

Amplify Ranch Investments, LTD.  
PO BOX 1249  
San Marcos, Texas  
78667

May 8, 2024

City of Seguin, Texas  
ATTN: City Secretary  
ATTN: City Attorney  
City Hall  
205 N. River Street  
Seguin, TX 78155

**Sent via Hand Delivery &  
Sent via CMRRR:**

**RE:** Notice of Petition for Removal of Property from City of Seguin, Texas, ("City") extraterritorial jurisdiction ("ETJ") filed with the City Secretary's Office on May 8, 2024.

To Whom It May Concern:

Please let this correspondence serves as a formal notice of the petition filed by Amplify Ranch Investments, LTD., a Texas limited partnership (hereafter "Petitioner"), with the City Secretary's office on May 8, 2024, seeking removal of the property described therein from the City's ETJ ("Petition"). The Petition has been filed in accordance with and pursuant to the authority of Chapter 42, Subchapter D, Texas Local Government Code.

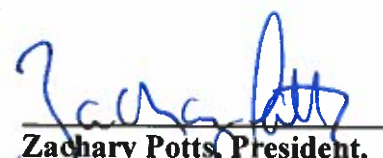
Petitioner is qualified to submit the Petition and satisfies the requirements of TEX. LOC. GOV'T CODE § 42.104. Petitioner holds fee simple title to the property described in the Petition, with such ownership constituting a majority in value of the holders of title of land described therein as indicated by the current tax rolls of the Guadalupe County Central Appraisal District. Pursuant to Chapter 42, Subchapter D, Texas Local Government Code, the property described in the Petition field 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 contact me directly at (512) 396-5515 or [austin@tx-land.com](mailto:austin@tx-land.com)

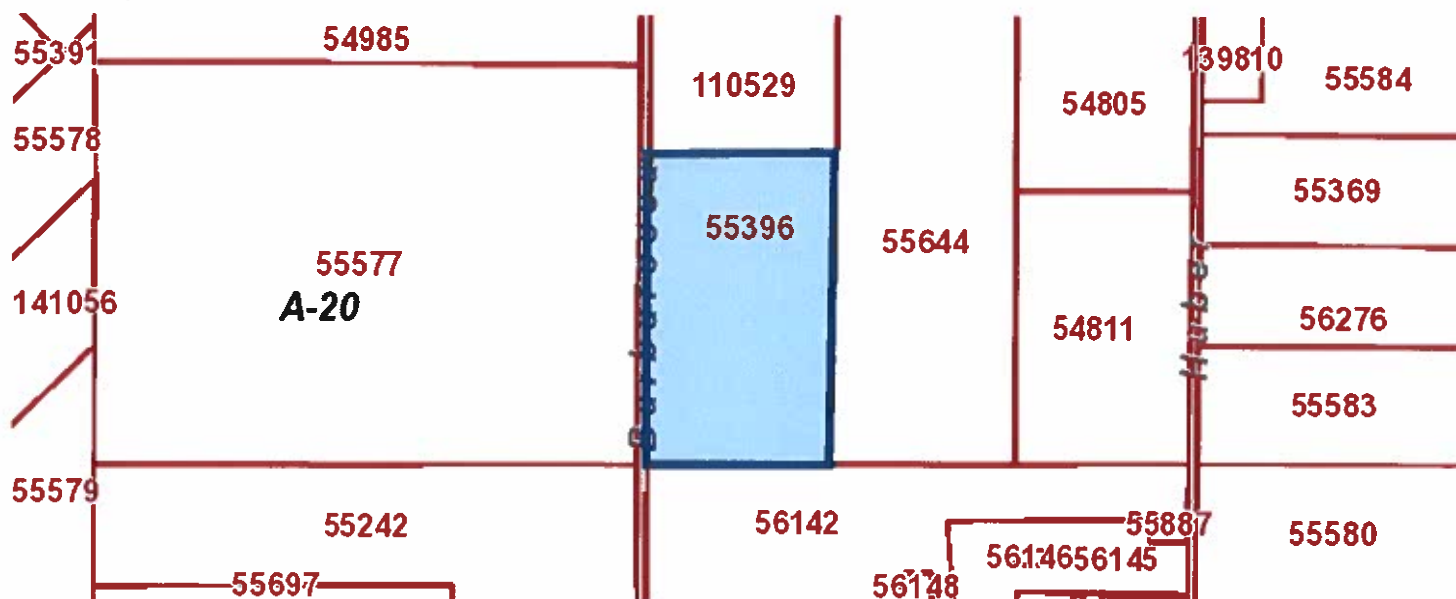
Respectfully,

**Amplify Ranch Investments,  
LTD.**

By:

  
**Zachary Potts, President,  
Chanan Corporation,  
General Partner, Amplify  
Ranch Investments, LTD**

**Enclosure(s):** Attachment 1 (Petition)



## Property Details

### Account

**Property ID:** 55396 **Geographic ID:** 2G0020-0000-33400-0-00  
**Type:** Real **Zoning:**

### Property Use:

### Location

**Situs Address:** BARBAROSSA RD TX  
**Map ID:** J-10 **Mapsco:**  
**Legal Description:** ABS: 20 SUR: A M ESNAURIZAR 65.00 ACS.  
**Abstract/Subdivision:** G\_A0020 - ESNAURIZAR A M  
**Neighborhood:** RURAL\_G10

### Owner

**Owner ID:** 177810  
**Name:** HENZE CCS FARM LLC  
**Agent:**  
**Mailing Address:** 4030 VILLAGE PARK DRIVE  
SAN ANGELO, TX 76904

**% Ownership:** 100.0%

**Exemptions:** For privacy reasons not all exemptions are shown online.

STATE OF TEXAS           §  
COUNTY OF               §  
GUADALUPE

**PETITION REQUESTING REMOVAL FROM THE EXTRATERRITORIAL JURISDICTION OF  
SEGUIN, TEXAS**

**TO THE CITY OF SEGUIN, 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, to take effect 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 ("ETJ") with a process for attaining immediate removal of such property therefrom; and

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

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

WHEREAS, the Property was not voluntarily annexed into the extraterritorial jurisdiction of the City of Seguin, Texas; and the Property is neither: (i) located in a county in which the population grew by more than 50 percent 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 240,000; and

WHEREAS, the City of Seguin, Texas ("City") has a population less than 1,400,000; and

WHEREAS, the county in which the Property is located has a population of less than 2,000,000.  
and

WHEREAS, the Property is not located within 15 miles of the boundaries of a military base conducting an active training program; and

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

WHEREAS, the Property is not located in an area subject to a strategic partnership agreement entered 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 an owner of the majority in value of an area consisting of one or more parcels of land in the City's extraterritorial jurisdiction and, as such, files this Petition for release from the City's extraterritorial jurisdiction 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

**WHEREAS**, Texas law mandates that a resident or landowner who complies with the requirements of Subchapter D of The Act shall immediately have their property removed from a municipality's extraterritorial jurisdiction;

**NOW THEREFORE, THE UNDERSIGNED HEREBY PETITIONS FOR REMOVAL OF THE PROPERTY FROM THE CITY OF SEGUIN, 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 removal of the Property from the City of Seguin, Texas' extraterritorial jurisdiction.

### **III. QUALIFICATION OF PETITIONER & AUTHORITY UNDER TEX. LOC. GOV'T CODE § 42.104**

Petitioner, Amplify Ranch Investments, LTD., is qualified to submit this Petition under 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 described in Exhibit "A", attached hereto, and such ownership constitutes a majority in value of the holders of title of land in the area described by this Petition, as indicated by the tax rolls of the Guadalupe County Central Appraisal District. Moreover, the undersigned satisfies the signature requirement of TEX. LOC. GOV'T CODE § 42.104(a) as of the date of this Petition being submitted and within the 180<sup>th</sup> day after the date the first signature hereto is obtained.

### **IV. PROPERTY SUBJECT TO PETITION FOR REMOVAL FROM ETJ**

The Property subject to this Petition *constitutes one* or more parcels of land within the City's extraterritorial jurisdiction, of which Petitioner is the owner of the majority in value of such area, and is not located:

- a. Within five miles of the boundary of a military base, as defined by Section 43.01 17, 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 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and (ii) that has a population greater than 240,000;
- c. Within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is: (i) within 15 miles of the boundary of a military base, as defined by TEX. LOC. GOV'T CODE § 43.01 17, at which an active training program is conducted; and (ii) in a county with a population of more than two million;
- 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.

The Property subject to this Petition is also shown in the map attached hereto and the boundaries of such land to be released are described by metes and bounds description attached hereto and contained in Exhibit "A". The Property being petitioned for removal from the City of Seguin's ETJ is approximately 81.95 acres of real property, situated entirely within Guadalupe County, Texas. The Property may properly and legally be removed from Seguin'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 of Seguin's ETJ.

#### **V. PETITIONER REQUEST**

Attached to this Petition as Exhibit "B", is a sworn Affidavit of the holder(s) of fee simple title to more than 50 percent of the appraised value of taxable real property, as indicated by the tax rolls of the Guadalupe County Central Appraisal District, constituting the Property petitioned to be removed from the City of Seguin's extraterritorial jurisdiction, which further states the Petitioner's request for and consent to the removal of the Property from the City of Seguin's extraterritorial jurisdiction, as set forth in this Petition.

#### **VI. VERIFICATION BY CITY SECRETARY 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 Secretary, as such person is designated by the City as responsible for verifying signatures, for verification of receipt.

#### **VII. NOTICE TO LANDOWNER BY CITY**

In accordance with and pursuant to Tex. Loc. GOV'T CODE § 42.105(b), the City of Seguin, Texas is required to notify the residents and landowners of the Property subject to this Petition of the results of the same, being removal from the City's extraterritorial jurisdiction. Satisfaction of this requirement may be met by providing written notice to Petitioner at the following address:

Amplify Ranch Investments, LTD.  
Attn: Zachary L. Potts  
PO BOX 1249  
San Marcos, TX 78667

### VIII. REMOVAL OF PROPERTY FROM ETJ 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 requirement under TEX. Loc. GOV'T CODE § 42.104, as well as all other such other requirements as may be applicable under Chapter 42, Subchapter D, Texas Local Government Code, having been satisfied, the City of Seguin, Texas shall immediately release the Property from its extraterritorial jurisdiction. A failure by the City of Seguin, Texas, to take action releasing the Property from its extraterritorial jurisdiction by the later of (i) the 45<sup>th</sup> day after the date the City receives this Petition; or (ii) the next meeting of the City of Seguin, Texas' governing body that occurs after the 30<sup>th</sup> day after the date the City receives this Petition, results in the Property being released from the City's extraterritorial jurisdiction by operation of law. *See* TEX. LOC. GOV'T CODE § 42.105(d).

### IX. REGULATION OF PROPERTY AFTER REMOVAL 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 and Guadalupe County, Texas, is the political subdivision authorized to regulate subdivisions in the Property once removed from the extraterritorial jurisdiction as required by law.

### X. ADDITIONAL ATTACHMENTS

In addition to **Exhibit A** (Map & Metes And Bounds Description Of Property To Be Removed From Seguin's Extraterritorial Jurisdiction) and **Exhibit B** (Sworn Affidavit Of Fee Simple Owner(s) Of Real Property Petitioning For Removal From The City Of Seguin's Extraterritorial Jurisdiction), Petitioner also attaches to this Petition and incorporates herein by reference, the following: **Exhibit C** (Warranty Deed to Amplify Ranch Investments, LTD., recorded under Instrument No. 202499009884 in the Real Property Records of Guadalupe County, Texas, dated November 8, 2023) and **Exhibit D** (Consent and Authorization Resolution of the Partners of Amplify Ranch Investments, LTD.).

RESPECTFULLY SUBMITTED and FILED on this the 8 day of May, 2024.

**AMPLIFY RANCH INVESTMENTS, LTD.,**  
a Texas limited partnership

By: **CHANAN CORPORATION, its General Partner**

By: 

Name: Zachary Potts

Title: President. Chanan Corporation

Date of Birth: 11/21/1977

Residence Address: 700 Sahalee Path, San  
Marcos, TX 78666

Date: 5/8/2024

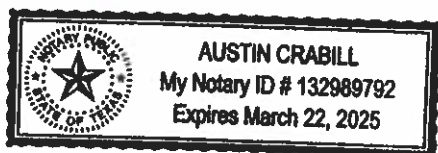
**ACKNOWLEDGEMENT**

STATE OF TEXAS §

COUNTY OF HAYS §

This instrument was signed before me on this the 8 day of May, 2024, by Zachary L. Potts, acting on behalf of Amplify Ranch Investments, LTD., a Texas limited partnership, by and through its General Partner, Chanan Corporation, to which Zachary L. Potts is President, with Amplify Ranch Investments, LTD., being the owner of the Property (as defined above) petitioned for removal from the City of Seguin's extraterritorial jurisdiction.

SWORN AND SUBSCRIBED TO before me, the undersigned authority, on this the 8 day of May, 2024



  
Notary Public in and for the State of Texas

**VERIFICATION OF RECEIPT OF PETITION BY CITY SECRETARY FOR THE CITY OF  
SEGUIN, TEXAS**

I, Kristin Mueller, acting in my capacity as acting City Secretary for the City of Seguin, Texas, do hereby verify that a copy of the foregoing Petition and its corresponding attachments, being Exhibits A through D, were received by me on the below date.

(FILE STAMP OR SEAL BELOW)



By: Kristin Mueller  
Date: 5/8/24  
Title: City Secretary



**EXHIBIT "A"**

**MAP & METES AND BOUNDS DESCRIPTION OF PROPERTY TO BE REMOVED FROM  
SEGUIN' EXTRATERRITORIAL JURISDICTION**

Exhibit A: pg 1 of 2

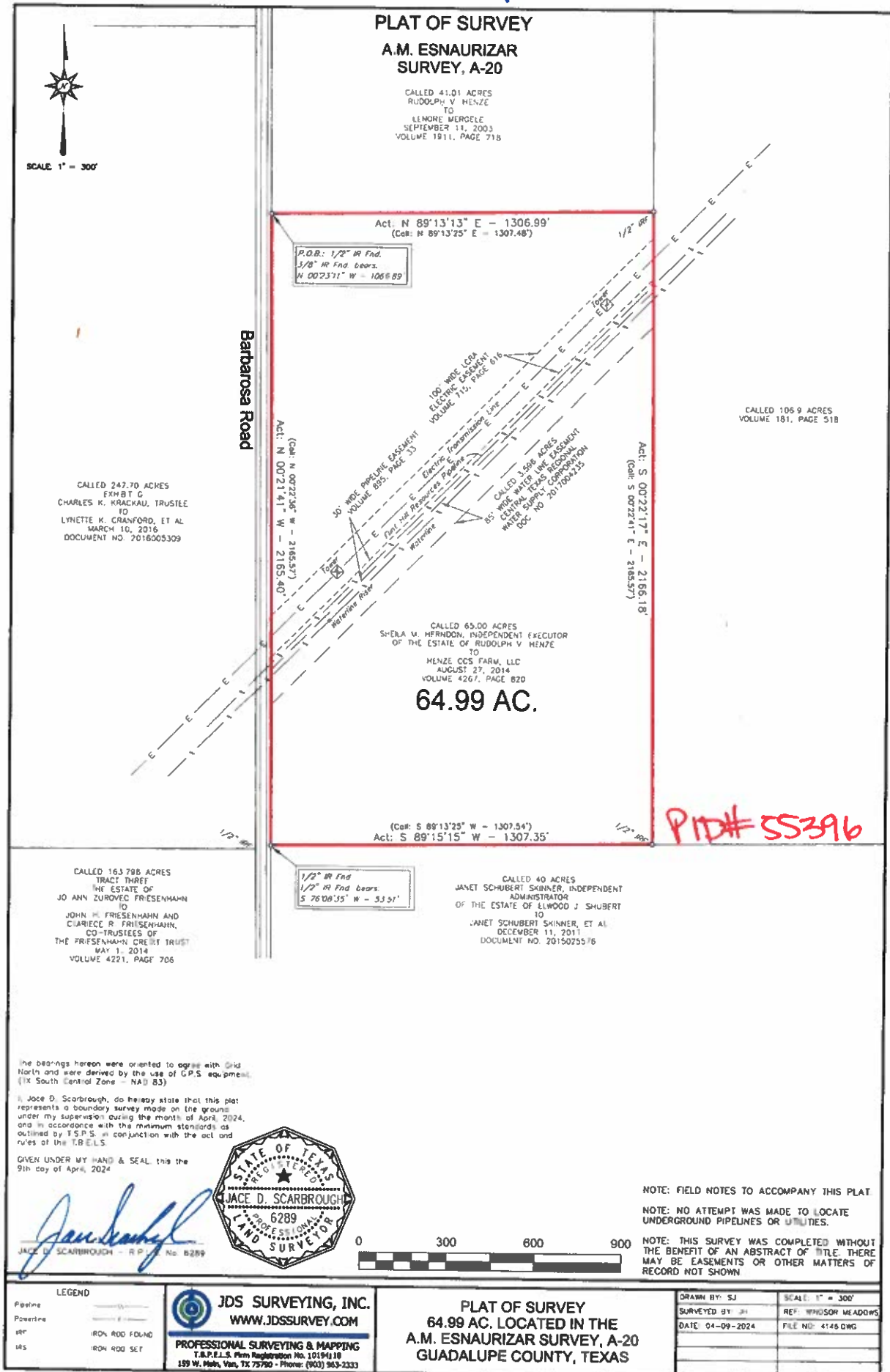


Exhibit A: pg 2 of 2

**JDS SURVEYING, INC.**

T.B.P.E.L.S. Firm Registration No. 10194118  
159 W. MAIN - VAN, TX 75790 – Phone: (903) 963-2333

**64.99 ACRES**

All that certain lot, tract or parcel of land located within the A.M. Esnaurizar Survey, Abstract No. 20 of Guadalupe County, Texas, being all of a called 65.00 acre tract as described in a deed from Sheila M. Herndon, Independent Executor of the Estate of Rudolph V. Henze to Henze CCS Farm, LLC, dated August 27, 2014 and recorded in Volume 4267, Page 820 of the Official Public Records of Guadalupe County, Texas, and this 64.99 acre tract being more fully described as follows:

BEGINNING at a 1/2" Iron Rod Found at the northwest corner of said 65.00 acre tract, same being the southwest corner of a called 41.01 acre tract as described in a deed from Rudolph V. Henze to Lenore Mergele, dated September 11, 2003 and recorded in Volume 1911, Page 718, and being in the east right-of-way of Barbarosa Road, from which a 3/8" Iron Rod Found in said right-of-way at an ell corner of said 41.01 acre tract, bears North 00 deg. 23 min. 11 sec. West, a distance of 1,066.89 feet;

THENCE North 89 deg. 13 min. 13 sec. East, with the south line of said 41.01 acre tract, a distance of 1,306.99 feet to a 1/2" Iron Rod Found at the southeast corner of same and being in the west line of a called 106.9 acre tract as described in Volume 181, Page 518;

THENCE South 00 deg. 22 min. 17 sec. East, with the west line of said 106.9 acre tract, a distance of 2,166.18 feet to a 1/2" Iron Rod Found at the southwest corner of same and being in the north line of a called 40 acre tract as described in a deed from Janet Schubert Skinner, Independent Administrator of the Estate of Elwood J. Shubert to Janet Schubert Skinner, et al, dated December 11, 2011 and recorded in Document No. 2015025576;

THENCE South 89 deg. 15 min. 15 sec. West, with the north line of said 40 acre tract, a distance of 1,307.35 feet to a 1/2" Iron Rod Found at the northwest corner of same and being in the east right-of-way of said Barbarosa Road, from which a 1/2" Iron Rod Found in the west right-of-way of said Barbarosa Road at the common corner of a called 163.796 acre tract, described as Tract Three in Volume 4221, Page 706 and a called 247.70 acre tract, described as Exhibit G in Document No. 2016005309, bears South 76 deg. 08 min. 35 sec. West, a distance of 53.51 feet;

THENCE North 00 deg. 21 min. 41 sec. West, with the east right-of-way of said Barbarosa Road, a distance of 2,165.40 feet to the POINT OF BEGINNING AND CONTAINING 64.99 ACRES OF LAND. See Map No. 4146 prepared in conjunction with these field notes. The bearings hereon were oriented to agree with Grid North and were derived by the use of G.P.S. equipment. (TX South Central Zone - NAD 83). I, Jace D. Scarbrough, do hereby state that the field notes hereon were prepared from a survey made on the ground under my supervision during the month of April, 2024.

GIVEN UNDER MY HAND & SEAL, this the 9th day of April, 2024.

  
Jace D. Scarbrough  
Registered Professional Land Surveyor  
State of Texas No. 6289



**EXHIBIT "B"**

**SWORN AFFIDAVIT OF FEE SIMPLE OWNER(S) OF REAL PROPERTY PETITIONING  
FOR REMOVAL FROM THE CITY OF SEGUIN'S EXTRATERRITORIAL  
JURISDICTION**

**STATE OF TEXAS                    §**

**COUNTY OF GUADALUPE §**

On this day, before me the undersigned authority, appeared Zachary L. Potts, acting in his capacity as President of Chanan Corporation, General Partner of Amplify Ranch Investments, LTD., and on behalf of Amplify Ranch Investments, LTD., a Texas limited partnership, after first being duly sworn, Zachary L. Potts so stated as follows:

"My name is Zachary L. Potts. 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 acting on behalf of Amplify Ranch Investments, LTD., by and through its General Partner, Chanan Corporation, to which I am President thereof, hereby affirm that Amplify Ranch Investments, LTD., a Texas limited partnership, is the fee simple owner of real property located in Guadalupe County, that is the subject of the Petition to which this affidavit is attached, with such Property described in Exhibit "A". I am verifying, for purposes of Chapter 42 of the Texas Local Government Code, that Amplify Ranch Investments, LTD., is the owner of taxable real property constituting more than fifty percent (50%) of the appraised value of taxable real property, as indicated by the tax rolls of the Guadalupe County Central Appraisal District described in the Petition which is to be removed from the extraterritorial jurisdiction of the City of Seguin, Texas ("ETJ"), and that Amplify Ranch Investments, LTD., requests, through this Petition, removal of said property from the ETJ and consents to the removal of said Property from the ETJ."

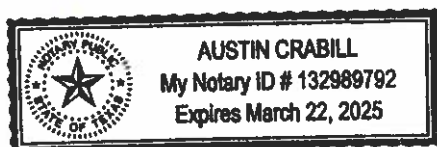
Further Affiant Sayeth Naught.


**AMPLIFY RANCH INVESTMENTS, LTD.,  
a Texas limited partnership**

**By: CHANAN CORPORATION, Its General Partner**

  
\_\_\_\_\_  
Zachary L. Potts, President, Chanan Corporation

SWORN AND SUBSCRIBED TO before me, the undersigned authority, on this the 8 day of  
May, 2024



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

PETITION FOR REMOVAL FROM ETJ

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 TRANSFER 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.

### WARRANTY DEED WITH VENDOR'S LIEN

DATE:

4/29/24

GRANTOR:

Henze CCS Farm, LLC a Texas Limited Liability Company

GRANTEE:

Amplify Ranch Investments, LTD

Address: P.O. Box 1249 San Marcos TX 78666

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, including a Note of the same date in the principal amount of SIX HUNDRED TWENTY FOUR THOUSAND NO/100 Dollars (\$624,000.00) (the "note") and is executed by Grantee, payable to the order of PINNACLE BANK. The Note is secured by a first and superior Vendor's Lien and the Superior Title herein retained in favor of Grantor as Lender in this Deed and by a Deed of Trust of even date from Grantees to Todd E. Huckabee, as Trustee, reference to said Promissory Note and Deed of Trust being hereby made for all purposes. Grantor has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee the following described Real Property, to wit:

THE FOLLOWING PROPERTY OWNED BY GRANTOR (including any improvements):

SEE ATTACHED EXHIBIT "A"

Together with all improvements thereon, if any, and all rights, privileges, tenements, hereditaments, rights of way, easements, appendages and appurtenances, in anyway appertaining thereto, and all right, title and interest of Grantor in and to any streets, ways, alleys, strips or gores of land adjoining the above described property or any part thereof (hereinafter referred to as the "Property").

RESERVATIONS FROM CONVEYANCE: The first and superior vendor's lien and superior title to secure payment of the Note in favor of Lender in said Note against the above described Property, premises and improvements until said Note, and all interest thereon is fully paid according to the fact and tenor, effect and reading thereof, when this Deed shall become absolute.

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Liens described herein as part of the Consideration and any other liens described in this deed as being either assumed or to which title is taken subject to; validly existing easements, rights of way which are recorded and of record; and taxes for the current year and subsequent years, which Grantee assumes and agrees to pay and subsequent assessments for the current year and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and 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 Conveyance and Exceptions to Conveyance and Warranty.

The First and Superior Vendor's Lien against and superior title to the Property are retained for the benefit of the Lender.

When this Deed is executed by one person, or when the Grantee is one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words "heirs, executors, administrators" or "heirs and assigns" shall be construed to mean "Successors and Assigns".

**Heuze CCS Farm, LLC a Texas Limited Liability Company**

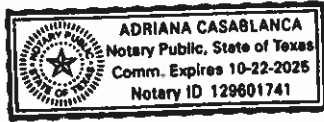
\_\_\_\_\_  
**Sheila Herndon, Manager**

*Carolyn Burt, Manager*  
\_\_\_\_\_  
**Carolyn Burt, Manager**

\_\_\_\_\_  
**Celestane Grimm, Manager**

THE STATE OF TEXAS  
COUNTY OF Bexar

This instrument was acknowledged before me on April 29<sup>th</sup>, 2024  
by Carolyn Burt, manager.



Adriana Casablanca  
Notary Public, State of TEXAS



**EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Liens described herein as part of the Consideration and any other liens described in this deed as being either assumed or to which title is taken subject to; validly existing easements, rights of way which are recorded and of record; and taxes for the current year and subsequent years, which Grantee assumes and agrees to pay and subsequent assessments for the current year and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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Henze CCS Farm, LLC a Texas Limited Liability Company

by

Sheila Herndon, Manager

by

Carolyn Burt, Manager

Celestiane Grimm  
Celestiane Grimm, Manager

GF NO. 2409756-BUD  
pg 2

Alaska  
THE STATE OF ~~TEXAS~~  
COUNTY OF Mat-Su

This instrument was acknowledged before me on April 29, 2024  
Darlene Olesbode



[Signature]  
Notary Public, State of ~~TEXAS~~  
Alaska

GF NO. 2409756-BUD  
pg. 3

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Liens described herein as part of the Consideration and any other liens described in this deed as being either assumed or to which title is taken subject to; validly existing easements, rights of way which are recorded and of record; and taxes for the current year and subsequent years, which Grantee assumes and agrees to pay and subsequent assessments for the current year and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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**Henze CCS Farm, LLC a Texas Limited Liability Company**

  
Sheila Herndon, Manager

\_\_\_\_\_  
Carolyn Burt, Manager

\_\_\_\_\_  
Celestlane Grimm, Manager

THE STATE OF TEXAS

COUNTY OF Tom Green

This instrument was acknowledged before me on 29<sup>th</sup> Apr, 1, 2024  
Sheila Herndon

  
Notary Public, State of TEXAS

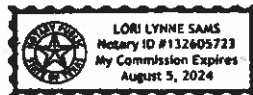


Exhibit "A"

**JDS SURVEYING, INC.**

T.B.P.E.L.S. Firm Registration No. 10194118  
159 W. MAIN - VAN, TX 75790 - Phone: (903) 963-2333

**64.99 ACRES**

All that certain lot, tract or parcel of land located within the A.M. Esquivar Survey, Abstract No. 20 of Guadalupe County, Texas, being all of a called 65.00 acre tract as described in a deed from Sheila M. Herndon, Independent Executor of the Estate of Rudolph V. Henze to Henze CCS Farm, LLC, dated August 27, 2014 and recorded in Volume 4267, Page 828 of the Official Public Records of Guadalupe County, Texas, and this 64.99 acre tract being more fully described as follows:

**BEGINNING** at a 1/2" Iron Rod Found at the northwest corner of said 65.00 acre tract, same being the southwest corner of a called 41.01 acre tract as described in a deed from Rudolph V. Henze to Lenora Mergle, dated September 11, 2003 and recorded in Volume 1911, Page 718, and being in the east right-of-way of Barbarosa Road, from which a 3/8" Iron Rod Found in said right-of-way at an ell corner of said 41.01 acre tract, bears North 00 deg. 23 min. 11 sec. West, a distance of 1,066.89 feet;

**THENCE** North 89 deg. 13 min. 13 sec. East, with the south line of said 41.01 acre tract, a distance of 1,306.99 feet to a 1/2" Iron Rod Found at the southeast corner of same and being in the west line of a called 106.9 acre tract as described in Volume 181, Page 518;

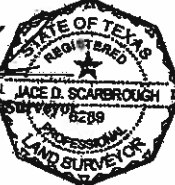
**THENCE** South 00 deg. 22 min. 17 sec. East, with the west line of said 106.9 acre tract, a distance of 2,166.18 feet to a 1/2" Iron Rod Found at the southwest corner of same and being in the north line of a called 40 acre tract as described in a deed from Janet Schubert Skinner, Independent Administrator of the Estate of Edwood J. Schubert to Janet Schubert Skinner, et al, dated December 11, 2011 and recorded in Document No. 2015025576;

**THENCE** South 89 deg. 15 min. 15 sec. West, with the north line of said 40 acre tract, a distance of 1,307.35 feet to a 1/2" Iron Rod Found at the northwest corner of same and being in the east right-of-way of said Barbarosa Road, from which a 1/2" Iron Rod Found in the west right-of-way of said Barbarosa Road at the common corner of a called 163.796 acre tract, described as Tract Three in Volume 4221, Page 706 and a called 247.70 acre tract, described as Exhibit G in Document No. 2016065309, bears South 76 deg. 08 min. 35 sec. West, a distance of 53.51 feet;

**THENCE** North 00 deg. 21 min. 41 sec. West, with the east right-of-way of said Barbarosa Road, a distance of 2,165.40 feet to the POINT OF BEGINNING AND CONTAINING 64.99 ACRES OF LAND. See Map No. 4146 prepared in conjunction with these field notes. The bearings hereon were oriented to agree with Grid North and were derived by the use of G.P.S. equipment. (TX South Central Zone - NAD 83). I, Jace D. Scarbrough, do hereby state that the field notes hereon were prepared from a survey made on the ground under my supervision during the month of April, 2024.

GIVEN UNDER MY HAND & SEAL, this the 9th day of April, 2024.

*Jace D. Scarbrough*  
Jace D. Scarbrough  
Registered Professional Land Surveyor  
State of Texas No. 6289



**FILED and RECORDED in the OFFICIAL PUBLIC RECORDS**

**Honorable Teresa Kiel, Guadalupe County Clerk**

**Document Number:** 202499009884  
**Recorded On:** May 01, 2024 12:59 PM  
**Total Pages:** 9  
**Total Fees:** \$53.00

Discriminatory restrictive covenants based on race, color, religion contradict the 14th Amendment's Equal Protection Clause and are therefore unenforceable under federal law. Supreme Court Decision Shelly v. Kraemer 1948.

**THIS PAGE CONTAINS IMPORTANT RECORDING INFORMATION  
AND SHALL REMAIN A PART OF THIS INSTRUMENT.**

**Receipt Number:** 20240501000105  
**User:** Victoria D  
**Station:** Production 1

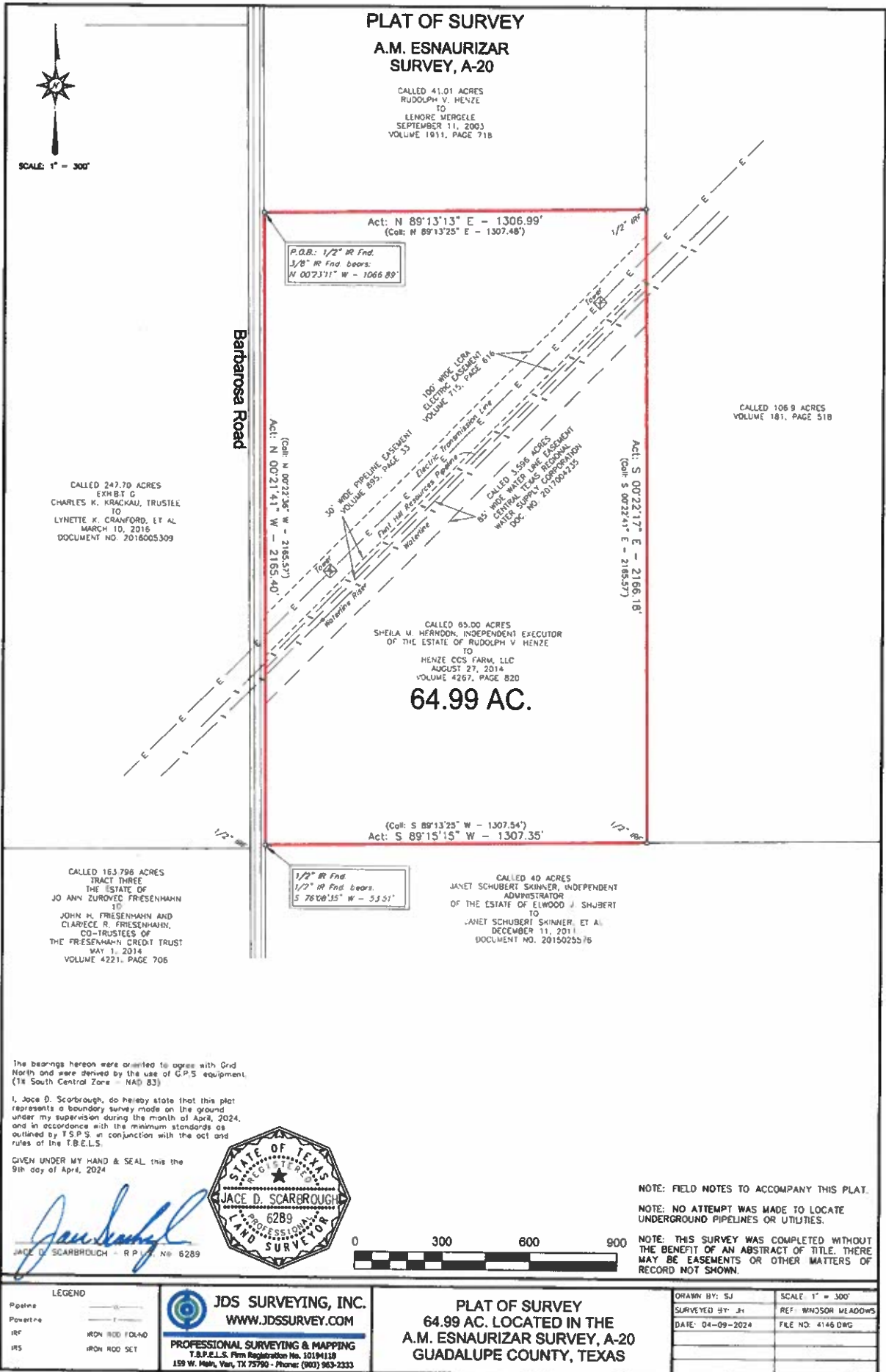
**Return To:**  
EPN

**STATE OF TEXAS  
GUADALUPE COUNTY**

I hereby certify this instrument was ELECTRONICALLY FILED and RECORDED in the OFFICIAL PUBLIC RECORDS of Guadalupe County, Texas on the date/time printed above.



*Teresa Kiel*  
Teresa Kiel  
Guadalupe County Clerk  
Guadalupe County, TX



## **JDS SURVEYING, INC.**

**T.B.P.E.L.S. Firm Registration No. 10194118  
159 W. MAIN - VAN, TX 75790 – Phone: (903) 963-2333**

### **64.99 ACRES**

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**Jace D. Scarbrough**  
**Registered Professional Land Surveyor**  
**State of Texas No. 6289**

