

Attached are the due diligence documents on the water rights, listed as follows:

1. Deeds - The conveyance/reservation language on the water rights is in the 3 deeds so I attached them for sending to prospective buyers re: the water rights.
2. Due Diligence Information on Groundwater Rights explains what the rights are for each tract and what you can do with them in light of the Central Texas GCD rules. The language in the deeds is confusing so my thought is that this document will be especially helpful for prospective buyers.
3. Correspondence with Central Texas GCD - included a copy of the email exchange with the Central Texas GCD General Manager, where he gives an overview of the spacing distance for a well on the property based on existing wells surrounding the property at the time.
4. Excerpt from Central Texas GCD rules on spacing – confirmed that the same rules are still in effect.

This should cover it as far as giving prospective buyers an idea of what was conveyed/reserved. Let me know if any questions come up.

Thanks,

Kristen

KRISTEN FANCHER

6136 FRISCO SQUARE BLVD., SUITE 400

FRISCO, TX 75034 | PHONE: (469) 925-0022

FAX: (469) 551-4294 | Email: kf@fancherlegal.com

www.fancherlegal.com

**Due diligence information on Groundwater Rights
Ranch Park 4 at 281, LLC Property – 1004.17 acre tract, Burnet County**

Brief Overview of Groundwater Rights (Schedule 1 to Exhibit A-1 in Deeds):

201 acres/north tract – unrestricted 100% ownership of groundwater. An exempt or non-exempt well can be drilled.

Remaining 803.17 acres – Capitol Aggregates reserved the groundwater rights for correlative purposes only to use the acreage for drilling water wells on other Capitol Aggregates property. Capitol Aggregates cannot use surface of the property. An exempt well may be drilled for use on-property according to reservation in deed regardless of the purpose of use.

Drilling of an Exempt Water Well:

Under Central Texas GCD Rule 3.40(4), a new well is exempt regardless of the type of use as long as the well meets the following 3 conditions: (1) located on a tract of land larger than 10 acres; (2) equipped to produce 25,000 gallons of water per day or less; and (3) meets the District's spacing requirements (50 feet from property line and 100 feet from other wells). A commercial well could therefore be exempt under the current rules as long as the 3 criteria are met. Central Texas GCD's exemption criteria is broader than the minimum statutory exemption in Section 36.117 of the Texas Water Code, which does have a use limitation of domestic, livestock and poultry.

Even though a commercial well that meets the criteria is exempt under the Central Texas GCD rules, the deed does limit the use to on-property only (the lower 803.17 acres only, as the northern 201 acres are unrestricted and owned in fee).

Options for Maximizing the Drilling of Water Wells:

Discussions with Central Texas GCD confirmed the following information:

- Per the Central Texas GCD rules, the district recognizes platting as having made plans for the property and the district has previously grandfathered property in that was platted prior to big rules changes. Central Texas GCD performs the groundwater availability certification required by the county when the property is platted.
- On the 803.17 acres where Capitol Aggregates reserved the water rights, an option is to file registration applications with Central Texas GCD as soon as you have plans for exempt water wells (if any). Pending applications are often grandfathered or get priority in the event of rules changes. The district rules allow property assigned to a non-exempt well to also be used for an exempt well (e.g., if Cap. Agg uses its reserved rights on your property for its water well then you can still use the same acreage for your exempt wells).
- On the 201 acres with 100% of the groundwater rights, it is also a good idea to file a permit application if/once you have plans for a groundwater well.
- Central Texas GCD's well spacing rules are based on who has wells around you so the size of well you can put in is based on who came before you (historic use system).

From: Mitchell Sodek
Sent: Wednesday, September 15, 2021 4:38 PM
To: Kristen Fancher
Subject: Re: Follow up from discussion

Kristen,

This area would be a non-trinity aquifer, those spacing rules are attached. I am showing that location to be greater than 500 feet from the current property line, and I show no registered wells within 1000 feet.

I hope that helps.

Mitchell Sodek
General Manager
Central Texas GCD

225 S. Pierce
Burnet, TX 78611
Phone: 512-756-4900
Fax: 512-756-4997
www.centraltexasgcd.org

----- Original Message -----

From: "Kristen Fancher" <kf@fancherlegal.com>
To: "sodek@centraltexasgcd.org" <sodek@centraltexasgcd.org>
Sent: 9/15/2021 11:16:03 AM
Subject: Follow up from discussion

Hi Mitchell,

Thank you again for talking to me last week about Central Texas GCD rules and registration and permitting matters. In the spirit of doing due diligence on the front end like I mentioned, I have a couple of follow up questions. The decimal GPS coordinates for an area on the property where my client would own the groundwater rights is 30.688490, -98.259770. I would like to see what type of spacing limitations (if any) there would be as of now based on existing wells in the vicinity of this GPS location. My main question is if they wanted to drill a relatively large well, say 80 gpm, would they be able to under the spacing rules, or are there nearby existing wells that would limit the size of well (as of the present time, as I know a well could come in at any point in the future that could impact their ability re: size and location)?

Let me know if you would like me to provide any other information.

Thank you,
Kristen

KRISTEN FANCHER

6136 FRISCO SQUARE BLVD., SUITE 400

FRISCO, TX 75034 | PHONE: (469) 925-0022

FAX: (469) 551-4294 | Email: kf@fanherlegal.com

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B. Hickory, Ellenburger-San Saba, Marble Falls, Welge-Lion Mountain, Granite, and Other Non-Trinity Aquifers

The following well spacing requirements shall apply to wells completed in any layer of the Hickory, Ellenburger-San Saba, Marble Falls, Welge-Lion Mountain, or Granite Aquifers, as such aquifers are described in the District Management Plan, current and previous versions of the State Water Plan, and the applicable numbered groundwater reports and other official publications of the Texas Water Development Board, and shall apply to wells completed in any other aquifer in the District that is not part of the Trinity Aquifer:

Well Capacity	Minimum Tract Size	Spacing from Other Well Sites	Spacing from Property Line
The maximum amount of water the well can actually produce as equipped in gallons per minute (gpm).	The minimum tract size (if platted after 9/1/2009) that is owned or controlled, in acres, which may be considered an appropriate site for a well of a specified capacity.	The minimum distance, in feet, that a new or substantially altered well or proposed well site may be located from a registered well or authorized well site that does or will produce water from the same subdivision of the same aquifer.	The minimum distance, in feet, that a new or substantially altered well or proposed well site may be located from the nearest property line or limit of control of the tract of land on which it is to be located.
17.36 gpm or less	Minimum Tract Size is 1 acre	100 feet	50 feet
More than 17.36 gpm but less than 30 gpm		150 feet	75 feet
More than 30 gpm but less than 40 gpm		300 feet	150 feet
40 gpm or larger but less than 80 gpm		600 feet	300 feet
80 gpm or larger		1,000 feet	500 feet



SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

DATE: September 24, 2021

GRANTOR: **CAPITOL AGGREGATES, INC.**, a Texas corporation,
successor to Capitol Aggregates, Ltd.

GRANTOR'S MAILING ADDRESS: 2330 N. Loop 1604 W
(INCLUDING COUNTY) San Antonio, Bexar County, Texas 78248

GRANTEE: **COMMERCIAL PARK 4 PARTNERS AT 281,LLC**, a
Texas limited liability company

GRANTEE'S MAILING ADDRESS: 4711 Crestway Dr.
(INCLUDING COUNTY) Austin, Travis County, Texas 78731

CONSIDERATION: Cash and a note of even date executed by Grantee's affiliate, Park 4 Partners at 281, LLC and payable to the order of Horizon Bank, SSB in the principal amount of FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$4,725,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Horizon Bank, SSB and by a first-lien deed of trust of even date from Grantee to James Dyess, Trustee.

PROPERTY (INCLUDING ALL IMPROVEMENTS):

That one certain tract of land containing 210.25 acres located in Burnet County, Texas and legally described on Exhibit A attached hereto (the "**Property**")

The rights and interests hereby conveyed to Grantee include the following (the "**Conveyed Water Rights**"):

(i) as to the portion of the tract described on Exhibit A-1, all right, title and interest in and to the underground water to include, percolating water, artesian water and any other water from any and all depths and reservoirs, formations and horizons now or in the future located beneath the surface of said property;

(ii) as to the remaining portion of the Property, the right to develop and withdraw underground water and spring water from the Property for domestic and livestock purposes and/or for any new well that is exempt from permitting under the Central Texas Groundwater Conservation District's (the "**Groundwater District**"), or its successor entity's/agency's, current or future rules, to include, without limitation,

FILED BY:
Texas Investors Title
116 Blanco Rd., Ste 101
Boerne, TX 78006
GF#: 20210406 B

the right to drill, explore for, develop, treat, produce and transport such groundwater, but only for on-property use and subject to the water rights reserved below. Grantee acknowledges that on the effective date of this Deed, the Groundwater District's rules exempt from permitting a new well which is equipped so that it is incapable of producing more than 25,000 gallons per 24-hour period, and which well meets the Groundwater District's tract size and spacing requirements.

For clarity, the Conveyed Water Rights under the immediately preceding paragraph (ii) exclude and Grantee shall not have the right to develop, permit or withdraw any underground water in excess of what the Groundwater District, or its successor entity/agency authorizes for domestic and livestock uses or uses which are otherwise exempt from permitting requirements under Groundwater District, or its successor entity/agency, current or future rules.

WATER RIGHTS RESERVED

Except for the conveyance to Grantee by this Deed of the Conveyed Water Rights, Grantor reserves unto itself, and its successors and assigns and will except from the water rights conveyed under (ii) above all right, title and interest in and to the underground water, percolating water, artesian water, and any other water on any portion of the Property, except the tract described on Exhibit A-1, from any and all depths and reservoirs, formations, and horizons now or in the future located beneath the surface of the Property, including, without limitation, all common law rights associated with such water and the further right to claim and use the entire acreage comprising the Property as pooled, controlled acreage or surface acreage accrual for well permitting and water production purposes only, including, without limitation, all rights in Permit No. OP-16011401 and all right title and interest in the existing water well located off the Property known as Well No. 6166 (collectively, the "**Reserved Groundwater Rights**"). Grantor hereby waives the right of ingress and egress to and from and will not use any portion of the surface of the Property for exploration or drilling other than the above-referenced use for pooling, controlled acreage or surface acreage accrual in connection with the Reserved Groundwater Rights.

RESERVATIONS FROM CONVEYANCE AND WARRANTY:

The water rights described above.

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is also made and accepted subject to the covenants, conditions, restrictions and easements listed on Exhibit B.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, expressly reserved and excepted in this deed, 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 heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors, to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty, expressly reserved and excepted in this deed, by, through, or under it, but not otherwise.


Except for Grantor's special warranty of title and the representations, warranties and agreements contained within the agreement for sale and purchase of the Property between Grantor and Grantee, it is hereby expressly stipulated and agreed as follows.

The Property is sold to Grantee on an "AS IS, WHERE IS" condition with all faults. Except as expressly otherwise stated herein, Grantee further acknowledges that THE GRANTOR HAS MADE NO WARRANTIES OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, CONCERNING THE IMPROVEMENTS AND PERSONALTY, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OR REPRESENTATION OF MERCHANTABILITY, SUITABILITY, HABITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. The herein provision disclaiming warranties is a provision bargained-for between the parties.

Horizon Bank, SSB, at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$4,725,000.00) note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Horizon Bank, SSB and the same are hereby TRANSFERRED and ASSIGNED to said Horizon Bank, SSB.

When the context requires, singular nouns and pronouns include the plural.

CAPITOL AGGREGATES, INC., a Texas corporation

By: 
 Name: Greg Hale
 Title: President

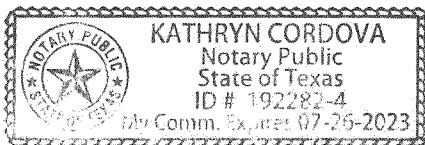
STATE OF TEXAS §

§

COUNTY OF BEXAR §

This instrument was acknowledged before me on the 23rd day of September, 2021, by Greg Hale, President of CAPITOL AGGREGATES, INC., a Texas corporation.

Kathryn Cordova
Notary Public, State of Texas



AFTER RECORDING, RETURN TO:
Commercial Park 4 Partners at 281, LLC
4711 Crestway Dr.
Austin, TX 78731

EXHIBIT A

(Page 1 of 2)

TRACT 3

FIELD NOTES DESCRIBING 210.25 ACRES OF LAND IN BURNET COUNTY, TEXAS

BEING A 210.25 ACRE TRACT OF LAND SITUATED IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO.17, ABSTRACT NO. 666, OUT OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN DEED TO CAPITOL AGGREGATES, LTD., OF RECORD IN DOCUMENT NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 210.25 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set on the east side of a 3" iron pipe fence corner post in the west right of way line of U.S. Highway No. 281, a variable width right of way of record in Volume 120, Page 453, Burnet County Deed Records (B.C.D.R.), for the northeast corner of that certain tract of land described as Tract One, 592.59 acres in deed to Capitol Aggregates, Inc. of record in Document No. 201210420 B.C.O.P.R., the southeast corner of said 1003.88 acre Capitol Aggregates tract, and the POINT OF BEGINNING hereof, from which a TxDOT concrete right of way monument bears S 02°28'11" W 22.89 feet;

THENCE with north line of said Capitol Aggregates Tract 1 and the south line of said 1003.88 acre Capitol Aggregates tract S 76°56'32" W 1911.20 feet to a ½" iron rod set in the west line of that certain Lonestar Gas Pipeline Easement of record in Volume 103, Page 483, B.C.D.R. and Volume 119, Page 31, B.C.D.R, for the southeast corner of a 409.70 acre tract called Tract 2 surveyed this date, and the southwest corner hereof;

THENCE N 09°56'46" E over and across said 1003.88 acre Capitol Aggregates tract, with the west line of said Gas Pipeline, at 3351.58 feet pass a ½" iron rod set for the northeast corner of said Tract 2 surveyed this date, and the southeast corner of a 383.62 acre tract of land called Tract 1, surveyed his date, and continuing for a total distance of 7944.32 feet to a ½" iron rod set in the south line of Texas State Park Road No. 4, a 100 foot wide right of way of record in Volume 1, Page 587 & 588, Burnet County Miscellaneous Records in a curve to the right having a radius of 1382.39 feet, being the north line of said Capitol Aggregates tract, the northeast corner of said Tract 1 surveyed this date, and the northwest corner hereof, from which a ½" iron rod found with red plastic cap inscribed "FLT RPLS 1739" lies, around said curve, to the left, an arc distance of 402.21 feet, and having a chord which bears N 84°52'19" E 400.79 feet (C1);

THENCE with the south right of way of said Park Road No. 4, being the north line of said 1003.88 acre Capitol Aggregates tract, the following three (3) courses and distances:

- 1.) Around said curve to the right an arc distance of 176.86 feet, having a chord which bears S 83°07'40" E 176.74 feet (C2) to a ½" iron rod found for a point of tangency,
- 2.) S 79°28'09" E 149.53 feet (L16) to a ½" iron rod set at an angle point, and
- 3.) S 39°09'45" E 244.83 feet (L17) to a ½" iron rod set in the west right of way line said U.S. Highway No. 281, at the easterly terminus of said Park Road No. 4, for the easterly northeast corner hereof, from which a ½" iron rod found with red cap inscribed "FLT RPLS 1739" for a witness bears N 05°48'38" E 21.61 feet;

THENCE with the west right of way line of said U.S. 281 and the east line of said 1003.88 acre Capitol Aggregates tract the following seven (7) courses and distances:

- 1.) Around a curve to the left, having a radius of 5789.49 feet, an arc distance of 989.80 feet, and having a chord which bears S 00°55'41" W 988.59 feet (C3) to a TxDOT concrete right of way monument found opposite P.T. Station 1323+58.6,
- 2.) S 03°57'14" E 1141.11 feet to a TxDOT concrete right of way monument found opposite Station 1335+00,
- 3.) S 03°54'26" E 1182.62 feet to a TxDOT concrete right of way monument found opposite Station 1346+82.7,
- 4.) S 00°33'43" E 356.42 feet to a TxDOT concrete right of way monument found,
- 5.) S 00°37'55" E 282.19 feet to a fence corner post found,

(Page 2 of 2)

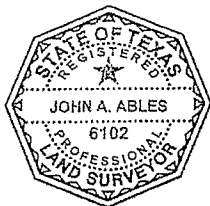
TRACT 3

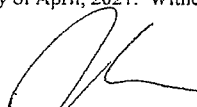
FIELD NOTES DESCRIBING ACRES OF LAND IN BURNET COUNTY, TEXAS

- 6.) S 02°17'30" W 349.72 feet to a ½" iron rod set, and
- 7.) S 02°28'11"W, at 1322.76 feet pass a TxDOT concrete right of way monument found, and continuing for a total distance of 2862.72 feet to the POINT OF BEGINNING hereof and containing an area of 210.25 acres of land as surveyed by Llano Surveying & Mapping, L.L.C., under the supervision of John A. Ables R.P.L.S. No. 6102.

Basis of Bearing for this tract is State Plane Coordinate System, Texas Central Zone 4203. Distances are Grid. CSF=0.9998431484. All ½" iron rods set have an aluminum cap inscribed "Llano Surveying" unless otherwise noted. This description is to be used in conjunction with the accompanying survey plat attached hereto and made a part hereof.

I, John A. Ables, Registered Professional Land Surveyor #6102 do hereby certify that this description was prepared from an on the ground survey performed under my supervision on the 9th day of April, 2021. Witness my hand and seal this the 16th day of September, 2021.





John A. Ables R.P.L.S. #6102
P. O. Box 74, Llano, TX 78643

Exhibit A-1

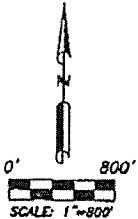
An approximately 201 acre, more or less, tract of land shown on Schedule 1 attached to this Exhibit A-1 (the "Conveyed Water Rights Tract") out of a 1003.88 tract of land described by metes and bounds on Schedule 2 (the "Larger Tract") attached to this Exhibit A-1 and made a part hereof, which Conveyed Water Rights Tract constitutes all portions of the Larger Tract north of the tract (the "KRC Tract") described as:

285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO, 17, ABST. NO. 666, PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN A DEED TO CAPITOL AGGREGATES, LTD, RECORDED IN DOC. NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 285.17 ACRE TRACT DESCRIBED BY METES AND BOUNDS ON SCHEDULE 3 ATTACHED TO THIS EXHIBIT A-1 AND MADE PART HEREOF.

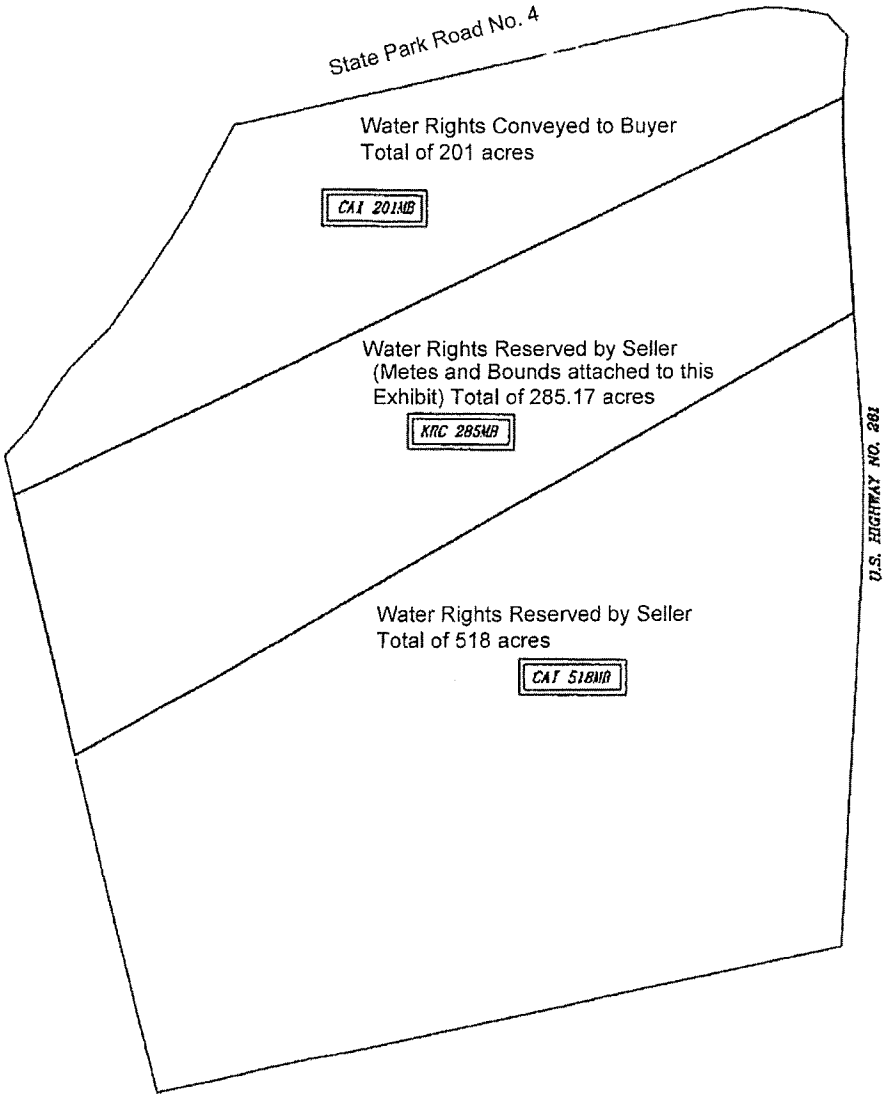
This Exhibit A-1 is only intended to define and describe that portion of the 1003.88 Larger Tract that is located north of the 285.17 KRC Tract. The 201 acre Conveyed Water Rights Tract excludes the 285.17 KRC Tract and all portions of the Larger Tract south of the 285.17 KRC Tract.

Schedule 1 to Exhibit A-1

Drawing showing 201 acre Conveyed Water Tract



SKETCH SHOWING PARENT TRACT AND SITE
 LOCATION OF CA1518MB, CA12018MB, & KRC285MB:
 FOR INFORMATION PURPOSES ONLY.
 PRELIMINARY. THIS DOCUMENT SHALL NOT BE
 RECORDED FOR ANY PURPOSE AND SHALL NOT BE
 USED OR VIEWED OR RELIED UPON AS A FINAL
 SURVEY DOCUMENT.



Schedule 2 to Exhibit A-1

Larger Tract

FIELD NOTES OF 1003.88 ACRES OF LAND IN BURNET COUNTY, TEXAS.

The tract of land described hereon contains 1003.88 acres more or less out of the Rafael Padilla Survey No. 7, Abst. No. 666 in Burnet County, Texas, composed of a Resurvey of the north line and Recertification of that tract of land partitioned to C.M. Brownlee called 1004.24 acres in a Partition Deed recorded in Volume 336, Page 432, Burnet County Deed Records, as set out by the undersigned on October 25, 1984, described by metes and bounds as follows:

Beginning at a 3" iron pipe post found in the west line of U.S. Highway No. 281, a 120 feet wide right of way of record in Volume 120, Page 453, Burnet County Deed Records for the more southerly northeast corner of that certain tract of land described in a deed to Mary Brownlee Barker, et al in Volume 336, Page 432, Burnet County Deed Records and the southeast corner hereof from which a concrete monument found in the west line of Hwy 281 lies S 03° 28' 56" W 22.88 feet;

Thence S 77° 57' 15" W 5381.49 feet to a 3" iron pipe post found at an ell corner of the Barker, et al tract for the southwest corner hereof;

Thence with the west line hereof, the following courses and distances:

N 12° 41' 31" W 338.56 feet to an angle point;

N 12° 37' 35" W 1349.87 feet to an angle point on the south side of a gate;

N 12° 38' 50" W 1058.26 feet to an angle point;

N 27° 50' 51" E 8.38 feet to a fence post found for the southeast corner of Lot 11, Amber Oaks Ranch, a subdivision of record in Cab. 3, Slides 71-B, 71-C, 71-D and 72-A, Burnet County Plat Records and the northeast corner of the Barker, et al tract;

N 12° 07' 35" W 515.22 feet to an angle point;

N 12° 20' 34" W 959.55 feet to an angle point;

N 12° 16' 35" W 426.36 feet to an angle point;

N 12° 28' 06" W, at 152.94 feet pass a 1/2" iron rod found capped #4452, in all 457.28 feet to an angle point; and

N 13° 22' 57" W 91.52 feet to a fence post found in the east line of Lot No. 6, Amber Oaks Ranch, in the southeast line of the Old abandoned Burnet and Fredericksburg Wagon Road as described in Field Notes prepared by Wallace Dale Bergman, R.P.L.S. No. 3103, dated July 14, 1999, for the most southerly northwest corner hereof;

Thence with the southeasterly line of said abandoned Burnet to Fredericksburg Road the northwesterly line hereof and generally with the fence, the following courses and distances:

N 41° 24' 47" E 279.18 feet to a 60d nail found in the top of a fence post;

N 33° 59' 12" E 98.28 feet to a 1/2" iron rod found capped #3103,

N 31° 12' 58" E 253.31 feet to an angle point;

N 37° 38' 36" E 210.51 feet to an angle point;

N 43° 56' 22" E 455.92 feet to a 1/2" iron rod found capped #3103;

N 33° 41' 35" E 415.03 feet to an angle point;

N 33° 37' 48" E 403.66 feet to an angle point;

N 31° 07' 31" E 267.05 feet to an angle point;

N 26° 47' 14" E 306.93 feet to an angle point; and

N 28° 48' 45" E 432.42 feet to a 1/2" iron rod set at the intersection of the south line of Texas State Park Road No. 4, a 100 feet wide right of way of record in Volume 1, Pages 587 and 588, Burnet County Miscellaneous Deed Records with the southeasterly line of said abandoned road for the most northerly northwest corner hereof from which a 1/2" iron rod found lies N 01° 06' 47" W 1.70 feet;

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Fred L. Thompson & Associates, P.C

(PAGE 3 OF 3)

FIELD NOTES OF 1003.88 ACRES OF LAND IN BURNET COUNTY, TEXAS.

Thence with the south line of Park Road No. 4 and the north line hereof, the following courses and distances:

N 80° 03' 06" E 91.09 feet to a ½" iron rod set;

N 77° 33' 46" E 3872.04 feet to a ½" iron rod set at an angle point;

around a curve to the right, through a central angle of 24° 00' 00", with a radius of 1382.39 feet, an arc distance of 579.06 feet, a chord bearing of N 89° 33' 46" E 574.83 feet (C2) to a ½" iron rod set;

S 78° 26' 14" E 149.50 feet to a ½" iron rod set at an angle point; and

S 38° 07' 50" E 244.78 feet to a ½" iron rod set at the intersection of the west line of Hwy 281 and the south line of Park Road No. 4 for the northeast corner hereof from which a concrete monument found in the west line of Hwy 281 lies N 09° 04' 10" E 447.05 feet (C3);

Thence with the west line of U.S. Highway No. 281, the following courses and distances:

around a curve to the left, through a central angle of 09° 47' 36", with a radius of 5789.49 feet, an arc distance of 989.58 feet, a chord bearing of S 01° 57' 36" W 988.38 feet (C1) to a concrete monument found;

S 02° 57' 21" E 1141.58 feet to a concrete monument found;

S 02° 54' 44" E 1182.75 feet to a concrete monument found;

S 00° 26' 41" W 356.20 feet to a concrete monument found;

S 00° 22' 50" W 282.23 feet to an angle point;

S 03° 18' 15" W 349.77 feet to a concrete monument found; and

S 03° 28' 56" W (Basis of Bearing, 1425/34 B.C.O.P.R.) 2863.17 feet to the Point of Beginning and containing 1003.88 acres more or less

I, F. L. Thompson, a Registered Professional Land Surveyor, do hereby certify that the field notes hereon with accompanying plat are a true and correct representation and delineation of an on the ground survey made under my direction and supervision in October, 1984, and was field checked and found to be unchanged except as shown on the accompanying plat on the 5th day of February, 2007. Witness my hand and seal this the 14th day of February, 2007.



F. L. Thompson, Reg. Prof. Land Surv. No. 1739
P. O. Box 74, Llano, TX 78643

06121301

Copyright 2007

Fred L. Thompson & Associates, P.C.

Schedule 3 to Exhibit A-1

KRC Tract

**FIELD NOTES DESCRIBING 285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS.
(KRC 285MB)**

BEING 285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO. 17, ABST. NO. 666, PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN A DEED TO CAPITOL AGGREGATES, LTD, RECORDED IN DOC. NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 285.17 ACRE TRACT DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set in a curve having a radius of 5790.38 feet, in the west right of way line of U.S. Highway No. 281, a variable width right of way of record in Volume 120, Page 453, Burnet County Deed Records (B.C.D.R.), and in the east line of said Capitol Aggregates tract, for the northeast corner and **POINT OF BEGINNING** hereof, from which a ½" iron rod found (capped "FLT1739") in the west line of said Highway 281, for the northeast corner of said Capital Aggregates tract lies, around a curve to the right, having a central angle of 04°45'38", an arc distance of 481.11 feet, and a chord bearing of N 03°39'24" E 480.97 feet (C12);

THENCE with the west line of said Highway 281, the east line of said Capital Aggregates tract, and the east line hereof, the following three (3) courses and distances:

- 1.) Around said curve to the left, having a central angle of 05°14'51", an arc distance of 530.31 feet, and a chord bearing of S 01°20'54" E 530.12 feet (C11) to a concrete right of way monument found at an angle point;
- 2.) S 03°57'14" E 1141.11 feet to a concrete right of way monument found at an angle point; and
- 3.) S 03°54'26" E 15.00 feet to a ½" iron rod set in the west right of way line of said Highway 281 and in the east line of said Capital Aggregates tract, for the southeast corner hereof;

THENCE over and across said Capital Aggregates tract, S 59°15'08" W 6912.29 feet to a ½" iron rod set in the fence in the west line of said Capital Aggregates tract, in the occupational west line of the said Rafael Padilla Survey No. 17, Abst. No. 666, in the occupational east line of the Perry A. Cook Survey No. 972, Abst. No. 240, and in the east line of Lot 11, Amber Oaks Ranch, a subdivision located in Burnet County, Texas, according to the plat thereof recorded in Cabinet 3, Slides 71B, C, D, & 72A, B.C.O.P.R., for the southwest corner hereof;

THENCE with the occupational west line of the said Rafael Padilla Survey No. 17, the occupational east line of the said Perry A. Cook Survey No. 972, the east line of said Amber Oaks Subdivision, the west line of said Capital Aggregates tract, and the west line hereof, the following five (5) courses and distances:

- 1.) N 13°24'13" W 441.27 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 11, and the southeast corner of Lot 10, said Amber Oaks Subdivision;
- 2.) N 13°23'21" W 538.44 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 10 and the southeast corner of Lot 8, said Amber Oaks Subdivision;

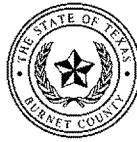
- 3.) N 13°18'47" W 528.68 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 8 and the southeast corner of Lot 7, said Amber Oaks Subdivision;
- 4.) N 13°30'39" W 527.31 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 7 and the southeast corner of Lot 6, said Amber Oaks Subdivision; and
- 5.) N 13°24'54" W 73.71 feet to a ½" iron rod set in the occupational west line of the said Rafael Padilla Survey No. 7, in the occupational east line of the said Perry A. Cook Survey No. 972, in the east line of said Lot 6, and in the west line of said Capital Aggregates tract the for the northeast corner hereof;

THENCE over and across said Capital Aggregates tract, N 63°27'33" E 7083.96 feet to the **POINT OF BEGINNING** and containing 285.17 acres more or less

EXHIBIT B
Permitted Exceptions

1. Easement granted by J. Houghton Brownlee to Texas Power & Light Company, dated June 5, 1931, recorded on June 28, 1931, in Volume 1, Page 369, Miscellaneous Records of Burnet County, Texas.
2. Transmission line easement granted by Houghton Browder to Texas Public Utilities Company, dated November 20, 1926, recorded on December 28, 1926, in Volume 74, Page 190, Deed Records of Burnet County, Texas.
3. Channel easement granted by Houghton Brownlee to the State of Texas dated February 25, 1948, recorded on February 25, 1948, in Volume 100, Page 638, Deed Records of Burnet County, Texas.
4. Easement granted by Houghton Brownlee and Neevie C. Brownlee, to Lone Star Gas Company, dated June 30, 1940, recorded on October 21, 1949, in Volume 103, Page 483, Deed Records of Burnet County, Texas; as affected by Partial Release of Easement dated November 1, 1957, recorded on November 25, 1957 in Volume 119, Page 31, Deed Records of Burnet County, Texas.
5. Right of Way Easement granted by Houghton Brownlee, et al, to the State of Texas, dated October 7, 1958, recorded on October 30, 1958, in Volume 120, Page 453, Deed Records of Burnet County, Texas.
6. Channel Easement granted by Houghton Brownlee, Jr., et al, to the State of Texas, recorded on September 15, 1960, in Volume 126, Page 407, Deed Records of Burnet County, Texas.
7. Reservation of undivided forty percent (40%) mineral interests, and the terms, conditions and provisions, contained in Partition Deed by and between Mary Brownlee Barker, et al, dated December 5, 1984, recorded on January 3, 1985, in Volume 336, Page 432, Deed Records of Burnet County, Texas.
8. Easement granted by Curtis Mitchell Brownlee, Jr., Individually and as Trustee, et al, to GTE Southwest Incorporated, dated July 10, 1996, recorded on November 25, 1996, in Volume 724, Page 124, Official Public Records of Burnet County, Texas.
9. Regulations and ordinances of Burnet County, The State of Texas and all departments and political subdivisions thereof, including Burnet County Subdivision Regulations, dated April 25, 2000, recorded in Volume 943, Page 399 and amended in Volume 993, Page 620, Volume 1043, Page 85, Volume 1377, Page 722, Clerk's File No. 20110417, and corrected in Clerk's File No. 2011, Official Public Records of Burnet County, Texas.

10. Terms, conditions and provisions contained in Special Warranty Deed from Capitol Aggregates, Inc., to Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901983, Official Public Records of Burnet County, Texas.
11. Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901984, Official Public Records of Burnet County, Texas; as affected by Amended and Restated Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated April 19, 2021, recorded on May 6, 2021, under Clerk's File No. 202107479, Official Public Records of Burnet County, Texas.
12. Memorandum of Groundwater Lease by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901985, Official Public Records of Burnet County, Texas; as affected by Amended and Restated Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated April 19, 2021, recorded on May 6, 2021, under Clerk's File No. 202107480, Official Public Records of Burnet County, Texas.



SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

DATE: September 24, 2021

GRANTOR: **CAPITOL AGGREGATES, INC.**, a Texas corporation,
successor to Capitol Aggregates, Ltd.

**GRANTOR'S MAILING ADDRESS:
(INCLUDING COUNTY)** 2330 N. Loop 1604 W
San Antonio, Bexar County, Texas 78248

GRANTEE: **RANCH PARK 4 PARTNERS AT 281, LLC**, a Texas
limited liability company

**GRANTEE'S MAILING ADDRESS:
(INCLUDING COUNTY)** 4711 Crestway Dr.
Austin, Travis County, Texas 78731

CONSIDERATION: Cash and a note of even date executed by Grantee's affiliate, Park 4 Partners at 281, LLC and payable to the order of Horizon Bank, SSB in the principal amount of FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$4,725,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Horizon Bank, SSB and by a first-lien deed of trust of even date from Grantee to James Dyess, Trustee.

PROPERTY (INCLUDING ALL IMPROVEMENTS):

That one certain tract of land containing 409.70 acres located in Burnet County, Texas and legally described on Exhibit A attached hereto (the "**Property**")

The rights and interests hereby conveyed to Grantee include the following (the "**Conveyed Water Rights**"):

(i) as to the portion of the tract described on Exhibit A-1, all right, title and interest in and to the underground water to include, percolating water, artesian water and any other water from any and all depths and reservoirs, formations and horizons now or in the future located beneath the surface of said property;

(ii) as to the remaining portion of the Property, the right to develop and withdraw underground water and spring water from the Property for domestic and livestock purposes and/or for any new well that is exempt from permitting under the Central Texas Groundwater Conservation District's (the "**Groundwater District**"), or its successor entity/s/agency's, current or future rules, to include, without limitation,

FILED BY:
Texas Investors Title
110 Blanco Rd., Ste 101
Boerne, TX 78006
CF#: 20210406 A

the right to drill, explore for, develop, treat, produce and transport such groundwater, but only for on-property use and subject to the water rights reserved below. Grantee acknowledges that on the effective date of this Deed, the Groundwater District's rules exempt from permitting a new well which is equipped so that it is incapable of producing more than 25,000 gallons per 24-hour period, and which well meets the Groundwater District's tract size and spacing requirements.

For clarity, the Conveyed Water Rights under the immediately preceding paragraph (ii) exclude and Grantee shall not have the right to develop, permit or withdraw any underground water in excess of what the Groundwater District, or its successor entity/agency authorizes for domestic and livestock uses or uses which are otherwise exempt from permitting requirements under Groundwater District, or its successor entity/agency, current or future rules.

WATER RIGHTS RESERVED

Except for the conveyance to Grantee by this Deed of the Conveyed Water Rights, Grantor reserves unto itself, and its successors and assigns and will except from the water rights conveyed under (ii) above all right, title and interest in and to the underground water, percolating water, artesian water, and any other water on any portion of the Property, except the tract described on Exhibit A-1, from any and all depths and reservoirs, formations, and horizons now or in the future located beneath the surface of the Property, including, without limitation, all common law rights associated with such water and the further right to claim and use the entire acreage comprising the Property as pooled, controlled acreage or surface acreage accrual for well permitting and water production purposes only, including, without limitation, all rights in Permit No. OP-16011401 and all right title and interest in the existing water well located off the Property known as Well No. 6166 (collectively, the "Reserved Groundwater Rights"). Grantor hereby waives the right of ingress and egress to and from and will not use any portion of the surface of the Property for exploration or drilling other than the above-referenced use for pooling, controlled acreage or surface acreage accrual in connection with the Reserved Groundwater Rights.

RESERVATIONS FROM CONVEYANCE AND WARRANTY:

The water rights described above.

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is also made and accepted subject to the covenants, conditions, restrictions and easements listed on Exhibit B.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, expressly reserved and excepted in this deed, 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 heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors, to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty, expressly reserved and excepted in this deed, by, through, or under it, but not otherwise.


Except for Grantor's special warranty of title and the representations, warranties and agreements contained within the agreement for sale and purchase of the Property between Grantor and Grantee, it is hereby expressly stipulated and agreed as follows.

The Property is sold to Grantee on an "AS IS, WHERE IS" condition with all faults. Except as expressly otherwise stated herein, Grantee further acknowledges that THE GRANTOR HAS MADE NO WARRANTIES OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, CONCERNING THE IMPROVEMENTS AND PERSONALTY, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OR REPRESENTATION OF MERCHANTABILITY, SUITABILITY, HABITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. The herein provision disclaiming warranties is a provision bargained-for between the parties.

Horizon Bank, SSB, at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$4,725,000.00) note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Horizon Bank, SSB and the same are hereby TRANSFERRED and ASSIGNED to said Horizon Bank, SSB.

When the context requires, singular nouns and pronouns include the plural.

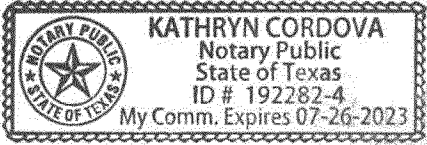
CAPITOL AGGREGATES, INC., a Texas corporation

By: 
 Name: Greg Hale
 Title: President

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 23rd day of September, 2021, by Greg Hale, President of CAPITOL AGGREGATES, INC., a Texas corporation.

Kathryn Cordova
Notary Public, State of Texas



AFTER RECORDING, RETURN TO:
Ranch Park 4 Partners at 281, LLC
4711 Crestway Dr.
Austin, TX 78731

EXHIBIT A

(Page 1 of 2)

TRACT 2**FIELD NOTES DESCRIBING 409.70 ACRES OF LAND IN BURNET COUNTY, TEXAS**

BEING A 409.70 ACRE TRACT OF LAND SITUATED IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO.17, ABSTRACT NO. 666, OUT OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN DEED TO CAPITOL AGGREGATES, LTD., OF RECORD IN DOCUMENT NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 409.70 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" iron rod set on the east side of a 3" iron pipe fence corner post in the west right of way line of U.S. Highway No. 281, a variable width right of way of record in Volume 120, Page 453, Burnet County Deed Records (B.C.D.R.), for the northeast corner of that certain tract of land described as Tract One, 592.59 acres in deed to Capitol Aggregates, Inc. of record in Document No. 201210420 B.C.O.P.R., and the southeast corner of said 1003.88 acre Capitol Aggregates tract, from which a TxDOT concrete right of way monument bears S 02°28'11" W 22.89 feet;

THENCE with a north line of said Capitol Aggregates Tract 1 and the south line of said 1003.88 acre Capitol Aggregates tract, S 76°56'33" W 1911.20 to a ½" iron rod set for the southeast corner and TRUE POINT OF BEGINNING hereof;

THENCE continuing with north line of said Capitol Aggregates Tract 1 and the south line of said 1003.88 acre Capitol Aggregates tract S 76°56'33" W 3469.38 feet to a 3" iron pipe fence corner post found in the occupied west line of said Rafael Padilla Survey No. 17, for an angle point in said Tract 1, and the southwest corner of said 1003.88 acre tract;

THENCE with the fenced and occupied west line of said Rafael Padilla Survey No. 17, being an east line of said Capitol Aggregates Tract 1, and the west line of said 1003.88 acre Capitol Aggregates tract, the following three (3) courses and distances:

- 1.) N 13°33'35" W 339.30 feet to an angle in the fence,
- 2.) N 13°29'39" W 1352.82 feet to a 4" iron pipe north gatepost, and
- 3.) N 13°32'42" W, at 1058.91 feet pass the southeast corner of Lot 11, Amber Oaks Ranch, a subdivision of record in Cabinet 3, Slides 71B, 71C, 71D, and 72A, Burnet County Plat Records (B.C.P.R.), and continuing for a total distance of 1059.50 feet to a 3-1/2" iron pipe fence corner post found for an angle point hereof;

THENCE continuing with the west line of said Rafael Padilla Survey No. 17, the east line of said Amber Oaks Ranch Subdivision, and the west line of the said 1003.88 acre Capitol Aggregates tract the following seven (7) courses and distances:

- 1.) N 13°24'13" W 461.10 feet to a ½" iron rod found with red cap inscribed "RPLS 4452" for southeast corner of Lot 10 of said subdivision and the northeast corner of said Lot 11,
- 2.) N 13°23'21" W 538.44 feet to a ½" iron rod found with red cap inscribed "RPLS 4452" for the northeast corner of said Lot 10, and the southeast corner of Lot 8 of said subdivision,
- 3.) N 13°18'47" W 528.68 feet to a ½" iron rod found with red cap inscribed "RPLS 4452" for the northeast corner of said Lot 8 and the southeast corner of Lot 7 of said subdivision,
- 4.) N 13°30'39" W 527.31 feet to ½" iron rod found with red cap inscribed "RPLS 4452" for the northeast corner of said Lot 7 and the southeast corner of Lot 5-B, Amber Oaks Ranch Replat, a subdivision of record in Cabinet 3, Slide 130B, B.C.P.R.,
- 5.) N 13°00'26" W 303.14 (L1) to an old cedar fence corner post found, and
- 6.) N 14°45'02" W 92.57 (L2) to a 2-1/2" iron pipe post found in the occupied southeast line of the Old Abandoned Fredericksburg to Burnet Wagon Road, in the east line of said Lot 5-B, for the western corner of said 1003.88 acre Capitol Aggregates tract, the southwest corner of a 383.62 acre tract called Tract 1 surveyed this date, and the northwest corner hereof, from which a ½" iron rod found with cap inscribed "HOLLAND" for the southern corner of that certain tract of land described as 28.00 acres in deed to Roger D. Sanders and Mary Nell Sanders of record in Document No. 201601004, B.C.O.P.R. bears N 14°40'21" W 50.14 feet (L15), also from which a ½" iron rod set (no cap) as a witness bears S 73°42'06" E 54.95 feet;

(Page 2 of 2)

TRACT 2

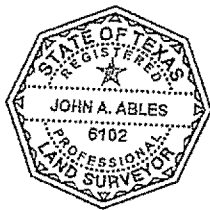
FIELD NOTES DESCRIBING 409.70 ACRES OF LAND IN BURNET COUNTY, TEXAS

THENCE over and across said Capitol Aggregates tract the following two (2) courses and distances:

- 1.) S 79°19'25" E 5261.32 feet to a ½" iron rod set in the west line of that certain Lonestar Gas Pipeline Easement of record in Volume 103, Page 483, B.C.D.R. and Volume 119, Page 31, B.C.D.R. being the west line of a 210.25 acre tract of land called Tract 3 surveyed this date, for the southwest corner of said Tract 1 surveyed this date, and the northeast corner hereof, and
- 2.) S 09°56'46" W 3351.58 to the POINT OF BEGINNING hereof and containing an area of 409.70 acres of land as surveyed by Llano Surveying & Mapping, L.L.C., under the supervision of John A. Ables R.P.L.S. No. 6102.

Basis of Bearing for this tract is State Plane Coordinate System, Texas Central Zone 4203. Distances are Grid. CSF=0.9998431484. All ½" iron rods set have an aluminum cap inscribed "Llano Surveying" unless otherwise noted. This description is to be used in conjunction with the accompanying survey plat attached hereto and made a part hereof.

I, John A. Ables, Registered Professional Land Surveyor #6102 do hereby certify that this description was prepared from an on the ground survey performed under my supervision on the 9th day of April, 2021. Witness my hand and seal this the 16th day of September, 2021.



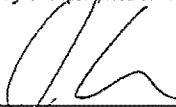

 John A. Ables R.P.L.S. #6102
 P. O. Box 74, Llano, TX 78643

Exhibit A-1

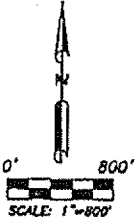
An approximately 201 acre, more or less, tract of land shown on Schedule 1 attached to this Exhibit A-1 (the "Conveyed Water Rights Tract") out of a 1003.88 tract of land described by metes and bounds on Schedule 2 (the "Larger Tract") attached to this Exhibit A-1 and made a part hereof, which Conveyed Water Rights Tract constitutes all portions of the Larger Tract north of the tract (the "KRC Tract") described as:

285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO, 17, ABST. NO. 666, PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN A DEED TO CAPITOL AGGREGATES, LTD, RECORDED IN DOC. NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 285.17 ACRE TRACT DESCRIBED BY METES AND BOUNDS ON SCHEDULE 3 ATTACHED TO THIS EXHIBIT A-1 AND MADE PART HEREOF.

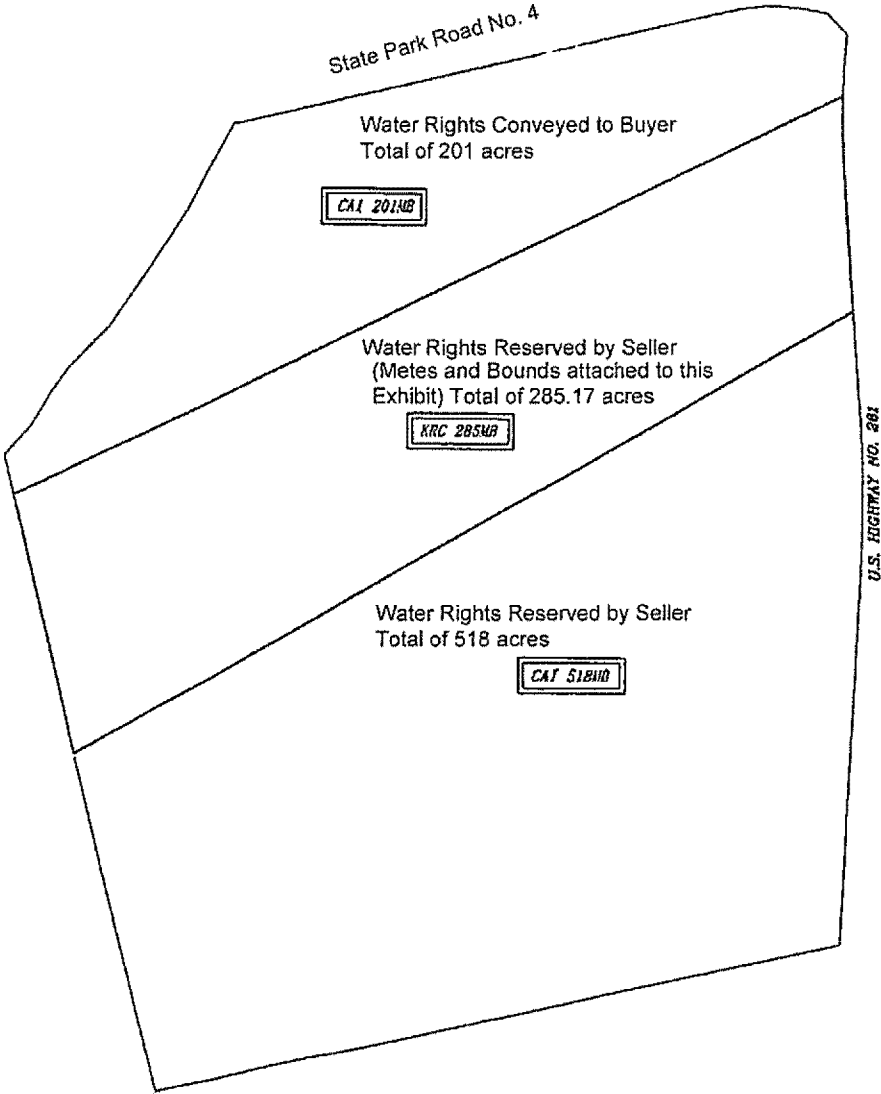
This Exhibit A-1 is only intended to define and describe that portion of the 1003.88 Larger Tract that is located north of the 285.17 KRC Tract. The 201 acre Conveyed Water Rights Tract excludes the 285.17 KRC Tract and all portions of the Larger Tract south of the 285.17 KRC Tract.

Schedule 1 to Exhibit A-1

Drawing showing 201 acre Conveyed Water Tract



SKETCH SHOWING PARENT TRACT AND SITE
 LOCATION OF CAT518MB, CAT201MB, & KRC285MB:
 FOR INFORMATION PURPOSES ONLY.
 PRELIMINARY. THIS DOCUMENT SHALL NOT BE
 RECORDED FOR ANY PURPOSE AND SHALL NOT BE
 USED OR VIEWED OR RELIED UPON AS A FINAL
 SURVEY DOCUMENT.



Schedule 2 to Exhibit A-1

Larger Tract

FIELD NOTES OF 1003.88 ACRES OF LAND IN BURNET COUNTY, TEXAS.

The tract of land described hereon contains 1003.88 acres more or less out of the Rafael Padilla Survey No. 7, Abst. No. 666 in Burnet County, Texas, composed of a Resurvey of the north line and Recertification of that tract of land partitioned to C.M. Brownlee called 1004.24 acres in a Partition Deed recorded in Volume 336, Page 432, Burnet County Deed Records, as set out by the undersigned on October 25, 1984, described by metes and bounds as follows:

Beginning at a 3" iron pipe post found in the west line of U.S. Highway No. 281, a 120 feet wide right of way of record in Volume 120, Page 453, Burnet County Deed Records for the more southerly northeast corner of that certain tract of land described in a deed to Mary Brownlee Barker, et al in Volume 336, Page 432, Burnet County Deed Records and the southeast corner hereof from which a concrete monument found in the west line of Hwy 281 lies S 03° 28' 56" W 22.88 feet;

Thence S 77° 57' 15" W 5381.49 feet to a 3" iron pipe post found at an ell corner of the Barker, et al tract for the southwest corner hereof;

Thence with the west line hereof, the following courses and distances:

N 12° 41' 31" W 338.56 feet to an angle point;

N 12° 37' 35" W 1349.87 feet to an angle point on the south side of a gate;

N 12° 38' 50" W 1058.26 feet to an angle point;

N 27° 50' 51" E 8.38 feet to a fence post found for the southeast corner of Lot 11, Amber Oaks Ranch, a subdivision of record in Cab. 3, Slides 71-B, 71-C, 71-D and 72-A, Burnet County Plat Records and the northeast corner of the Barker, et al tract;

N 12° 07' 35" W 515.22 feet to an angle point;

N 12° 20' 34" W 959.55 feet to an angle point;

N 12° 16' 35" W 426.36 feet to an angle point;

N 12° 28' 06" W, at 152.94 feet pass a 1/4" iron rod found capped #4452, in all 457.28 feet to an angle point; and

N 13° 22' 57" W 91.52 feet to a fence post found in the east line of Lot No. 6, Amber Oaks Ranch, in the southeast line of the Old abandoned Burnet and Fredericksburg Wagon Road as described in Field Notes prepared by Wallace Dale Bergman, R.P.L.S. No. 3103, dated July 14, 1999, for the most southerly northwest corner hereof;

Thence with the southeasterly line of said abandoned Burnet to Fredericksburg Road the northwesterly line hereof and generally with the fence, the following courses and distances:

N 41° 24' 47" E 279.18 feet to a 60d nail found in the top of a fence post;

N 33° 59' 12" E 98.28 feet to a 1/4" iron rod found capped #3103,

N 31° 12' 58" E 253.31 feet to an angle point;

N 37° 38' 36" E 210.51 feet to an angle point;

N 43° 56' 22" E 455.92 feet to a 1/4" iron rod found capped #3103;

N 33° 41' 35" E 415.03 feet to an angle point;

N 33° 37' 48" E 403.66 feet to an angle point;

N 31° 07' 31" E 267.05 feet to an angle point;

N 26° 47' 14" E 306.93 feet to an angle point; and

N 28° 48' 45" E 432.42 feet to a 1/4" iron rod set at the intersection of the south line of Texas State Park Road No. 4, a 100 feet wide right of way of record in Volume 1, Pages 587 and 588, Burnet County Miscellaneous Deed Records with the southeasterly line of said abandoned road for the most northerly northwest corner hereof from which a 1/4" iron rod found lies N 01° 06' 47" W 1.70 feet;

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Fred L. Thompson & Associates, P.C

(PAGE 3 OF 3)

FIELD NOTES OF 1003.88 ACRES OF LAND IN BURNET COUNTY, TEXAS.

Thence with the south line of Park Road No. 4 and the north line hereof, the following courses and distances:

N 80° 03' 06" E 91.09 feet to a ½" iron rod set;

N 77° 33' 46" E 3872.04 feet to a ½" iron rod set at an angle point;

around a curve to the right, through a central angle of 24° 00' 00", with a radius of 1382.39 feet, an arc distance of 579.06 feet, a chord bearing of N 89° 33' 46" E 574.83 feet (C2) to a ½" iron rod set;

S 78° 26' 14" E 149.50 feet to a ½" iron rod set at an angle point; and

S 38° 07' 50" E 244.78 feet to a ½" iron rod set at the intersection of the west line of Hwy 281 and the south line of Park Road No. 4 for the northeast corner hereof from which a concrete monument found in the west line of Hwy 281 lies N 09° 04' 10" E 447.05 feet (C3);

Thence with the west line of U.S. Highway No. 281, the following courses and distances:

around a curve to the left, through a central angle of 09° 47' 36", with a radius of 5789.49 feet, an arc distance of 989.58 feet, a chord bearing of S 01° 57' 36" W 988.38 feet (C1) to a concrete monument found;

S 02° 57' 21" E 1141.58 feet to a concrete monument found;

S 02° 54' 44" E 1182.75 feet to a concrete monument found;

S 00° 26' 41" W 356.20 feet to a concrete monument found;

S 00° 22' 50" W 282.23 feet to an angle point;

S 03° 18' 15" W 349.77 feet to a concrete monument found; and

S 03° 28' 56" W (Basis of Bearing, 1425/34 B.C.O.P.R.) 2863.17 feet to the Point of Beginning and containing 1003.88 acres more or less

I, F. L. Thompson, a Registered Professional Land Surveyor, do hereby certify that the field notes hereon with accompanying plat are a true and correct representation and delineation of an on the ground survey made under my direction and supervision in October, 1984, and was field checked and found to be unchanged except as shown on the accompanying plat on the 5th day of February, 2007. Witness my hand and seal this the 14th day of February, 2007.



F. L. Thompson, Reg. Prof. Land Surv. No. 1739
P. O. Box 74, Llano, TX 78643

06121301

Copyright 2007

Fred L. Thompson & Associates, P.C.

Schedule 3 to Exhibit A-1

KRC Tract

**FIELD NOTES DESCRIBING 285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS.
(KRC 285MB)**

BEING 285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO. 17, ABST. NO. 666, PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN A DEED TO CAPITOL AGGREGATES, LTD, RECORDED IN DOC. NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 285.17 ACRE TRACT DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set in a curve having a radius of 5790.38 feet, in the west right of way line of U.S. Highway No. 281, a variable width right of way of record in Volume 120, Page 453, Burnet County Deed Records (B.C.D.R.), and in the east line of said Capitol Aggregates tract, for the northeast corner and **POINT OF BEGINNING** hereof, from which a ½" iron rod found (capped "FLT1739") in the west line of said Highway 281, for the northeast corner of said Capital Aggregates tract lies, around a curve to the right, having a central angle of 04°45'38", an arc distance of 481.11 feet, and a chord bearing of N 03°39'24" E 480.97 feet (C12);

THENCE with the west line of said Highway 281, the east line of said Capital Aggregates tract, and the east line hereof, the following three (3) courses and distances:

- 1.) Around said curve to the left, having a central angle of 05°14'51", an arc distance of 530.31 feet, and a chord bearing of S 01°20'54" E 530.12 feet (C11) to a concrete right of way monument found at an angle point;
- 2.) S 03°57'14" E 1141.11 feet to a concrete right of way monument found at an angle point; and
- 3.) S 03°54'26" E 15.00 feet to a ½" iron rod set in the west right of way line of said Highway 281 and in the east line of said Capital Aggregates tract, for the southeast corner hereof;

THENCE over and across said Capital Aggregates tract, S 59°15'08" W 6912.29 feet to a ½" iron rod set in the fence in the west line of said Capital Aggregates tract, in the occupational west line of the said Rafael Padilla Survey No. 17, Abst. No. 666, in the occupational east line of the Perry A. Cook Survey No. 972, Abst. No. 240, and in the east line of Lot 11, Amber Oaks Ranch, a subdivision located in Burnet County, Texas, according to the plat thereof recorded in Cabinet 3, Slides 71B, C, D, & 72A, B.C.O.P.R., for the southwest corner hereof;

THENCE with the occupational west line of the said Rafael Padilla Survey No. 17, the occupational east line of the said Perry A. Cook Survey No. 972, the east line of said Amber Oaks Subdivision, the west line of said Capital Aggregates tract, and the west line hereof, the following five (5) courses and distances:

- 1.) N 13°24'13" W 441.27 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 11, and the southeast corner of Lot 10, said Amber Oaks Subdivision;
- 2.) N 13°23'21" W 538.44 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 10 and the southeast corner of Lot 8, said Amber Oaks Subdivision;

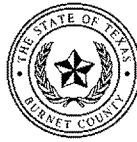
- 3.) N 13°18'47" W 528.68 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 8 and the southeast corner of Lot 7, said Amber Oaks Subdivision;
- 4.) N 13°30'39" W 527.31 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 7 and the southeast corner of Lot 6, said Amber Oaks Subdivision; and
- 5.) N 13°24'54" W 73.71 feet to a ½" iron rod set in the occupational west line of the said Rafael Padilla Survey No. 7, in the occupational east line of the said Perry A. Cook Survey No. 972, in the east line of said Lot 6, and in the west line of said Capital Aggregates tract the for the northeast corner hereof;

THENCE over and across said Capital Aggregates tract, N 63°27'33" E 7083.96 feet to the **POINT OF BEGINNING** and containing 285.17 acres more or less

EXHIBIT B
Permitted Exceptions

1. Easement granted by J. Houghton Brownlee to Texas Power & Light Company, dated June 5, 1931, recorded on June 28, 1931, in Volume 1, Page 369, Miscellaneous Records of Burnet County, Texas.
2. Transmission line easement granted by Houghton Browder to Texas Public Utilities Company, dated November 20, 1926, recorded on December 28, 1926, in Volume 74, Page 190, Deed Records of Burnet County, Texas.
3. Channel easement granted by Houghton Brownlee to the State of Texas dated February 25, 1948, recorded on February 25, 1948, in Volume 100, Page 638, Deed Records of Burnet County, Texas.
4. Easement granted by Houghton Brownlee and Neevie C. Brownlee, to Lone Star Gas Company, dated June 30, 1940, recorded on October 21, 1949, in Volume 103, Page 483, Deed Records of Burnet County, Texas; as affected by Partial Release of Easement dated November 1, 1957, recorded on November 25, 1957 in Volume 119, Page 31, Deed Records of Burnet County, Texas.
5. Right of Way Easement granted by Houghton Brownlee, et al, to the State of Texas, dated October 7, 1958, recorded on October 30, 1958, in Volume 120, Page 453, Deed Records of Burnet County, Texas.
6. Channel Easement granted by Houghton Brownlee, Jr., et al, to the State of Texas, recorded on September 15, 1960, in Volume 126, Page 407, Deed Records of Burnet County, Texas.
7. Reservation of undivided forty percent (40%) mineral interests, and the terms, conditions and provisions, contained in Partition Deed by and between Mary Brownlee Barker, et al, dated December 5, 1984, recorded on January 3, 1985, in Volume 336, Page 432, Deed Records of Burnet County, Texas.
8. Easement granted by Curtis Mitchell Brownlee, Jr., Individually and as Trustee, et al, to GTE Southwest Incorporated, dated July 10, 1996, recorded on November 25, 1996, in Volume 724, Page 124, Official Public Records of Burnet County, Texas.
9. Regulations and ordinances of Burnet County, The State of Texas and all departments and political subdivisions thereof, including Burnet County Subdivision Regulations, dated April 25, 2000, recorded in Volume 943, Page 399 and amended in Volume 993, Page 620, Volume 1043, Page 85, Volume 1377, Page 722, Clerk's File No. 20110417, and corrected in Clerk's File No. 2011, Official Public Records of Burnet County, Texas.

10. Terms, conditions and provisions contained in Special Warranty Deed from Capitol Aggregates, Inc., to Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901983, Official Public Records of Burnet County, Texas.
11. Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901984, Official Public Records of Burnet County, Texas; as affected by Amended and Restated Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated April 19, 2021, recorded on May 6, 2021, under Clerk's File No. 202107479, Official Public Records of Burnet County, Texas.
12. Memorandum of Groundwater Lease by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901985, Official Public Records of Burnet County, Texas; as affected by Amended and Restated Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated April 19, 2021, recorded on May 6, 2021, under Clerk's File No. 202107480, Official Public Records of Burnet County, Texas.



SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

DATE: September 24, 2021

GRANTOR: **CAPITOL AGGREGATES, INC.**, a Texas corporation,
successor to Capitol Aggregates, Ltd.

GRANTOR'S MAILING ADDRESS: 2330 N. Loop 1604 W
(INCLUDING COUNTY) San Antonio, Bexar County, Texas 78248

GRANTEE: **RANCHETTE PARK 4 PARTNERS AT 281, LLC**, a Texas
limited liability company

GRANTEE'S MAILING ADDRESS: 4711 Crestway Dr.
(INCLUDING COUNTY) Austin, Travis County, Texas 78731

CONSIDERATION: Cash and a note of even date executed by Grantee's affiliate, Park 4 Partners at 281, LLC and payable to the order of Horizon Bank, SSB in the principal amount of FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$4,725,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Horizon Bank, SSB and by a first-lien deed of trust of even date from Grantee to James Dyess, Trustee.

PROPERTY (INCLUDING ALL IMPROVEMENTS):

That one certain tract of land containing 383.62 acres located in Burnet County, Texas and legally described on Exhibit A attached hereto (the "**Property**")

The rights and interests hereby conveyed to Grantee include the following (the "**Conveyed Water Rights**"):

(i) as to the portion of the tract described on Exhibit A-1, all right, title and interest in and to the underground water to include, percolating water, artesian water and any other water from any and all depths and reservoirs, formations and horizons now or in the future located beneath the surface of said property;

(ii) as to the remaining portion of the Property, the right to develop and withdraw underground water and spring water from the Property for domestic and livestock purposes and/or for any new well that is exempt from permitting under the Central Texas Groundwater Conservation District's (the "**Groundwater District**"), or its successor entity's/agency's, current or future rules, to include, without limitation,

FILED BY:
Texas Investors Title
116 Blanco Rd., Ste 101
Beerne, TX 78006
GF#: 20210406

the right to drill, explore for, develop, treat, produce and transport such groundwater, but only for on-property use and subject to the water rights reserved below. Grantee acknowledges that on the effective date of this Deed, the Groundwater District's rules exempt from permitting a new well which is equipped so that it is incapable of producing more than 25,000 gallons per 24-hour period, and which well meets the Groundwater District's tract size and spacing requirements.

For clarity, the Conveyed Water Rights under the immediately preceding paragraph (ii) exclude and Grantee shall not have the right to develop, permit or withdraw any underground water in excess of what the Groundwater District, or its successor entity/agency authorizes for domestic and livestock uses or uses which are otherwise exempt from permitting requirements under Groundwater District, or its successor entity/agency, current or future rules.

WATER RIGHTS RESERVED

Except for the conveyance to Grantee by this Deed of the Conveyed Water Rights, Grantor reserves unto itself, and its successors and assigns and will except from the water rights conveyed under (ii) above all right, title and interest in and to the underground water, percolating water, artesian water, and any other water on any portion of the Property, except the tract described on Exhibit A-1, from any and all depths and reservoirs, formations, and horizons now or in the future located beneath the surface of the Property, including, without limitation, all common law rights associated with such water and the further right to claim and use the entire acreage comprising the Property as pooled, controlled acreage or surface acreage accrual for well permitting and water production purposes only, including, without limitation, all rights in Permit No. OP-16011401 and all right title and interest in the existing water well located off the Property known as Well No. 6166 (collectively, the "**Reserved Groundwater Rights**"). Grantor hereby waives the right of ingress and egress to and from and will not use any portion of the surface of the Property for exploration or drilling other than the above-referenced use for pooling, controlled acreage or surface acreage accrual in connection with the Reserved Groundwater Rights.

RESERVATIONS FROM CONVEYANCE AND WARRANTY:

The water rights described above.

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is also made and accepted subject to the covenants, conditions, restrictions and easements listed on Exhibit B.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, expressly reserved and excepted in this deed, 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 heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors, to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty, expressly reserved and excepted in this deed, by, through, or under it, but not otherwise.


Except for Grantor's special warranty of title and the representations, warranties and agreements contained within the agreement for sale and purchase of the Property between Grantor and Grantee, it is hereby expressly stipulated and agreed as follows.

The Property is sold to Grantee on an "AS IS, WHERE IS" condition with all faults. Except as expressly otherwise stated herein, Grantee further acknowledges that THE GRANTOR HAS MADE NO WARRANTIES OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, CONCERNING THE IMPROVEMENTS AND PERSONALTY, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OR REPRESENTATION OF MERCHANTABILITY, SUITABILITY, HABITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. The herein provision disclaiming warranties is a provision bargained-for between the parties.

Horizon Bank, SSB, at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described FOUR MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$4,725,000.00) note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Horizon Bank, SSB and the same are hereby TRANSFERRED and ASSIGNED to said Horizon Bank, SSB.

When the context requires, singular nouns and pronouns include the plural.

CAPITOL AGGREGATES, INC., a Texas corporation

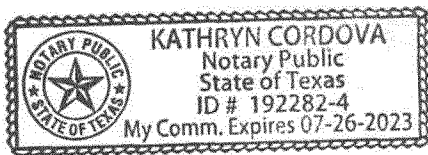
By: 
 Name: Greg Hale
 Title: President

STATE OF TEXAS §

§

COUNTY OF BEXAR §

This instrument was acknowledged before me on the 23rd day of September, 2021, by Greg Hale, President of CAPITOL AGGREGATES, INC., a Texas corporation.



Kathryn Cordova
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Ranchette Park 4 Partners at 281, LLC
4711 Crestway Dr.
Austin, TX 78731

EXHIBIT A

(Page 1 of 2)

TRACT 1**FIELD NOTES DESCRIBING 383.62 ACRES OF LAND IN BURNET COUNTY, TEXAS**

BEING A 383.62 ACRE TRACT OF LAND SITUATED IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO.17, ABSTRACT NO. 666, OUT OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN DEED TO CAPITOL AGGREGATES, LTD., OF RECORD IN DOCUMENT NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 383.62 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" iron rod set on the east side of a 3" iron pipe fence corner post in the west right of way line of U.S. Highway No. 281, a variable width right of way of record in Volume 120, Page 453, Burnet County Deed Records (B.C.D.R.), for the northeast corner of that certain tract of land described as Tract One, 592.59 acres in deed to Capitol Aggregates, Inc. of record in Document No. 201210420 B.C.O.P.R., the southeast corner of said 1003.88 acre Capitol Aggregates tract, and the southwest corner of a 210.25 acre tract of land called Tract 3 surveyed this date, from which a TxDOT concrete right of way monument bears S 02°28'11" W 22.89 feet;

THENCE with a north line of said Capitol Aggregates Tract 1 and the south line of said 1003.88 acre Capitol Aggregates tract, S 76°56'33" W 1911.20 to a ½" iron rod set in the west line of that certain Lonestar Gas Pipeline Easement of record in Volume 103, Page 483, B.C.D.R. and Volume 119, Page 31, B.C.D.R., being the common southerly corner of a 409.70 acre tract of land called Tract 2 surveyed this date, and said Tract 3 surveyed this date;

THENCE over and across said 1003.88 acre Capital Aggregates tract, with the west line of said Gas Pipeline Easement, N 09°56'46" E 3351.58 feet to a ½" iron rod set in the west line of said Tract 3 surveyed this date, the northeast corner of said Tract 2 surveyed this date, southeast corner and TRUE POINT OF BEGINNING hereof;

THENCE over and across said 1003.88 acre Capital Aggregates tract, N 79°19'25" W 5261.32 feet to a 2-1/2" iron pipe fence corner post found in the occupied west line of said Rafael Padilla Survey No. 17, in the east line of Lot 5-B, Amber Oaks ranch replat, a subdivision of record in Cabinet 3, Slide 130B, Burnet County Plat Records (B.C.P.R.), in the occupied southeast line of the Old Abandoned Fredericksburg to Burnet Wagon Road, for the western corner of said 1003.88 acre Capital Aggregates tract, the northwest corner of said Tract 2 surveyed this date, and the southwest corner hereof, from which a ½" iron rod found with cap inscribed "HOLLAND" for the southern corner of that certain tract of land described as 28.00 acres in deed to Roger D. Sanders and Mary Nell Sanders of record in Document No. 201601004, B.C.O.P.R. bears N 14°40'21" W 50.14 feet (L15), also from which a ½" iron rod set (no cap) as a witness bears S 73°42'06" E 54.95 feet;

THENCE with the fenced and occupied southeast line of said Old Abandoned Fredericksburg to Burnet Wagon Road, being the northwest line of said 1003.88 acre Capitol Aggregates tract the following eleven (11) courses and distances:

- 1.) N 40°33'54" E 280.32 feet (L3) to a 60d nail found at the west side of a cedar fence post,
- 2.) N 32°50'32" E 97.90 feet (L4) to a ½" iron rod found with yellow cap,
- 3.) N 30°12'44" E 253.21 feet (L5) to a ½" iron rod found with yellow cap inscribed "RPLS 3103,
- 4.) N 36°54'33" E 223.55 feet (L6) to a ½" iron rod found with red cap inscribed "FLT RPLS 1739",
- 5.) N 42°29'19" E 112.75 feet (L7) to a ½" iron rod found,
- 6.) N 43°06'06" E 329.89 feet (L8) to a ½" iron rod found with red cap inscribed "FLT RPLS 1739",
- 7.) N 32°39'49" E passing at 181.03 feet a ½" iron rod found with cap inscribed "HOLLAND 5421", and continuing for a total distance of 415.03 feet (L9) to a 60d nail found in the west side of a 36" Live Oak,
- 8.) N 32°35'29" E 403.74 feet (L10) to a ½" iron rod found with yellow cap inscribed "RPLS 3103,
- 9.) N 30°08'24" E 266.73 feet (L11) to a ½" iron rod found with yellow cap inscribed "RPLS 3103,
- 10.) N 25°42'54" E 308.65 feet (L12) to an 8" cedar fence post, and
- 11.) N 27°54'38" E 431.02 feet (L13) to a ½" iron rod found with red cap inscribed "FLT RPLS 1739" in the south right of way line of Texas State Park Road No. 4, a 100 foot wide right of way of record in Volume

(Page 2 of 2)

TRACT 1

FIELD NOTES DESCRIBING 383.62 ACRES OF LAND IN BURNET COUNTY, TEXAS

1, Page 587 & 588, Burnet County Miscellaneous Records, for the northwest corner of said 1003.88 acre Capital Aggregates tract, and the northwest corner hereof;

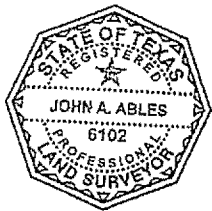
THENCE with the south line of said Park Road No. 4, being the north line of said 1003.88 acre Capital Aggregates tract, the following three (3) courses and distances:

- 1.) N 79°02'58" E 91.08 feet (L14) to a ½" iron rod found (bent),
- 2.) N 76°33'29" E 3871.25 feet, to a ½" iron rod found with red cap inscribed "FLT RPLS 1739" for a point of curvature of a curve to the right having a radius of 1382.39 feet, and
- 3.) Around said curve to the right, an arc distance of 402.21 feet, and having a cord which bears N 84°52'19" E 400.79 feet (C1), to a ½" iron rod set in the west line of said Gas Pipeline Easement for the northwest corner of said Tract 3 surveyed this date, and northeast corner hereof, from which a ½" iron rod found lies around said curve to the right, and arc distance of 176.86 feet, and having a chord which bears S 83°07'40" E 176.74 feet (C2);

THENCE over and across said 1003.88 acre Capitol Aggregates tract, with the west line of said Gas Pipeline Easement being the west line of said Tract 3 surveyed this date, S 09°56'46" W 4592.74 feet, to the POINT OF BEGINNING hereof and containing an area of 383.62 acres of land as surveyed by Llano Surveying & Mapping, L.L.C., under the supervision of John A. Ables R.P.L.S. No. 6102.

Basis of Bearing for this tract is State Plane Coordinate System, Texas Central Zone 4203. Distances are Grid. CSF=0.9998431484. All ½" iron rods set have an aluminum cap inscribed "Llano Surveying" unless otherwise noted. This description is to be used in conjunction with the accompanying survey plat attached hereto and made a part hereof.

I, John A. Ables, Registered Professional Land Surveyor #6102 do hereby certify that this description was prepared from an on the ground survey performed under my supervision on the 9th day of April, 2021. Witness my hand and seal this the 16th day of September, 2021.





 John A. Ables R.P.L.S. #6102
 P. O. Box 74, Llano, TX 78643

Exhibit A-1

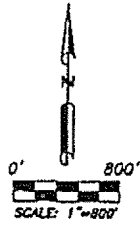
An approximately 201 acre, more or less, tract of land shown on Schedule 1 attached to this Exhibit A-1 (the "Conveyed Water Rights Tract") out of a 1003.88 tract of land described by metes and bounds on Schedule 2 (the "Larger Tract") attached to this Exhibit A-1 and made a part hereof, which Conveyed Water Rights Tract constitutes all portions of the Larger Tract north of the tract (the "KRC Tract") described as:

285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO, 17, ABST. NO. 666, PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN A DEED TO CAPITOL AGGREGATES, LTD, RECORDED IN DOC. NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 285.17 ACRE TRACT DESCRIBED BY METES AND BOUNDS ON SCHEDULE 3 ATTACHED TO THIS EXHIBIT A-1 AND MADE PART HEREOF.

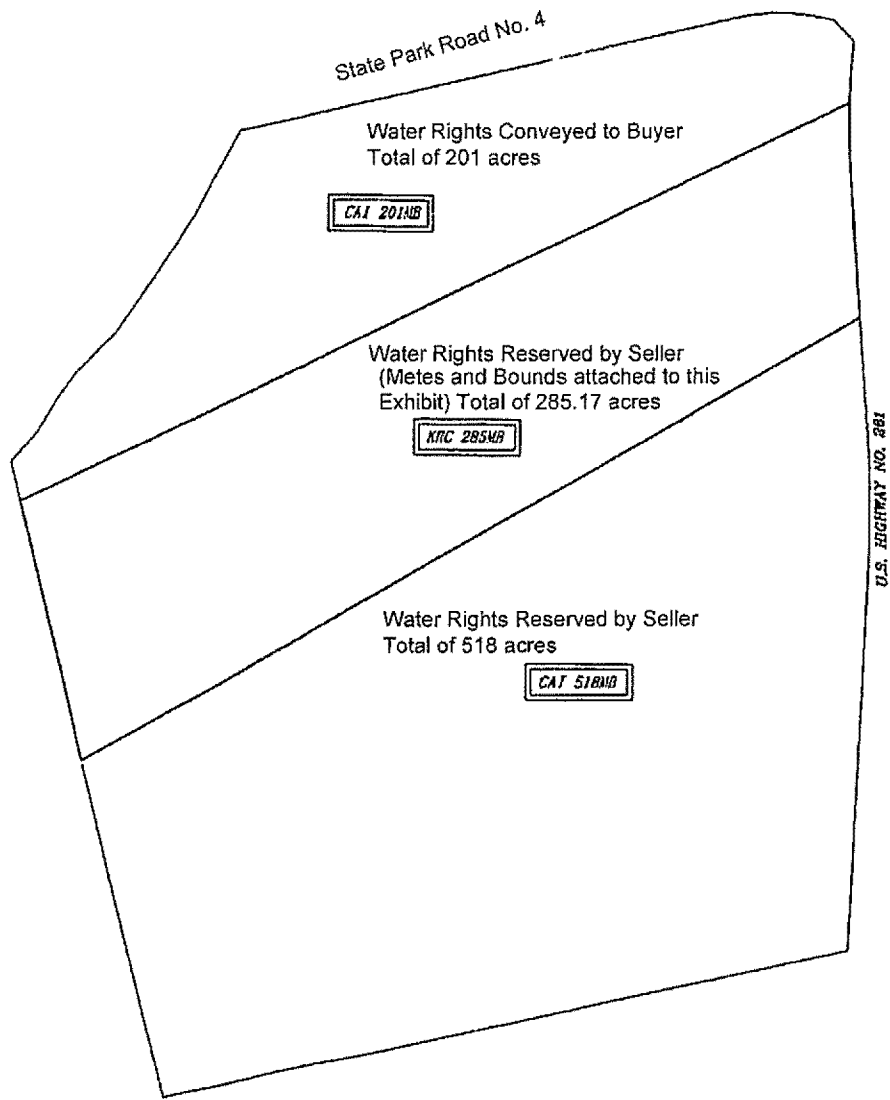
This Exhibit A-1 is only intended to define and describe that portion of the 1003.88 Larger Tract that is located north of the 285.17 KRC Tract. The 201 acre Conveyed Water Rights Tract excludes the 285.17 KRC Tract and all portions of the Larger Tract south of the 285.17 KRC Tract.

Schedule 1 to Exhibit A-1

Drawing showing 201 acre Conveyed Water Tract



SKETCH SHOWING PARENT TRACT AND SITE
LOCATION OF CA1518WB, CA12018WB, & KRC285WB:
FOR INFORMATION PURPOSES ONLY.
PRELIMINARY. THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND SHALL NOT BE
USED OR VIEWED OR RELIED UPON AS A FINAL
SURVEY DOCUMENT.



Schedule 2 to Exhibit A-1

Larger Tract

FIELD NOTES OF 1003.88 ACRES OF LAND IN BURNET COUNTY, TEXAS.

The tract of land described hereon contains 1003.88 acres more or less out of the Rafael Padilla Survey No. 7, Abst. No. 666 in Burnet County, Texas, composed of a Resurvey of the north line and Recertification of that tract of land partitioned to C.M. Brownlee called 1004.24 acres in a Partition Deed recorded in Volume 336, Page 432, Burnet County Deed Records, as set out by the undersigned on October 25, 1984, described by metes and bounds as follows:

Beginning at a 3" iron pipe post found in the west line of U.S. Highway No. 281, a 120 feet wide right of way of record in Volume 120, Page 453, Burnet County Deed Records for the more southerly northeast corner of that certain tract of land described in a deed to Mary Brownlee Barker, et al in Volume 336, Page 432, Burnet County Deed Records and the southeast corner hereof from which a concrete monument found in the west line of Hwy 281 lies S 03° 28' 56" W 22.88 feet;

Thence S 77° 57' 15" W 5381.49 feet to a 3" iron pipe post found at an ell corner of the Barker, et al tract for the southwest corner hereof;

Thence with the west line hereof, the following courses and distances:

N 12° 41' 31" W 338.56 feet to an angle point;

N 12° 37' 35" W 1349.87 feet to an angle point on the south side of a gate;

N 12° 38' 50" W 1058.26 feet to an angle point;

N 27° 50' 51" E 8.38 feet to a fence post found for the southeast corner of Lot 11, Amber Oaks Ranch, a subdivision of record in Cab. 3, Slides 71-B, 71-C, 71-D and 72-A, Burnet County Plat Records and the northeast corner of the Barker, et al tract;

N 12° 07' 35" W 515.22 feet to an angle point;

N 12° 20' 34" W 959.55 feet to an angle point;

N 12° 16' 35" W 426.36 feet to an angle point;

N 12° 28' 06" W, at 152.94 feet pass a ½" iron rod found capped #4452, in all 457.28 feet to an angle point; and

N 13° 22' 57" W 91.52 feet to a fence post found in the east line of Lot No. 6, Amber Oaks Ranch, in the southeast line of the Old abandoned Burnet and Fredericksburg Wagon Road as described in Field Notes prepared by Wallace Dale Bergman, R.P.L.S. No. 3103, dated July 14, 1999, for the most southerly northwest corner hereof;

Thence with the southeasterly line of said abandoned Burnet to Fredericksburg Road the northwesterly line hereof and generally with the fence, the following courses and distances:

N 41° 24' 47" E 279.18 feet to a 60d nail found in the top of a fence post;

N 33° 59' 12" E 98.28 feet to a ½" iron rod found capped #3103,

N 31° 12' 58" E 253.31 feet to an angle point;

N 37° 38' 36" E 210.51 feet to an angle point;

N 43° 56' 22" E 455.92 feet to a ½" iron rod found capped #3103;

N 33° 41' 35" E 415.03 feet to an angle point;

N 33° 37' 48" E 403.66 feet to an angle point;

N 31° 07' 31" E 267.05 feet to an angle point;

N 26° 47' 14" E 306.93 feet to an angle point; and

N 28° 48' 45" E 432.42 feet to a ½" iron rod set at the intersection of the south line of Texas State Park Road No. 4, a 100 feet wide right of way of record in Volume 1, Pages 587 and 588, Burnet County Miscellaneous Deed Records with the southeasterly line of said abandoned road for the most northerly northwest corner hereof from which a ½" iron rod found lies N 01° 06' 47" W 1.70 feet;

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(PAGE 3 OF 3)

FIELD NOTES OF 1003.88 ACRES OF LAND IN BURNET COUNTY, TEXAS.

Thence with the south line of Park Road No. 4 and the north line hereof, the following courses and distances:

N 80° 03' 06" E 91.09 feet to a ½" iron rod set;

N 77° 33' 46" E 3872.04 feet to a ½" iron rod set at an angle point;

around a curve to the right, through a central angle of 24° 00' 00", with a radius of 1382.39 feet, an arc distance of 579.06 feet, a chord bearing of N 89° 33' 46" E 574.83 feet (C2) to a ½" iron rod set;

S 78° 26' 14" E 149.50 feet to a ½" iron rod set at an angle point; and

S 38° 07' 50" E 244.78 feet to a ½" iron rod set at the intersection of the west line of Hwy 281 and the south line of Park Road No. 4 for the northeast corner hereof from which a concrete monument found in the west line of Hwy 281 lies N 09° 04' 10" E 447.05 feet (C3);

Thence with the west line of U.S. Highway No. 281, the following courses and distances:

around a curve to the left, through a central angle of 09° 47' 36", with a radius of 5789.49 feet, an arc distance of 989.58 feet, a chord bearing of S 01° 57' 36" W 988.38 feet (C1) to a concrete monument found;

S 02° 57' 21" E 1141.58 feet to a concrete monument found;

S 02° 54' 44" E 1182.75 feet to a concrete monument found;

S 00° 26' 41" W 356.20 feet to a concrete monument found;

S 00° 22' 50" W 282.23 feet to an angle point;

S 03° 18' 15" W 349.77 feet to a concrete monument found; and

S 03° 28' 56" W (Basis of Bearing, 1425/34 B.C.O.P.R.) 2863.17 feet to the Point of Beginning and containing 1003.88 acres more or less

I, F. L. Thompson, a Registered Professional Land Surveyor, do hereby certify that the field notes hereon with accompanying plat are a true and correct representation and delineation of an on the ground survey made under my direction and supervision in October, 1984, and was field checked and found to be unchanged except as shown on the accompanying plat on the 5th day of February, 2007. Witness my hand and seal this the 14th day of February, 2007.



F. L. Thompson, Reg. Prof. Land Surv. No. 1739
P. O. Box 74, Llano, TX 78643

06121301

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Schedule 3 to Exhibit A-1

KRC Tract

**FIELD NOTES DESCRIBING 285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS.
(KRC 285MB)**

BEING 285.17 ACRES OF LAND IN BURNET COUNTY, TEXAS, OUT OF THE RAFAEL PADILLA SURVEY NO, 17, ABST. NO. 666, PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1003.88 ACRES IN A DEED TO CAPITOL AGGREGATES, LTD, RECORDED IN DOC. NO. 200705941, BURNET COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), SAID 285.17 ACRE TRACT DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set in a curve having a radius of 5790.38 feet, in the west right of way line of U.S. Highway No. 281, a variable width right of way of record in Volume 120, Page 453, Burnet County Deed Records (B.C.D.R.), and in the east line of said Capitol Aggregates tract, for the northeast corner and **POINT OF BEGINNING** hereof, from which a ½" iron rod found (capped "FLT1739") in the west line of said Highway 281, for the northeast corner of said Capital Aggregates tract lies, around a curve to the right, having a central angle of 04°45'38", an arc distance of 481.11 feet, and a chord bearing of N 03°39'24" E 480.97 feet (C12);

THENCE with the west line of said Highway 281, the east line of said Capital Aggregates tract, and the east line hereof, the following three (3) courses and distances:

- 1.) Around said curve to the left, having a central angle of 05°14'51", an arc distance of 530.31 feet, and a chord bearing of S 01°20'54" E 530.12 feet (C11) to a concrete right of way monument found at an angle point;
- 2.) S 03°57'14" E 1141.11 feet to a concrete right of way monument found at an angle point; and
- 3.) S 03°54'26" E 15.00 feet to a ½" iron rod set in the west right of way line of said Highway 281 and in the east line of said Capital Aggregates tract, for the southeast corner hereof;

THENCE over and across said Capital Aggregates tract, S 59°15'08" W 6912.29 feet to a ½" iron rod set in the fence in the west line of said Capital Aggregates tract, in the occupational west line of the said Rafael Padilla Survey No. 17, Abst. No. 666, in the occupational east line of the Perry A. Cook Survey No. 972, Abst. No. 240, and in the east line of Lot 11, Amber Oaks Ranch, a subdivision located in Burnet County, Texas, according to the plat thereof recorded in Cabinet 3, Slides 71B, C, D, & 72A, B.C.O.P.R., for the southwest corner hereof;

THENCE with the occupational west line of the said Rafael Padilla Survey No. 17, the occupational east line of the said Perry A. Cook Survey No. 972, the east line of said Amber Oaks Subdivision, the west line of said Capital Aggregates tract, and the west line hereof, the following five (5) courses and distances:

- 1.) N 13°24'13" W 441.27 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 11, and the southeast corner of Lot 10, said Amber Oaks Subdivision;
- 2.) N 13°23'21" W 538.44 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 10 and the southeast corner of Lot 8, said Amber Oaks Subdivision;

- 3.) N 13°18'47" W 528.68 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 8 and the southeast corner of Lot 7, said Amber Oaks Subdivision;
- 4.) N 13°30'39" W 527.31 feet to a ½" iron rod found (capped "RPLS4452") at a fence intersection for the northeast corner of said Lot 7 and the southeast corner of Lot 6, said Amber Oaks Subdivision; and
- 5.) N 13°24'54" W 73.71 feet to a ½" iron rod set in the occupational west line of the said Rafael Padilla Survey No. 7, in the occupational east line of the said Perry A. Cook Survey No. 972, in the east line of said Lot 6, and in the west line of said Capital Aggregates tract the for the northeast corner hereof;

THENCE over and across said Capital Aggregates tract, N 63°27'33" E 7083.96 feet to the **POINT OF BEGINNING** and containing 285.17 acres more or less

EXHIBIT B
Permitted Exceptions

1. Easement granted by J. Houghton Brownlee to Texas Power & Light Company, dated June 5, 1931, recorded on June 28, 1931, in Volume 1, Page 369, Miscellaneous Records of Burnet County, Texas.
2. Transmission line easement granted by Houghton Browder to Texas Public Utilities Company, dated November 20, 1926, recorded on December 28, 1926, in Volume 74, Page 190, Deed Records of Burnet County, Texas.
3. Channel easement granted by Houghton Brownlee to the State of Texas dated February 25, 1948, recorded on February 25, 1948, in Volume 100, Page 638, Deed Records of Burnet County, Texas.
4. Easement granted by Houghton Brownlee and Neevie C. Brownlee, to Lone Star Gas Company, dated June 30, 1940, recorded on October 21, 1949, in Volume 103, Page 483, Deed Records of Burnet County, Texas; as affected by Partial Release of Easement dated November 1, 1957, recorded on November 25, 1957 in Volume 119, Page 31, Deed Records of Burnet County, Texas.
5. Right of Way Easement granted by Houghton Brownlee, et al, to the State of Texas, dated October 7, 1958, recorded on October 30, 1958, in Volume 120, Page 453, Deed Records of Burnet County, Texas.
6. Channel Easement granted by Houghton Brownlee, Jr., et al, to the State of Texas, recorded on September 15, 1960, in Volume 126, Page 407, Deed Records of Burnet County, Texas.
7. Reservation of undivided forty percent (40%) mineral interests, and the terms, conditions and provisions, contained in Partition Deed by and between Mary Brownlee Barker, et al, dated December 5, 1984, recorded on January 3, 1985, in Volume 336, Page 432, Deed Records of Burnet County, Texas.
8. Easement granted by Curtis Mitchell Brownlee, Jr., Individually and as Trustee, et al, to GTE Southwest Incorporated, dated July 10, 1996, recorded on November 25, 1996, in Volume 724, Page 124, Official Public Records of Burnet County, Texas.
9. Regulations and ordinances of Burnet County, The State of Texas and all departments and political subdivisions thereof, including Burnet County Subdivision Regulations, dated April 25, 2000, recorded in Volume 943, Page 399 and amended in Volume 993, Page 620, Volume 1043, Page 85, Volume 1377, Page 722, Clerk's File No. 20110417, and corrected in Clerk's File No. 2011, Official Public Records of Burnet County, Texas.

10. Terms, conditions and provisions contained in Special Warranty Deed from Capitol Aggregates, Inc., to Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901983, Official Public Records of Burnet County, Texas.
11. Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901984, Official Public Records of Burnet County, Texas; as affected by Amended and Restated Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated April 19, 2021, recorded on May 6, 2021, under Clerk's File No. 202107479, Official Public Records of Burnet County, Texas.
12. Memorandum of Groundwater Lease by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated February 28, 2019, recorded on February 28, 2019, under Clerk's File No. 201901985, Official Public Records of Burnet County, Texas; as affected by Amended and Restated Memorandum of Groundwater Agreement by and between Capitol Aggregates, Inc., and Knife River Corporation-South, dated April 19, 2021, recorded on May 6, 2021, under Clerk's File No. 202107480, Official Public Records of Burnet County, Texas.