



DAVID L. EARL
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May 5, 2025

CITY OF SAN ANTONIO, TEXAS
ATTN: Debbie Racca-Sittre, City Clerk
Office of the City Clerk
P.O. Box 839966
San Antonio, Texas 78283
City Tower
100 W. Houston St., Concourse
San Antonio, Texas 78205

*Sent via Hand Delivery &
CMRRR: 9589 0710 5270 1713 0895 94*

CMRRR: 9589 0710 5270 1713 0896 00

RE: Notice of Petition for Removal of Property from City of San Antonio, Texas'
("City") Extraterritorial Jurisdiction ("ETJ")

To Whom It May Concern:

This correspondence serves as a formal notice of the petition filed by our clients, **Heidelberg Materials Southwest Agg LLC** and **Beazer East, Inc.** (collectively, the "Petitioners"), with the City Clerk's office on May 5, 2025, seeking removal of the property described therein from the City's ETJ (the "Petition"). The Petition has been filed in accordance with and pursuant to the authority granted under Chapter 42, Subchapter D, Texas Local Government Code.

Petitioners are qualified to submit the Petition and satisfy the requirements of TEX. LOC. GOV'T CODE § 42.104. Petitioners hold fee simple title to that certain real property described in the Petition, with such ownership constituting a majority in value of the holders of title of land described therein as indicated by the current tax rolls of the Comal Appraisal District. Pursuant to Chapter 42, Subchapter D, Texas Local Government Code, the property described in the Petition filed with the City is required to be immediately released from the City's ETJ by action of the City Council, or if no action is taken in the period of time described in TEX. LOC. GOV'T CODE § 42.105(d), such property is released by operation of law. A copy of the Petition and its corresponding exhibits is attached hereto as **Attachment 1**.

Thank you in advance for your prompt attention to this matter. Should you have any questions or concerns regarding the above or the attached please have your legal counsel contact me directly at (210) 868-6500 or john@earl-law.com.

Respectfully,

EARL & ASSOCIATES, P.C.

By:

/s/ 
Johnathan L. Earl, Attorney at Law

Enclosure(s): Attachment 1 (Petition)



COSEA - CITY CLERK
2025 MAY 08 AM 09:14:06

STATE OF TEXAS

§

§

COUNTY OF COMAL

§

**PETITION FOR RELEASE OF PROPERTY FROM THE
CITY OF SAN ANTONIO, TEXAS' EXTRATERRITORIAL JURISDICTION**

TO THE CITY OF SAN ANTONIO, TEXAS:

WHEREAS, Senate Bill 2038 was passed by the Texas Legislature in the 88th Regular Session, and signed by Governor Greg Abbott on May 19, 2023, and became effective on September 1, 2023; and

WHEREAS, upon the effective date of S.B. 2038, Chapter 42 of the Texas Local Government Code was amended to reflect the addition of Subchapters D and E, which provide landowners owning property within a municipality's extraterritorial jurisdiction with a process for attaining immediate release of such property therefrom; and

WHEREAS, the property that is the subject of this petition and sought to be removed from the City of San Antonio, Texas' ("City") Extraterritorial Jurisdiction ("City's ETJ"), is more fully described by the metes and bounds description and map contained in **Exhibit A**, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property is not located within five (5) miles of the boundary of a military base conducting an active training program; and

WHEREAS, the Property was not voluntarily annexed into the City's ETJ; and the Property is neither: (i) located in a county in which the population grew by more than Fifty percent (50%) from the previous federal decennial census in the federal decennial census conducted in 2020; nor (ii) is the Property located in a county that has a population greater than Two Hundred and Forty Thousand (240,000); and

WHEREAS, the Property, being wholly located in Comal County, Texas, does not constitute an area within a portion of the City's ETJ that is: (i) within Fifteen (15) miles of the boundary of a military base, as defined by Section 43.0117; and (ii) in a county with a population of more than Two Million (2,000,000); and

WHEREAS, the Property is not located within an area designated as an industrial district under TEX. LOC. GOV'T CODE § 42.044; and

WHEREAS, the Property is not located in an area subject to a strategic partnership agreement entered into under TEX. LOC. GOV'T CODE § 43.0751; and

WHEREAS, in accordance with TEX. LOC. GOV'T CODE § 42.102(b), the undersigned Petitioner is the owner of the majority in value of an area consisting of one (1) or more parcels of

land in the City's ETJ and, as such, file this ***Petition for Release of Property from the City of San Antonio's Extraterritorial Jurisdiction*** (the "Petition") pursuant to such authority; and

WHEREAS, this Petition is submitted and signed in compliance with requirements for submitting a petition found under Chapter 277 of the Texas Election Code; and

WHEREAS, TEX. LOC. GOV'T CODE § 42.102 mandates that when a petition is verified to contain the required signatures to release the Property from the extraterritorial jurisdiction, the municipality "shall immediately release the [Property] from the municipality's extraterritorial jurisdiction."

NOW, THEREFORE, THE UNDERSIGNED PETITIONER HEREBY PETITIONS FOR THE RELEASE OF PROPERTY FROM THE CITY OF SAN ANTONIO, TEXAS' EXTRATERRITORIAL JURISDICTION AS FOLLOWS:

I. INCORPORATION OF RECITALS

The above recitals are hereby incorporated by reference for all intents and purposes as if fully restated herein.

II. PURPOSE & AUTHORITY

This Petition is submitted, filed, and executed by the undersigned Petitioner pursuant to and in accordance with the authority of Chapter 42, Subchapter D, of the Texas Local Government Code, for release of the Property from the City's ETJ.

III. QUALIFICATIONS OF PETITIONER & AUTHORITY UNDER TEX. LOC. GOV'T CODE § 42.104

The undersigned Petitioner, being **Beazer East Inc.**, a Delaware corporation, submits this Petition on behalf of itself and "8364 Fordyce Property LLC," with 8364 Fordyce Property LLC having previously merged with and into Beazer East Inc. effective as of January 1, 2019, with such merger being evidenced and more fully described by that certain Certificate of Merger issued by the Secretary of State of the State of Delaware on December 16, 2018, a copy of which is attached hereto as **Exhibit B**.

Petitioner is qualified to submit this Petition under the authority of Chapter 42, Subchapter D, Texas Local Government Code, and satisfies the requirements of TEX. LOC. GOV'T CODE § 42.104, as Petitioner holds fee simple title to the Property and such ownership constitutes a majority in value of the holder(s) of title of land in the area described by this Petition, as indicated by the tax rolls of the Comal Appraisal District. The date upon which this Petition is filed is within the One Hundred and Eightieth (180th) day after the date the first signature hereto was obtained, and as such, this Petition satisfies the signature requirement of TEX. LOC. GOV'T CODE § 42.104(a).

IV. PROPERTY SUBJECT TO PETITION FOR RELEASE FROM CITY'S ETJ

The Property subject to this Petition constitutes one (1) or more parcels of land within a portion of the City's ETJ, of which Petitioner is the owner of the majority in value of such area, and with such portion **not being** located:

- a. Within five (5) miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;
- b. In an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county: (i) in which the population grew by more than Fifty Percent (50%) from the previous federal decennial census in the federal decennial census conducted in 2020; and (ii) that has a population greater than Two Hundred and Forty Thousand (240,000);
- c. Within the portion of the extraterritorial jurisdiction of a municipality with a population of more than One Million and Four Hundred Thousand (1,400,000) that is: (i) within Fifteen (15) miles of the boundary of a military base, as defined by TEX. LOC. GOV'T CODE § 43.0117, at which an active training program is conducted; and (ii) in a county with a population of more than Two Million (2,000,000);
- d. In an area designated as an industrial district under TEX. LOC. GOV'T CODE § 42.044; or
- e. In an area subject to a strategic partnership agreement entered into under TEX. LOC. GOV'T CODE § 43.0751.¹

The Property subject to this Petition is described by the map survey and metes and bounds description contained in the attached **Exhibit A**. The Property being petitioned for release from the City's ETJ is situated entirely within **Comal County, Texas**. The Property may properly and legally be removed from the City's ETJ, as it meets all of the requirements prescribed by Chapter 42, Texas Local Government Code, Subchapter D. None of the land within the Property is within the city limits of any municipality and is located solely within the City's ETJ.

V. PETITIONER'S REQUEST

Attached to this Petition as **Exhibit C** is the sworn Affidavit of the holder(s) of fee simple title to more than Fifty Percent (50%) of the appraised value of taxable real property petitioned to be removed from the City's ETJ, as indicated by the tax rolls of the Comal Appraisal District. The duly authorized and executed Affidavit sets forth the Petitioner's request and consent to the release of the Property from the City's ETJ, as requested in this Petition. Additionally, attached to this Petition as **Exhibit D** is evidence of Petitioner's respective ownership of the Property in the form of: (i) a *Special Warranty Deed* to 8364 Fordyce Property

¹ TEX. LOC. GOV'T CODE § 42.151

LLC (subsequently merged with and into "Beazer East Inc.") recorded under Document No. 201306052859 in the Property Records of Comal County, Texas; and (iii) a *Correction Warranty Deed* reflecting Beazer East Inc. as the proper name for the Grantee and correcting that *Special Warranty Deed* recorded under Document No. 202106051393 in the Property Records of Comal County, Texas.

VI. VERIFICATION BY CITY CLERK UNDER TEX. LOC. GOV'T CODE § 42.105

In accordance with TEX. LOC. GOV'T CODE § 42.105(a), this Petition is submitted and filed with the City Clerk for the City of San Antonio, Texas, as such person is designated by the City as the person responsible for verifying all signatures on the Petition.

VII. NOTICE TO LANDOWNER(S) BY CITY

Pursuant to TEX. LOC. GOV'T CODE § 42.105(b), the City is required to notify the landowner(s) of the Property subject to this Petition of the results of the same, being the release of the Property from the City's ETJ. Satisfaction of this requirement may be met by providing written notice to Petitioner at the following addresses:

Beazer East, Inc. (the surviving entity that "8364 Fordyce Property LLC" previously merged with and into)
c/o Michael P. Comodeca
Senior Associate General Counsel
Southwest Region
Heidelberg Materials
300 E. John Carpenter Fwy,
Irving, Texas 75062
Email: michael.comodeca@heidelbergmaterials.com

With a Copy to the Law Firm of:

EARL & ASSOCIATES, P.C.
Attn: Johnathan L. Earl
Attorney for Petitioner
10007 Huebner Road, Ste. 303
San Antonio, Texas 78240
Telephone: (210) 868-6500
Email: john@earl-law.com

VIII. RELEASE OF PROPERTY FROM CITY'S EXTRATERRITORIAL JURISDICTION MANDATED BY TEXAS LAW

Pursuant to authority under TEX. LOC. GOV'T CODE § 42.105(c), with Petitioner having submitted this Petition and meeting the signature requirements under TEX. LOC. GOV'T CODE § 42.104, as well as having satisfied all other such other requirements as may be applicable under

Chapter 42, Subchapter D, Texas Local Government Code, the City shall immediately release the Property from its Extraterritorial Jurisdiction.

A failure by the City to take action releasing the Property from its ETJ by the later of: (i) the Forty-fifth (45th) day after the date the City receives this Petition; or (ii) the next meeting of the City's governing body that occurs after the Thirtieth (30th) day after the date the City receives this Petition, results in the Property being released from the City's ETJ by operation of law. TEX. LOC. GOV'T CODE § 42.105(d).

IX. REGULATION OF PROPERTY AFTER RELEASE FROM EXTRATERRITORIAL JURISDICTION

Pursuant to and in accordance with TEX. LOC. GOV'T CODE § 242.001(j), to the extent the Property described by this Petition is subject to an agreement under TEX. LOC. GOV'T CODE § 242.001(c), such agreement is terminated as to the Property. The County of Comal, Texas, is the political subdivision authorized to regulate subdivisions in the Property once removed from the City's ETJ as required by law.

APRIL **RESPECTFULLY SUBMITTED** and **FILED** on this 30th day of APRIL, 2025.

Beazer East Inc.,
a Delaware Corporation.
(the surviving entity that "8364 Fordyce Property
LLC" merged with and into)

By: Michael Slenska
Name: Michael Slenska
Title: President
Date of Birth: 4/13/1967
Residential Address: 31 Benbury Lane
Pittsburgh, PA 15202
Date: 4/30/25

[ACKNOWLEDGEMENT ON FOLLOWING PAGE]

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA

~~STATE OF TEXAS~~ §
§
COUNTY OF ALLEGHENY §

This instrument was signed before me on this the 30th day of April, 2025, by Michael Stencka acting on behalf of **Beazer East Inc.**, a Delaware Corporation, for which he/she serves as President, with such corporation being an owner of Property (as defined above) included and described in this Petition.

SWORN AND SUBSCRIBED TO before me, the undersigned authority, on this the 30th day of April, 2025.

Commonwealth of Pennsylvania - Notary Seal
Amy Schneider, Notary Public
Allegheny County
My commission expires October 13, 2025
Commission number 1408394
Member, Pennsylvania Association of Notaries

Amy Schneider
Notary Public in and for the State of Texas—

Commonwealth of Pennsylvania

EXHIBIT A
**METES AND BOUNDS DESCRIPTION AND MAP OF PROPERTY PETITIONED FOR
RELEASE FROM THE CITY'S ETJ**



14350 Northbrook Drive, Suite 101
San Antonio, TX 78232
Office: 210.490.7847

Baseline@DCCM.com
TxSurv F-10030200

Heidelberg Materials
Comal County, Texas

Job No. 2300000300.000
April 21, 2025

**POLITICAL SUBDIVISION DESCRIPTION OF
HEIDELBERG MATERIALS LANDS WITHIN
CITY OF SAN ANTONIO EXTRA-TERRITORIAL JURISDICTION**

BEING 302.15 ACRES [13,161,704 SQ. FT.] OF LAND WITHIN THE CITY OF SAN ANTONIO EXTRA-TERRITORIAL JURISDICTION POLITICAL SUBDIVISION, OUT OF THE VALENTINE BENNETT SURVEY, ABSTRACT 78, THE J THOMPSON SURVEY SECTION 752, ABSTRACT 609, THE NATHANIEL COMER SURVEY, SECTION 100.5, ABSTRACT 114, AND THE VALENTINE BENNETT SURVEY SECTION 100, ABSTRACT 72, COMAL COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 335.850-ACRE TRACT DESCRIBED AS "TRACT 4" TO 8364 FORDYCE PROPERTY LLC AS RECORDED IN DOCUMENT NUMBER 201306052859 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS [O.P.R.C.C.T.], SAID 302.15 ACRES BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod at the base of a 24" Forked Live Oak found for the south corner of that called tract described as parcel ID "78747", "80507", "81351" to Beazer East, Inc. in Document Number 202406022115 O.P.R.C.C.T., being further described as a 350.194-acre tract described in Document Number 200706046979 O.P.R.C.C.T., same being the northeast corner of said 335.850-acre tract;

THENCE with the City of San Antonio east extra-territorial jurisdiction line and City of Schertz west extra-territorial jurisdiction line, with the east line of said 335.85-acre tract, same being the west line of said 350.194-acre tract, the following two [2] record courses and distances:

- 1) S16°03'00"E 176.80 feet, and
- 2) S54°22'00"E 767.22 feet;

THENCE leaving said east line of the 335.85-acre tract and said west line of the 350.194-acre tract, crossing said 350.194-acre tract, continuing with said City of San Antonio east extra-territorial jurisdiction line and said City of Schertz west extra-territorial jurisdiction line S49°21'30"E 2,697.82 feet to the intersection of the south line of said 350.194-acre tract with said City of San Antonio east extra-territorial jurisdiction line and said City of Schertz west extra-territorial jurisdiction line, and for the north corner of that called Tract 1 a 20-acre tract described to Helen Kay Bittermann and husband Robert R. Bitterman as recorded in Document Number 200606049620 O.P.R.C.C.T.;

THENCE leaving said City of San Antonio east extra-territorial jurisdiction line and said City of Schertz west extra-territorial jurisdiction line, with the north line of said 20-acre tract same being said south line of the 350.194-acre tract, crossing said City of San Antonio extra-territorial jurisdiction, the following four [4] record courses and distances:

- 1) S60°00'20"W 225.93 feet,
- 2) S60°10'13"W 146.94 feet,
- 3) S59°15'46"W 82.09 feet, and
- 4) S58°04'14"W 457.95 feet to a point in said east line of the 335.85-acre tract, for the south corner of said 350.194-acre tract, same being the northwest corner of said 20-acre tract;

THENCE continuing with said east line of the 335.85-acre tract, same being the west line of the 20-acre tract, continuing across said City of San Antonio extra-territorial jurisdiction, the following thirteen [13] record courses and distances:

- 1) S18°45'00"E 11.34 feet,
- 2) S30°40'00"E 25.51 feet,
- 3) S23°49'00"E 69.89 feet,
- 4) S25°58'00"E 65.83 feet,
- 5) S32°16'00"E 51.53 feet,
- 6) S20°12'00"E 110.74 feet,
- 7) S38°09'00"E 90.63 feet,
- 8) S24°36'00"E 62.83 feet,
- 9) S31°36'00"E 69.28 feet,
- 10) S37°03'00"E 193.13 feet,
- 11) S19°41'00"E 18.00 feet,
- 12) S42°43'00"E 35.56 feet, and
- 13) S38°48'00"E 81.13 feet to the intersection of said east line of the 335.85-acre tract and said west line of the 20-acre tract with the City of San Antonio south extra-territorial jurisdiction line and said City of Schertz west extra-territorial jurisdiction line;

THENCE leaving said east line of the 335.85-acre tract and said west line of the 20-acre tract, crossing said 335.85-acre tract, with said City of San Antonio south extra-territorial jurisdiction line and said City of Schertz west extra-territorial jurisdiction line, the following two [2] courses and distances:

- 1) S70°25'57"W 608.48 feet, and
- 2) S57°50'17"W 329.12 feet to a point in the southwest line of said 335.85-acre tract, same being the northeast line of that called tract described as parcel ID "431682", "73834", "431687", "74374", "78324" to Lehigh Hanson Materials South LLC as recorded in Document Number 202106050997 O.P.R.C.C.T., said City of San Antonio south extra-territorial jurisdiction line, and said City of Schertz west extra-territorial jurisdiction line;

THENCE with said southwest line of the 335.85-acre tract and said northeast line of the Lehigh Hanson Materials South LLC tracts, same being said City of San Antonio south extra-territorial jurisdiction line, the following forty [40] record courses and distances:

- 1) N10°38'00"W 401.33 feet,
- 2) N88°49'00"W 729.90 feet,
- 3) S84°59'00"W 758.05 feet,
- 4) S81°52'00"W 444.35 feet,
- 5) S63°56'00"W 57.90 feet,
- 6) S47°19'00"W 17.15 feet,
- 7) N28°24'00"W 65.95 feet,
- 8) N29°30'00"W 143.15 feet,
- 9) N29°34'00"W 116.00 feet,
- 10) N34°15'00"W 64.15 feet,
- 11) N58°19'00"W 12.05 feet,
- 12) N81°12'00"W 169.40 feet,
- 13) S89°42'00"W 26.40 feet,
- 14) N87°56'00"W 53.50 feet,
- 15) N79°07'00"W 150.45 feet,
- 16) N87°47'00"W 25.00 feet,
- 17) S78°09'00"W 25.10 feet,
- 18) N81°30'30"W 29.05 feet,
- 19) N57°04'00"W 34.40 feet,
- 20) N72°14'30"W 77.60 feet,
- 21) N79°39'00"W 48.00 feet,
- 22) N85°26'00"W 81.45 feet,
- 23) S44°58'00"W 42.70 feet,
- 24) S29°22'00"W 11.50 feet,
- 25) S82°59'00"W 39.10 feet,
- 26) N74°33'00"W 49.30 feet,
- 27) N76°19'00"W 95.25 feet,
- 28) N88°12'30"W 37.25 feet,
- 29) N80°24'00"W 89.05 feet,
- 30) N73°36'00"W 38.80 feet,
- 31) N76°33'30"W 1144.00 feet,
- 32) N58°43'00"W 301.10 feet,
- 33) N57°08'00"W 121.25 feet,
- 34) N47°16'00"W 247.80 feet,
- 35) N36°38'30"W 125.20 feet,
- 36) N37°15'00"W 49.40 feet,
- 37) N27°48'00"W 213.06 feet,
- 38) N9°34'00"W 167.90 feet,
- 39) N5°34'00"W 186.70 feet, and
- 40) N1°37'00"W 390.05 feet to a 1/2-inch iron rod found in the south line of that called 1,088 acre tract described to Heidelberg Materials Southwest Agg 1 LLC as recorded in Document Number 202306039361 O.P.R.C.C.T, for the west corner of said 335.85-acre tract, and west corner of the herein described 302.15-acre tract.

THENCE leaving said northeast line of the Lehigh Hanson tracts, continuing with said City of San Antonio south extra-territorial jurisdiction line, and the north line of said 335.580-acre tract same being said south line of the 1,088-acre tract, the following six [6] record courses and distances:

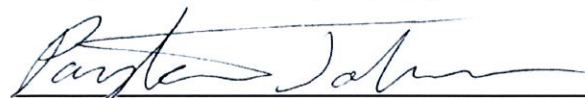
- 1) S35°50'57"E 984.51 feet,
- 2) N52°43'00"E 2109.76 feet,
- 3) N56°44'00"E 165.56 feet,
- 4) N51°23'30"E 1421.47 feet,
- 5) N85°30'00"E 76.77 feet, and
- 6) N64°38'13"E 158.30 feet to a point in said west line of the 350.194-acre tract, for the north corner of said 335.580-acre tract, and north corner of the herein described 302.15-acre tract.

THENCE with said west line of the 350.194-acre tract and said east line of the 335.580-acre tract S54°43'04"E 0.81 feet to said **POINT OF BEGINNING** and containing 302.15 acres [13,161,704 SQ. FT.].

Basis of bearings is referenced to a combination of sources: the Texas Coordinate System, South Central Zone (4204), North American Datum of 1983, 2011 adjustment (Epoch 2010.00) using the Leica Smartnet Network; ETJ linework obtained from the City of San Antonio; instruments recorded Document Numbers 200606049620, 201306052859, 202106050997, 202306039361, and 202406022115 of the Official Public Records of Comal County, Texas.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

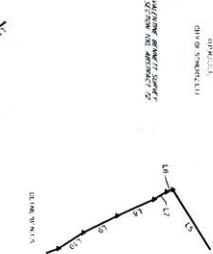
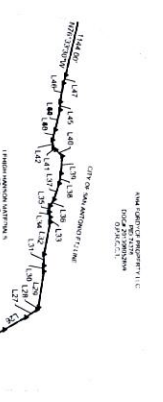
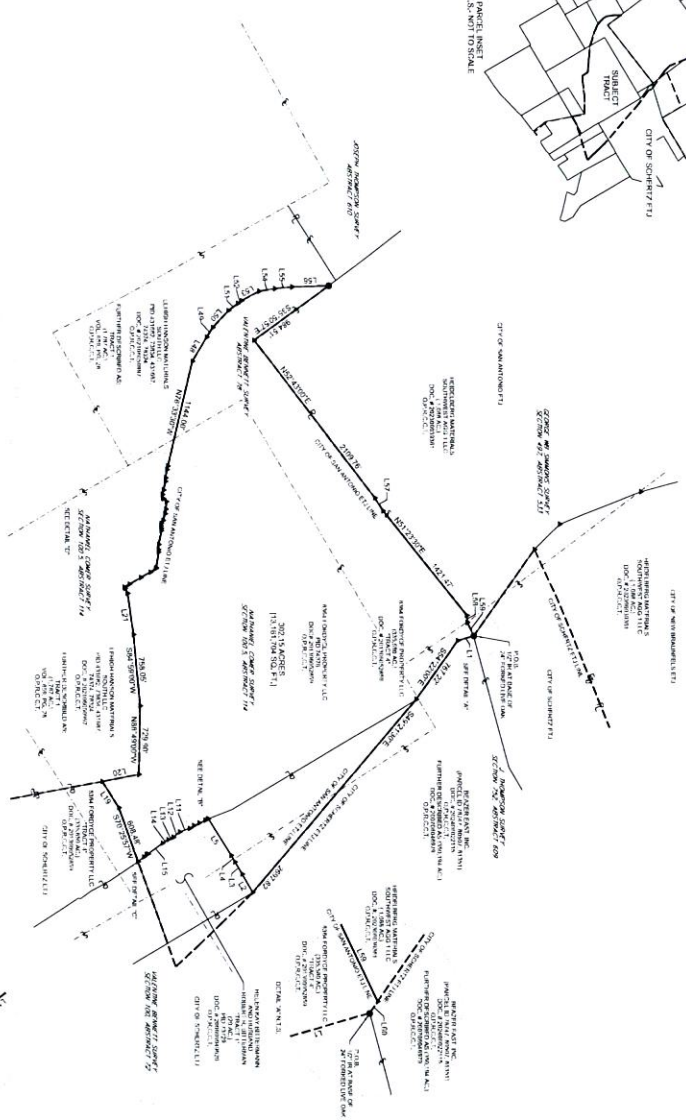
I, Payton C. Johnson, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date was prepared under my supervision.



Payton C. Johnson
Registered Professional Land Surveyor
Texas Registration No. 6961
Baseline Corp.
TxSurv F-10030200
pjohnson@DCCM.com

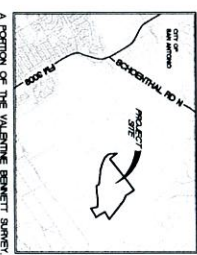
04/21/2025

Date



LINE	BEARING	DISTANCE
1	S 74° 03' 00" E	72.61
2	S 66° 00' 21" W	22.53
3	N 66° 01' 11" W	14.41
4	S 55° 15' 45" W	45.97
5	S 66° 04' 14" W	45.97
6	S 51° 51' 00" E	71.51
7	S 50° 03' 00" E	72.51
8	S 42° 41' 00" E	69.61
9	S 27° 41' 00" E	69.61
10	S 21° 32' 00" E	51.51
11	S 27° 17' 00" E	70.51
12	S 38° 00' 00" E	66.61
13	S 52° 30' 00" E	66.61
14	S 51° 31' 00" E	66.21
15	S 51° 31' 00" E	66.21
16	S 42° 41' 00" E	69.61
17	S 42° 41' 00" E	69.61
18	S 41° 50' 00" E	61.11
19	S 41° 50' 00" E	61.11
20	S 41° 50' 00" E	61.11

L41	549.270000	11.50
L42	548.590000	76.10
L43	N47.330000	49.80
L44	N47.190000	56.20
L45	N46.120000	31.20
L46	N46.240000	89.00
L47	N47.340000	38.80
L48	N46.930000	301.10
L49	N47.080000	131.20
L50	N47.160000	242.80
L51	N46.380000	124.20
L52	N47.510000	48.40
L53	N47.480000	273.00
L54	N46.340000	147.80
L55	N46.340000	166.70
L56	N47.370000	390.00
L57	N46.640000	165.60
L58	N46.300000	76.77
L59	N46.380000	156.30
L60	S44.450000	0.81



ABSTRACT 78, THE J THOMPSON SURVEY SECTION
752, ABSTRACT 609, THE NATHANIEL COMFORT
SURVEY, SECTION 1005, ABSTRACT 74, AND THE
VALENTE BENNETT SURVEY SECTION 100
ABSTRACT 72 COMAL COUNTY, TEXAS

VICINITY MAP
SCALE: N.T.S.[illegible]

PATTON C. JOHNSON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6961
BASELINE CORP
7450 RYAN FARM ROAD
PHOENIX, ARIZONA 85020
PHOENIX@CCM.COM

[illegible]

POLITICAL SUBDIVISION MAP OF
 JACKSON COUNTY, TENNESSEE
 CITY OF SAN ANTONIO, TEXAS
 COUNTY, TEXAS

BAYVIEW | BCCM
 14326 Baywood Dr. Suite 101, San Antonio, TX 78232
 210.670.1434 | bayview@bayviewccm.com

DATE	REVISION
02/24/11	1 - ADDED
02/04/11	40
02/04/11	1 -
01/27/11	2 - ADDED 20' -
04/27/10	6 - 8
02/27/10	
04/07/09	

Map Check Report

Report Created: 4/21/2025
Time: 11:41am

Project: Default

Description:

File Name: J:\HeidelbergMaterials\2300000300.000_Heidelberg
Comal\8.00_Survey\8.02_CADD\8.02.1_dgn\8.02.1.2_plot\250307-Heidleberg ETJ
Mapping\Heidleberg Comal CO SA ETJ\Heidleberg Comal CO SA ETJ Map.dgn

Last Revised: 4/21/2025 11:41:06

**Input Grid
Factor:**

Note: All units in this report are in feet unless specified otherwise.

Alignment Name: Unnamed

Alignment Description:

Type	Point Name/ Direction	Northing/ Length	Easting	Elevation
POB		13567910.6524	1842817.6916	0.0000
	S 16°03'00" E	176.8000		
PI		13567740.7439	1842866.5726	0.0000
	S 54°22'00" E	767.2200		
PI		13567293.7647	1843490.1398	0.0000
	S 49°21'30" E	2697.8238		
PI		13565536.5977	1845537.2395	0.0000
	S 60°00'20" W	225.9296		
PI		13565423.6519	1845341.5679	0.0000
	S 60°10'13" W	146.9397		
PI		13565350.5605	1845214.0966	0.0000
	S 59°15'46" W	82.0898		
PI		13565308.6043	1845143.5387	0.0000
	S 58°04'14" W	457.9480		
PI		13565066.4068	1844754.8785	0.0000
	S 18°45'00" E	11.3400		
PI		13565055.6686	1844758.5236	0.0000
	S 30°40'00" E	25.5100		
PI		13565033.7262	1844771.5348	0.0000
	S 23°49'00" E	69.8900		
PI		13564969.7879	1844799.7571	0.0000
	S 25°58'00" E	65.8300		
PI		13564910.6035	1844828.5807	0.0000
	S 32°16'00" E	51.5300		
PI		13564867.0311	1844856.0905	0.0000
	S 20°12'00" E	110.7400		
PI		13564763.1024	1844894.3288	0.0000
	S 38°09'00" E	90.6300		
PI		13564691.8313	1844950.3130	0.0000
	S 24°36'00" E	62.8300		
PI		13564634.7040	1844976.4679	0.0000

Alignment Name: Unnamed
Alignment Description:

	S 31°36'00" E	69.2800		
PI		13564575.6964	1845012.7697	0.0000
	S 37°03'00" E	193.1300		
PI		13564421.5574	1845129.1328	0.0000
	S 19°41'00" E	18.0000		
PI		13564404.6091	1845135.1956	0.0000
	S 42°43'00" E	35.5600		
PI		13564378.4826	1845159.3185	0.0000
	S 38°48'00" E	81.1300		
PI		13564315.2549	1845210.1549	0.0000
	S 70°25'57" W	608.4840		
PI		13564111.4626	1844636.8125	0.0000
	S 57°50'17" W	329.1232		
PI		13563936.2651	1844358.1947	0.0000
	N 10°38'00" W	401.3326		
PI		13564330.7061	1844284.1395	0.0000
	N 88°49'00" W	729.9000		
PI		13564345.7797	1843554.3966	0.0000
	S 84°59'00" W	758.0485		
PI		13564279.4917	1842799.2520	0.0000
	S 81°52'00" W	444.3491		
PI		13564216.6265	1842359.3724	0.0000
	S 63°56'00" W	57.8999		
PI		13564191.1843	1842307.3618	0.0000
	S 47°19'00" W	17.1500		
PI		13564179.5575	1842294.7547	0.0000
	N 28°24'00" W	65.9499		
PI		13564237.5702	1842263.3873	0.0000
	N 29°30'00" W	143.1500		
PI		13564362.1617	1842192.8969	0.0000
	N 29°34'00" W	115.9998		
PI		13564463.0562	1842135.6584	0.0000
	N 34°15'00" W	64.1499		
PI		13564516.0818	1842099.5546	0.0000
	N 58°19'00" W	12.0500		
PI		13564522.4108	1842089.3005	0.0000
	N 81°12'00" W	169.3997		
PI		13564548.3265	1841921.8949	0.0000
	S 89°42'00" W	26.3999		
PI		13564548.1883	1841895.4953	0.0000
	N 87°56'00" W	53.4999		
PI		13564550.1176	1841842.0302	0.0000
	N 79°07'00" W	150.4497		
PI		13564578.5240	1841694.2866	0.0000
	N 87°47'00" W	25.0000		
PI		13564579.4909	1841669.3053	0.0000
	S 78°09'00" W	25.1000		

Alignment Name: Unnamed
Alignment Description:

PI		13564574.3367	1841644.7403	0.0000
	N 81°30'30" W	29.0499		
PI		13564578.6263	1841616.0088	0.0000
	N 57°04'00" W	34.3999		
PI		13564597.3283	1841587.1368	0.0000
	N 72°14'30" W	77.5999		
PI		13564620.9965	1841513.2345	0.0000
	N 79°39'00" W	47.9999		
PI		13564629.6202	1841466.0156	0.0000
	N 85°26'00" W	81.4498		
PI		13564636.1051	1841384.8244	0.0000
	S 44°58'00" W	42.6999		
PI		13564605.8942	1841354.6485	0.0000
	S 29°22'00" W	11.5000		
PI		13564595.8720	1841349.0090	0.0000
	S 82°59'00" W	39.0999		
PI		13564591.0956	1841310.2019	0.0000
	N 74°33'00" W	49.2999		
PI		13564604.2289	1841262.6835	0.0000
	N 76°19'00" W	95.2498		
PI		13564626.7608	1841170.1371	0.0000
	N 88°12'30" W	37.2499		
PI		13564627.9254	1841132.9054	0.0000
	N 80°24'00" W	89.0498		
PI		13564642.7762	1841045.1026	0.0000
	N 73°36'00" W	38.7999		
PI		13564653.7310	1841007.8813	0.0000
	N 76°33'30" W	1143.9977		
PI		13564919.6593	1839895.2210	0.0000
	N 58°43'00" W	301.0994		
PI		13565076.0113	1839637.8985	0.0000
	N 57°08'00" W	121.2497		
PI		13565141.8119	1839536.0565	0.0000
	N 47°16'00" W	247.7995		
PI		13565309.9654	1839354.0428	0.0000
	N 36°38'30" W	125.1997		
PI		13565410.4237	1839279.3225	0.0000
	N 37°15'00" W	49.3999		
PI		13565449.7461	1839249.4211	0.0000
	N 27°48'00" W	213.0596		
PI		13565638.2145	1839150.0529	0.0000
	N 9°34'00" W	167.8997		
PI		13565803.7792	1839122.1488	0.0000
	N 5°34'00" W	186.6996		
PI		13565989.5983	1839104.0382	0.0000
	N 1°37'00" W	390.0492		
PI		13566379.4923	1839093.0340	0.0000

Alignment Name: Unnamed
Alignment Description:

	S 35°50'57" E	984.5131		
PI		13565581.4841	1839669.6179	0.0000
	N 52°43'00" E	2109.7600		
PI		13566859.4859	1841348.2478	0.0000
	N 56°44'00" E	165.5600		
PI		13566950.3016	1841486.6770	0.0000
	N 51°23'30" E	1421.4700		
PI		13567837.2893	1842597.4559	0.0000
	N 85°30'00" E	76.7700		
PI		13567843.3126	1842673.9892	0.0000
	N 64°38'13" E	158.2991		
PI		13567911.1204	1842817.0302	0.0000
	S 54°43'04" E	0.8103		
POE		13567910.6524	1842817.6916	0.0000

Northing Error: 0.0000 ft
Easting Error: -0.0015 ft
Closing Direction: S 88°49'00" E
Closing Distance: 0.0015 ft
Closed Area: 13161704.48 sq ft 302.15 ac
Perimeter: 18174.6720 ft
Precision: 40846743.5376

**EXHIBIT B
CERTIFICATE OF MERGER**

Reflecting the merger of “8364 Fordyce Property LLC” with and into “Beazer East Inc.”

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"8364 FORDYCE PROPERTY LLC", A DELAWARE LIMITED LIABILITY COMPANY,

WITH AND INTO "BEAZER EAST, INC." UNDER THE NAME OF "BEAZER EAST, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE ON THE TWENTY-FIRST DAY OF DECEMBER, A.D. 2018, AT 6:30 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE FIRST DAY OF JANUARY, A.D. 2019 AT 12:01 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

391209 8100M
SR# 20188329332

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 204178348
Date: 12-26-18

**CERTIFICATE OF MERGER
MERGING
8364 FORDYCE PROPERTY LLC
(a Delaware limited liability company)
WITH AND INTO
BEAZER EAST, INC.
(a Delaware corporation)**

Pursuant to Title 8, Section 264 of the Delaware General Corporation Law, as amended, and Title 6, Section 18-209 of the Limited Liability Company Act, Beazer East, Inc., a Delaware corporation, does hereby certify that:

FIRST: The name, type of entity and jurisdiction of formation of each of the constituent entities are as follows:

<u>Name</u>	<u>Type of Entity</u>	<u>Jurisdiction of Formation</u>
8364 Fordyce Property LLC	Limited Liability Company	Delaware
Beazer East, Inc.	Corporation	Delaware

SECOND: The agreement and plan of merger (the "*Plan of Merger*") has been approved, adopted, certified, executed and acknowledged by each of the constituent entities.

THIRD: The name of the surviving corporation of the merger shall be Beazer East, Inc., a Delaware corporation (the "*Surviving Entity*").

FOURTH: The Certificate of Incorporation of Beazer East, Inc. shall be the Certificate of Incorporation of the Surviving Entity.

FIFTH: The executed Plan of Merger is on file at the office of the Surviving Entity, located at 300 East John Carpenter Freeway, Suite 1645, Irving, Texas 75062.

SIXTH: A copy of the Plan of Merger will be furnished by the Surviving Entity, on request and without cost, to any stockholder of the Surviving Entity or member of any constituent company.

SEVENTH: The merger is to become effective at 12:01 a.m., Eastern Time, on January 1, 2019 (the "*Effective Time*").

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Surviving Entity has caused this Certificate of Merger to be executed by an authorized officer as of December 21, 2018, to be effective as of the Effective Time.

BEAZER EAST, INC.

By: Carol L. Lowry
Name: Carol L. Lowry
Title: Vice President

EXHIBIT C
SWORN AFFIDAVIT OF BEAZER EAST INC.

~~COMMONWEALTH OF PENNSYLVANIA~~

~~STATE OF TEXAS~~

COUNTY OF ALLEGHENY

§
§
§

On this day, before me the undersigned authority, appeared Michael Slenska, acting in his/her capacity as President of **Beazer East Inc.**, and on behalf of which, after first being duly sworn, Affiant so stated as follows:

"My name is Michael Slenska. I am over the age of eighteen (18), am under no disability, am competent to make this Affidavit, have personal knowledge of the facts stated herein, and swear the same are true and correct. I, the undersigned, am duly authorized to and are acting on behalf of **Beazer East Inc.**, (the "Petitioner") of which I am President.

"I hereby affirm that **Beazer East Inc.**, is the fee simple owner of certain real property located in Comal County, Texas, including such property shown as being owned by "8364 Fordyce Property LLC," which is more particularly described by the map and metes and bounds description attached to the Petition as **Exhibit A** (the "Property"), that is the subject of the Petition to which this Affidavit is attached."

"8364 Fordyce Property LLC" merged with and into "**Beazer East Inc.**" effective on January 1, 2019, as evidenced by the Certificate of Merger issued by the Secretary of State of the State of Delaware on December 16, 2018, a copy of which is attached to the Petition as **Exhibit B.**"

"The recorded instruments evidencing Petitioner's ownership is incorporated herein by reference and is attached to the Petition as "**Exhibit D.**" I am verifying, for purposes of Chapter 42 of the Texas Local Government Code, that **Beazer East Inc.**, is (i) the owner of the Property described in the Petition; (ii) that Petitioner's Property constitutes more than Fifty Percent (50%) of the appraised value of taxable property that is the subject of this Petition, as indicated by the tax rolls of the Comal County Appraisal District; and (iii) that **Beazer East Inc.** requests and consents to the release of said Property from the City of San Antonio, Texas' extraterritorial jurisdiction by the filing of the Petition to which this Affidavit is attached."

Further Affiant Sayeth Naught.

Beazer East Inc.
a Delaware Corporation,

By: Michael Slenska

Name: Michael Slenska

Title: President

SWORN AND SUBSCRIBED TO before me, the undersigned authority, on this the 30th day of APRIL, 2025.

Commonwealth of Pennsylvania - Notary Seal
Amy Schneider, Notary Public
Allegheny County
My commission expires October 13, 2025
Commission number 1408394
Member, Pennsylvania Association of Notaries

Amy Schneider
Notary Public in and for the State of Texas—

Commonwealth of Pennsylvania

*Petition for the Release of Property from the
City of San Antonio's ETJ*

**EXHIBIT D
EVIDENCE OF OWNERSHIP OF PROPERTY**

g/m



201306052859 12/31/2013 09:37:25 AM 1/9

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COMAL §

THAT **BEAZER EAST, INC.**, a Delaware corporation (as successor by merger to **HAW ACQUISITION COMPANY LLC**, a Delaware limited liability company) (hereinafter "**Grantor**"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and for other valuable consideration to Grantor paid by **8364 FORDYCE PROPERTY LLC**, a Delaware limited liability company (hereinafter "**Grantee**"), whose address is 300 East John Carpenter Freeway, Irving, Texas 75062, the receipt of which is hereby acknowledged, has, subject to the reservations and other matters set forth herein, GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee, all of the following described real property situated in Comal County, Texas:

That certain land which is described by metes and bounds, on **Exhibit A** attached hereto and made a part hereof for all purposes (the "**Land**"), together with all of Grantor's right, title and interest, if any, in all rights and appurtenances pertaining thereto.

HOWEVER, this transfer is subject to the following:

Exceptions to Conveyance and Warranty

Liens described as part of the Consideration and any other liens described in the deed as either being assumed or subject to which title is taken; validity of existing easements, rights of way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property.

Grantor, for the consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular rights and appurtenances thereto in any way belonging, to have and to hold to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heir, successors and assigns against every person whomsoever lawfully claiming or claim the same or any part thereof, except as to the Exceptions to Conveyance and Warranty.

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

[Signature on the Following Page]

EXECUTED on the date of the acknowledgement set forth below, to be effective the
19th day of December, 2013.

GRANTOR:

BEAZER EAST, INC.,
a Delaware corporation,
as successor by merger to
HAW ACQUISITION COMPANY LLC,
a Delaware limited liability company

By: 
Michael H. Hyer
Vice President

STATE OF TEXAS

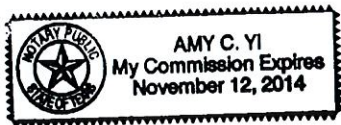
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§
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ACKNOWLEDGEMENT

COUNTY OF DALLAS

The foregoing instrument was acknowledged before me on December 19 2013, by Michael H. Hyer, Vice President of Beazer East, Inc., a Delaware corporation, for the purposes and consideration therein expressed, on behalf of such corporation.

Given under my hand and official seal.




Notary Public

Amy Yi
Printed Name of Notary

My Commission Expires: November 12, 2014

EXHIBIT A

Legal Description of the Land

EXHIBIT A

TRACT 1:

30.363 acres of land out of the John Nelson Survey No. 97, Abstract 436, Comal County, Texas, and being a portion of that certain 44.593 acre TRACT ONE described in a deed from Allen Hierholzer, et al to The Fordyce Company dated February 23, 1977 and recorded in Volume 249 on pages 207-213 of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at a 1/2" re-bar rod found at a corner post in the point of intersection of the fenced Southwest line of the Valentine Bennett Survey No. 100, Abstract 72, the fenced Northeast line of the John Nelson Survey No. 97, Abstract 436, with the Northwest line of the Union Pacific Railroad R.O.W. (formerly Missouri, Kansas and Texas Railroad, reference Vol. 2, pages 191-193, Comal County, Texas Deed Records), for the South corner of a 10.660 acre tract conveyed to Kermit G. Crenwelge and wife by deed dated April 5, 1972 and recorded in Volume 197 on pages 370-372 of the Deed Records of Comal County, Texas, for the East corner of The Fordyce Company 44.593 acre Tract One, for the East corner of the herein described 30.363 acre Tract 1;

THENCE with the Northwest line of the Union Pacific Railroad R.O.W., the Southeast line of The Fordyce Company 44.593 acre Tract One, S. 69° 01' 25" W. 770.54 feet to a 1/2" re-bar rod set at the beginning of a curve, and Thence in a Southwesterly direction, along the arc of a circular curve to the left, having a Radius of 5,779.58 feet, a length of arc distance of 735.51 feet (chord bears S. 66° 35' 46" W. 735.02 feet) to a 1/2" re-bar rod found for the East corner of a 99.281 acre Tract 3 conveyed by Servtex Materials Co. to Gifford Hill & Co., Inc. as referenced in Volume 659 on pages 28-37 of the Official Public Records of Comal County, Texas, for the South corner of The Fordyce Company 44.593 acre Tract One, for the South corner of this 30.363 acre Tract 1;

THENCE with the Northeast line of the Gifford Hill & Co., Inc. 99.281 acre Tract 3, the Southwest line of The Fordyce Company 44.593 acre Tract One, N. 29° 40' 05" W. 186.21 feet to a 1/2" re-bar rod set for the South corner of a called 6.087 acre tract (re-surveyed and found to contain 5.740 acres) conveyed by The Fordyce Company to the Missouri Pacific Railroad Company (now Union Pacific Railroad Company) by deed dated January 10, 1986 and recorded in Volume 495 on page 544 of the Official Public Records of Comal County, Texas, for the West corner of this 30.363 acre Tract 1;

THENCE with the Southeast line of the Union Pacific Railroad Company called 6.087 acre tract, as follows:

In a Northeasterly direction, along the arc of a circular curve to the left, having a Radius of 1,984.86 feet, a length of arc distance of 496.83 feet (chord bears N. 19° 33' 11" E. 495.53 feet) to a 1/2" re-bar rod set at the end of said curve;

THENCE N. 12° 22' 59" E. 216.32 feet to a 1/2" re-bar rod set at the beginning of a curve;

THENCE in a Northeasterly direction, along the arc of a circular curve to the right, having a Radius of 1,834.86 feet, a length of arc distance of 1,128.35 feet (chord bears N. 30° 00' 00" E. 1,110.65 feet to a 1/2" re-bar rod set in the fence, at the point of intersection of the the fenced Southwest line of the Valentine Bennett Survey, the fenced Northeast line of the John Nelson Survey, the Southwest line of a 7.500 acre tract conveyed to Kermit G. Crenwelge and wife by deed dated October 20, 1982 and recorded in Volume 335 on pages 735-736 of the Deed Records of Comal County, Texas, the Northeast line of The Fordyce Company 44.593 acre Tract One, with the Southeast line of the called 6.087 acre tract, for the East corner of The Union Pacific Railroad Company 5.740 acre tract, for the North corner of this 30.363 acre Tract 1, from said rod, a 1/2" re-bar rod set at a corner post in the South line of the Union Pacific Railroad Company (former Missouri Pacific Railroad Company), for the North corner of The Fordyce Company 44.593 acre tract, bears N. 30° 12' 45" W. 50.71 feet;

THENCE with the fence, the fenced Southwest line of the Valentine Bennett Survey, the fenced Northeast line of the John Nelson Survey, the Southwest line of the Kermit G. Crenwelge 7.500 acre tract and 10.660 acre tract, the Northeast line of The Fordyce Company 44.593 acre Tract One, S. 30° 12' 45" E. 1,428.09 feet to the Place of Beginning.

TRACT 2:

Being an 8.458 acre tract of land out of the John Nelson Survey No. 97, Abstract 436, and being a portion of that certain 44.593 acre TRACT ONE described in a deed from Allen Hierholzer, et al to The Fordyce Company dated February 23, 1977 and recorded in Volume 249 on pages 207-213 of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

FROM a 1/2" re-bar rod found at a corner post in the point of intersection of the fenced Southwest line of the Valentine Bennett Survey No. 100, Abstract 72, the fenced Northeast line of the John Nelson Survey No. 97, Abstract 436, with the Northwest line of the Union Pacific Railroad R.O.W. (formerly Missouri, Kansas and Texas Railroad, reference Vol. 2, pages 191-193, Comal County, Texas Deed Records), for the South corner of a 10.660 acre tract conveyed to Kermit G. Crenwelge and wife by deed dated April 5, 1972 and recorded in Volume 197 on pages 370-372 of the Deed Records of Comal County, Texas, for the East corner of The Fordyce Company 44.593 acre Tract One, for the East corner of a 30.363 acre Tract 1 surveyed on even date herewith; THENCE with the fenced Southwest line of the Valentine Bennett Survey, the fenced Northeast line of the John Nelson Survey, the Southwest line of the Kermit G. Crenwelge and wife 10.660 acre tract and the Kermit G. Crenwelge and wife 7.500 acre tract, the Northeast line of The Fordyce Company 44.593 acre

Tract One, N. 30° 12' 45" W., at 1,428.09 feet crossing the Southeast line of that called 6.087 acre tract conveyed by The Fordyce Company to the Missouri Pacific Railroad Company (now Union Pacific Railroad) by deed dated January 10, 1986 and recorded in Volume 495 on page 544 of the Official Public Records of Comal County, Texas, in all a total distance of 1,478.80 feet to a 1/2" re-bar rod set at a corner post in the South line of the Union Pacific Railroad Company R.O.W. (formerly Missouri Pacific Railroad, reference Volume P, page 118, Comal County, Texas Deed Records), for the West corner of the Kermit G. Crenwelge and wife 7.500 acre tract, for the North corner of The Fordyce Company 44.593 acre Tract 1; THENCE with the Southeast line of the Union Pacific Railroad Company R.O.W., the Northwest line of The Fordyce Company 44.593 acre Tract 1, the Northwest line of the Missouri Pacific Railroad called 6.087 acre tract, S. 55° 34' 51" W. 421.33 feet to a 1/2" re-bar rod set for a West corner of the said 6.087 acre tract, for the Northeast corner and POINT OF BEGINNING of the herein described 8.458 acre Tract 2;

THENCE with the Northwest line of the Missouri Pacific Railroad Company called 6.078 acre tract, establishing the Southeast line of this 8.458 acre Tract 2, as follows:

In a Southwesterly direction, along the arc of a circular curve to the left, having a Radius of 1,984.86 feet, a length of arc distance of 811.13 feet (chord bears S. 24° 05' 15" W. 805.50 feet) to a 1/2" re-bar rod set at the end of said curve;

THENCE S. 12° 22' 59" W. 216.32 feet to a 1/2" re-bar rod set at the beginning of a curve;

THENCE in a Southwesterly direction, along the arc of a circular curve to the right, having a Radius of 1,834.86 feet, a length of arc distance of 357.68 feet (chord bears S. 17° 57' 58" W. 357.11 feet) to a 1/2" re-bar rod set in the Northeast line of a 99.281 acre Tract 3 conveyed by Servtex Materials Co. to Gifford Hill & Co., Inc. as referenced in a deed recorded in Volume 659 on pages 28-37 of the Official Public Records of Comal County, Texas, in the Southwest line of The Fordyce Company 44.593 acre Tract 1, for the Southwest corner of the Missouri Pacific Railroad Company called 6.078 acre tract, for the South corner of the of this 8.458 acre Tract 2;

THENCE with the Northeast line of the Gifford Hill Co., Inc. 99.281 acre Tract 3, the Southwest line of The Fordyce Company 44.493 acre Tract 1, N. 29° 40' 05" W. 789.54 feet to a 1/2" re-bar rod set in the Southeast line of the Union Pacific Railroad Company R.O.W., for the North corner of the Gifford Hill Co., Inc. 99.281 acre Tract 3, for the West corner of The Fordyce Company 44.493 acre Tract 1, for the West corner of this 8.458 acre Tract 2, from said rod, a 1/2" re-bar rod set in the Northwest line of the Union Pacific Railroad Company R.O.W. for the South corner of The Fordyce Company 41.660 acre Tract 2, for the South corner of a 41.668 acre Tract 3 surveyed on even date herewith bears N. 30° 19' 00" W. 100.00 feet;

THENCE with the Southeast line of the Union Pacific Railroad Company R.O.W., the Northwest line of The Fordyce Company 44.593 acre Tract 1, N. 55° 34' 51" E. 1,062.03 feet to the Place of Beginning.

TRACT 3:

41.668 acres of land out of the John Nelson Survey No. 97, Abstract 436, Comal County, Texas, and being all of that certain 41.660 acre TRACT TWO described in a deed from Allen Hierholzer, et al to The Fordyce Company dated February 23, 1977 and recorded in Volume 249 on pages 207-213 of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at a 1/2" re-bar rod found at the point of intersection of the fenced Southwest line of the Valentine Bennett Survey, the Northeast line of the John Nelson Survey, with the Northwest line of The Union Pacific Company R.O.W. (former Missouri Pacific Railroad, reference Volume P, page 118, Comal County, Texas Deed Records) for the South corner of a 20 acre Tract No. 1 conveyed to Louis L. Schneider and wife by deed dated November 3, 1970 and recorded in Volume 182 on pages 556-558 of the Deed Records of Comal County, Texas, for the East corner of The Fordyce Company 41.660 acre Tract Two, for the East corner of the herein described 41.668 acre Tract 3;

THENCE with the Northwest line of the Union Pacific Railroad Company R.O.W., the Southeast line of The Fordyce Company 41.660 acre Tract Two, S. 55° 35' 35" W. 1,486.00 feet to a drill hole set in a concrete bridge for the East corner of a 138.274 acre Tract 2 conveyed by Servtex Materials Co. to Gifford Hill & Co., Inc. as referenced in Volume 659 on pages 28-37 of the Official Public Records of Comal County, Texas, for the South corner of The Fordyce Company 41.660 acre Tract Two, for the South corner of this 41.668 acre Tract 3;

THENCE with the common boundary line between the Gifford Hill & Co., Inc. 138.274 acre Tract 2, and The Fordyce Company 41.660 acre Tract Two, N. 20° 17' 13" E. 564.45 feet and N. 34° 35' 53" W. 1,298.95 feet to a 1/2" re-bar rod found at a corner post in the Southeast line of Old Nacogdoches Road, for the North corner of the Gifford Hill Co., Inc. 138.274 acre Tract 2, for the West corner of The Fordyce Company 41.660 acre Tract Two, for the West corner of this 41.668 acre Tract 3;

THENCE with the Southeast line of Old Nacogdoches Road, the Northwest line of The Fordyce Company 41.660 acre Tract 2, as follows:
N. 58° 38' 30" E. 724.41 feet to a 1/2" re-bar rod set at a fence post,
N. 53° 40' 32" E. 131.19 feet to a 1/2" re-bar rod set at a fence post, and
N. 50° 37' 10" E. 293.42 feet to a 3/8" re-bar rod found at a fence corner post for the West corner of the Louis L. Schneider and wife 20 acre Tract No. 1, for the North corner of The Fordyce Company 41.660 acre Tract Two, for the North corner of this 41.668 acre Tract 3, from said rod, a 3/8" re-bar rod found in the Northwest line of Old Nacogdoches Road, for the East corner of The Fordyce Company 345.581 acre Tract Three, the East corner of a 335.850 acre tract surveyed on even date herewith, bears N. 31° 46' 58" W. 39.76 feet;

THENCE with the fence, the fenced Southwest line of the Valentine Bennett Survey, the fenced Northeast line of the John Nelson Survey, the Southwest line of the Louis L. Schneider and wife 20 acre Tract No. 1, the Northeast line of The Fordyce Company 41.660 acre Tract Two, S. 30° 15' 46" E. 1,620.71 feet to the Place of Beginning.

TRACT 4:

335.850 acres of land and being approximately 51.428 acres out of the John Nelson Survey No. 97, Abstract 436, approximately 208.092 acres out of the Nathaniel Conner Survey No. 100 1/2, Abstract 114, approximately 71.670 acres out of the Valentine Bennett Survey No. 104, Abstract 78, and approximately 4.660 acres out of the Joseph Thompson Survey No. 752, Abstract 609, Comal County, Texas, and being the greater portion of that certain 345.581 acre Tract Three as described in a deed from Allen Hierholzer, et al to The Fordyce Company dated February 23, 1977 and recorded in Volume 249 on pages 207-213 of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at a 3/8" re-bar rod found at the point of intersection of the fenced Southwest line of the Valentine Bennett Survey, the fenced Northeast line of the John Nelson Survey, with the Northwest line of Old Nacogdoches Road, for the South corner of a 30 acre Tract No. 2 conveyed to Louis L. Schneider and wife by deed dated November 3, 1970 and recorded in Volume 182 on pages 556-558 of the Deed Records of Comal County, Texas, for the East corner of The Fordyce Company 345.581 acre Tract Three, for the East corner of the herein described 335.850 acre Tract 4, from said rod, a 3/8" re-bar rod found in the Southeast line of Old Nacogdoches Road, the North corner of The Fordyce Company 41.660 acre Tract Two, the North corner of a 41.668 acre Tract 3, surveyed on even date herewith, bears S. 31° 46' 58" E. 39.76 feet;

THENCE with the Northwest line of Old Nacogdoches Road, the Southeast line of The Fordyce Company 345.581 acre Tract Three, S. 51° 44' 11" W. 419.59 feet to a 1/2" re-bar rod set at a post and S. 59° 56' 25" W. 373.22 feet to a 5/8" re-bar rod found for the East corner of 10.00 acre Mims Subdivision, plat recorded in Volume 10 on page 291 of the Map and Plat Records of Comal County, Texas, for a South corner of this 335.850 acre Tract 4;

THENCE with the common boundary line between this tract and the 10.00 acre Mims Subdivision, N. 37° 02' 57" W. 704.46 feet to a 5/8" re-bar rod found and S. 53° 00' 04" W. 649.71 feet to a 5/8" re-bar rod found in the fence, the Northeast line of a 66.16 acre Tract 1B conveyed by Servtex Materials Co. to Gifford Hill & Co., Inc. as referenced in Volume 659 on pages 28-37 of the Official Public Records of Comal County, Texas, the Southwest line of The Fordyce Company 345.581 acre Tract Three, for the West corner of 10.00 acre Mims Subdivision, for a South corner of this 335.850 acre Tract 4;

THENCE with the fence, the Southwest line of The Fordyce Company 345.581 acre Tract Three, the Northeast line of the Gifford Hill & Co., Inc. 66.16 acre Tract 1B, as follows:

N. 37° 04' 34" W. 149.21 feet to a 1/2" re-bar rod found at a post,
N. 24° 39' 41" W. 26.75 feet to a 1/2" re-bar rod found at a post, and
N. 11° 07' 11" W. 2,043.64 feet to a 1/2" re-bar rod found at a post for the Northeast corner of the Gifford Hill & Co., Inc. 66.16 acre Tract 1B, for the Southeast corner of a 676.787 acre Tract 1A conveyed by Servtex Materials Company to Gifford Hill & Co., Inc. as referenced in Volume 659 on pages 28-37 of the Official Public Records of Comal County, Texas;

THENCE with the fence, the Northeast line of the Gifford Hill & Co., Inc. 676.787 acre Tract 1A, the Southwest line of The Fordyce Company 345.581 acre Tract Three, as follows:

N. 89° 27' 17" W. 729.95 feet to a 1/2" re-bar rod found,
S. 84° 28' 57" W. 755.18 feet to a nail found in a 20" Live Oak,
S. 81° 06' 27" W. 444.31 feet to a nail found in a 16" Cedar Tree,
S. 62° 44' 00" W. 58.20 feet to a nail found,
S. 48° 48' 22" W. 16.44 feet to a nail found in a Cedar Tree,
N. 28° 46' 48" W. 65.88 feet to a 1/2" re-bar rod found,
N. 29° 52' 52" W. 143.01 feet to a 1/2" re-bar rod found,
N. 29° 56' 52" W. 115.99 feet to a 1/2" re-bar rod found,
N. 34° 38' 03" W. 64.12 feet to a 1/2" re-bar rod found,
N. 58° 40' 37" W. 12.08 feet to a 1/2" re-bar rod found,
N. 81° 28' 47" W. 170.18 feet to a 1/2" re-bar rod found,
S. 89° 27' 55" W. 26.54 feet to a 1/2" re-bar rod found,
N. 88° 10' 49" W. 53.78 feet to a 1/2" re-bar rod found,
N. 79° 24' 21" W. 151.12 feet to a 1/2" re-bar rod found,
N. 88° 01' 52" W. 25.13 feet to a 1/2" re-bar rod found,
S. 77° 58' 51" W. 25.25 feet to a 1/2" re-bar rod found,
N. 81° 47' 12" W. 29.18 feet to a 1/2" re-bar rod found,
N. 57° 25' 48" W. 34.48 feet to a 1/2" re-bar rod found,
N. 72° 33' 33" W. 77.89 feet to a 1/2" re-bar rod found,
N. 79° 56' 13" W. 48.21 feet to a 1/2" re-bar rod found,
N. 85° 41' 35" W. 81.85 feet to a 1/2" re-bar rod found,
S. 45° 00' 46" W. 42.98 feet to a 1/2" re-bar rod found,
S. 29° 30' 48" W. 11.57 feet to a 1/2" re-bar rod found,
S. 82° 47' 09" W. 39.33 feet to a 1/2" re-bar rod found,
N. 74° 51' 30" W. 49.50 feet to a 1/2" re-bar rod found,
N. 76° 37' 04" W. 95.65 feet to a 1/2" re-bar rod found,
N. 88° 27' 14" W. 37.44 feet to a 1/2" re-bar rod found,
N. 80° 41' 00" W. 89.45 feet to a 1/2" re-bar rod found,
N. 73° 54' 44" W. 38.95 feet to a 1/2" re-bar rod found,
N. 76° 51' 31" W. 1,148.80 feet to a 1/2" re-bar rod found, and
N. 59° 04' 34" W. 301.82 feet to a 1/2" re-bar rod found for the North corner of the Gifford Hill & Co., Inc. 676.787 acre Tract 1A, for the East corner of a 40.000 acre Tract 1C conveyed by Servtex Materials Company to Gifford Hill & Co., Inc. as referenced in Volume 659 on pages 28-37 of the Official Public Records of Comal County, Texas;

THENCE with the Northeast line of the Gifford Hill & Co., Inc. 40.000 acre Tract 1C, the Southwest line of The Fordyce Company 345.581 acre Tract Three, as follows:

N. 57° 29' 47" W. 121.52 feet,
N. 47° 38' 47" W. 248.07 feet,
N. 37° 01' 36" W. 125.18 feet,
N. 37° 38' 06" W. 49.40 feet,
N. 28° 10' 45" W. 212.81 feet,
N. 09° 54' 22" W. 167.36 feet,
N. 05° 53' 33" W. 186.03 feet, and
N. 01° 55' 39" W. 388.50 feet to a 1/2" re-bar rod found on top of a bluff, in the approximate Southwest line of the Geo. W. B. Simmons Survey No. 497, Abstract 533, in the approximate Northeast line of the Valentine Bennett

Survey No. 104, in the Southwest line of a 320 acre Tract I conveyed by Eldor Dierks and wife to Raymond Dierks by deed dated March 24, 1972 and recorded in Volume 194 on pages 415-419 of the Deed Records of Comal County, Texas, for the Northeast corner of the Gifford Hill & Co., Inc. 40.000 acre Tract 1C, for the Northwest corner of The Fordyce Company 345.581 acre Tract Three, for the Northwest corner of this 335.850 acre Tract 4;

THENCE with a fence, the approximate Southwest line of the Simmons Survey No. 497, the approximate Northeast line of the Valentine Bennett Survey No. 104, the Southwest line of the Raymond Dierks 320 acre Tract I, a Northeast line of The Fordyce Company 345.581 acre Tract Three, S. 35° 41' 12" E. 983.45 feet to a 1/2" re-bar rod found at a corner post for the approximate South corner of the Simmons Survey, for a re-entrant corner of the Bennett Survey, for the South corner of the Raymond Dierks 320 acre Tract I, for a re-entrant corner of The Fordyce Company 345.581 acre Tract Three, for a re-entrant corner of this 335.850 acre Tract 4;

THENCE with the fence, the approximate Southeast line of the Simmons Survey, the approximate Northwest line of the Bennett Survey, the Southeast line of the Raymond Dierks 320 acre Tract I, the Northwest line of The Fordyce Company 345.581 acre Tract Three, as follows:

N. 52° 17' 44" E. 2,109.08 feet to a 1/2" re-bar rod found, top of a bluff,
N. 56° 43' 26" E. 165.99 feet to a 1/2" re-bar rod found, bottom of a bluff,
N. 50° 59' 57" E. 1,421.31 feet, crossing a deep canyon, to a 1/2" re-bar rod found at top of a bluff, and
N. 84° 54' 49" E. 76.97 feet to a 1/2" re-bar rod set at a corner post for the approximate Northwest corner of the Joseph Thompson Survey No. 752, for the approximate North corner of the Bennett Survey No. 104;

THENCE continuing with the fence, the approximate South line of the Simmons Survey, the approximate North line of the Joseph Thompson Survey, the South line of the Raymond Dierks 320 acre Tract I, the North line of The Fordyce Company 345.581 acre Tract Three, N. 73° 39' 37" E. 169.28 feet to a 1/2" re-bar rod found at a corner post for the West corner of a tract of land conveyed by Leroy E. Kunz and wife to The Fordyce Company by deeds recorded in Volume 254 on pages 310-311 and Volume 254 on pages 304-309 of the Deed Records of Comal County, Texas, for the North corner of The Fordyce Company 345.581 acre Tract Three, for the North corner of this 335.850 acre Tract 4;

THENCE with the fence, the Southwest line of the Leroy E. Kunz and wife to The Fordyce Company tract, the Northeast line of The Fordyce Company 345.581 acre Tract Three, as follows:

S. 16° 24' 28" E. 176.39 feet to a 1/2" re-bar rod found at a post,
S. 54° 37' 56" E. 764.67 feet to a 1/2" re-bar rod set at a post,
S. 37° 07' 50" E. 10.41 feet to a 1/2" re-bar rod set at a post,
S. S. 32° 05' 04" E. 220.82 feet to a nail set in a 14" Cedar,
S. 30° 26' 11" E. 546.75 feet to a 1/2" re-bar rod set at a post,
S. 31° 07' 58" E. 1,492.89 feet to a railroad spike found,
S. 23° 44' 02" E. 278.44 feet to a nail set in an 18" Cedar, and
S. 08° 43' 24" E. 14.88 feet to a 3/8" re-bar rod found for the South corner of the Leroy E. Kunz and wife to The Fordyce Company tract, for the West corner of the aforesaid 30 acre Tract No. 2 conveyed to Louis L. Schneider and wife;

THENCE with the fence, the Southwest line of the 30 acre Tract No. 2 conveyed to Louis L. Schneider and wife, the Northeast line of The Fordyce Company 345.581 acre Tract Three, as follows:

S. 15° 43' 15" E. 11.31 feet to a nail set in an 8" Cedar,
S. 31° 59' 24" E. 25.26 feet to a nail set in a 15" Cedar,
S. 25° 04' 42" E. 69.04 feet to a nail set in an 18" Cedar,
S. 26° 31' 55" E. 63.59 feet to a railroad spike found in an 18" Elm,
S. 29° 30' 56" E. 252.17 feet, crossing creek, to a 1/2" re-bar rod found,
S. 24° 32' 13" E. 63.20 feet to a 1/2" re-bar rod found in an 8" Elm,
S. 35° 53' 15" E. 262.93 feet to a nail set in a 24" Spanish Oak,
S. 23° 43' 48" E. 17.16 feet to a nail set in a 10" Cedar,
S. 42° 45' 30" E. 35.24 feet to a 1/2" re-bar rod found,
S. 39° 18' 24" E. 82.12 feet to a 1/2" re-bar rod found in an 18" Cedar,
S. 33° 08' 08" E. 325.33 feet to a 1/2" re-bar rod found in a 15" Cedar,
S. 29° 55' 02" E. 127.54 feet to a 3" steel pipe post,
S. 27° 58' 42" E. 108.74 feet to a post,
S. 36° 40' 23" E. 147.05 feet to a 3" steel pipe post,
S. 32° 52' 16" W. 19.54 feet to a 3" steel pipe post,
S. 33° 19' 30" E. 781.83 feet to a 3" steel pipe post,
S. 50° 02' 04" E. 42.61 feet to a 1/2" re-bar rod found in a 24" Cedar, and
S. 30° 32' 51" E. 835.10 feet to the Place of Beginning.

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
12/31/2013 09:37:25 AM
TERRI 9 Page(s)
201306052859



Joy Streater

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CORRECTION WARRANTY DEED

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF COMAL §

THAT this **CORRECTION WARRANTY DEED** signed on this the 11th day of July, 2024, and effective as of September 28, 2021, pursuant to Section 5.028 of the Texas Property Code, is made to correct an error in that certain **Special Warranty Deed** executed on September 28, 2021, and recorded on September 30, 2021, in the records of the Comal County Clerk in File No. 202106051393, (hereafter the "Deed").

1. The undersigned states that Hanson Aggregates Mid-Pacific, Inc., a Delaware Corporation, on or about the 28th day of September, 2021, executed and delivered to Grantee, for consideration therein mentioned, a conveyance of certain lands, situated in Comal County, Texas, and more particularly described as:

- a. Comal Appraisal District Property ID No. 78747, with a listed address of 0 Nacogdoches Rd, Garden Ridge, Texas, 78266, and can be found in A-463 SUR-492 V PFEUFFER, ACRES 42.464.
- b. Comal Appraisal District Property ID No. 8050, without a street address, which can be found in A-609 SUR-752 J THOMPSON, ACRES 228.23, A-114 AUR-100 1/2 N COMER.
- c. Comal Appraisal District Property ID No. 81351, with an address of 551 Coyote Run, New Braunfels, Texas, 78132, which can be found in A-689 SUR-499 M ZILLER, ACRES 79.5.

2. **CORRECTION.** The Deed contained a mistake in the name of the Grantee. Therefore, to prevent future difficulties, it is expedient to correct the error in the following manner:

Grantee's name is incorrectly listed on the Deed, "Lehigh Beazer East Inc., a Delaware corporation" and by this instrument is **hereby replaced** with "**BEAZER EAST, INC., a Delaware corporation.**"

3. **Remainder Unchanged.** Other than the correction set forth herein, the Deed attached hereto as "Exhibit 1" is correct and remains in full force and effect.

4. The undersigned certifies that she has personal knowledge of the facts relevant to the correction of the recorded original instrument of conveyance and her basis for personal knowledge

is that the undersigned is the Vice President, General Counsel, for the Grantee, the undersigned has researched the transaction and can confirm that the name of the company is incorrectly listed on the Deed, and the correct name of Grantee is as described in Section 2 herein and below, being "Beazer East, Inc." a Delaware corporation.

5. Pursuant to TEX. PROP. CODE § 5.028(d), (1) this instrument is to be recorded in the real property records of Comal County, Texas, as the same is the county in which the original instrument of conveyance being corrected is recorded; and (2) a copy of this instrument and notice of the same will be sent by first class mail, e-mail correspondence, or other reasonable means to each party to the original instrument of conveyance being corrected whose signature is not evidenced below.

EXECUTED and **ACKNOWLEDGED** on this the 11th day of July, 2024, to be **EFFECTIVE** as of the 28th day of September, 2021.

GRANTEE

BEAZER EAST, INC.,
a Delaware corporation

By: Carol Lowry  07/11/2024 11:30 AM EDT
Carol Lowry, Vice President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This above instrument and declaration was duly acknowledged and the contents verified under oath after being duly sworn before me on the 11th day of July, 2024, by CAROL LOWRY, as Vice President of BEAZER EAST, INC., on behalf of **BEAZER EAST, INC.**, a Delaware corporation, and acknowledged this Correction Warranty Deed on behalf of said corporation.



Online Notary Public. This notarial act involved the use of
online audio/video communication technology.
Notarization facilitated by SIGNiX®

Micky Colvin  07/11/2024 11:31 AM EDT
Notary Public, State of Texas

After Recording Return to:

Attn: Beazer East, Inc.
300 E. John Carpenter Freeway, Ste 1645
Irving, Texas 75062

Exhibit 1

202106051393 09/30/2021 01:02:09 PM 1/4

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Special Warranty Deed

THE STATE OF TEXAS §
 §: KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COMAL §

HANSON AGGREGATES MID-PACIFIC, INC., a Delaware corporation (hereinafter called "**Grantor**"), for and in consideration for the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to it in hand paid by **LEHIGH BEAZER EAST INC.**, a Delaware corporation (hereinafter called "**Grantee**"), whose address is 300 East John Carpenter Freeway, Suite 1645, Irving, TX 75062, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee the following (collectively referred to herein as the "**Property**"): (a) all real property currently owned by Grantor and situated in Comal County, Texas, including without limitation, the real property described in **Exhibit A** attached hereto and incorporated herein by reference (collectively, the "**Land**"); provided this Deed is not intended to convey or assign any interest of Grantor as lessee under any lease of real property in said county, (b) all improvements and structures thereon, (c) all rights, titles, estates and interest of Grantor in and to any and all alleys, strips and gores of land and to any land lying in the bed of any highway, street, road, avenue or alley, open or proposed, in, on, across from, in front of, abutting or adjoining the Land, whether owned or claimed by deed, limitation or otherwise and whether or not located inside or outside of the Land; (d) all rights, titles, estates and interests of Grantor in and to any easements, rights-of-way, rights of ingress or egress and other interests in, on, or to any land, highway, street, road or avenue, open or proposed in, on, across from, in front of, abutting or adjoining, the Land; (e) all rights, titles, estates and interests of Grantor in and to any condemnation award made or to be made, after the date hereof, in connection with the Land and/or the interests described in the foregoing subparagraphs (c) and (d) and in and to any unpaid award for damage to the Land and/or said interest pertaining to the Land; (f) all oil, gas and other mineral rights and interests pertaining to the Land owned by Grantor in Comal County, Texas; (g) all rights, titles, estates and interests of Grantor in and to any and all rights to the present or future use of water rights, wastewater, wastewater capacity, drainage, water or other utility facilities that pertain to or benefit the Land, including without limitation, all reservations or commitments or letters covering any such use in the future; (h) all rights, titles, estates and interests of Grantor in and to any and all reversionary rights attributable to the Land; and (j) all other rights, benefits, privileges, tenements, hereditaments and appurtenances thereon or in anywise appertaining to the Land owned by Grantor or held by Grantor in connection with the Land.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and its successors and assigns forever; and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Grantor makes no representation or warranties, expressed or implied, other than those expressly set forth herein, and Grantee accepts the Property "AS IS, WHERE IS" and with all faults.

Ad valorem taxes for 2021 have been prorated between Grantor and Grantee and taxes for such year are assumed by Grantee.

EXECUTED on the date set forth in the notary acknowledgement below, to be effective as of the 28th day of September 2021.

**HANSON AGGREGATES MID PACIFIC,
INC.,**
a Delaware corporation

By: Carol Lowry
Carol Lowry
Vice President

State of Texas

County of Dallas

This instrument was acknowledged before me on September 28, 2021, by **CAROL LOWRY**, Vice President of **HANSON AGGREGATES MID-PACIFIC, INC.**, a Delaware corporation, on behalf of said limited liability company.

Amy J. [Signature]
Notary Public in and for the State of Texas

My Commission Expires:

Sept 23, 2025

Amanda Snyder
Print Name of Notary



Recording requested by and
After recording return to:

Lehigh Hanson, Inc.
300 E. John Carpenter Freeway
Suite 1645
Irving, TX 75062
Attention Land Management

Exhibit A
Real Property by Comal County Tax Accessor Number

Servtex

78747

80507

81351

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
09/30/2021 01:02:09 PM
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Bobbie Koepp

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
07/24/2024 02:58:58 PM
CHRISTY 6 Pages(s)
202406022115



Bobbie Koepp