under cc# 201000156319, Real Property Records, Dallas County, Texas. As affected by Designation of Right-of-Way filed 08/21/2007, recorded under Volume 2333, Page 450 and Amendment to Designation of Right-of-Way filed 02/20/2008, recorded under Volume 2369, Page 543, Real Property Records, Ellis County, Texas.
29. Terms, provisions, and conditions of Surface Use Agreement between A&M Residential Holdings, L.P. and Harding Company as evidenced by Memorandum thereof filed 04/06/2006, recorded in Volume 2208, Page 1333, Real Property Records, Ellis County, Texas; also filed 04/05/2006, recorded under cc# 200600121759 Real Property Records, Dallas County. As affected by Assignment of Agreements filed 07/19/2006, recorded under Volume 2235, Page 2280, Real Property Records, Ellis County. As affected by Designation of Right-of-Way filed 08/21/2007, recorded under Volume 2333, Page 450 and Amendment to Designation of Right-of-Way filed 02/20/2008, recorded under Volume 2369, Page 543, Real Property Records, Ellis County.

30. Terms, provisions, and conditions of Gas Gathering Agreement as evidenced by Memorandum thereof filed 10/09/2009, recorded in Volume 2475, Page 878, Real Property Records, Ellis County, Texas.
31. Rights of third parties, if any, with respect to Electric Transformer located on the land, but specifically, only as located outside of designated easement areas as shown on survey prepared by MBC Engineers, Job No. 32884-Ellis, certified to by Joel Christian Johnson, R.P.L.S. No. 5578, dated 07/21/2021, last revised 11/10/2021.
32. Gas utilities/access shown and as evidenced by gas utility signs along the north westerly boundary line and westerly boundary and south west corner of the subject land as shown on survey prepared by MBC Engineers, Job No. 32884-Ellis, certified to by Joel Christian Johnson, R.P.L.S. No. 5578, dated 07/21/2021, last revised 11/10/2021.

FILED FOR RECORD - ELLIS COUNTY, TX
INST NO. 2150320
on Nov 15, 2021 at 12:56:00 PM

STATE OF TEXAS

COUNTY OF ELLIS

I hereby certify this instrument was filed on the date
and time stamped hereon and was duly recorded in
the records of Ellis County, Texas as stamped hereon.



Hughes Valley

COUNTY CLERK, ELLIS COUNTY TEXAS

Exhibit “C”

**On-the-Ground Survey Plat of 340.8 Acres Described
in the Special Warranty Deed into AM Business Trust 2021-001**

METES AND BOUNDS DESCRIPTION OF

A 340.8 ACRE TRACT OF LAND SITUATED IN THE WILLIAM S. RICKETS SURVEY ABSTRACT 925, IN THE SARAH M. PEARSON SURVEY ABSTRACT 1289, IN THE JAMES M.D. PEARSON SURVEY, ABSTRACT 1289, AND IN THE ROBERT ZEBIG SURVEY, ABSTRACT 1272, AND BEING OUT OF A 1.627 ACRE TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED RECORDED IN VOLUME 2005151, PAGE 11818, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS AND RECORDED IN VOLUME 2147, PAGE 1020, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND ON THE WESTERLY RIGHT OF WAY OF KOSCHER DRIVE, A 60 FOOT PUBLIC RIGHT OF WAY, AND MARKING THE NORTHEASTERLY CORNER OF SAID 1.627 ACRE TRACT;

THENCE S 00° 02' 40" W A DISTANCE OF 325.77 FEET, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID KOSCHER DRIVE, TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET AT THE POINT OF BEGINNING;

THENCE S 00° 02' 40" W PASSING AT A DISTANCE OF 920.12 A 1/2-INCH IRON ROD FOUND MARKING THE INTERSECTION OF THE WESTERN RIGHT OF WAY LINE OF SAID KOSCHER DRIVE, AND THE SOUTHERLY RIGHT OF WAY LINE OF PRAIRIE VIEW BOULEVARD, A 100 FOOT PUBLIC RIGHT OF WAY, CONTINUING ALONG THE WESTERLY BOUNDARY LINE OF LAKE RIDGE SECTION 23, PHASE A, ACCORDING TO PLAT RECORDED IN INSTRUMENT NUMBER 0607317, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS, FOR A TOTAL DISTANCE OF 1823.18 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET, BEARING N 00° 02' 40" E A DISTANCE OF 128.97 FEET FROM A 1/2-INCH IRON ROD FOUND, MARKING THE SOUTHWEST CORNER OF LOT 1963, OUT OF SAID LAKE RIDGE, SECTION 23, PHASE A;

THENCE DEPARTING THE WESTERLY BOUNDARY LINE OF SAID LAKE RIDGE, SECTION 23, PHASE A, ACROSS SAID 1627 ACRE TRACT, THE FOLLOWING CALLS:

N 89° 51' 17" W A DISTANCE OF 527.80 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

S 88° 51' 28" W A DISTANCE OF 763.12 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

ALONG SAID CURVE TO THE LEFT HAVING THE FOLLOWING PARAMETERS: RADIUS = 1577.65 FEET, ARC LENGTH = 1030.16 FEET, DELTA = 37° 24' 45", CHORD BEARING = S 54° 48' 40" W AND A CHORD DISTANCE = 1011.96 TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 90° 00' 00" W A DISTANCE OF 2228.79 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 45° 00' 00" W A DISTANCE OF 682.41 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 00° 00' 00" E A DISTANCE OF 436.04 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 61° 52' 48" W A DISTANCE OF 490.53 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 34° 44' 08" W A DISTANCE OF 83.85 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

S 55° 15' 52" W A DISTANCE OF 70.00 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 34° 44' 08" W A DISTANCE OF 184.96 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 89° 59' 39" W A DISTANCE OF 2808.44 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

THENCE E THE FOLLOWING CALLS ALONG THE WESTERLY BOUNDARY LINE OF SAID 1627 ACRE TRACT;

N 56° 59' 12" W A DISTANCE OF 52.86 FEET TO A BENT 1/2-INCH IRON ROD FOUND;

N 32° 58' 50" E A DISTANCE OF 100.01 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 17° 38' 40" E A DISTANCE OF 278.88 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

N 17° 38' 27" E A DISTANCE OF 810.31 FEET TO A "USCOE" BRASS DISC FOUND ON THE SOUTHERLY BOUNDARY LINE OF TRACT NUMBER 728, A 528.19 ACRE TRACT DESCRIBED IN DECLARATION OF TAKING RECORDED IN 81137, PAGE 245, DEED RECORDS, DALLAS COUNTY, TEXAS AND MARKING THE NORTHWESTERLY CORNER OF SAID 1627 ACRE TRACT;

THENCE N 89° 57' 48" E A DISTANCE OF 669.06 FEET, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID 528.19 ACRE TRACT TO A "USCOE" BRASS DISC FOUND MARKING THE SOUTHEASTERLY CORNER OF SAID 528.19 AND BEING THE SOUTHWESTERLY CORNER OF A 108.383 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 1139, PAGE 50, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS;

THENCE S 89° 48' 43" E A DISTANCE OF 1480.34 FEET, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID 108.383 ACRE TRACT, TO A BENT 3/8" IRON ROD, MARKING THE SOUTHEASTERLY CORNER OF SAID 108.383 ACRE TRACT;

THENCE S 00° 06' 43" E A DISTANCE OF 188.39 FEET, ACROSS SAID 1627 ACRE TRACT, TO A 1/2-INCH IRON ROD WITH CAP STAMPED "MBC ENGINEERS" SET;

THENCE N 89° 53' 17" E A DISTANCE OF 5850.48 FEET, ACROSS SAID 1627 ACRE TRACT, TO THE POINT OF BEGINNING AND CONTAINING 340.8 ACRES MORE OR LESS AS SURVEYED BY MACINA, BOSE, COPELAND AND ASSOCIATES, INC.

SURVEYOR NOTES:

1) RESTRICTIVE COVENANTS DESCRIBED IN INSTRUMENT FILED 03/20/1984, RECORDED IN VOLUME 702, PAGE 194, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, (APPLIES NOT PLOTTABLE)

10E. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 02/07/1928, RECORDED IN VOLUME 1465, PAGE 471, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, TITLE TO SAID INTEREST NOT CHECKED SUBSEQUENT TO THE DATE THEREOF, (DOES NOT AFFECT)

10F. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 06/08/1938, RECORDED IN VOLUME 298, PAGE 112, (DOES NOT AFFECT) REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, TOGETHER WITH INSTRUMENT FILED 02/08/1932, RECORDED UNDER VOLUME 301, PAGE 381, (DOES NOT AFFECT) REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS.

10G. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 06/08/1938, RECORDED IN VOLUME 298, PAGE 401, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS.

10H. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 06/08/1938, RECORDED IN VOLUME 337, PAGE 548, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (DOES NOT AFFECT)

10I. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 08/21/1981, RECORDED IN VOLUME 864, PAGE 202, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (AFFECTS, NOT PLOTTABLE)

10J. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 02/25/1931, RECORDED IN VOLUME 309, PAGE 457, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (DOES NOT AFFECT)

10K. MINERAL LEASE TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES INCIDENT THERETO, TO DERRICK PETROLEUM, INC. FROM DAVID K. DANCIGER DESCRIBED IN INSTRUMENT FILED 07/11/1980, RECORDED IN VOLUME 646, PAGE 1053, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (AFFECTS, NOT PLOTTABLE)

10L. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 02/03/1951, RECORDED IN VOLUME 414, PAGE 497, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS; ALSO FILED 03/03/1951, RECORDED UNDER VOLUME 5463, PAGE 306, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, FURTHER CONVEYED BY ROYALTY DEED FILED 08/21/1981, RECORDED IN VOLUME 864, PAGE 202, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS.

10M. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN WARRANTY DEED FILED 02/17/1985, RECORDED IN VOLUME 883, PAGE 100, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 02/17/1985, RECORDED UNDER VOLUME 508, PAGE 1639, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SAID INTEREST. (AFFECTS, NOT PLOTTABLE)

10N. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN MINERAL DEED FILED 06/25/1945, RECORDED IN VOLUME 371, PAGE 153, (DOES NOT AFFECT) REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, TOGETHER WITH MINERAL DEED FILED 06/25/1945, RECORDED UNDER VOLUME 311, PAGE 155, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SAID INTEREST.

10O. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN ROYALTY CONTRACT FILED 01/27/1929, RECORDED IN VOLUME 297, PAGE 109, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SAID INTEREST. (DOES NOT AFFECT)

10P. MINERAL LEASE TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES INCIDENT THERETO, TO HORACE HAWKINS FROM M.D. HAWKINS ETUX ANNIE HAWKINS DESCRIBED IN INSTRUMENT FILED 06/08/1928, RECORDED IN VOLUME 298, PAGE 114, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (DOES NOT AFFECT)

10Q. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 08/16/1950, RECORDED IN VOLUME 411, PAGE 174, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (AFFECTS, NOT PLOTTABLE)

10R. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN DEED FILED 01/21/1950, RECORDED IN VOLUME 408, PAGE 239, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SAID INTEREST. (DOES NOT AFFECT)

10S. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 11/01/1967, RECORDED IN VOLUME 522, PAGE 840, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (DOES NOT AFFECT)

10T. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN GENERAL WARRANTY DEED FILED 04/14/1986, RECORDED IN VOLUME 744, PAGE 520, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 11/21/1984, RECORDED IN VOLUME 9420, PAGE 905, (AFFECTS NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SAID INTEREST.

10U. UNDIVIDED ROYALTY INTEREST IN COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN INSTRUMENT FILED 02/25/1931, RECORDED IN VOLUME 309, PAGE 458, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. (NOT PLOTTABLE)

10V. ROADWAY, TREE-TRIMMING AND SUBMERGENCE EASEMENT AS AWARDED TO THE UNITED STATES OF AMERICA IN CONDEMNATION PROCEEDINGS IN THE UNITED STATES DISTRICT COURT OF THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION, UNDER CAUSE NO. CA# 883-0622-R, FILED 01/05/83, RECORDED IN VOLUME 83115, PAGE 1102, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, ALSO RECORDED IN VOLUME 887, PAGE 584, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, (SHOWN HEREON)

10X. RAILROAD RIGHT OF WAY AND TRACKS ACROSS SUBJECT PROPERTY AS AFFECTED BY EASEMENT TO TEXAS AND NEW ORLEANS RAILROAD, RECORDED IN VOLUME 323, PAGE 86, REAL PROPERTY RECORDS OF ELLIS COUNTY, TEXAS, PARTIALLY RELEASED BY INSTRUMENT RECORDED IN VOLUME 786, PAGE 28, REAL PROPERTY RECORDS OF ELLIS COUNTY, TEXAS, (SHOWN HEREON)

10Z. AGREEMENT EXECUTED BY CAROLINE HUNT TRUST ESTATE, J.A. GOODSON, TRUSTEE, TO LONE STAR GAS COMPANY AND L&S TRANSXAS GAS COMPANY DATED 11/14/1974, RECORDED IN VOLUME 588, PAGE 1011, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO RECORDED IN VOLUME 75011, PAGE 1188, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, (AFFECTS, NOT PLOTTABLE)

10AA. EASEMENTS TO TEXAS POWER & LIGHT COMPANY AS NOTED IN DEED RECORDED IN VOLUME 744, PAGE 520, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO RECORDED UNDER VOLUME 9420, PAGE 905, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, (AFFECTS, NOT PLOTTABLE)

10BB. RIGHT-OF-WAY AGREEMENT BETWEEN A&M RESIDENTIAL HOLDINGS, L.P. AND TEXAS MIDSTREAM GAS SERVICES, LLC FILED 4/28/2009, RECORDED UNDER VOLUME 2447, PAGE 237, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 04/17/2009, RECORDED UNDER CCF 20080109242, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, (SHOWN HEREON)

10DD. EASEMENT GRANTED BY ATHERTON & MURPHY HOLDINGS, INC. TO THE CITY OF GRAND PRAIRIE, FILED 04/15/2014, RECORDED IN VOLUME 2760, PAGE 602, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, (SHOWN HEREON)

10EE. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN MINERAL DEED FILED 12/02/2013, RECORDED IN CCF 201300368811, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SAID INTEREST. (AFFECTS, NOT PLOTTABLE)

10FF. MINERAL LEASE, TOGETHER WITH ALL RIGHTS PRIVILEGES AND IMMUNITIES INCIDENT THERETO, TO CHEROKEE HORN PRODUCTION, L.P. FROM DAVID KENDALL REVOCABLE TRUST, AS EVIDENCED BY MEMORANDUM OF OIL AND GAS LEASE FILED 05/04/2006, RECORDED IN VOLUME 2215, PAGE 2189, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 05/15/2006, RECORDED UNDER CCF 200600171687, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, MEMORANDUM OF AMENDMENT TO OIL, GAS AND MINERAL LEASE FILED 09/10/2007, RECORDED UNDER VOLUME 2380, PAGE 2009, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 09/10/2007, CCF 20070289236, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AS AFFECTED BY PARTIAL RELEASE FILED 05/14/2009, RECORDED UNDER CCF 200900137284, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AS AFFECTED BY RATIFICATION FILED 03/09/2012, RECORDED UNDER VOLUME 2615, PAGE 1933, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 03/09/2012, RECORDED UNDER CCF 20120087688, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AS AFFECTED BY AMENDMENT, EXTENSION, RATIFICATION & REVOCATION OF OIL AND GAS LEASES FILED 11/15/2012, RECORDED UNDER CCF 201200340303, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS.

10GG. MINERAL ESTATE AND INTEREST, AND ALL RIGHTS INCIDENT THERETO, DESCRIBED IN GENERAL WARRANTY DEED FILED 08/05/2006, RECORDED IN VOLUME 2147, PAGE 1020, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 08/04/2006, RECORDED UNDER VOLUME 2005151, PAGE 11818, (AFFECTS, NOT PLOTTABLE), REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, TOGETHER WITH MINERAL DEED FROM ATHERTON & MURPHY HOLDINGS, INC. TO A&M MINERAL HOLDINGS, L.P. FILED 04/04/2006, RECORDED UNDER VOLUME 2208, PAGE 281 (DOES NOT AFFECT) AND VOLUME 2208, PAGE 278, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 04/04/2006, RECORDED UNDER CCF 200600128891, (DOES NOT AFFECT), REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SAID INTEREST.

10HH. MINERAL LEASE, TOGETHER WITH ALL RIGHTS PRIVILEGES AND IMMUNITIES INCIDENT THERETO, TO HARDING COMPANY FROM A&M MINERAL HOLDINGS, AS EVIDENCED BY MEMORANDUM OF OIL, L.P. OIL AND GAS, LEASE, FILED 04/08/2006, RECORDED IN VOLUME 2208, PAGE 1341, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 05/17/2006, RECORDED UNDER CCF 200600178528, (AFFECTS, NOT PLOTTABLE), REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AS AFFECTED BY DESIGNATION OF RETAINED TRACTS FILED 06/22/2010, RECORDED UNDER VOLUME 2517, PAGE 2240, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, ALSO FILED 06/22/2010, RECORDED UNDER CCF 201000186319, (AFFECTS, NOT PLOTTABLE), REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AS AFFECTED BY DESIGNATION OF RIGHT-OF-WAY FILED 08/21/2007, RECORDED UNDER VOLUME 2333, PAGE 450 (DOES NOT AFFECT) AND AMENDMENT TO DESIGNATION OF RIGHT-OF-WAY FILED 02/22/2008, RECORDED UNDER VOLUME 2389, PAGE 543 (DOES NOT AFFECT), REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS.

10II. TERMS, PROVISIONS, AND CONDITIONS OF SURFACE USE AGREEMENT BETWEEN A&M RESIDENTIAL HOLDINGS, L.P. AND HARDING COMPANY AS EVIDENCED BY MEMORANDUM THEREOF FILED 04/06/2009, RECORDED IN VOLUME 2208, PAGE 1333, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, ALSO FILED 04/06/2009, RECORDED UNDER CCF 200800121759, (AFFECTS, NOT PLOTTABLE) REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AS AFFECTED BY ASSIGNMENT OF AGREEMENTS FILED 07/19/2009, RECORDED UNDER VOLUME 2236, PAGE 2280, (AFFECTS, NOT PLOTTABLE), REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, AS AFFECTED BY DESIGNATION OF RIGHT-OF-WAY FILED 08/21/2007, RECORDED UNDER VOLUME 2333, PAGE 450 (DOES NOT AFFECT) AND AMENDMENT TO DESIGNATION OF RIGHT-OF-WAY FILED 02/22/2008, RECORDED UNDER VOLUME 2389, PAGE 543, (DOES NOT AFFECT) REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS.

10JJ. TERMS, PROVISIONS, AND CONDITIONS OF GAS GATHERING AGREEMENT AS EVIDENCED BY MEMORANDUM THEREOF FILED 10/09/2009, RECORDED IN VOLUME 2475, PAGE 678, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, (AFFECTS, NOT PLOTTABLE)

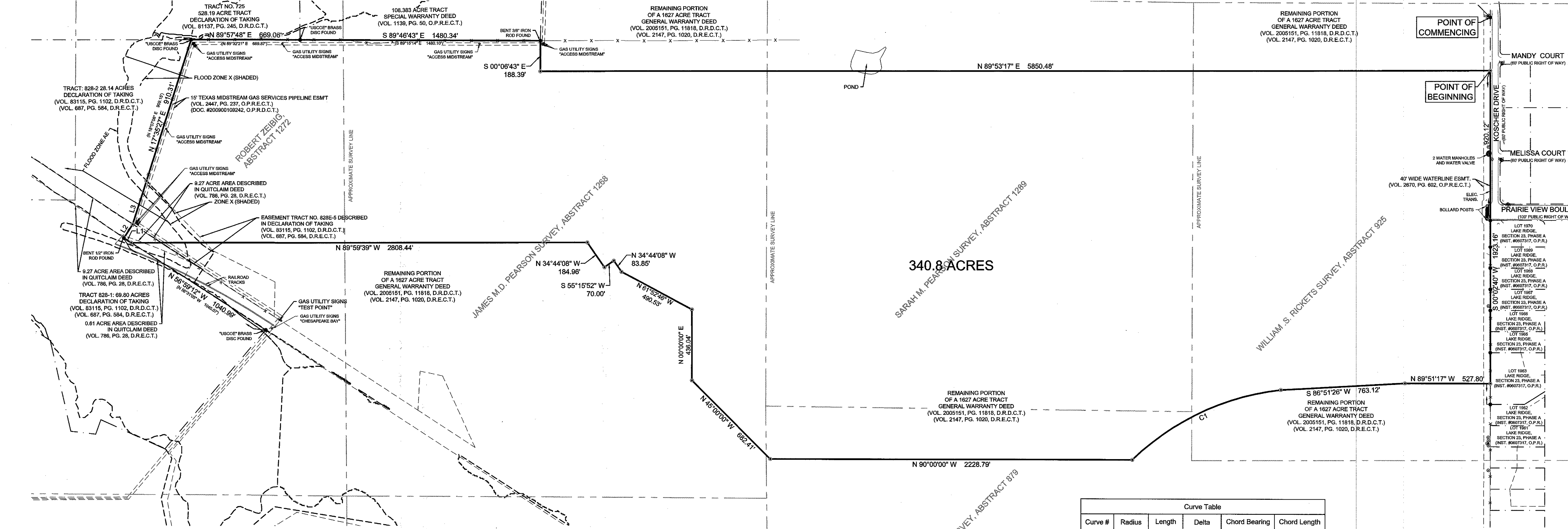
10KK. TERMS, PROVISIONS, AND CONDITIONS OF GAS GATHERING AGREEMENT AS EVIDENCED BY MEMORANDUM THEREOF FILED 02/17/2010, RECORDED IN VOLUME 2494, PAGE 1443, REAL PROPERTY RECORDS, ELLIS COUNTY, TEXAS, (AFFECTS, NOT PLOTTABLE)

FOR MORE INFORMATION PLEASE CONSULT FLOOD MAP(S).

2) MACINA, BOSE, COPELAND AND ASSOCIATES, INC. (MBC) AND/OR THEIR EMPLOYEES HAVE NOT MADE AN INDEPENDENT ABSTRACT OF TITLE IN REFERENCE TO THE PROPERTY SHOWN ON THIS SURVEY OR THE PROPERTY ADJACENT TO THIS SURVEY. MBC HAS RELIED ON A TITLE COMMITMENT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND MBC OFFERS NO GUARANTEES, EXPRESSED OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF THE HEREIN REFERENCED TITLE COMMITMENT:
OF NO. 1003-335229-RTT
EFFECTIVE DATE: JUNE 28, 2021
ISSUED DATE: JULY 28, 2021

3) ONLY VISIBLE UTILITY FEATURES SHOWN HEREON. CALL 811 FOR UTILITY LOCATES PRIOR TO CONSTRUCTION.

4) BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM GRID NORTH CENTRAL ZONE ESTABLISHED BY GPS. DISTANCES SHOWN HEREON ARE SURFACE WITH A COMBINED SCALE FACTOR OF: 1.000072449.

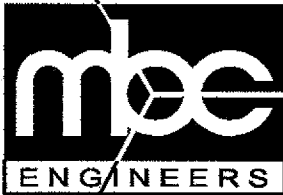


Curve Table				
Curve #	Radius	Length	Delta	Chord Bearing
C1	1577.65'	1030.16'	37°24'45"	S 64°48'40" W

Line Table		
Line #	Bearing	Length
L1	N 56°59'12" W	52.96'
L2	N 32°58'50" E	100.01'
L3	N 17°38'40" E	278.68'
L4	N 18°08'45" E	278.68'

REVISIONS:			
DATE	No.	DESCRIPTION	BY
07-30-2021	1	REVISED PER TITLE COMPANY COMMENTS	JC
11-04-2021	1	REVISED BOUNDARY	GG

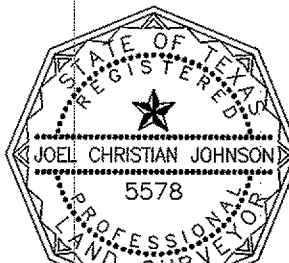
LAND TITLE SURVEY OF
A 303.0 ACRE TRACT OF LAND SITUATED IN THE WILLIAM S. RICKETS SURVEY ABSTRACT 925; IN THE SARAH M. PEARSON SURVEY ABSTRACT 1289; IN THE JAMES M.D. PEARSON SURVEY, ABSTRACT 1268; AND IN THE ROBERT ZEBIG SURVEY, ABSTRACT 1272, AND BEING OUT OF A 1.627 ACRE TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED RECORDED IN VOLUME 2005151, PAGE 11818, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS AND RECORDED IN VOLUME 2147, PAGE 1020, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS.



MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 Fax (210) 545-9302 www.mbcengineers.com
FIRM REGISTRATION NUMBER: T.B.P.E. F-784 & T.B.P.L.S. 10011700

DESIGN JC
DRAWN JCJ
CHECKED JCJ
DATE 07-21-2021
JOB NO. 32884-ELLIS
SHT. 1 OF 1



TO: REPUBLIC TITLE OF TEXAS, INC. AND ITS UNDERWRITER FIRST AMERICAN TITLE INSURANCE COMPANY; NEWPORT CLASSIC HOMES, LP AND ITS SUCCESSORS AND/OR ASSIGNS

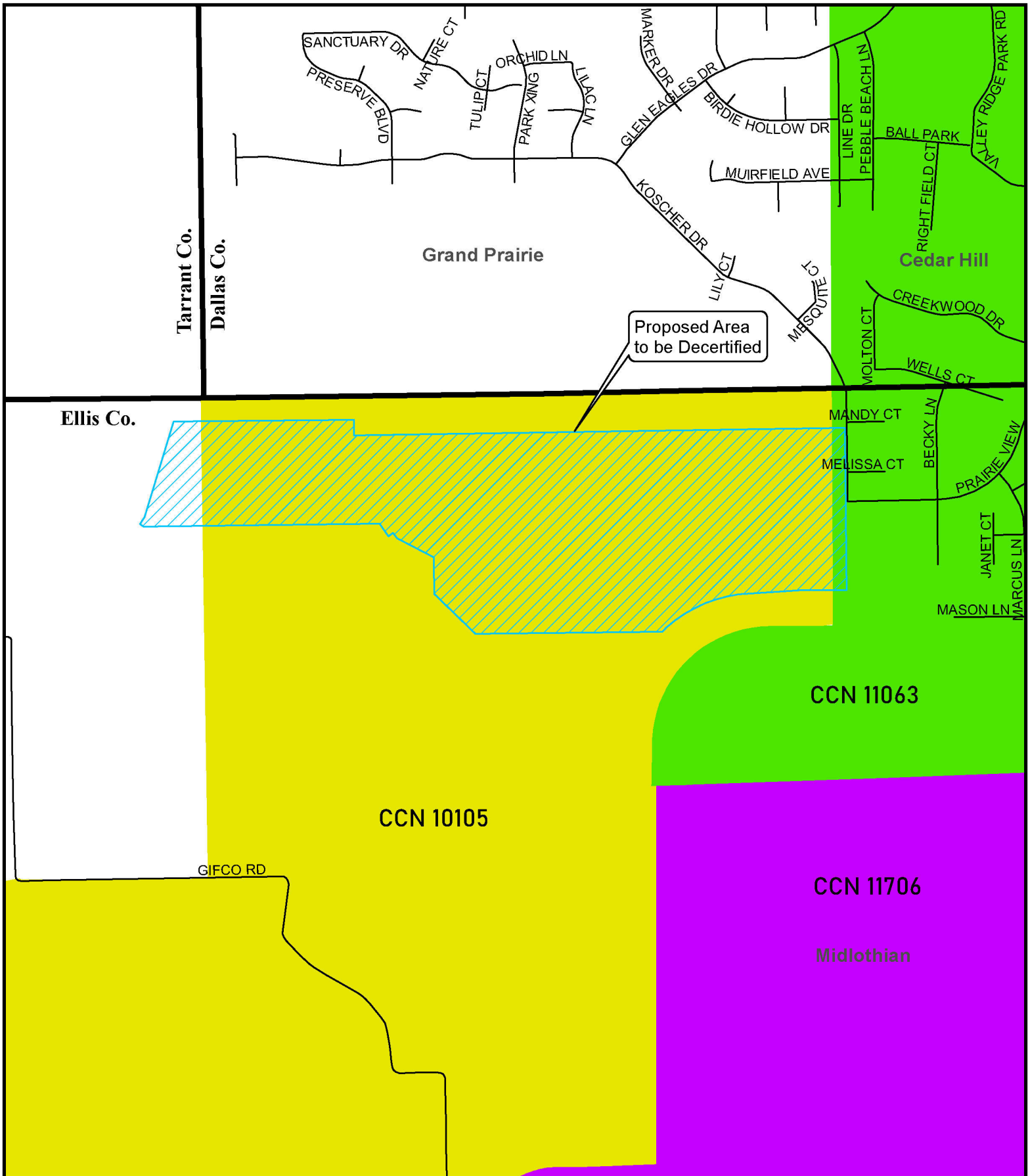
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY, LEGALLY DESCRIBED HEREON AND IS CORRECT; AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS VISIBLE ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, APPARENT EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

JOEL CHRISTIAN JOHNSON
JOHNSON@MBCENGINEERS.COM

R.P.L.S. NO. 5578

Exhibit “D”

**Map of Subject Property reflecting areas within
CCN 10105, CCN 11063 and no CCN**



Scale: 0 750 1,500 Feet

Drawn By: KK Date: 5-5-22

Quad Name and No:
Britton, TX 32097-E1

Projection: TX Statewide Mapping
System NAD 83 (Meters)



General Location Map

**Decertification of
City of Grand Prairie
CCN 10105**

Ellis County, Texas



Wet Rock Groundwater Services, L.L.C.
Groundwater Specialists

TBPG Firm No: 50038
317 Ranch Road 620 South, Ste. 203
Austin, Texas 78734 Ph: 512.323.3226
www.wetrockgs.com

0056

Exhibit No. “11”

Affidavit of Carlo Silvestri, P.E.,
President/CEO Wier & Associates, Inc.

PUC DOCKET NO. 53698

PETITION BY	§	BEFORE THE PUBLIC UTILITY
AM BUSINESS TRUST 2021-	§	
001, A UTAH REGISTERED	§	
TRUST, A TEXAS LIMITED	§	
PARTNERSHIP,	§	
FOR STREAMLINED	§	COMMISSION OF TEXAS
EXPEDITED RELEASE	§	
FROM CCN NO. 10105	§	

AFFIDAVIT OF CARLO SILVESTRI, P.E.

STATE OF TEXAS §
§
COUNTY OF TARRANT §

I, Carlo Silvestri, P.E., having been duly sworn in Tarrant County, State of Texas, on this the 12th day of October, 2022, by the undersigned authority, do hereby state under oath as follows:

1. My name is Carlo Silvestri. I am over the age of 18 and competent to make this affidavit.
2. I give this affidavit in my capacities as a licensed professional engineer, and President/CEO of Wier & Associates, Inc., and as consulting representative for the Petitioner and its Trustee. I have personal knowledge of the facts stated in this affidavit, and they are true and correct.
3. My business address is 2201 E. Lamar Blvd., Suite 200E, Arlington, Tarrant County, Texas 76006.
4. I have been licensed as a professional engineer in Texas since 2001. My practice focuses on civil engineering and projects related to property development, including utility infrastructure projects. Geographically my engineering practice has focused on these types of projects in and around the Dallas-Fort Worth Metroplex, including the City of Grand Prairie, and Tarrant, Ellis and Dallas Counties.
5. I was retained to assist Petitioner secure various entitlements and authorizations for the development of the 317-acre tract in Ellis County, Texas more particularly described in the Petition for decertification filed with the Public Utility Commission of Texas in this Docket No. 53698 (the "Property"). The desired entitlements included a commitment for retail water utility service from the City of Grand Prairie, Texas.

6. The Property is located both within the Extra Territorial Jurisdiction (“ETJ”) of the City of Grand Prairie, Texas (the “City”), and the City’s Retail Water CCN, Certificate of Convenience and Necessity No. 10105.
7. On behalf of the Petitioner beginning May, 2021, and continuing through September, 2021, I communicated with the City’s Planning & Development Office and Engineering & Public Works Office in an effort to secure a commitment from the City to provide retail water service to the Property.
8. Among the City Representatives I had meetings and communicated with by telephone conferences and e-mail exchanges were Mr. Rashad Jackson, the City’s Planning & Development Director; Mr. Romin Khavari, P.E., the City’s Engineer; and Gabriel Johnson, P.E., the City’s Director of Engineering & Public Works.
9. During the same time period, I also had occasion to review various plans and studies commissioned by the City to facilitate planning for both land development within the City and the expansion of the City’s retail water utility services to meet the demand created by the City’s growth in its ETJ. Among the reports and studies prepared for the City that I reviewed was the Updated South Sector Water System Capital Improvement Plan prepared by Freese & Nichols Engineering dated December 20, 2019 (the “South Sector Water System Report”).
10. The South Sector Water System Report projected the development and costs for new utility infrastructure to meet potable water supply demands within the City and its ETJ. *See* South Sector Water System Report. The South Sector Water System Report focused on growth within the City and its ETJ focusing on the South Sector area of the City. The Property is located within the South Sector and, more specifically, the North Lakeview Hills designated area of the South Sector. *See* South Sector Water System Report Figures 1 and 4, true and correct copies attached as Exhibits “A” and “B.”
11. The South Sector Water System Report clearly states that (i) the recommendations contained therein are based upon the existing growth and development patterns of the ETJ Study area at the time the Study(s) was conducted, and (ii) that the Study makes the “assumption” that those growth and development patterns will continue such that the recommendations for the expansion of the City’s utility systems, including the construction of new infrastructure to expand the City’s utility systems, would continue to follow the patterns observed in the Study. The South Sector Water System Report also states that changes in development patterns within the City’s ETJ covered by the Study, the recommendations in the Report for utility expansion together with the attendant projected expenditure of City monies for the construction of new, or improved, or expanded utility infrastructure could change.
12. In my 21 years of practice as a professional licensed engineer working with development entitlements for utility services, I have experienced and am familiar with such “changes in assumptions” from those projected in the City’s studies, including the

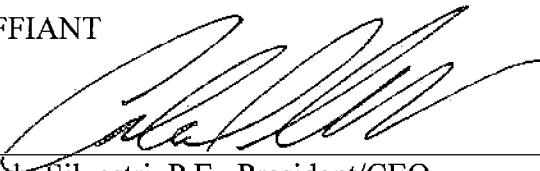
South Sector Water System Report, and related Capital Improvement Plans as “CIP” Plans.

13. Based upon the foregoing, in my professional opinion, while the City’s cited studies and CIPs are useful for planning purposes, they are at best dated predictions about the future, or the City Engineer’s “best guess” until the infrastructure is built on (or in) the ground, its existence is only theoretical and cannot be guaranteed to be built and/or operational by any date certain, if at all.
14. On this basis, in my professional opinion, the identification of a planned capital improvement to a utility system, whether a Capital Improvement Project, or the acquisition of additional resources, *e.g.*, real property or water resources, cannot be treated as guaranteed, committed or dedicated to serve or provide essential utility services to a specific tract of land, including the Property.
15. I am personally familiar with the Property. I have inspected it for various purposes related to Petitioner’s plans to develop it, including to determine the availability of the requisite water and wastewater utility services.
16. Based upon my on-the-ground observations and research related to the utility services at and to, or near the Property necessary for its development, I concluded that the City was not currently providing either retail water service to the Property to any individual customer water meter or wholesale service to the property. I did identify the existence of a 16-inch water line running parallel to the property within a 40-foot wide water line easement approximately 10-feet within the Property. Upon meeting with the City’s Planning & Development/Engineering & Public Works department(s) on June 3, 2021, however, I learned that the City lacked adequate water supply inventory to provide service to the Property within the existing 16-inch water line, and that the City would have to acquire additional water supply resources in order to supply the demands of my client for development of the Property.
17. The events described above, generated discussions about the specifics of my client the Petitioner’s plans for development of the Property with Mr. Rashad Jackson, Director of the City’s Planning and Development Department. Those discussions covered a variety of topics including, but not limited to, the type of development by client planned for the Property, including project densities and the water supply needs.
18. I have also reviewed the City’s response to my client’s Petition for Decertification of the Property from the City’s CCN, including the City’s contracts to purchase treated water from the Cities of Midlothian and Mansfield. *See* City’s Response to the Petition Exhibit B (Midlothian Contract) and Exhibit C (Mansfield Contract). While the two water supply agreements discuss the water supplies contracted, the rates to be charged for the water, and the contractual delivery points, however, neither contract identifies nor dedicates the water to be purchased by the City to any specific tract of land, including the Property.

19. Based on the discussion made with the City and the conceptual plans provided, it was determined by the City that they could not support the project. Based on that understanding, I then emailed the City on September 21, 2021 making the statement that it is now "our understanding that the City will not serve the project with water and sanitary sewer? Is this correct or will the City support serving the property?" I never received a response from any of the City staff included in the email including Mr. Rashad Jackson and Mr. Gabriel Johnson, P.E. concluding that the City was not interested in our project or serving us with water and sanitary sewer.
20. On this basis, in my professional opinion, the City is not currently serving the property and was not interested in serving our property unless we would enter into a Developers Agreement establishing development and density requirements that would be acceptable to the City.
21. Affiant's statements in paragraphs 1. through 20., above, inclusive, are true and correct and within the personal knowledge of Affiant.

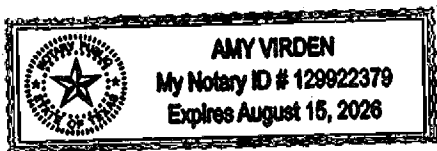
Further Affiant sayeth not.

AFFIANT

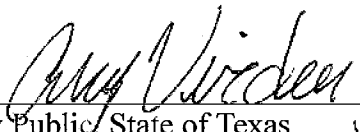


Carlo Silvestri, P.E., President/CEO
Wier & Associates, Inc.

SWORN TO AND SUBSCRIBED BEFORE ME by Carlo Silvestri, P.E., acting in his capacity as President/CEO of WIER & ASSOCIATES, INC., on this the 12th day of October, 2022, to certify which witness my hand and seal of office.



Notary Seal



Notary Public, State of Texas
Printed Name: Amy Virden
Notary No.: 129922379
My Commission Expires: August 15, 2026

Exhibit “A”

Figure 1. from the Updated South Sector Water System Capital Improvement Plan prepared by Freese & Nichols Engineering dated December 20, 2019 (the “South Sector Water System Report”)

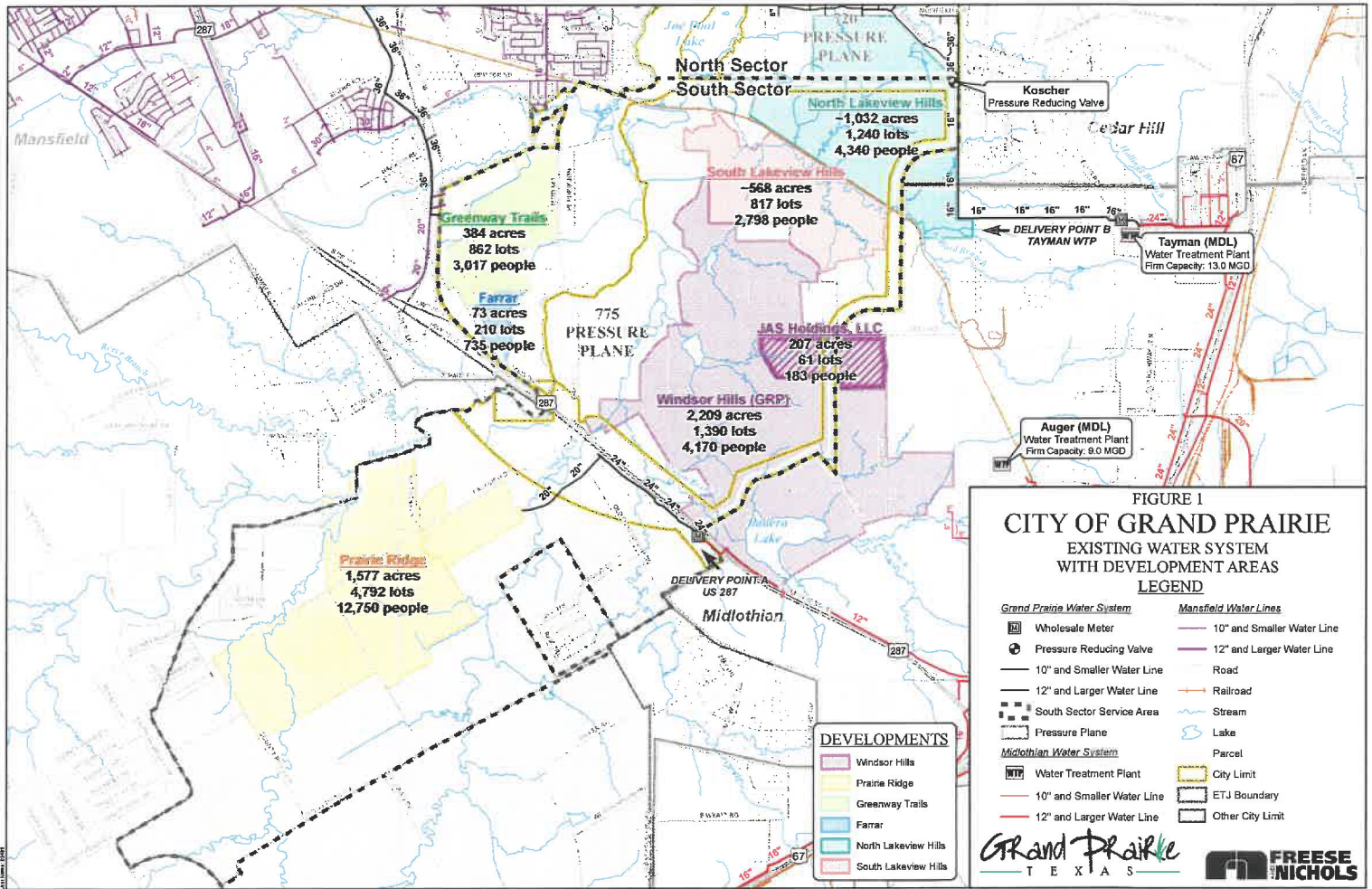


Exhibit “B”

Figure 4. from the Updated South Sector Water System Capital Improvement Plan prepared by Freese & Nichols Engineering dated December 20, 2019 (the “South Sector Water System Report”)

Appendix “A”

Summary of Recent PUC Dockets addressing Expedited Decertification Petitions

I. Case Where Removal of Acreage was DENIED

Docket No. 52534 (2022 Tex. PUC LEXIS 4924): PETITION OF CENTRAL FRISCO, LTD. TO AMEND MARILEE SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY BY EXPEDITED RELEASE, 2022 TEX PUC LEXIS 4924.

Central Frisco is a Texas Limited Partnership which sought a streamlined release 197 acres out of a 451 acre tract of land from the Marilee SUD. Marilee SUD filed an affidavit attesting that the SUD maintains a 21/4-inch waterline and two inactive service connections which are capable of being activated within the boundaries of the requested tract, and that the SUD had terminated service at the petitioner’s request. Further, the CCN holder had committed or dedicated facilities or lines to providing water service to the tract where release was sought, and had performed acts or supplied things of value to the tract.

In the conclusions of law, the PUC noted in COL #7 that “To obtain release under TWC §13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.” While the petitioner met the first two requirements, the PUC held in COL #12 that: “Central Frisco failed to demonstrate that the tract of land it seeks to decertify by streamlined expedited release is not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.--Austin 2014, pet. denied).” Due to this conclusion, the PUC denied Central Frisco’s petition to remove the 197 acre tract from Marilee SUD’s CCN.

II. Cases Where Removal of Acreage was GRANTED

1. Docket No. 52694 (2022 Tex. PUC LEXIS 5001): PETITION OF BEN F VAUGHAN, III, ET AL TO AMEND AQUA WATER SUPPLY CORPORATION’S CERTIFICATE OF CONVENIENCE AND NECESSITY IN BASTROP COUNTY BY EXPEDITED RELEASE. 2022 TEX. PUC LEXIS 5001

In this case, the petitioners filed a petition to release a 192 acre tract out of a 611 acre tract they owned collectively from Aqua WSC’s CCN in Bastrop County. The Petitioners submitted their petition and noted that the tract was not receiving actual sewer service from the CCN holder, the CCN holder had not committed or dedicated any facilities or lines to the tract for sewer service, the CCN holder had no facilities or lines that provide sewer service to the tract, and the CCN holder had not performed any acts for or supplied anything to the tract. In its Conclusions of Law Nos. 10-13, the PUC found that the petitioners owned at least 25 acres, Bastrop County was a qualifying county, and the tract of land was not receiving sewer service under TWC §§ 13.002(21) and

13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.-Austin 2014, pet. denied). As such, the PUC released the tract of land from the CCN.

2. Docket No. 52533 (2022 Tex. PUC LEXIS 4919): PETITION OF E REAL ESTATE, LLC TO AMEND MARILEE SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY BY EXPEDITED RELEASE (TRACT 2), 2022 TEX. PUC LEXIS 4919

In this case, E Real Estate, a Texas LLC, requested to remove approximately 154 acres out of 5 parcels of land totaling approximately 530.295 acres in Collin County from the Marilee SUD CCN. The Petitioners submitted their petition and noted that the tract was not receiving actual water service from the CCN holder, the petitioner had neither requested water service from the CCN nor paid any fees or charges to the CCN, the CCN holder owns and operates a two-inch and four-inch water lines which run parallel to and just inside the western boundary of the tract of land but do not provide water service to the tract, the CCN holder had not committed or dedicated any facilities or lines to the tract for water service, the CCN holder had no facilities or lines that provide water service to the tract, and the CCN holder had not performed any acts for or supplied anything to the tract.

In its Conclusions of Law Nos. 10-13, the PUC found that the petitioners owned at least 25 acres, Collin County was a qualifying county, and the tract of land was not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.-Austin 2014, pet. denied). As such, the PUC released the tract of land from the CCN.

3. Docket No. 52703 (2022 Tex. PUC LEXIS 4977): PETITION OF HONEYCREEK VENETIAN, LLC TO AMEND WESTON WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY BY STREAMLINED EXPEDITED RELEASE. 2022 TEX PUC LEXIS 4977

In this case, HoneyCreek Venetian, a Wyoming LLC, sought to remove a 25.2 acre tract from the Weston WSC CCN in Collin County. HoneyCreek filed its petition noting that the CCN holder owns and operates a water system in proximity to the tract, but none of it provides water service to the tract of land, the CCN holder had not committed or dedicated any facilities or lines to the tract for water service, the CCN holder had no facilities or lines that provide water service to the tract, and the CCN holder had not performed any acts for or supplied anything to the tract.

In its Conclusions of Law Nos. 10-13, the PUC found that the petitioners owned at least 25 acres, Collin County was a qualifying county, and the tract of land was not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.-Austin 2014, pet. denied). As such, the PUC released the tract of land from the CCN.

4. Docket No. 52791 (2022 Tex. PUC LEXIS 4475): PETITION OF JO CAROLE HARDING FERRIS INDIVIDUALLY AND AS A TRUSTEE OF THE TRUST CREATED UNDER THE WILL OF ROBERT J. HARDING TO AMEND BETHESDA WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN

TARRANT COUNTY BY STREAMLINED EXPEDITED RELEASE. 2022 TEX. PUC LEXIS 4475

In this case, the Petitioners, sought to remove “portions” of a 105.4 acre tract from the Bethesda WSC CCN in Tarrant County. Petitioners filed their petition noting that the tract of land is not receiving actual water service from the CCN holder, the petitioner has neither requested water service nor paid any fees to the CCN holder, the CCN holder had not committed or dedicated any facilities or lines to the tract for water service, the CCN holder had no facilities or lines that provide water service to the tract, and the CCN holder had not performed any acts for or supplied anything to the tract.

In its Conclusions of Law Nos. 10-13, the PUC found that the petitioners owned at least 25 acres, Tarrant County was a qualifying county, and the tract of land was not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.-Austin 2014, pet. denied). As such, the PUC released the tract of land from the CCN.

5. Docket No. 53425 (2022 Tex. PUC LEXIS 4838): PETITION OF LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD. TO AMEND CRYSTAL CLEAR SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN HAYS AND GUADALUPE COUNTIES BY STREAMLINED EXPEDITED RELEASE. 2022 TEX. PUC LEXIS 4838

In this case, the Petitioners, sought to remove two tracts of land, a 45 acre tract and a 329 acre tract, from the Crystal Clear SUD CCN in Hays and Guadalupe Counties. In addition to the standard petition, the petitioners also filed a motion for summary decision seeking a determination that the tract of land does not lie within the Crystal Clear SUD CCN. This motion was denied as the PUC determined that the tracts did in fact lie within the CCN.

Petitioners filed their petition for both tracts and the PUC went through an evaluation of each. For the 45 acre tract, the Petitioners noted that the tract is not receiving actual water service from the CCN holder, the CCN holder owns and operates a number of water lines nearby, but outside of the tract, the CCN holder has plans to bring an additional source into the general area of the tract by 2024, the tract is not receiving actual water service from the CCN holder, the CCN holder had not committed or dedicated any facilities or lines to the tract for water service, the CCN holder had no facilities or lines that provide water service to the tract, and the CCN holder had not performed any acts for or supplied anything to the tract.

For the 329 acre tract, the Petitioners noted that the tract is not receiving actual water service from the CCN holder, the CCN holder owns and operates a 16 inch water line that runs just inside the southwestern boundary of the tract, but that water line does not provide service to the tract, the CCN holder has plans to bring an additional source into the general area of the tract by 2024, the tract is not receiving actual water service from the CCN holder, the CCN holder had not committed or dedicated any facilities or lines to the tract for water service, the CCN holder had no facilities or lines that provide water service to the tract, and the CCN holder had not performed any acts for or supplied anything to the tract.

In its Conclusions of Law Nos. 10-13, the PUC found that the petitioners owned two tracts of at least 25 acres, both Hays and Guadalupe Counties were qualifying counties, and the tract of land was not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.-Austin 2014, pet. denied). As such, the PUC released the tracts of land from the CCN.

6. Docket No. 52889 (2022 Tex. PUC LEXIS 4800): PETITION OF RIVER BRIDGE RANCH, LLC TO AMEND CRYSTAL CLEAR SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN HAYS AND GUADALUPE COUNTIES BY STREAMLINED EXPEDITED RELEASE. 2022 TEX. PUC LEXIS 4800

In this case, River Bridge Ranch, a Texas LLC, sought to remove of a 134 acre tract from the Crystal Clear SUD CCN in Hays and Guadalupe Counties. In addition to the standard petition, the petitioners also filed a motion for summary decision seeking a determination that the tract of land does not lie within the Crystal Clear SUD CCN. This motion was denied as the PUC determined that the tracts did in fact lie within the CCN.

Petitioners filed their petition noting that the tract of land is not receiving actual water service from the CCN holder, the CCN holder owns and operates a number of water lines nearby but outside of the tract, the CCN holder has plans to bring an additional water source into the area by early 2024, the CCN holder had not committed or dedicated any facilities or lines to the tract for water service, the CCN holder had no facilities or lines that provide water service to the tract, and the CCN holder had not performed any acts for or supplied anything to the tract.

In its Conclusions of Law Nos. 10-13, the PUC found that the petitioners owned at least 25 acres, Hays and Guadalupe Counties were qualifying counties, and the tract of land was not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.-Austin 2014, pet. denied). As such, the PUC released the tract of land from the CCN.