

TCEQ DOCKET NO. 2023-1430-MWD

PETITION BY CATALAUNIAN LLC	§	BEFORE THE
REQUESTING INVOLUNTARY	§	
TRANSFER OF TPDES PERMIT NO.	§	TEXAS COMMISSION ON
WQ0015843001 OR REVOCATION	§	
AND REISSUANCE OF PERMIT TO	§	ENVIRONMENTAL QUALITY
PETITIONER		

**AGUILAS ROBLES, LLC’S RESPONSE TO CATALAUNIAN LLC’S PETITION
REQUESTING INVOLUNTARY TRANSFER OR REVOCATION AND
REISSUANCE OF PERMIT TO PETITIONER**

COMES NOW, Aguilas Robles, LLC (Aguilas) and files this Response to Catalaunian LLC’s (Petitioner or Catalaunian) Petition Requesting Involuntary Transfer or Revocation and Reissuance of Permit to Petitioner (Petition), and in support thereof, would respectfully show the following:

I. SUMMARY OF RESPONSE

Catalaunian’s Petition is an outlandish attempt to use the Commission’s regulatory process to appropriate Aguilas’ discharge permit for itself. There is no environmental danger to stop, nor is there any fraud or abuse of the administrative process to remedy. It is a transparent scheme to mis-utilize the rarely-used revocation and involuntary transfer processes and affect an impermissible collateral attack on a final order of the Commission.¹

Catalaunian’s real problem is with the prior permittee, Kali Kate Services, Inc. (Kali Kate), not Aguilas. But Catalaunian reasons that if it slings enough mud against Kali Kate, then enough will land on subsequent innocent purchaser, Aguilas, resulting in the revocation, involuntary transfer and abatement of its permit and/or permit amendment.² The TCEQ hearing process should

¹ *Carr v. Bell Sav. & Loan Ass’n*, 786 SW2d 761, 765 (Tex. App. – Texarkana 1990, writ denied); *Alamo Express, Inc. v. Union City Transfer*, 309 SW2d 815, 827 (1958) (concluding that a collateral attack on Railroad Commission order was impermissible because administrative statutes provide sole method of attack).

² Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0015843001 was issued on September 10, 2021, and transferred to Aguilas on February 8, 2023. Aguilas submitted an application for major amendment to Permit No. WQ0015843001 on March 17, 2023, which Catalaunian contested on July 17 and October 5, 2023, and which is currently pending.

not be captured for this purpose, nor should the Commission be misled by an unnecessarily complicated factual background.

On the contrary, the big picture is clear: Catalaunian complains of a permit issued over two years ago to an entity that is no longer the permittee, is not a party to this proceeding and may have even forfeited its right to transact business in Texas. Aguilas is not Kali Kate. Aguilas made a bona fide purchase of a TPDES permit, purchased adjacent land in reliance of that purchase, and properly undertook the permit transfer and amendment process in good faith so that the wastewater treatment facility (WWTP) would be located on property owned and controlled by Aguilas. Catalaunian is a subsequent *land* purchaser, two owners removed from the original landowner (and non-permittee), with no ownership interest in the permit at issue. Instead of applying for its own permit, this attempt at an involuntary transfer is simply Catalaunian's attempt to get a permit for free. The Commission's regulatory authority should not be misused for such purposes.

II. INVOLUNTARILY TRANSFER

Petitioner's claim that the Commission may transfer Aguilas' permit involuntarily is wrong. Petitioner cites 30 Texas Administrative Code (TAC) § 305.64(i) referring to "permitted facilities." According to 30 TAC § 309.11(4) and (5), facilities are categorized as either existing or new (which is not an existing facility).³ In this case, Aguilas possesses a TPDES permit which authorizes a discharge of treated domestic wastewater from facilities that have not yet been constructed. There is no evidence that Aguilas no longer owns or controls the proposed WWTP authorized by its permit. On the contrary, Aguilas purchased the TPDES permit from original permittee Kali Kate, transferred the permit, then filed an application for a major amendment currently pending before the Commission to move the current WWTP and outfall locations and to increase the volume, resulting in more stringent effluent limits.

Petitioner further claims that the Commission may involuntarily transfer the permit under 30 TAC § 305.64(i)(2) where a permittee no longer has property rights in the site of the proposed facilities. Aguilas does not contend, and has never contended, that it has property rights in the site where the original WWTP was authorized. The issue of whether Kali Kate had sufficient property

³ 30 TAC § 309.11(5).

interests in the original site at the time of permitting in 2021 (or at application submittal in 2019) is not before the Commission, is moot and is the subject of a final order. Rather, Aguilas has property rights in the site which is the subject of the pending permit amendment.

But whether the Commission has the authority to transfer a permit involuntarily is only one part of the equation – it must have a transferee to which it transfers the permit – which is where Catalaunian stands with outstretched hands. However, Catalaunian argues at cross purposes. In paragraph 23 of its Petition, Catalaunian claims the permit is “invalid ab initio.” How can Catalaunian be the recipient, even temporarily, of a permit it claims is void? Catalaunian’s argument that a void permit should be stripped from Aguilas and transferred to itself is non-sensical.

Petitioner also picks and chooses from § 305.64(i) without construing the subsection as a whole and this is at odds with basic rules of statutory construction.⁴ Section 305.64(i)(1) through (8) states that the Commission may involuntarily transfer a permit for “one of the [eight] following” reasons. But subpart § 305.64(i)(8) concludes with the word *and*. In other words, the Commission may avail itself of any of the circumstances in § 305.64(i)(1) through (8) to involuntarily transfer the permit but *it must* evaluate the willingness and ability of the transferee to comply with the permit and other applicable requirements before it does so:

(9) the transferee has demonstrated the willingness and ability to comply with the permit and all other applicable requirements.⁵

There is zero evidence that developer and competitor Catalaunian is willing or able to comply with the permit requirements. Catalaunian is merely a subsequent landowner with no ownership interests in the permit or permitted facilities and with no capacity to operate them. The Commission has discretion under § 305.64 to transfer a permit involuntarily and has rarely if ever done so. Catalaunian’s request is not only illogical (for the reasons stated above) but also unprecedented.

Petitioner also distorts the meaning of § 305.64(h) relating to transfers to an interim permittee. An interim transfer is only an option where there was a pending permit transfer

⁴ Tex. Gov’t Code § 311.021.

⁵ 30 TAC § 305.64(i)(9).

underway. There is no pending permit transfer, Aguilas’ permit transfer was complete on February 8, 2023 when the Executive Director issued her order approving the transfer. Catalaunian would contrive that the Commission initiate its own permit transfer so the permit could be transferred to it. Again, there is no basis in law or fact for this unprecedented action.

III. REVOCATION

Petitioner claims the Commission has authority to revoke, suspend, or revoke and reissue a permit citing § 7.302(b) of the Texas Water Code, which includes multiple grounds for agency action. While generally true, Petitioner fails to cite Texas Water Code § 7.305 that requires the Commission to establish notice and hearing procedures for those same revocation and suspension proceedings.⁶ The TCEQ has implemented Section 7.305 through 30 TAC § 305.66(g), and this section creates a high standard for revocation: “Before denying, suspending, or revoking a permit under this section, the commission must find: (1) that a violation or violations are significant *and* that the permit holder or applicant has not made a substantial attempt to correct the violations”⁷ That is, the Commission cannot revoke a permit without finding that both the alleged violation is significant *and* the permit holder or applicant has not made a *substantial attempt to correct* the violation. This is a high burden and may explain why a permit revocation by the Commission is an extremely rare event.⁸

Again, in spite of Catalaunian’s hyperbole, it has not alleged facts that meet the requirement in § 305.66(g)(1). Referring this matter to the State Office of Administrative Hearings (SOAH) for a contested case hearing will not change that. Even if Catalaunian’s claims that Kali Kate “misrepresented or failed to disclose” relevant information in the application for the original permit, Aguilas has **no association** with Kali Kate or its actions. The permit was issued more than

⁶ Although Petitioner mentions reissuance tangentially, it is absent from its Prayer. Just like involuntary transfer and revocation, there is no legal basis for reissuance of the TPDES permit to Catalaunian.

⁷ 30 TAC § 305.66(g) (emphasis added). Petitioner does not rely on subsection 305.66(g)(2) regarding a debt to the State as a basis for revocation.

⁸ Petitioner’s citation to TCEQ Docket No. 2021-1442-MWD (the “Selinger” Case) is factually distinguishable – Aguilas owned the location where the WWTP will be located on wholly separate property at the time of submittal of the Transfer Application in January 2023 and *Selinger* had no other prior facility and landowner entities as with Kali Kate, Hunter Creek Enterprises LP or Highbridge Consultants, LLC.

two years ago, the final order was not appealed and the permit was subsequently transferred. Aguilas cannot be held responsible for the alleged violations of Kali Kate.

But Petitioner does not stop there. It attempts to conflate Kali Kate’s actions with Aguilas’ application for transfer. It paints both permittees with the same brush. Petitioner states that “Aguilas misrepresented or failed to disclose in the Transfer Application the relevant fact that it also held no property interest.”⁹ This is patently untrue.¹⁰ The TCEQ’s current Transfer Application form TCEQ-20031 (10/20/2017) requests the following information:

The image is a screenshot of a TCEQ form titled "SECTION 7: LEASE AND EASEMENT REQUIREMENTS". Below the title is a sub-section "A. Landowner where the facility is or will be located:". Under this, there is a label "Landowner Name:" followed by a redacted area (a grey box). At the bottom left of the form, it says "TCEQ-20031 (10/20/2017) Application to Transfer Wastewater Permit or CAFO Permit". At the bottom right, it says "Page 2". The entire screenshot is enclosed in a red rectangular border.

Nowhere in Catalaunian’s Petition does it mention that Question No. 7 explicitly requests the name of the landowner “where the facility is *or where it will be located*.” When Aguilas submitted its Transfer Application on January 6, 2023, it had already purchased the 362 acres that is adjacent to the site which was the subject of the original permit and WWTP location.¹¹ At the time of the

⁹ Catalaunian LLC’s Petition at 9.

¹⁰ Catalaunian’s Petition is replete with other false statements such as its statement on page 4 that, “[t]he true owner of the Property was not provided notice of the Application and did not have an opportunity to contest it.” See Catalaunian LLC’s Petition at 4. Hunter Creek Enterprises, LP was the “true” landowner of the original WWTP site at the time Kali Kate filed its permit application (December 10, 2019) and when the Notice of Receipt of Application or “NORI” (February 13, 2020) and Notice of Application and Preliminary Decision or “NAPD” (June 24, 2020) were published. See *Application of Kali Kate Services, Inc. for New TPDES Permit No. WQ0015843001 in Comal County, Texas*, SOAH Docket No. 582-21-2525, TCEQ Docket No. 2021-0057-MWD, Administrative Record Tab B at Bates No. 00067, attached hereto as **Exhibit A**, (showing Hunter Creek was indeed notified).

transfer, Aguilas had already retained an engineering firm to prepare an application for major amendment to the TPDES permit so that the permit could be amended to reflect where the WWTP would be located – a wholly separate property. That application for a major amendment was filed just two months later on March 17, 2023. Aguilas never represented that it owned the “old” location of the WWTP in the permit. Rather, at the time of the submittal of the Transfer Application, Aguilas accurately represented that it is the owner of the land where the WWTP *will be located*. This is the same location provided in Aguilas’ application for a major amendment to the TPDES permit.¹²

It is typical for the Executive Director to receive and process transfer applications that provide landowner information where the facility will be located. There is nothing nefarious or fraudulent about that process. Moreover, the Executive Director well understands that because of the length of the permit process and the rapid rate of population growth in the State of Texas, it is not uncommon for property to change hands, perhaps even multiple times, before a draft permit is finally issued.¹³ Nor is it unusual for applicants to plan for the future ownership and operation by another entity after the draft permit is issued, as was apparently done by Kali Kate which intended an established area-wide utility provider like Crystal Clear Special Utility District (CCSUD) to own and/or operate the original WWTP.¹⁴

Catalaunian doubles down on its invective by stating that Aguilas “effectively stole the Permit and now seeks a major amendment to complete its fraud on the Commission and Petitioner.”¹⁵ From exactly whom did Aguilas “steal” the permit? From Kali Kate? To whom it paid several hundred thousand dollars for the TPDES permit? Or is Catalaunian claiming ownership of the TPDES permit, simply because it is a subsequent purchaser of the old site in the

¹¹ See **Exhibit B**, special and general warranty deeds for the two adjacent tracts, dated December 28, 2021 and September 8, 2022 respectively.

¹² See **Exhibit C**, TPDES Application, Core Data Form.

¹³ *Application of AIRW-2017-7, L.P. for TPDES Permit No. WQ0015878001*, SOAH Docket No. 582-22-1016, TCEQ Docket No. 2021-1214-MWD, Tr. at 674:15-675:13 (testimony of Executive Director’s permit writer Gordon Cooper).

¹⁴ This was likely the reason why the original application easement was in the name of CCSUD as it is well known CCSUD provides (and desires to provide) water and sewer service within their 165- mile service area, including the subject area in Comal County which is one of the fastest growing areas in the State.

¹⁵ Catalaunian LLC’s Petition at 6.

original permit? What a nifty trick to grab a permit with little more than an administrative pleading or two. As is clear from its own arguments, Commission rules and the explicit terms of the Transfer Application form TCEQ-20031, land and permit ownership are often vested in separate entities. Neither Catalaunian's land ownership nor its (absent) willingness or ability qualify it to magically become the permit beneficiary.

Even assuming Catalaunian is correct that Aguilas made omissions or misrepresentations – which Aguilas' vehemently disputes – these would not rise to the level of violation under 30 TAC § 305.66(g)(1) under which the Commission could revoke its permit. In point of fact, assuming *arguendo*, that Aguilas committed a violation and that violation was "significant," there is no evidence that a substantial attempt to correct the violation has not been made. On the contrary, Aguilas' application for major amendment requesting the relocation of the WWTP site and outfall to a separate property arguably resolves the alleged easement problem originating in Kali Kate's original application. Aguilas' application for major amendment would "re-unite" the TPDES permit and the land ownership under one entity with current ownership.

There are simply no legal grounds on which revocation is authorized or appropriate in this case.

IV. SUMMARY

Catalaunian is a competitor attempting to hijack the TCEQ hearing process to misappropriate a permit properly transferred to Aguilas who acquired the permit in good faith and purchased property in reliance of that acquisition for residential development. Catalaunian's demands for revocation or shameless involuntary transfer to *itself* are not supported by law or prior Commission precedent. Accordingly, the Petition should be denied and the major permit amendment proceeding be allowed to proceed.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Aguilas Robles, LLC respectfully requests that the Commission deny Catalaunian LLC's Petition, and for other further relief to which it may be entitled.

Respectfully submitted,

Helen S. Gilbert

By: _____

Helen S. Gilbert
State Bar No. 00786263
Randall B. Wilburn
State Bar No. 24033342
BARTON BENSON JONES, PLLC
7000 N. MoPac Expwy, Suite 200
Austin, Texas 78731
Telephone: (512) 565-4995
Telecopier: (210) 600-9796
hgilbert@bartonbensonjones.com
rwilburn@bartonbensonjones.com

**ATTORNEYS FOR AGUILAS ROBLES,
LLC**

CERTIFICATE OF SERVICE

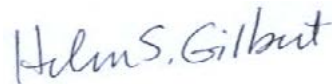
I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on this 27th day of October 2023:

Mr. Garrett Arthur
Public Interest Counsel
Office of the Public Interest Counsel
TCEQ-MC 103
P.O. Box 13087
Austin, TX 78711-3087
Tel.: (512) 239-6363
Garrett.arthur@tceq.texas.gov

Ms. Laurie Gharis, Chief Clerk
Office of Chief Clerk
TCEQ-MC 105
P.O. Box 13087
Austin, TX 78711-3087
Tel.: (512) 239-3300
Chiefclk@tceq.texas.gov

Mr. Paul Sarahan
Earth & Water Law, LLC
1445 Pennsylvania Ave., NW, Suite 400
Washington D.C., 20004
Tel.: (512) 971-4156
Paul.Sarahan@earthandwatergroup.com

Ms. Aubrey Pawelka, Staff Attorney
Office of Legal Services
TCEQ-MC 173
P.O. Box 13087
Austin, TX 78711-3087
Tel.: (512) 239-0611
Aubrey.Pawelka@tceq.texas.gov



By: _____
Helen S. Gilbert

EXHIBIT A

Lea & Hector Velez
2628 Wild Cat Roost
New Braunfels TX 78132

Juan Herrera & Maria Gonzalez
1438 Havenwood Blvd
New Braunfels TX 78132

Level 3 Communications LLC
C/O Ryan LLC
2800 Post Oak Blvd
Houston TX 77056

Chase Agnew
2624 Wild Cat Roost
New Braunfels TX 78132

Grandon Eagan
1434 Havenwood Blvd
New Braunfels TX 78132

KTS Industrial Park LLC
6385 FM 1102
New Braunfels TX 78132

Casimir & Marcia Mikolajczak
2620 Wild Cat Roost
New Braunfels TX 78132

Mark & Leigh Ferguson
1430 Havenwood Blvd
New Braunfels TX 78132

Hunter Creek Enterprises LP
120 Colette Ln
Marion TX 78124

Scott & Lisa Fisher
2616 Wild Cat Roost
New Braunfels TX 78132

Guarri General Contractors LLC
514 Eden Ranch Dr.
Canyon Lake TX 78133

ET New Braunfels LLC
8027 Forsyth Blvd
Saint Louis MO 63105

Nelda Juarez
2612 Wild Cat Roost
New Braunfels TX 78132

Gregg & Tara Moore
1422 Havenwood Blvd
New Braunfels TX 78132

State of Texas FBO Permanent
School Fund
Asset Mgmt Division
1700 Congress Ave Ste 720
Austin TX 78701

Antonio Martinez Jr.
2608 Wild Cat Roost
New Braunfels TX 78132

Richard & Carolyn Bentley
1418 Havenwood Blvd
New Braunfels TX 78132

Landowners
WQ 0015843001

Scott & Christina Vaughn
1512 Havenwood Blvd
New Braunfels TX 78132

Richard & Denise Boehm
1414 Havenwood Blvd
New Braunfels TX 78132

Kenneth & Cheryl Venderhorst
1508 Havenwood Blvd
New Braunfels TX 78132

Nusha Bladinieres
1410 Havenwood Blvd
New Braunfels TX 78132

Jason Smith
1446 Havenwood Blvd
New Braunfels TX 78132

Jefferey & Wendy Rogers
1312 Havenwood Blvd
New Braunfels TX 78132

Christian Gomez & Dalia Hernandez
1442 Havenwood Blvd
New Braunfels TX 78132

Southstar at Spencer Land LLC
1114 Lost Creek Blvd Ste 270
Austin TX 787846



EXHIBIT B

New Braunfels Title Co.
G.F.# NBT 27472021

202106066282 12/29/2021 09:41:23 AM 1/7

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 with Vendor's Lien

Effective Date: December ²⁸~~29~~, 2021

Grantor (collectively): Flying "W" Properties, Ltd., a Texas limited partnership

Grantor's Mailing Address: P.O. Box 2109
San Marcos, Texas 78667

Grantee: Aguilas Robles, LLC, a Texas limited liability company

Grantee's Mailing Address: c/o Blake Carpenter, its Registered Agent
3724 Hulen Street
Fort Worth, TX 76107-6816

Consideration: Ten and No/100 Dollars (\$10.00) and the execution and delivery by Grantee of a Note (the "Note") of even date executed by Grantee, payable to the order of Amarillo National Bank. The Note is secured by a first and superior vendor's lien retained in favor of Grantor in the deed and by a first and superior Deed of Trust of even date from Grantee to W. Wade Porter, Trustee.

The Vendor's Lien and Superior Title to the Property are retained for the benefit of Grantor until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading of the Note, when this Deed shall become absolute.

The Vendor's Lien is hereby transferred and assigned to Amarillo National Bank, the payee of the Note.

Property (including all buildings, structures, improvements and fixtures situated on, attached to or contained in the tracts of land described below, and also together with all right, title and interest of Grantor in and to the rights, privileges, and appurtenances pertaining to such tracts of land, including without limitation, all of Grantor's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, and rights-of-way):

A 258.9 acre tract of land, out of the Nancy Kenner Survey Number 3, Abstract No. 306, Comal County, Texas; and being described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from Conveyance: None

EXHIBIT B

Exceptions to Conveyance and Warranty:

1. Easement and Right-of-Way, for electric line purposes, one hundred (100') wide, granted to the Lower Colorado River Authority and described in instrument dated October 18, 1982 and recorded in Volume 338, Page 433, Deed Records, Comal County, Texas.
2. Terms, conditions and stipulations in the Boundary Line Agreement recorded in Volume 421, Page 10, Deed Records, Comal County, Texas.
3. Twenty foot (20') road easement as Replacement Road Easement recorded December 3, 2002 under Document No. 200206039811, Official Public Records, Comal County, Texas.
4. Electric line Right-of-Way to New Braunfels Utilities dated July 22, 2004, recorded in Document No. 200406034533, Official Public Records, Comal County, Texas.
5. Utility Easement to New Braunfels Utilities recorded July 28, 2015 in Document No. 201506029664, Official Public Records, Comal County, Texas. (Tract 5)

Grant and Conveyance:

Grantor, for the consideration above stated and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS and CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee, Grantee's successors and assigns forever. Grantor hereby binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

[REMAINDER OF THIS PAGE BLANK—SIGNATURES FOLLOW]

EXHIBIT B

EXECUTED TO BE EFFECTIVE AS OF THE EFFECTIVE DATE.

GRANTOR:

Flying "W" Properties, Ltd.

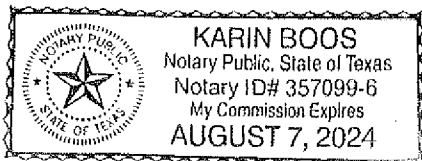
By: Flying "W" Management, L.C., a Texas
Limited Liability Company, Its General
Partner, acting by its President,
John R. Weisman

By: 
John R. Weisman

STATE OF TEXAS)

COUNTY OF COMAL)

This instrument was acknowledged before me on December 28, 2021, by
John R. Weisman, the President of Flying "W" Management, LLC, General Partner of Flying "W"
Properties, Ltd.



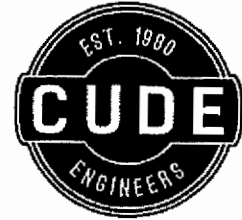

Notary Public, State of Texas

Commission No.: _____

My commission expires: _____

EXHIBIT B

EXHIBIT "A" Page 1 of 4



PERIMETER DESCRIPTION 258.9 ACRES OF LAND

PERIMETER DESCRIPTION OF A 258.9 ACRE TRACT OF LAND, OUT OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NO. 306, COMAL COUNTY TEXAS, AND BEING ALL OF THE FOLLOWING FIVE TRACTS OF LAND: (1) 1.471 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO FLYING "W" PROPERTIES, LTD., DATED DECEMBER 11, 2020 AND RECORDED AS DOCUMENT NUMBER 202006056689 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS; (2) 4.997 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO FLYING "W" PROPERTIES, LTD., DATED DECEMBER 11, 2020 AND RECORDED AS DOCUMENT NUMBER 202006056689 OF SAID OFFICIAL PUBLIC RECORDS; (3) 127.922 ACRES AS DESCRIBED IN A SPECIAL WARRANTY DEED TO FLYING W PROPERTIES, LTD, DATED JULY 30, 2003 AND RECORDED AS DOCUMENT NUMBER 200306027574 OF THE OFFICIAL RECORDS OF COMAL COUNTY TEXAS; (4) 114.206 ACRES AS DESCRIBED IN A SPECIAL WARRANTY DEED TO FLYING W PROPERTIES, LTD., DATED JULY 30, 2003 AND RECORDED AS DOCUMENT NUMBER 200306027576 OF SAID OFFICIAL RECORDS; (5) 10.000 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO FLYING W PROPERTIES, LTD., DATED OCTOBER 30, 2003 AND RECORDED AS DOCUMENT NUMBER 200306040824 OF SAID OFFICIAL RECORDS; SAID 258.9 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE BASE OF AN OLD WOOD FENCE CORNER POST, AND BEING IN THE NORTHWEST LINE OF F.M. 1102, A CALLED 80 FOOT RIGHT-OF-WAY PER TXDOT MAP R1273-1-2, DATED JULY 26, 1950, FOR THE SOUTH CORNER OF SAID 10.000 ACRE TRACT, ALSO BEING THE EAST CORNER OF THAT CERTAIN TRACT DESCRIBED AS 39.320 ACRES (TRACT NO. 2) IN A SPECIAL WARRANTY DEED TO TLJ RANCH, LP, DATED DECEMBER 30, 2009 AND RECORDED AS DOCUMENT NUMBER 201006004682 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, WITH AN OLD WIRE FENCE AND THE NORTHEAST LINE OF SAID 39.320 ACRE TRACT THE FOLLOWING FOUR (4) COURSES; FOR REFERENCE A NEW GAME FENCE STANDS NEAR AND TO THE NORTHEAST AND RUNS GENERALLY PARALLEL WITH SAID OLD WIRE FENCE:

1. N 47°03'55" W 754.60 FEET WITH THE WEST LINE OF SAID 10.000 ACRE TRACT TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND FOR THE WEST CORNER OF SAID 10.000 ACRE TRACT AND FOR A WESTERLY SOUTHWEST CORNER OF SAID 114.206 ACRE TRACT,
2. N 46°58'31" W 60.36 FEET WITH THE SOUTHWEST LINE OF SAID 114.206 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND,
3. N 46°09'36" W 933.97 FEET TO A 60D NAIL FOUND,
4. N 46°07'56" W 579.85 FEET TO AN OLD T-POST FOUND FOR THE OSTENSIBLE NORTH CORNER OF SAID 39.320 ACRE TRACT;

EXHIBIT B

EXHIBIT "A"

03678.000 258.9 ACRES 2 / 4

Page 2 of 4

THENCE, N 46°27'38" W 826.33 FEET WITH SAID OLD WIRE FENCE AND THE NORTHEAST LINE OF THAT CERTAIN TRACT DESCRIBED AS 73.227 ACRES (TRACT NO. 1) IN SAID TLJ RANCH DEED, TO A 3-1/2 INCH IRON PIPE FENCE CORNER POST FOUND FOR A SOUTHEASTERLY CORNER OF SAID 127.922 ACRE TRACT; FOR REFERENCE, A 60D NAIL IN THE TOP OF AN OLD CEDAR FENCE CORNER POST FOUND FOR AN ANGLE POINT IN THE SOUTHEAST LINE OF SAID 127.922 ACRE TRACT BEARS N 47°12'05" W 42.19 FEET;

THENCE, CONTINUING WITH SAID OLD WIRE FENCE, THE NORTHEAST LINE OF SAID 73.227 ACRE TRACT, AND WITH THE SOUTHWEST LINE OF SAID 127.922 ACRE TRACT THE FOLLOWING FIVE (5) COURSES:

1. S 80°02'03" W 35.31 FEET TO A RAIL ROAD SPIKE IN THE TOP OF A 4 INCH IRON PIPE FENCE CORNER POST FOUND,
2. N 46°48'08" W 286.49 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND,
3. N 50°54'07" W 472.58 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND,
4. S 42°51'11" W 719.79 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND,
5. N 43°31'42" W 1892.31 FEET TO A 4 INCH PIPE FENCE CORNER POST FOUND IN THE SOUTHEAST LINE OF LOT 148 OF HAVENWOOD AT HUNTERS CROSSING UNIT TWO SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 200606040000 OF SAID OFFICIAL RECORDS, FOR THE WEST CORNER OF SAID 127.922 ACRE TRACT;

THENCE, WITH A GAME FENCE, AND WITH THE SOUTHEAST LINES OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT TWO AND HAVENWOOD AT HUNTERS CROSSING UNIT THREE SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 200606046131 OF SAID OFFICIAL RECORDS, THE FOLLOWING FIVE (5) COURSES:

1. N 43°40'26" E, PASSING AN IRON ROD WITH ALUMINUM CAP INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNER OF LOT 149 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT TWO, AT 277.87 FEET PASSING AN IRON ROD WITH ALUMINUM CAP INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNER OF LOT 177 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE, AND CONTINUING FOR A TOTAL DISTANCE OF 360.63 FEET TO A POINT IN THE FENCE LINE,
2. N 43°40'35" E 879.10 FEET, PASSING IRON RODS WITH ALUMINUM CAPS INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNERS OF LOTS 179, 181, AND 182 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE TO A 15 INCH OAK TREE FOUND IN THE FENCE LINE AT THE SOUTHEAST TERMINATION OF OAK BLUFF TRAIL,
3. N 44°05'20" E 355.20 FEET, PASSING IRON RODS WITH ALUMINUM CAPS INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNERS OF LOTS 183, 184, AND 185 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE, TO A DEAD 8 INCH OAK TREE FOUND IN THE FENCE LINE,
4. N 45°00'23" E 10.90 FEET TO A 10 INCH CEDAR TREE FOUND IN THE FENCE LINE,
5. N 44°02'32" E 650.92 FEET TO A 3 INCH PIPE FENCE CORNER POST FOUND AT THE EAST CORNER OF LOT 188 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE SUBDIVISION, FOR THE NORTH CORNER OF SAID 127.922 ACRE TRACT, AND BEING IN THE SOUTHWEST LINE OF THAT CERTAIN TRACT DESCRIBED AS 164.537 ACRES IN A SPECIAL WARRANTY DEED TO FLYING W

EXHIBIT B

EXHIBIT "A" Page 3 of 4

03678.000 258.9 ACRES 3/4

PROPERTIES, LTD. DATED MARCH 28, 2000 AND RECORDED AS DOCUMENT NUMBER 200006011446 OF SAID OFFICIAL RECORDS;

THENCE, WITH THE SOUTHWEST LINE OF SAID 164.537 ACRE TRACT AND ALONG OR NEAR THE NORTHEAST LINE OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NUMBER 306, THE FOLLOWING SEVEN (7) COURSES:

1. S 65°12'22" E 292.01 FEET ALONG OR NEAR A WIRE FENCE TO A 1/2 INCH IRON ROD WITH RED PLASTIC CAP INSCRIBED "CUDE" SET NEAR A PIPE FENCE CORNER POST,
2. S 46°32'49" E 695.33 FEET ALONG OR NEAR A WIRE FENCE TO A 1/2 INCH IRON ROD FOUND,
3. S 46°24'54" E, AT 795 FEET PASSING THROUGH AN OPEN PORTION OF A CROSS FENCE, LEAVING ABOVE SAID WIRE FENCE, AND CONTINUING INTO OPEN FIELD FOR A TOTAL DISTANCE OF 1429.16 FEET TO A 1/2 INCH IRON ROD FOUND,
4. S 46°18'47" E 124.19 FEET TO A 1/2 INCH IRON ROD WITH RED CAP INSCRIBED "CUDE" SET FOR THE EAST CORNER OF SAID 127.922 ACRE TRACT, SAME BEING THE NORTH CORNER OF SAID 114.206 ACRE TRACT,
5. S 46°18'47" E, AT 1340 FEET PASSING A CROSS FENCE, AND CONTINUING FOR A TOTAL DISTANCE OF 1895.57 FEET TO A 1/2 INCH IRON ROD FOUND,
6. S 46°20'35" E 901.64 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND FOR THE NORTH CORNER OF SAID 4.997 ACRE TRACT,
7. S 46°33'48" E 60.91 FEET WITH THE NORTHEAST LINE OF SAID 4.997 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTH CORNER OF SAID 164.537 ACRE TRACT, AND FOR THE WEST CORNER OF THAT CERTAIN TRACT DESCRIBED AS 5.776 ACRES IN A SPECIAL WARRANTY DEED TO SAM RUSSELL CALDER, DATED APRIL 5, 2014 AND RECORDED AS DOCUMENT NUMBER 201806020584 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, S 46°49'33" E 313.24 FEET ALONG OR NEAR THE NORTHEAST LINE OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NUMBER 306, AND WITH THE COMMON LINE OF SAID 5.776 ACRE TRACT AND SAID 4.997 ACRE TRACT TO A 60D NAIL FOUND AT THE BASE OF A CEDAR TREE AND IN THE FENCE LINE FOR THE NORTH CORNER OF SAID 1.471 ACRE TRACT;

THENCE, WITH THE NORTHEAST LINE OF SAID 1.471 ACRE TRACT THE FOLLOWING THREE (3) COURSES:

1. S 49°52'40" E 199.46 FEET ALONG OR NEAR THE NORTHEAST LINE OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NUMBER 306, AND WITH THE SOUTHWEST LINE OF SAID 5.776 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND FOR THE NORTH CORNER OF THAT CERTAIN TRACT DESCRIBED AS 0.497 ACRES IN A WARRANTY DEED WITH VENDOR'S LIEN TO VANESSA VAJDOS, DATED AUGUST 18, 2006 AND RECORDED AS DOCUMENT NUMBER 200606035699 OF SAID OFFICIAL RECORDS,
2. S 40°06'35" W 109.99 FEET WITH THE NORTHWEST LINE OF SAID 0.497 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND FOR THE WEST CORNER OF SAID 0.497 ACRE TRACT,
3. S 49°46'25" E 187.13 FEET WITH THE SOUTHWEST LINE OF SAID 0.497 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND IN THE CURVING NORTHWEST LINE OF F.M. 1102, BEING THE SOUTH CORNER OF SAID 0.497 ACRE TRACT, AND THE EAST CORNER OF SAID 1.471 ACRE TRACT;

EXHIBIT B

EXHIBIT "A"

Page 4 of 4

03678.000 258.9 ACRES 4/4

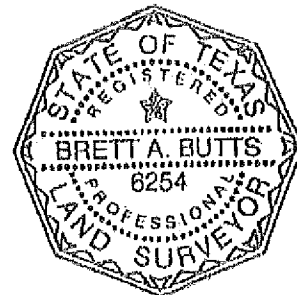
THENCE, WITH THE NORTHWEST LINE OF SAID F.M. 1102 THE FOLLOWING SEVEN (7) COURSES:

1. 69.76 FEET WITH THE SOUTHEAST LINE OF SAID 1.471 ACRE TRACT AND WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 1870.10 FEET AND A CHORD THAT BEARS S 53°45'53" W 69.76 FEET TO A TXDOT TYPE 1 CONCRETE MONUMENT FOUND,
2. S 54°30'00" W 53.40 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTH CORNER OF SAID 1.471 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID 4.997 ACRE TRACT;
3. S 54°30'00" W 200.14 FEET WITH THE SOUTHEAST LINE OF SAID 1.471 ACRE TRACT TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND FOR THE SOUTH CORNER OF SAID 4.997 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID 114.206 ACRE TRACT,
4. S 54°42'00" W 706.77 FEET WITH THE SOUTHEAST LINE OF SAID 114.206 ACRE TRACT TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "BRYN SURVEYING" FOUND FOR THE SOUTH CORNER OF SAID 114.206 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID 10.000 ACRE TRACT;
5. S 54°40'20" W 52.29 FEET WITH THE SOUTHEAST LINE OF SAID 10.000 ACRE TRACT TO 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "BRYN SURVEYING" FOUND,
6. 310.55 FEET WITH THE SOUTHEAST LINE OF SAID 10.000 ACRE TRACT AND WITH A CURVE TO THE LEFT HAVING A RADIUS OF 5769.70 FEET AND A CHORD THAT BEARS S 53°05'05" W 310.51 FEET TO A 1/2 INCH IRON ROD FOUND,
7. S 51°22'14" W 201.91 FEET WITH THE SOUTHEAST LINE OF SAID 10.000 ACRE TRACT TO THE POINT OF BEGINNING.

BEARINGS CITED HEREON BASED ON GRID NORTH TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (NAD83). THIS PERIMETER DESCRIPTION IS A PART OF AND ACCOMPANIES A SKETCH OF THIS SURVEY. THE FIELDWORK WAS COMPLETED ON OCTOBER 28, 2021.

 NOVEMBER 2, 2011

BRETT A. BUTTS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6254
CUDE ENGINEERS
12301 RESEARCH BLVD, BUILDING V, SUITE 160
AUSTIN, TX 78759
TBPELS FIRM NO. 10048500
TBPE FIRM NO. 455
JOB NO. 03678.000



Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
12/29/2021 09:41:23 AM
CHRISTY 7 Pages(s)
202106066282





GENERAL WARRANTY DEED RESERVING VENDOR'S LIEN
IN FAVOR OF THIRD PARTY

THE STATE OF TEXAS §
COUNTY OF COMAL §

KNOW ALL MEN BY THESE PRESENTS:

THAT **MJD ENDEAVORS, LLC**, a Texas limited liability company, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by **AGUILAS ROBLES, LLC**, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged and confessed, and the further consideration of the execution and delivery by Grantee of one certain Promissory Note of even date herewith in the amount set forth in Amarillo National Bank loan number 7000071680, payable to the order of **AMARILLO NATIONAL BANK**, hereinafter called Mortgagee, said Note being payable as therein provided, bearing interest at the rate therein specified, providing for attorney's fees and acceleration of maturity at the rate and in the events therein set forth, and payment of said Note being secured by a vendor's lien and superior title retained herein in favor of said Mortgagee and by Deed of Trust of even date herewith from Grantee to **W. WADE PORTER, Trustee**, to which reference is hereby made for all purposes; and,

WHEREAS, Mortgagee has, at the special instance and request of said Grantee herein, paid to Grantor herein a portion of the purchase money for the property hereinafter described as represented by the above described Note, said Note, together with the

EXHIBIT B

vendor's lien and Deed of Trust Lien against said property securing the payment of said Note is, without recourse upon the Grantor herein, hereby assigned, transferred and delivered to Mortgagee, the Grantor hereby conveying to the said Mortgagee the said superior title to said property, and subrogating the said Mortgagee unto all the rights and remedies of Grantor in the premises by virtue of said Note and liens; the indebtedness evidenced by said Note being due and payable as therein provided, both principal and interest being due and payable at the office of **AMARILLO NATIONAL BANK**;

HAS GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee, the following described property situated in Comal County, Texas, to-wit:

103.1 acres of land located in the NANCY KENNER SURVEY 3, ABSTRACT 306, Comal County, Texas and being all that called 103.1 acres of land as described in Document 202206006901 of the Official Public Records of Comal County, Texas, said 103.1 acres being more particularly described by metes and bounds in **Exhibit "A"** attached hereto and made a part hereof.

This conveyance is made subject to, all and singular, the restrictions, easements and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Comal County, Texas.

It is expressly agreed and stipulated that a vendor's lien is retained in favor of the payee in said Note against the above described property, premises and improvements, until said Note, and all interest thereon, is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

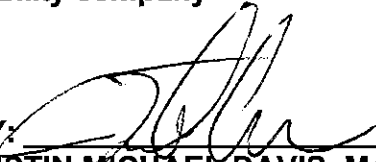
TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs and assigns forever.

EXHIBIT B

Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof.

DATED this the 8th day of September, 2022.

MJD ENDEAVORS, LLC, a Texas limited liability company

BY: 
JUSTIN MICHAEL DAVIS, Manager

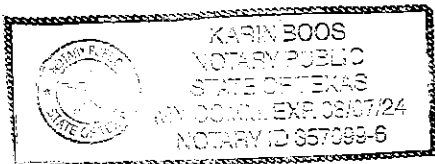
BY: 
MATTHEW KENNETH HOLM, Manager

BY: 
DAVID EARL TIDWELL, Manager

STATE OF TEXAS
COUNTY OF Cumal

§
§

This instrument was acknowledged before me on this the 8 day of September, 2022, by JUSTIN MICHAEL DAVIS, Manager of MJD ENDEAVORS, LLC, a Texas limited liability company.



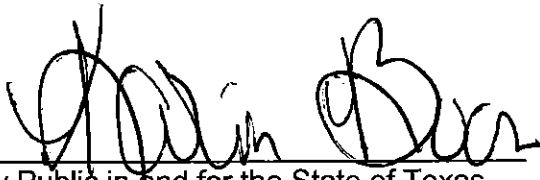
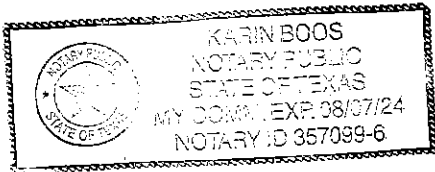

Notary Public in and for the State of Texas

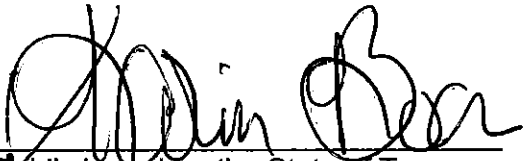
EXHIBIT B

STATE OF TEXAS
COUNTY OF Comal

§
§

This instrument was acknowledged before me on this the 8 day of **September, 2022**, by **MATTHEW KENNETH HOLM, Manager of MJD ENDEAVORS, LLC, a Texas limited liability company.**

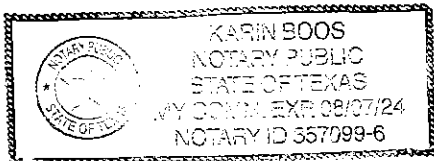


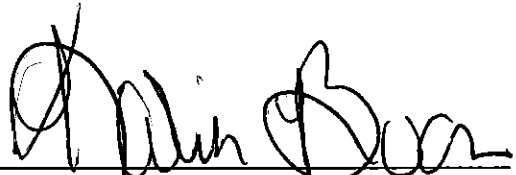

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF Comal

§
§

This instrument was acknowledged before me on this the 8 day of **September, 2022**, by **DAVID EARL TIDWELL, Manager of MJD ENDEAVORS, LLC, a Texas limited liability company.**



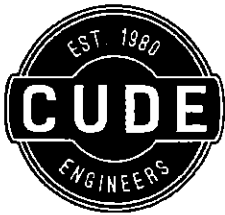

Notary Public in and for the State of Texas

GRANTEE'S MAILING ADDRESS:

3724 Hulen Street
Fort Worth, TX 76107

7779.deeds
New Braunfels Title Co (KB)
GF #NBT-3316-2022

EXHIBIT B



LEGAL DESCRIPTION
103.1 ACRES OF LAND

103.1 ACRES OF LAND LOCATED IN THE NANCY KENNER SURVEY 3, ABSTRACT 306, COMAL COUNTY, TEXAS AND BEING ALL OF THAT CALLED 103.1 ACRES OF LAND AS DESCRIBED IN DOCUMENT 202206006901 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS; SAID 103.1 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A FOUND 1/2" IRON ROD ON THE NORTHWEST RIGHT-OF-WAY LINE OF F.M. 1102, THE EAST CORNER OF SAID 103.1 ACRE TRACT AND THE SOUTH CORNER OF A CALLED 258.9 ACRE TRACT DESCRIBED IN DOCUMENT 202106066282 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS;

THENCE, S 51°52'23" W, WITH THE COMMON LINE OF SAID 103.1 ACRE TRACT AND SAID F.M. 1102, A DISTANCE OF 60.76 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "SUMMIT GEOMATICS INC" AT A SOUTHEAST CORNER OF SAID 103.1 ACRE TRACT;

THENCE, N 47°03'31" W, WITH THE LINE OF SAID 103.1 ACRE TRACT, A DISTANCE OF 757.79 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "SUMMIT GEOMATICS INC, AT AN INTERIOR CORNER OF SAID 103.1 ACRE TRACT;

THENCE, S 42°56'29" W, WITH THE THE LINE OF SAID 103.1 ACRE TRACT, A DISTANCE OF 698.79 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "SUMMIT GEOMATICS INC" AT A SOUTH CORNER OF SAID 103.1 ACRE TRACT, ON THE NORTHEAST LINE OF A CALLED 68.90 ACRE TRACT DESCRIBED IN DOCUMENT 202106056535 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS;

THENCE, N 48°24'48" W, WITH THE COMMON LINE OF SAID 103.1 ACRE TRACT AND SAID 68.90 ACRE TRACT, A DISTANCE OF 1561.20 FEET TO A FOUND 5/8" IRON ROD, AT AN INTERIOR CORNER OF SAID 103.1 ACRE TRACT AND THE NORTH CORNER OF SAID 68.90 ACRE TRACT ;

THENCE, S 42°48'58" W, WITH THE COMMON LINE OF SAID 103.1 ACRE TRACT AND SAID 68.90 ACRE TRACT, A DISTANCE OF 471.42 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "OVERBY DESCAMPS AT A SOUTHWEST CORNER OF SAID 103.1 ACRE TRACT, AND A SOUTHEAST CORNER OF THE HAVENWOOD AT HUNTERS CROSSING, UNIT ONE SUBDIVISION RECORDED IN DOCUMENT 200606015745 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS;

THENCE, WITH THE SOUTHWEST LINE OF SAID 103.1 ACRE TRACT, THE NORTHEAST LINE OF SAID HAVENWOOD AT HUNTERS CROSSING, UNIT ONE, AND THE HAVENWOOD AT HUNTERS CROSSING, UNIT TWO SUBDIVISION RECORDED IN DOCUMENT 200606040000 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS, THE FOLLOWING BEARINGS AND DISTANCES:

N 48°23'33" W, A DISTANCE OF 306.46 FEET TO A FOUND 6" FENCE POST;

N 47°54'13" W, A DISTANCE OF 270.21 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "PRECISION SURVEY";

N 48°00'48" W, A DISTANCE OF 185.73 FEET TO A FOUND T-POST;

N 47°43'21" W, A DISTANCE OF 557.82 FEET TO A FOUND T-POST;

N 47°19'15" W, A DISTANCE OF 254.25 FEET TO A FOUND T-POST;

N 47°16'18" W, A DISTANCE OF 428.03 FEET TO A FOUND 1/2" IRON ROD;

EXHIBIT B

FN-03678.000.1-103.1ACRES 2 / 2

N 46°56'25" W, A DISTANCE OF 274.76 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "RPLS 4907";

N 46°51'48" W, A DISTANCE OF 329.25 FEET TO A FOUND T-POST;

N 46°51'22" W, A DISTANCE OF 38.15 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "PROTECH-ENG 2219";

N 46°51'03" W, A DISTANCE OF 390.70 FEET TO A FOUND T-POST;

N 46°49'33" W, A DISTANCE OF 468.39 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "SHERWOOD SURVEYING" AT THE WEST CORNER OF SAID 103.1 ACRE TRACT AND AN INTERIOR CORNER OF SAID HAVENWOOD AT HUNTERS CROSSING, UNIT TWO;

THENCE, N 43°42'09" E, WITH THE NORTHWEST LINE OF SAID 103.1 ACRE TRACT, A SOUTHEAST LINE OF SAID HAVENWOOD AT HUNTERS CROSSING, UNIT TWO, A DISTANCE OF 656.30 FEET TO A FOUND 4" PIPE FENCE CORNER POST AT THE NORTH CORNER OF SAID 103.1 ACRE TRACT AND THE WEST CORNER OF SAID 258.9 ACRE TRACT;

THENCE, WITH THE COMMON LINE OF SAID 103.1 ACRE TRACT AND SAID 258.9 ACRE TRACT, THE FOLLOWING BEARINGS AND DISTANCES:

S 43°31'42" E, A DISTANCE OF 1892.31 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "KOLODZIE SURVEYING";

N 42°51'11" E, A DISTANCE OF 719.79 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "KOLODZIE SURVEYING";

S 50°54'07" E, A DISTANCE OF 472.58 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "KOLODZIE SURVEYING";

S 46°48'08" E, A DISTANCE OF 286.49 FEET TO A FOUND RAILROAD SPIKE;

N 80°02'03" E, A DISTANCE OF 35.31 FEET TO A FOUND 3" IRON PIPE;

S 46°27'38" E, A DISTANCE OF 826.33 FEET TO A FOUND 5/8" IRON ROD;


S 46°07'56" E, A DISTANCE OF 579.85 FEET TO A FOUND NAIL;

S 46°09'36" E, A DISTANCE OF 933.97 FEET TO A FOUND 1/2" IRON ROD;

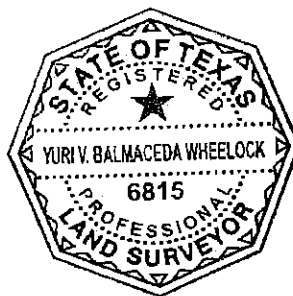
S 46°58'31" E, A DISTANCE OF 60.36 FEET TO A FOUND 1/2" IRON ROD WITH CAP MARKED "KOLODZIE SURVEYING";

S 47°03'55" E, A DISTANCE OF 754.60 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 103.1 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (2011). ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES USING A SCALE FACTOR OF 1.00013.

 05-24-22

YURI V. BALMACEDA WHEELOCK
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6815
CUDE ENGINEERS
4122 POND HILL ROAD, SUITE 101
SAN ANTONIO, TEXAS 78231
TBPELS FIRM NO. 10048500
TBPE FIRM NO. 455
JOB NO. 3678.000.1



CUDE ENGINEERS
SAN ANTONIO | AUSTIN

4122 POND HILL ROAD, STE 101
SAN ANTONIO, TEXAS 78231

PHONE: (210) 681-2951
CUDEENGINEERS.COM

TBPE NO. 455
TBPLS NO. 10048500



TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input checked="" type="checkbox"/> Other Major Amendment
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 606104941		RN 110910254

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		02/02/2022	
<input type="checkbox"/> New Customer <input checked="" type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership					
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>					
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John) <i>If new Customer, enter previous Customer below:</i>					
Aguilas Robles, LLC					
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID (9 digits)	
0804213665		32080819744			
10. DUNS Number (if applicable)					
11. Type of Customer:		<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees		13. Independently Owned and Operated?			
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following					
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Other:					
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant					
15. Mailing Address:					
3724 Hulen Street					
City: Fort Worth State: TX ZIP: 76107 ZIP + 4:					
16. Country Mailing Information (if outside USA)				17. E-Mail Address (if applicable)	
				josh@trioakdevelopment.com	
18. Telephone Number		19. Extension or Code		20. Fax Number (if applicable)	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If "New Regulated Entity" is selected, a new permit application is also required.)							
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information							
<i>The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).</i>							
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)							
Westridge Oaks WWTP							
23. Street Address of the Regulated Entity: (No PO Boxes)							
City		State		ZIP		ZIP + 4	
24. County		Comal					

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:		0.68 MILES NORTHWEST OF THE INTERSECTION OF FM 1102 AND WATSON LN W IN COMAL COUNTY					
26. Nearest City				State		Nearest ZIP Code	
NEW BRAUNFELS				TX		78132	
<i>Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).</i>							
27. Latitude (N) In Decimal:		29.791039		28. Longitude (W) In Decimal:		-98.057601	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		
29	47	28	-98	3	27		
29. Primary SIC Code (4 digits)		30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)	
4952				221320			
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)							
Wastewater Treatment							
34. Mailing Address:		3724 Hulen Street					
City	Fort Worth	State	TX	ZIP	76107	ZIP + 4	
35. E-Mail Address:		josh@trloakdevelopment.com					
36. Telephone Number		37. Extension or Code		38. Fax Number (if applicable)			
(205) 504-4877				() -			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.