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|---------------------------------|---|---------------------|
| 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 | | |

**VERIFIED PETITION FOR STREAMLINED EXPEDITED RELEASE
FROM WATER CCN NO. 10105, CITY OF GRAND PRAIRE TEXAS PURSUANT TO
SECTION 13.2541, TEXAS WATER CODE, AND 16 TAC § 24.113(1)**

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"), files this 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 (a) The AM BUSINESS TRUST 2021-001, a Utah Registered Trust, and the Petitioner herein, is the owner of a tract of land containing 340.8 contiguous acres of land, more or less, in Ellis County (the “Subject Property”). Petitioner’s ownership of the Subject Property is evidenced by that certain Special Warranty Deed dated to be effective November 10, 2021, and recorded as Instrument No. 2150320 in the Official Public Records of Ellis County, Texas (the "Deed"). A true and correct copy of the Deed is attached hereto as **Exhibit No. “1,”** and incorporated by reference for all purposes.

(b) The Subject Property is described in the Deed, as well as by the surveyed Metes and Bounds evidenced by the attached “Survey Plat,” signed and sealed by Joel Christian Johnson, Registered Professional Texas Land Surveyor, R.P.L.S. No. 5578 (the “Survey Plat”). A true and correct copy of the Survey Plat with the metes and bounds description is attached hereto as **Exhibit No. “2,”** and incorporated by reference for all purposes.

1.2 The Trust is registered as a foreign business trust with both the Office of the Texas Secretary of State and the Texas Comptroller of Accounts, and is authorized to do business in the State. The Trust’s Texas office is located at 5301 Spring Valley Road, Suite 200, Dallas, Dallas County, Texas 75245. A true and correct copy of the Trustee’s Application for Registration of a Foreign Business Trust¹ is attached hereto as **Exhibit No. “3.”**

1.3 Attached hereto as **Exhibit No. “4,”** and incorporated by reference for all purposes, is a true and correct copy of the 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 (the “Affidavit”). As evidenced by the Affidavit, Mr. Feiger is familiar with the CCN Holder, the City of Grand Prairie and its lack of existing service to the Subject Property, and the Subject Property, and the documents referenced in this Petition. Accordingly, Mr. Feiger is able to provide the Affidavit attached hereto as **Exhibit No. “4,”** and verify the evidence of certain jurisdictional facts recited both in the Affidavit and this Petition based upon his personal knowledge.

1.4 The Subject Property is eligible for streamlined, expedited release from CCN No. 10105, pursuant to Section 13.2541, Texas Water Code, and PUC Rule 24.245(h).

¹ See SOS Form 312, copy attached as **Exhibit No. “3.”**

(a) The City of Grand Prairie, Texas, is partially located in Dallas, Ellis and Tarrant Counties, Texas. Based upon research of the records of the PUC, Petitioner determined that, Grand Prairie is the holder of Water Certificate of Convenience and Necessity No. 10105, which includes and burdens the majority of Petitioner's Subject Property in Ellis County, Texas, without providing any utility service to it. Approximately 317.4 acres of the Subject Property is within the Grand Prairie CCN 10105. Approximately 7.1 acres are within Cedar Hills CCN, and the remainder acreage is not located on any CCN.

(b) According to its website, the City of Grand Prairie has a population of less than 200,000 but more than 47,500. *See* City of Grand Prairie's website at <https://www.gptx.org/about-us> (citing North Central Texas Council of Governments (NCTOG) Population Estimates – January 1, 2021).

(c) The corporate boundaries, along with the extraterritorial jurisdiction area, of the City of Grand Prairie, Texas, is located in portions of Dallas County (population in excess of 2,000,000), Tarrant County (population in excess of 2,000,000) and Ellis County (population approximately 150,000).²

(d) The Subject Property is located in Ellis County, which is adjacent to both Dallas and Tarrant Counties.³ Pursuant to Rule 24.245, subsections (h)(1)(C) and (h)(2)(B), Ellis County is a “qualifying county.”

(e) The Subject Property is *not* part of a platted subdivision. It does *not* receive retail water or wastewater utility services from any retail utility, including the City of Grand Prairie, Texas. *See Exhibit Nos. “2” and “4.”* The Petitioner plans to develop the Subject Property for

² Pursuant to Rule 22.222 (16 TAC), Petitioner requests the Commission take “Official Notice” of (i) the demographics for Dallas, Ellis and Tarrant Counties, as well as (ii) the geographic proximity of the three counties to each other.

³ *Id.*

high-end multi-family residential and light commercial uses. In furtherance of those plans Petitioner seeks to secure centralized retail potable water service to the Subject Property at an economically reasonable cost from a qualified reliable provider in a timely fashion.

(f) The Subject Property is located largely within the boundaries of the City of Grand Prairie's Water Certificate of Convenience and Necessity No. 10105 for purposes of retail potable water service ("CCN 10105"). The City of Grand Prairie, Texas (the "City"), is currently the holder of CCN 10105. A true and correct copies of the Maps downloaded from the CCN Viewer on the website of the Public Utility Commission of Texas (www.puc.texas.gov) is attached hereto as **Exhibit No. "5."** The location of the 317.4 acres out of the Subject Property that is within the territory authorized by CCN 10105 is located just south of the Dallas/Ellis Counties line and is generally depicted on the separate Map attached hereto as **Exhibit No. "6."**

1.5 Although the City of Grand Prairie currently has the exclusive right to provide retail potable water service within the 317.4 acres of the Subject Property within CCN 10105,⁴ the City:

- (i) historically has *not* provided retail potable water services to the Subject Property,
- (ii) presently is *not* providing any such services to the Subject Property,
- (iii) presently has no facilities capable of providing continuous and adequate retail potable water service to the Subject Property at, on or in the vicinity of the Subject Property, and
- (iv) is unwilling to provide service to the Subject Property at this time. *See Exhibit Nos. "4" and "7."* **Exhibit No. 7** includes true and correct copies of e-mail correspondence between Carlos Silvestri, P.E., with Wier & Associates, a consulting firm working to secure entitlements, including retail water and

⁴ As noted, approximately 7.1 acres of the Subject Property is located within the Cedar Hill CCN No. 11063. Cedar Hill, however, does not provide potable water service to that 7.1 acres, or to any other portion of the Subject Property.

wastewater utilities to the Subject Property, and Rashad Jackson, AICP, Planning and Development Director, City of Grand Prairie, Texas, relating to the request to the City to provide retail water utility services to the subject property, from September 21, 2021.

1.6 It has been more than 90 days since the City of Grand Prairie through its Planning and Development Director, Mr. Rashad Jackson, AICP, indicated that the City could not support, and would not grant, a request to provide retail potable water service to the Subject Property.

1.7 Based upon the City's unwillingness to provide retail water utility services to the Subject Property, and specifically the 317.4 acres of which is in CCN 10105, Petitioner seeks to amend the City's CCN No. 10105 by decertifying the 317.4 acres within the Subject Property pursuant to Texas Water Code Section 13.2541. Petitioner desires to use Aqua Texas, Inc., an existing public utility as its alternative utility provider for the Subject Property. Accordingly, Petitioner files this Petition for the expedited release of the Subject Property from the CCN pursuant to Section 13.2541, Texas Water Code, and Rule 24.245(h) of the Commission's Rules (16 TAC).

1.8 The Petitioner's 317.4 acres of contiguous land within the Subject Property, which is also included within the City's CCN No. 10105, satisfies the statutory threshold criteria for streamlined expedited release and decertification of 25 acres from CCN 10105 pursuant to Texas Water Code 13.2541 and Commission Rule 24.245 (16 TAC). *See Exhibit Nos. "1," "2," "4," and "6."* In summary, the Subject Property has the following characteristics:

(i) The Subject Property contains 340.8 contiguous acres in its entirety. Of the Subject Property, 317.4 contiguous acres are located within CCN 10105 and are entirely in Ellis County, Texas, which is a "qualifying county" as described in Section 13.2541 and 16 TAC § 24.245, *i.e.*, a county

with a population of at least 1 million persons or adjacent to a county with a population of at least 1 million persons. Ellis County is estimated by some to meet that population number, and is adjacent to Dallas County, Texas, with an estimated population in excess of two (2) million persons. *See Exhibit Nos. “1,” “2,” “4,” and “6.”*⁵

(ii) The Subject Property, including the 317.4 acres within CCN 10105, is *not* receiving retail potable water service from the City of Grand Prairie, Texas, the holder of CCN No. 10105, which authorizes the City the exclusive right to provide such service to the majority of the acreage within the Subject Property. *See Exhibit Nos. “1,” “2,” “4,” “7” and “8.”*

(iii) The City does not have any infrastructure for providing retail water service to any portion of the Subject Property on or near the Subject Property, including the 317.4 acres, more or less, within CCN 10105. The City has no means to provide continuous and adequate retail potable water service to the 317.4 acres now, or in the near future. *Id.*

(iv) The majority of the Subject Property, 317.4 acres, more or less, is located within the boundaries of CCN No. 10105, Texas Water Code § 13.2541; 16 TAC § 24.245; *see Exhibit Nos. “1,” “2,” and “4” through “8,” inclusive.*

(v) Petitioner plans to secure potable water from Aqua Texas, Inc., an existing retail water supply utility to service the 317.4 acres.

⁵ Pursuant to Rule 22.222 (16 TAC), Petitioner requests the Commission take “Official Notice” of (i) the demographics for Dallas, Ellis and Tarrant Counties, as well as (ii) the geographic proximity of the three counties to each other.

(vi) To the best of Petitioner's knowledge, the City of Grand Prairie has not secured a loan from any federal program covered by the provisions of 7 USCA § 1926(b) that affects the Subject Property, including the 317.4 acres located within CCN 10105.

II.

MAPPING INFORMATION PRESCRIBED BY PUC RULES 24.245(k) and 24.257

2.1 Pursuant to Commission Rules 24.245 and 24.257 (16 TAC), the following information is being provided in support of the Petition:

- (a) A true and correct copy of a general-location map identifying the 317.4-acre tract of land in reference to the nearest county boundary, city, or town. (**Exhibit No. "8"** appended hereto and incorporated herein by reference.) *See* Rule 24.257(a)(1); *see also* **Exhibit No. 6**;
- (b) A true and correct copy of a metes-and-bounds survey sealed by a licensed state land surveyor (*See* **Exhibit No. "2"** appended hereto and incorporated herein by reference) *See* Rule 24.257(a)(3)(A);
- (c) A true and correct copy of a detailed location map identifying verifiable man-made and natural landmarks, *e.g.*, roads, rivers and railroads. *See* Rule 24.257(a)(2) – (3)(E). *See* **Exhibit No. "9;"** and
- (d) Digital map files both in a zip file and a separate external data drive device (a "thumb drive") that contains NAD 83 Texas State Plane Coordinate System (US feet) or in NAD 83 Texas Statewide Mapping System (meters). The digital mapping data includes a single, continuous polygon record, and provide a detailed map identifying the tract of land proposed to be decertified from Grand Prairie's CCN 10105 with references to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. *See* Rule 24.257(a)(2)-(3)(E).⁶ *See* **Exhibit No. "10."**

III.

NOTICE TO THE CCN HOLDER, CITY OF GRAND PRAIRIE; AND ALTERNATE RETAIL PUBLIC UTILITY

3.1 Pursuant to Section 13.2541, Texas Water Code, and Commission Rule 24.245 (16 TAC), specifically subsection (f)(7), on the date this Petition was filed with the Commission,

⁶ Rule 24.257(a)(3)(B) identifying the inclusion of a "recorded plat," does not apply because the Subject Property is not subdivided. *See* Rule 24.257(a)(3)(B).

the 8th day of June, 2022, a copy of the Petition was mailed by postage prepaid, certified United States Mail, return receipt requested, to (i) the Holder of CCN No. 10105, the City of Grand Prairie, Ellis County, Texas, and (ii) Petitioner's proposed alternate retail public utility Aqua Texas, Inc.

3.2 With respect to the City, the Petition was sent to the following representatives of the City at the addresses shown below:

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

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

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

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

3.3 With respect to Petitioner's alternate retail public utility, the Petition was mailed to the address shown below:

Aqua Texas, Inc. (North Region)
Attn: Darryl Waldock
Area Manager - North Texas
9450 Silver Creek Road
Fort Worth, Texas 76108

3.4 Attached hereto as **Exhibit No. "11"** is an Affidavit of Mailing and Filing confirming the mailing of the Petition by certified mail, return receipt requested, to the representatives of the Certificate Holder on the date the Petition was filed with the Commission. **Exhibit No. "11"** is incorporated herein by reference. Included with the Affidavit is a copy of the postmarked certified mail receipts and the addressed envelopes. Upon receipt of the returned "green cards" from the addressees, Petitioner will file with the Commission a supplemental affidavit as evidence of the City's receipt of the same.

IV.
CONCLUSION & PRAYER

4.1 WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the Commission process this Petition for expedited streamlined decertification of the 317.4 acres, more or less, out of the Subject Property that is located within CCN No. 10105, declare the same to be administratively complete and, thereafter, grant the following requested relief:

- (i) 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,
- (ii) Issue an appropriate Order pursuant to Section 13.2541, Texas Water Code, and Commission Rule 24.245 (16 TAC), amending CCN No. 10105 to release the affected portions of Petitioner's Subject Property containing 317.4 acres of land, more or less, from CCN No. 10105 in Ellis County, Texas.

Respectfully submitted,

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

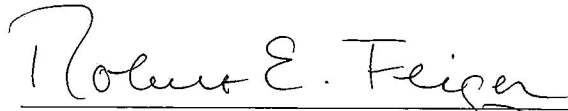
By: /s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.
State Bar No. 13367200
(512) 904-2313 (Tel)
(512) 692-2826 (Fax)
ed@ermlawfirm.com

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

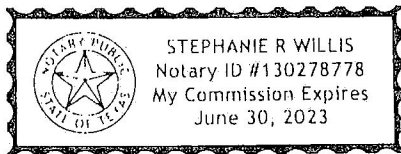
**VERIFICATION OF PETITION BY ROBERT FEIGER, VICE PRESIDENT
OF AM REAL ESTATE SOLUTIONS, INC., TRUSTEE OF AM BUSINESS
TRUST 2021-001, A UTAH REGISTERED TRUST, FOR
STREAMLINED EXPEDITED RELEASE FROM CCN NO. 10105**

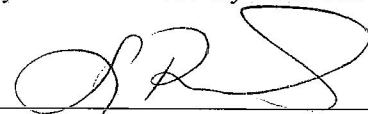
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Robert Feiger, Vice President, acting in his 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, "Petitioner" in the foregoing Petition for Streamlined Expedited Release from Water Certificate of Convenience and Necessity No. 10105 pursuant to (i) Texas Water Code Section 13.2541 and (ii) Rule 24.245 of the Commission's Rules (16 TAC), who, after being by me duly sworn, did upon his oath depose and say that he has read the foregoing Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity No. 10105, inclusive of the Exhibits attached thereto and incorporated by reference, and that the same are true and correct to the best of his personal knowledge and belief.


Robert Feiger, Vice President, ~~Vice President~~
AM REAL ESTATE SOLUTIONS, INC., the Trustee

SWORN TO AND SUBSCRIBED BEFORE ME by Robert Feiger, Vice President, acting in his capacity as Vice President of AM Real Estate Solutions, Inc., Trustee and authorized representative 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 Public, State of Texas
Printed Name: Stephanie Willis
Notary No.: 130278778
My Commission Expires: 06/30/2023

Notary Seal: _____

CERTIFICATE OF SERVICE

I hereby certify by my signature below, that on this the 8th day of June, 2022, a true and correct copy of the foregoing 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,
- (ii) sent via postage prepaid Certified Mail to provide Notice of the Petition to representatives of the Holder of CCN No. 10105, the City of Grand Prairie, and the alternate retail water utility Aqua Texas, Inc., pursuant to Section 13.254, Texas Water Code and Commission Rule 24.245(f)(7) (16 TAC), as shown in the Petition and **Exhibit No. "11"** attached hereto, and
- (iii) sent to the Commission's Central Records Office, via postage prepaid Certified Mail, to ensure receipt of a portable digital drive device containing the mapping information required by PUC Rule 24.257, at the address shown on the attached mailing list.

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

SERVICE LIST

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
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711
Tel.: (512) 936-7260
Fax: (512) ____ - ____
E-mail: _____@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 AM BUSINESS TRUST 2021-001'S PETITION FOR
STREAMLINED EXPEDITED RELEASE FROM
CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10105**

| <u>Exhibit No.</u> | <u>Description</u> |
|---------------------------|---|
| 1 | Special Warranty Deed to 340.8 acre tract the majority of which is within CCN 10105 |
| 2 | Survey Plat with the metes and bounds description of 340.8 acre tract |
| 3 | Trustee's Application for Registration of a Foreign Business Trust filed with Texas Secretary of State 3-28-22 |
| 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 |
| 5 | PUC Map Viewer Maps of CCN 10105 |
| 6 | Map of 317.4 Acre Area within CCN 10105 out of the Subject Property |
| 7 | 9-21-21 - E-mails between Silvestri – Jackson re City's Declining to Support/Service the Subject Property |
| 8 | General Location Map of 317.4 Acre Area within CCN 10105 of Subject Property |
| 9 | Detailed Location Map of 317.4 Acre Area within CCN 10105 of Subject Property |
| 10 | Proxy for Digital Mapping Uploaded On the PUC Website and Included in the attached Thumb Drive |
| 11 | Affidavit of Ms. Temple Noble, paralegal with McCarthy & McCarthy LLP, regarding certified mailing of Petition to the City of Grand Prairie on June 8, 2022 |

Exhibit No. “1”

Special Warranty Deed to Subject Property
into AM BUSINESS TRUST 2021-001, a Utah Registered Trust

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

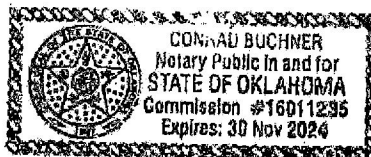


Exhibit A

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.

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 herein.



J. Rafael Velazquez

COUNTY CLERK, ELLIS COUNTY TEXAS

Exhibit No. “2”

Survey Plat of Subject Property

Exhibit No. “3”

Trustee’s Application for Registration of a Foreign Business
Trust filed with Texas Secretary of State 3-28-22

**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.]

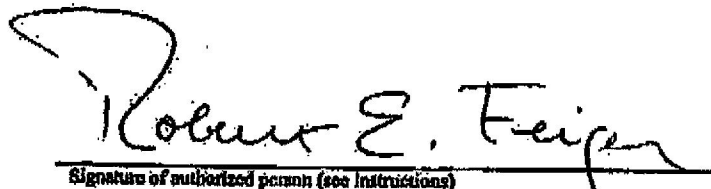
Effectiveness of Filing (Select either A, B, or C.)

- 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 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 ____ 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 Feiger, 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 _____ day of June, 2022, to certify which witness my hand and seal of office.

Notary Public, State of Texas

Printed Name: _____

Notary No.: _____

My Commission Expires: _____

Notary Seal

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.]

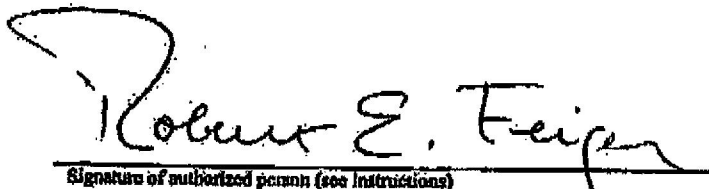
Effectiveness of Filing (Select either A, B, or C.)

- 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

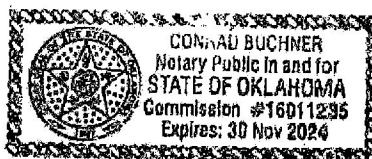


Exhibit A

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 12:55:00 PM

COUNTY CLERK, ELLIS COUNTY TEXAS

Shirley V. Kelly



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.

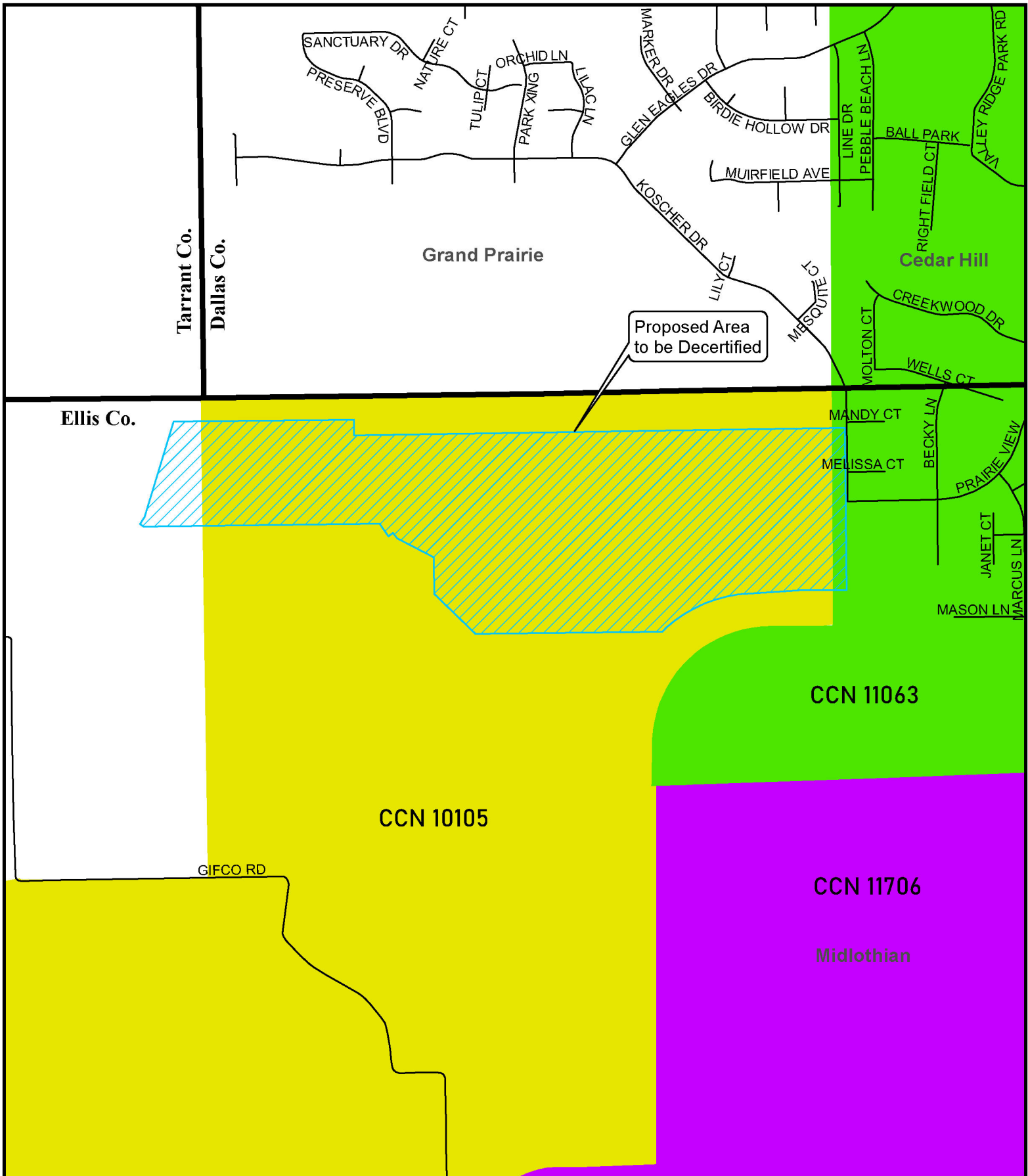
[Handwritten mark]

Exhibit “C”

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

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



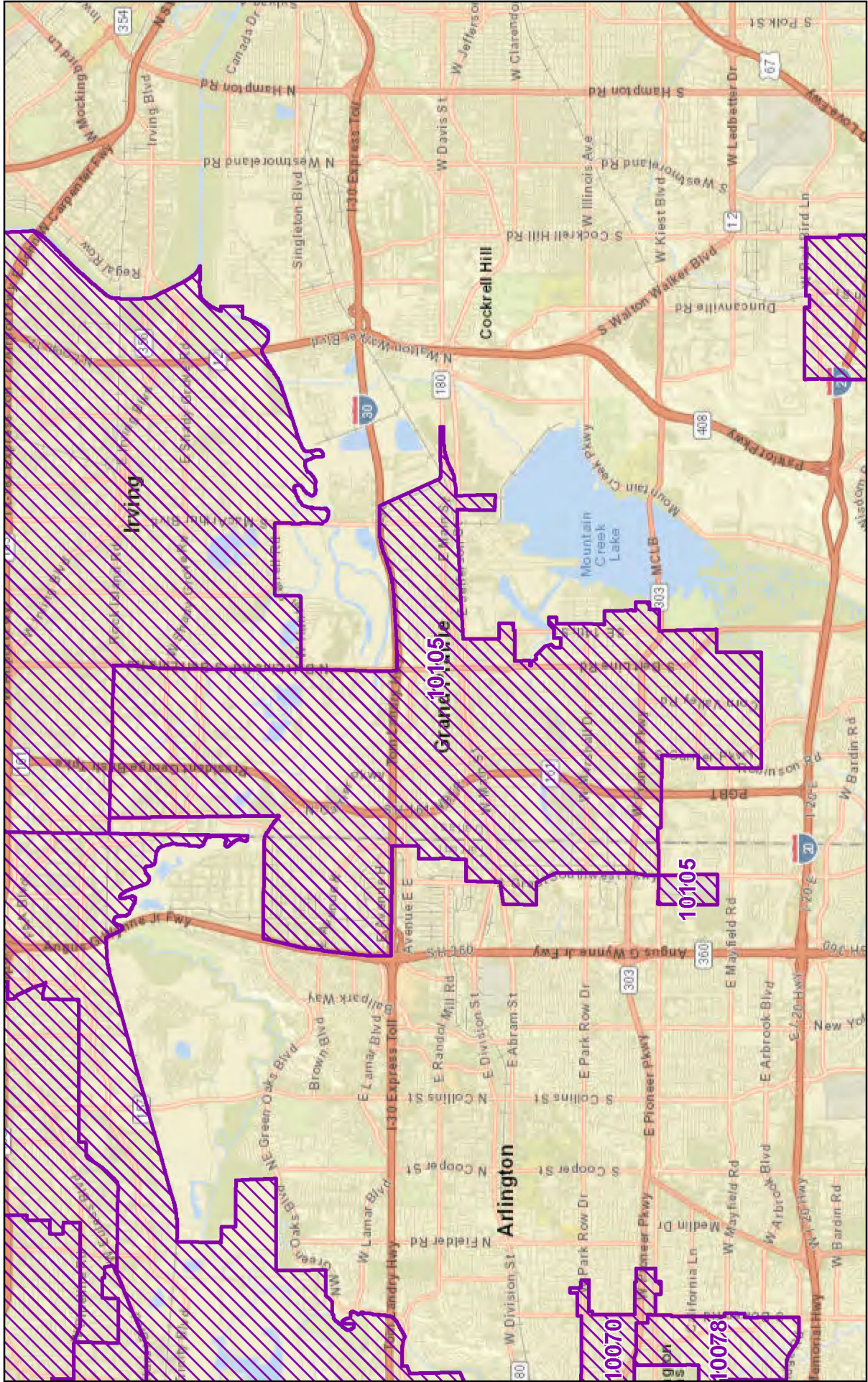
Wet Rock Groundwater Services, L.L.C.
Groundwater Specialists

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

Exhibit No. “5”

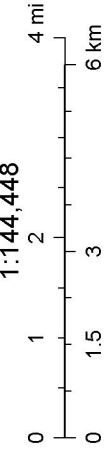
PUC Map Viewer Maps of CCN 10105

Public Utility Commission



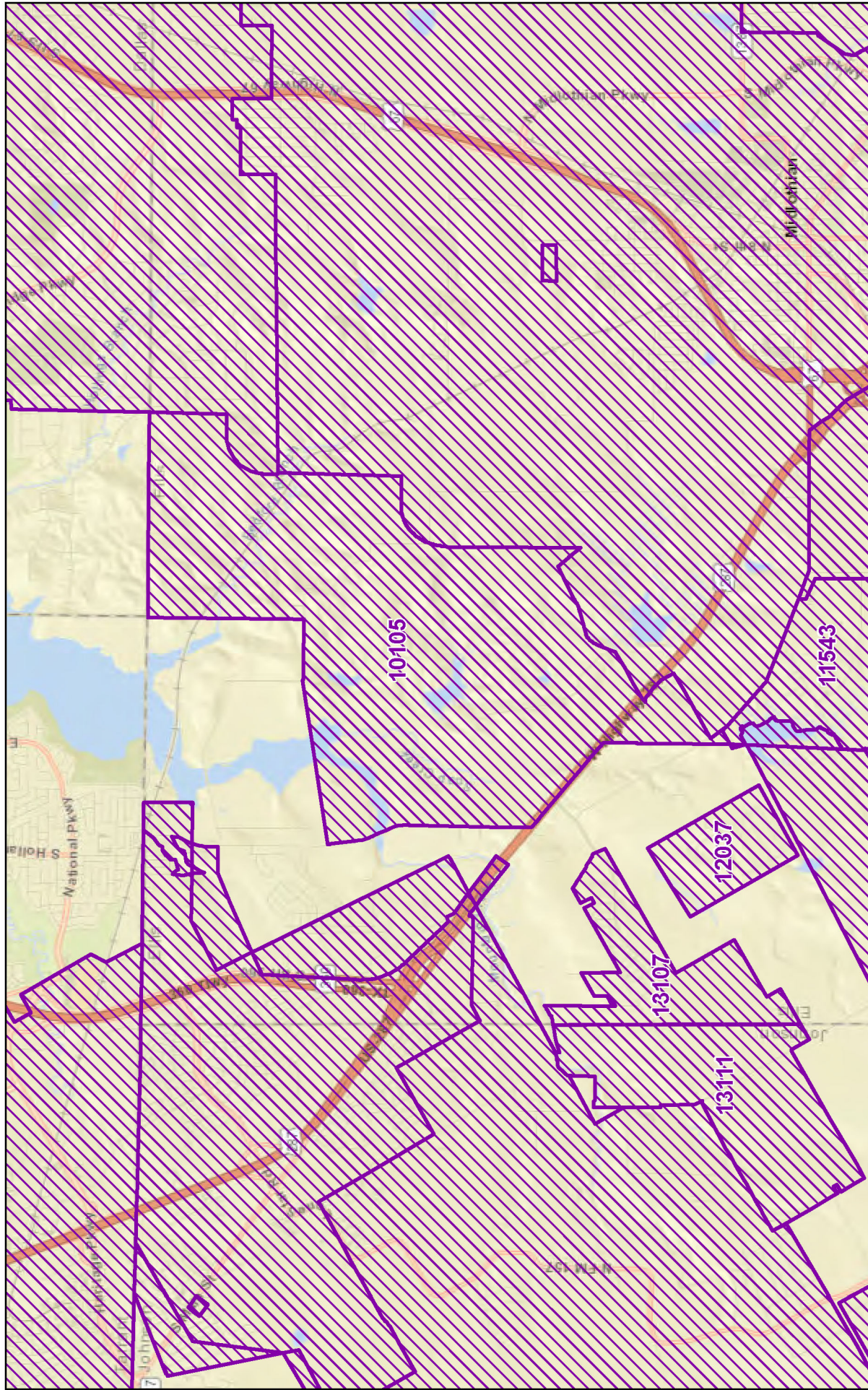
April 1, 2022

1:144,448



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Public Utility Commission



April 1, 2022

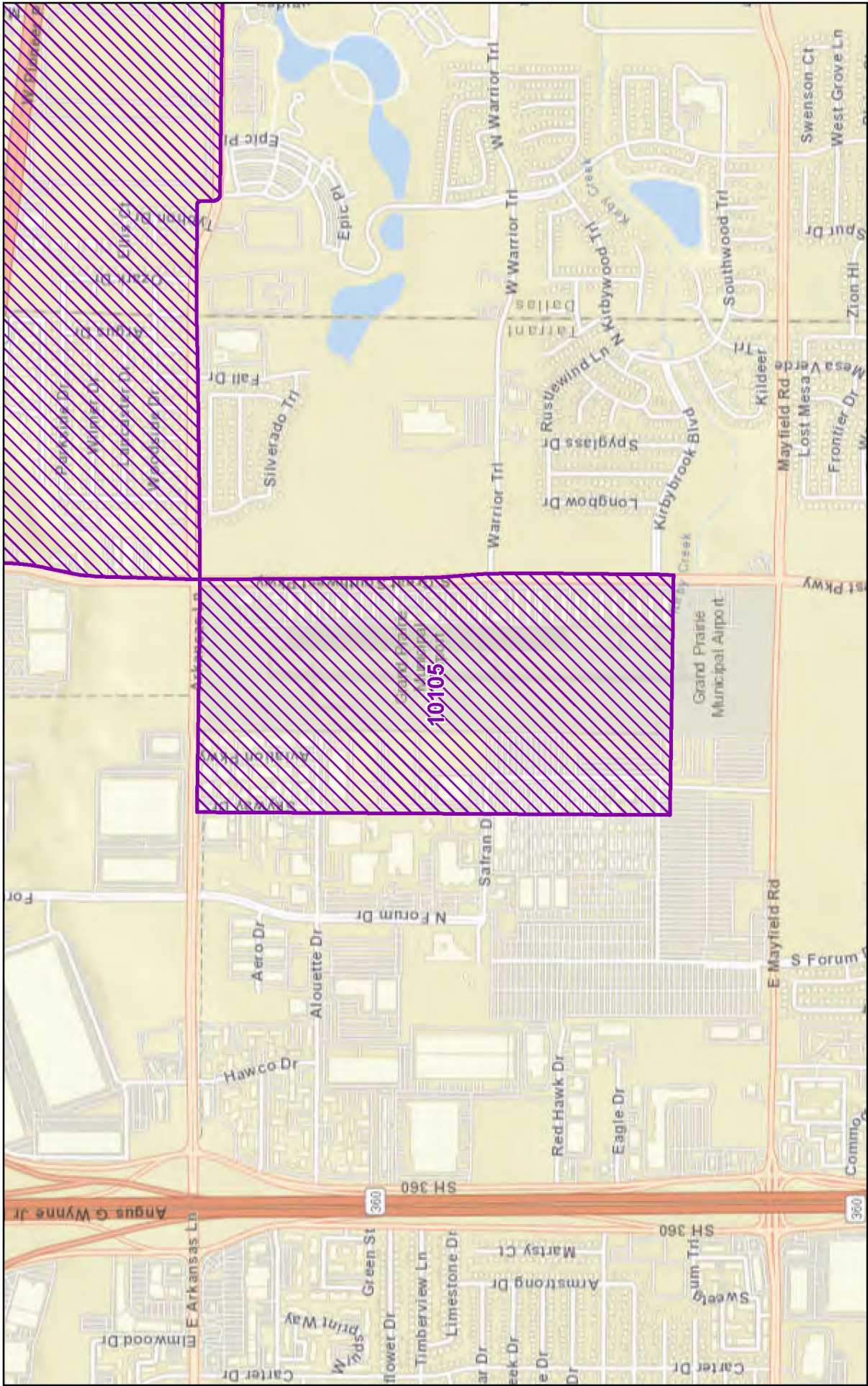
1:72,224

Figure 1 is a line graph showing the number of cases per 100,000 population for COVID-19 in the United States from March 2020 to March 2021. The y-axis is labeled "Number of cases per 100,000 population" and ranges from 0 to 1.75 in increments of 0.25. The x-axis is labeled "Date" and shows dates from March 2020 to March 2021. The graph shows a sharp increase in cases starting in March 2020, peaking in May 2020 at approximately 1.75 cases per 100,000 population, followed by a decline and then a second, smaller peak in November 2020 at approximately 1.25 cases per 100,000 population. Cases then decline again, with a small uptick in March 2021.

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Public Utility Commission



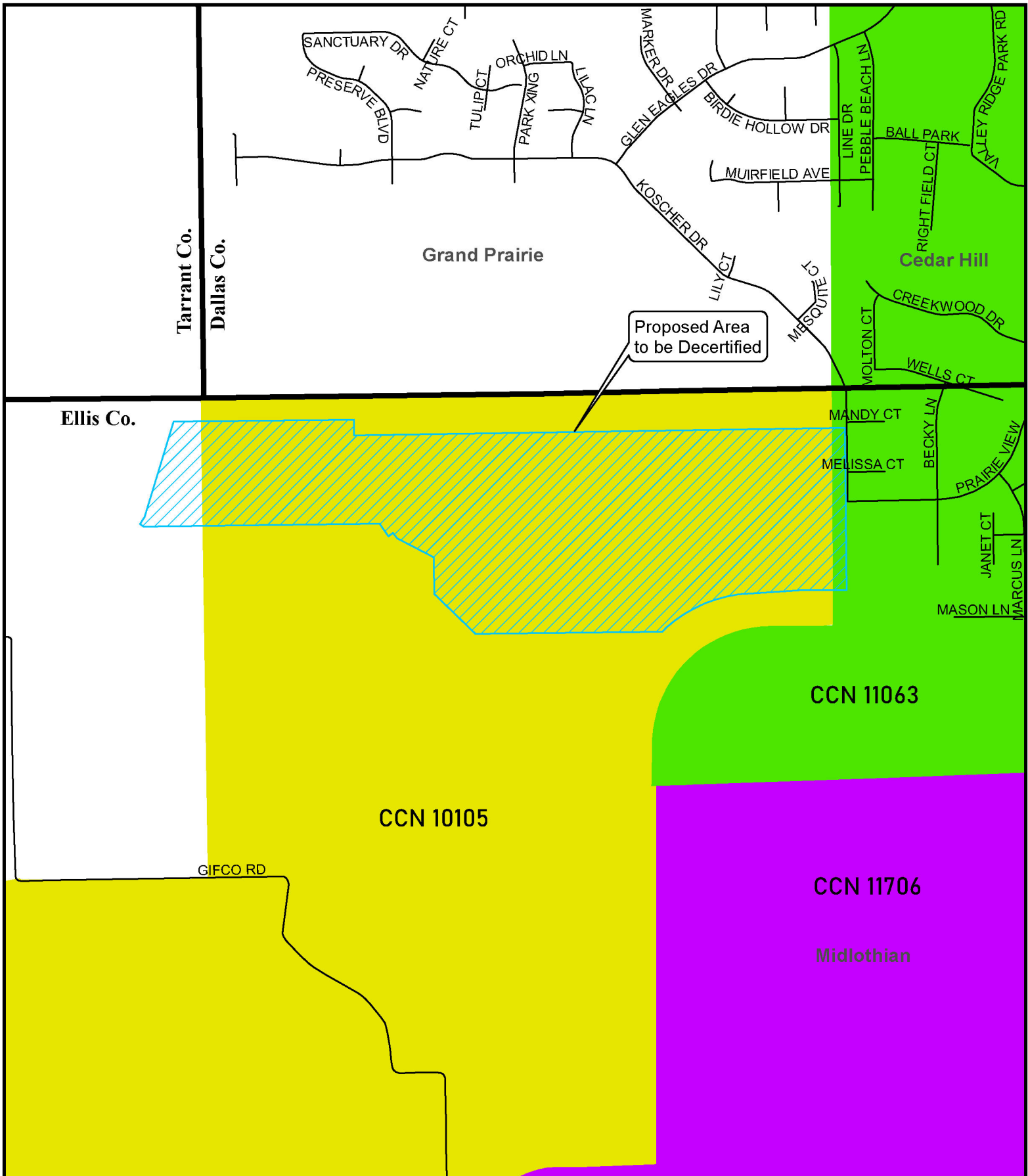
April 1, 2022

1:18,056
0 0.13 0.25 0.5 mi
0 0.2 0.4 0.8 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Exhibit No. “6”

Map of 317.4 Acre Area within CCN 10105 out of the Subject Property



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: 512.322.3226
www.wetrockgs.com

Exhibit No. “7”

9-21-21 - E-mails between Silvestri – Jackson re City’s
Declining to Support/Service the Subject Property

From:
Sent:
To:
Cc:
Subject:

Carlo Silvestri
President/CEO

WIER & ASSOCIATES, INC.
Engineers / Surveyors / Land Planners
Celebrating 43 Years of Serving Clients, Employees & Community
2201 E. Lamar Blvd., Suite 200E, Arlington, TX 76006-7440
Ph: 817-467-7700 ext. 120 Fax: 817-467-7713
www.WierAssociates.com

From: Carlo Silvestri
Sent: Tuesday, September 21, 2021 1:21 PM
To: Rashad J. Jackson <rjackson@GPTX.org>
Cc: Bill Hills <Bhills@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Thank you for letting me know. Not what our Client will want to hear.

However, I want to make sure I understand where we currently stand. This whole process started earlier this year when I made an inquiry to the City to see if the City of Grand Prairie would serve the project with water and sanitary sewer while proceeding with the project in the ETJ. At the time, it was stated that in order to be served, a Developers Agreement with the City would be required which then led into having to develop a plan that would be acceptable to the City. Now that the City will not support the project, it would be 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 project? This is critical to this project and we need to understand our options moving forward.

Carlo Silvestri, P.E.
President/CEO

WIER & ASSOCIATES, INC.
Engineers / Surveyors / Land Planners
Celebrating 43 Years of Serving Clients, Employees & Community
2201 E. Lamar Blvd., Suite 200E, Arlington, TX 76006-7440
Ph: 817-467-7700 ext. 120 Fax: 817-467-7713
www.WierAssociates.com

From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Tuesday, September 21, 2021 9:47 AM
To: Carlo Silvestri <CarloS@wierassociates.com>

Cc: Bill Hills <Bhills@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Hello Carlo,

I just wanted to follow up per the email below. After discussions, the city is not open to the proposed project at this time. The same comments noted below were reiterated. I don't foresee the development moving forward as proposed.

Thank you,

Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Rashad J. Jackson
Sent: Wednesday, September 8, 2021 2:01 PM
To: Carlo Silvestri <CarloS@wierassociates.com>
Cc: Bill Hills <Bhills@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Carlo,

Thank you for the information. I will say that in our previous discussions I have noted city managements want for larger lots and the need for specifics on the lot sizes proposed. The initial submittal did not have that information (only density was shown) so that is why you likely did not hear the one acre comment initially.

I will relay your Clients comments during our staff meeting on Friday. As it stands, it sounds like we are at an impasse with the proposed project. But I will let you know.

Thank you,

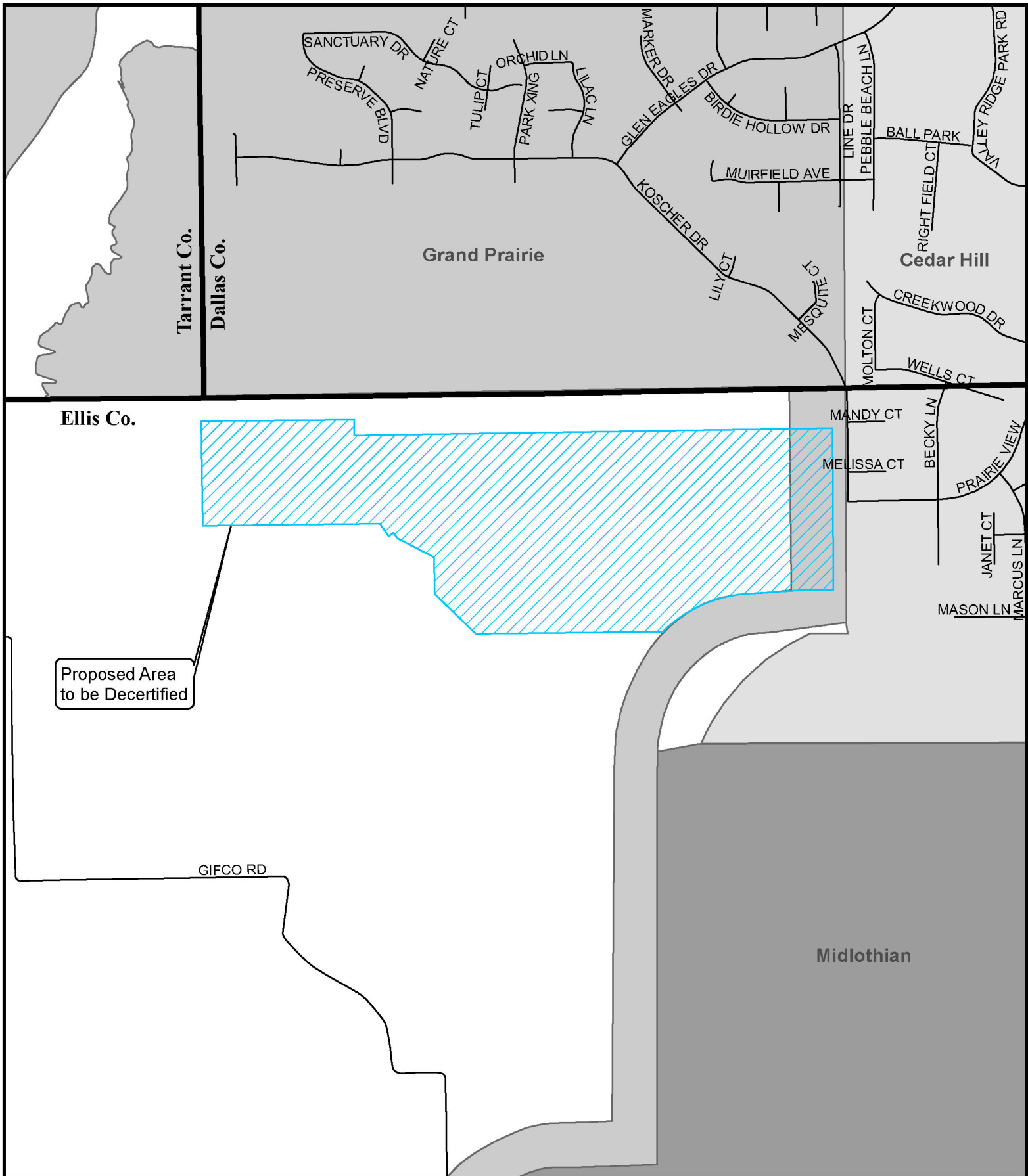
Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Wednesday, September 8, 2021 1:42 PM

Exhibit No. “8”

General Location Map of 317.4 Acre Area
within CCN 10105 of Subject Property



Proposed Area
to be Decertified

Scale: 0 750 1,500 Feet

Drawn By: KK Date: 5-9-22

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



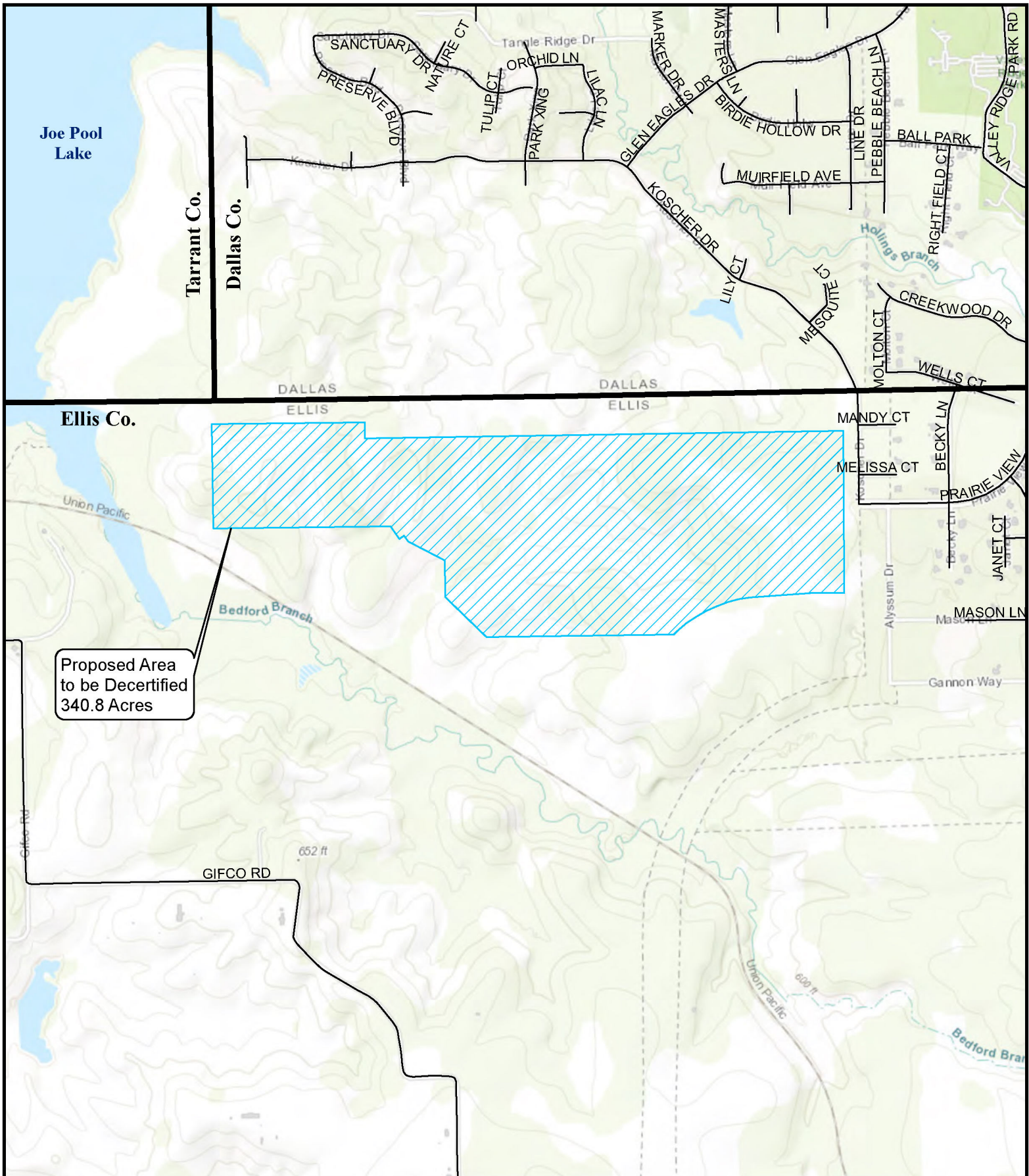
Wet Rock Groundwater Services, L.L.C.
Groundwater Specialists

TBPG Firm No: 50038
317 Ranch Road 620 South, Ste. 203
Austin, Texas 78734 Ph: 512.773.3226
www.wetrockgs.com

0064

Exhibit No. “9”

Detail Location Map of 317.4 Acre Area within CCN 10105 of Subject



Scale: 0 750 1,500 Feet

Drawn By: KK Date: 5-9-22

Quad Name and No:
Britton, TX 32097-E1

Projection:TX Statewide Mapping
System NAD 83 (Meters)



Detailed 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

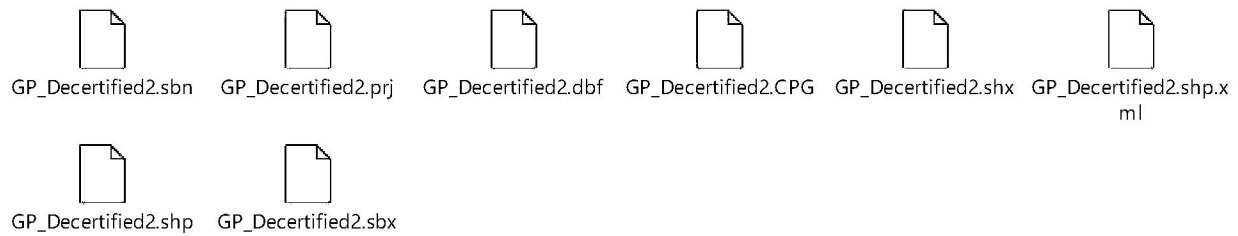
317 Ranch Road 620 South, Ste. 203
Austin, Texas 78734 Ph: 512.323.3226
www.wetrockgs.com

0066

Exhibit No. “10”

Proxy for Digital Mapping Uploaded On the PUC
Website and Included in the attached Thumb Drive

Proxy for Digital Mapping Contained In “Thumb Drive” included with Petition



This page is a “Place Holder.” In the hard copy original of the pleading, an envelope containing a “Thumb Drive” digital device with the digital versions of the mapping required by PUC Rule 24.257. At the time of e-filing with the PUC, a “Zip File” containing the required digital versions of the mapping required by PUC Rule 24.257 was uploaded with the Petition.

Exhibit No. “11”

Affidavit of Temple Noble regarding Mailing/Filing of Petition

PUC DOCKET NO. _____

PETITION BY
AM BUSINESS TRUST 2021-
001, A UTAH REGISTERED
TRUST, A TEXAS LIMITED
PARTNERSHIP,
FOR STREAMLINED
EXPEDITED RELEASE
FROM CCN NO. 10105

§
§
§
§
§
§
§

BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS

**AFFIDAVIT OF MAILING OF NOTICE AND FILING
PETITION FOR STREAMLINED EXPEDITED RELEASE
OF CCN NO. 10105**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Date: June 8, 2022

Affiant: Temple Noble

Affiant, Temple Noble, after having been duly sworn, on oath swears that the following statements are true and correct, and within her personal knowledge:

1. I am the Legal Assistant at the Law Firm of McCarthy & McCarthy, LLP, in Austin, Travis County, Texas (the "Law Firm"), and work with Edmond R. McCarthy, Jr., attorney. The Firm's business address is 1122 Colorado, Suite 2399, Austin, Travis County, Texas 78701.
2. Mr. McCarthy and the Law Firm represent AM BUSINESS TRUST 2021-001, A Utah Registered Trust, registered to do business in Texas as a foreign business trust ("Petitioner") in connection with its Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity ("CNN") No. 10105 pursuant to (i) Texas Water Code Section 13.2541 and (ii) Rule 24.245 of the Commission's Rules (16 TAC).
3. Pursuant to Section 13.2541, Texas Water Code, and Commission Rule 24.245(h)(3) (16 TAC), on this 8th day of June, 2022, (i) the original of the copy of the Petition attached to this affidavit as Exhibit "A" was filed with the PUC, and (ii) copies were mailed to (a) the current holder of CCN No. 10105, the City of Grand Prairie, located in Dallas, Ellis and Tarrant Counties, Texas, and (b) the proposed alternative retail water utility, AquaTexas, Inc., to the following addresses:

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

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

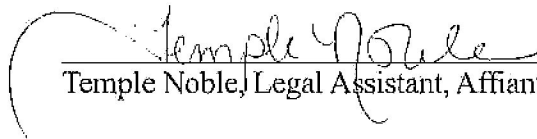
City of Grand Prairie
Attn: Ron McCuller, Public Works Director
P.O. Box 534045
Grand Prairie, Texas 75053

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

Aqua Texas, Inc. (North Region)
Attn: Darryl Waldock
Area Manager - North Texas
9450 Silver Creek Road
Fort Worth, Texas 76108

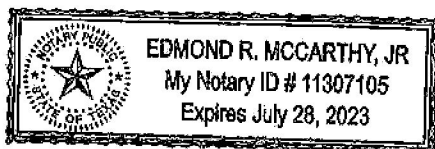
4. The mailed Petition referenced in Paragraph 3 above was sent both by postage prepaid certified mail and regular U.S. mail to the persons/addresses shown in the Certificate of Service of the Petition.
5. Affiant's statements in paragraphs 1. through 4. above, inclusive, are true and correct and within the personal knowledge of Affiant.

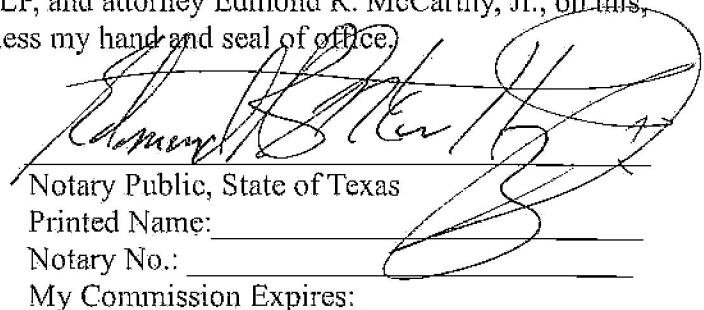
Further Affiant sayeth not.



Temple Noble, Legal Assistant, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME by Temple Noble, acting in her capacity as Legal Assistant to McCarthy & McCarthy, LLP, and attorney Edmond R. McCarthy, Jr., on this, the 8th day of June, 2022, to certify which witness my hand and seal of office.





Notary Public, State of Texas
Printed Name: _____
Notary No.: _____
My Commission Expires: _____

Notary Seal: _____

Exhibit “A”
Copy of Petition for Streamlined Expedited Release
of CCN No. 10105

A complete copy of the foregoing Petition for Expedited Release to which this Affidavit is an Exhibit is attached to the Original Affidavit which was electronically filed with the PUC's Central Registry

The following files are not convertible:

GP_Decertified.cpg
GP_Decertified.dbf
GP_Decertified.prj
GP_Decertified.sbn
GP_Decertified.sbx
GP_Decertified.shp
GP_Decertified.shx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gov if you have any questions.